



## » JORDAN

### Situation Report on Violence against Women

March 2018

#### 1. Legislative Framework

Discrimination based on race, language, and religion is prohibited by Article 6 of the Jordanian Constitution. It does not, however, make any reference to gender-based discrimination.

Only some forms of violence against women are criminalized in Jordan. Chapter 7 of the Penal Code criminalizes rape and harassment, while marital rape is not considered a criminal offence. Jordan does not have a specific law on honour crimes, and honour crimes are not explicitly mentioned in the Penal Code. On the contrary, the Penal Code contains provisions allowing perpetrators to get lenient sentences in case of crimes committed because of adultery. Thus, under Article 340, "he who discovers his wife, or one of his female relatives with another in an adulterous situation, and kills, wounds or injures one or both of them, benefits from a reduction in penalty". However, as part of the package of amendments to the Penal Code adopted in 2017, Article 98 has been amended to disallow attenuating circumstances for crimes committed in a fit of rage. Article 308, which permitted rapists to avoid prosecution by marrying their victim, has also been repealed in 2017 following pressure from civil society. In 2016, the State's Fatwa department issued a fatwa prohibiting honour killings, prompting women's rights organisations to strongly criticize the state for linking religion to the issue of violence against women. Abortion is considered a criminal offence under Articles 321-325 of the Penal Code, with no exception in case of rape or incest.

In 2008, Jordan adopted the Law on Protection from Domestic Violence (No. 6). The law, which was heavily amended in 2017, does not mention the concept of gender-based violence. In general, it can be regarded as a protective law, as it provides for restraining orders to be issued against the abuser and protection measures to be taken immediately in cases of domestic violence. Subject to the victim's consent, a mediation process can be also undertaken. Civil society has criticized the fact that the mediation process can be initiated even in the case of a repeated offence or if the victim is a child, and has called for a more limited scope of application. An obligation is further imposed on health, social, and educational personnel to report witnessed or suspected cases of child abuse or family violence. Still, the law presents some major shortcomings, including the failure to criminalize forms of violence such as restrictions on women's freedom and choices, economic abuse, psychological violence, and marital rape and the exclusion of former spouses and non-married intimate partners from the definition of "family members".



The law on the Prevention of Human Trafficking (No. 9), making all forms of human trafficking for sexual or labour exploitation punishable by up to 10 years in prison, was adopted in 2009. However, the 2017 CEDAW shadow report, drafted by a coalition of the Arab Women Organisation (AWO) and the Mosawa Network (representing 93 Jordanian community-based organisations), states that the detection of trafficking victims is insufficient and the prosecution of perpetrators remains low.

Jordanian legislation does not explicitly criminalize female genital mutilation (FGM), which is still practised in a limited geographical area in southern Jordan. Perpetrators of FGM can however be prosecuted for injuries.

Jordan ratified the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992. It maintains however reservations to Article 9 (2), on women's rights to transmit their nationality to their children, and Article 16 (1), regarding equality in marriage and family relations, and has not signed its Optional Protocol. In 2015, Jordan delivered its 6th periodic status report to the CEDAW committee. The NGOs shadow report was also submitted to the CEDAW committee ahead of its examination of the state's report in February 2017. The Committee expressed concern about Jordan's backward step in terms of gender equality and discrimination against women and urged the country to address the alarming increase in honour crimes and domestic violence.

Jordan has ratified the Rome statute of the International Criminal Court, and has adopted a National Action Plan for the implementation of UN Security Council resolution 1325 on Women, Peace and Security. So far, it has not acceded the Istanbul Convention of the Council of Europe on preventing and combating violence against women and domestic violence.

## 2. Political Framework

Both NGOs and state agencies, including the Family Protection Department of the police and the Ministry of Social Development, collect and compile data on reported crimes against women. However, the decentralization of the collection and compiling of data on gender-based violence incidents, along with the variety of sources employed by different agencies and organisations (police complaints, media, etc.), results in important data discrepancies, making it difficult to determine the exact magnitude of the phenomenon.

In 1992, the Jordanian National Commission for Women (JNCW) was established as a semi-governmental body and has since then worked on developing policies, reviewing legislation, and drafting strategic plans to improve the quality of women's life. The JNCW also provides the Government with advice and proposals regarding women's rights and how to fight violence against women. Under the umbrella of the JNCW, the network Shamaa has been created to coordinate all Jordanian stakeholders working on violence against women. Every year, it organizes activities to mark the 16 days of activism against gender-based violence.

In 2016, the Government launched a national Human Rights Plan for 2016-2025 on "The rights of the most vulnerable groups". Reinforcing and protecting women's rights have been included among the main goals of the plan, although no mention is made in the plan about gender equality.

Feminist NGOs are generally invited to participate in the preparation of official action plans and laws. In 2017, for example, the National Council for Family Affairs called on NGOs to take part in the Committee charged with drafting the new law on domestic violence, although not all their recommendations were given due consideration.



### 3. Protection Framework and Access to Justice

#### *Protection systems, psychological support and empowerment services*

In Jordan, only a limited number of organisations provide hotlines for women victims of violence. A helpline offering legal, social, and psychological services to vulnerable or abused women is run by the Jordanian Women's Union, while only the independent National Centre for Human Rights and the State's Family Protection Department operate national hotlines providing emergency support 24 hours a day.<sup>1</sup>

There are 3 types of state-owned shelters in Jordan. Shelters for victims of human trafficking provide temporary protection to victims until their problem is resolved or they have been returned to their country of origin or to any country of their choice. The state also runs shelters for victims of violence, including a specialized centre providing support to children victims of domestic violence and sexual crimes. Finally, the government is currently working towards the establishment of a shelter for women at risk, aimed at providing an alternative to the current practice of administratively detaining women to protect them from honour crimes or other forms of gender-based violence. This kind of protective custody has been repeatedly denounced by national NGOs and international organisations as a violation of victims' rights<sup>2</sup>. This shelter is expected to open in late March 2018 and will offer rehabilitation and reintegration services, including legal, psychological, and social support. Mizan for Law is cooperating with the Ministry of Social Development to establish this centre and train its staff under the project «Alternatives to Administrative Detention for Women at Risk».

In addition to these state-owned structures, the Jordanian Women's Union runs a women's shelter in Amman for both Jordanian women and the increasing number of female migrant victims. The JWU and the Jordan River Foundation also provide counselling services and psychological support for victims of gender-based violence.

#### *Prevention and training of professionals in contact with victims*

There are no educational curricula about gender equality, non-stereotypical gender roles and gender-based violence against women in schools at any level. The Ministry of Education has recently initiated a process of revising school curricula and textbooks and has held meetings with NGOs asking to amend specific issues, including gender-related ones. The outcomes of this process are not yet known.

Furthermore, the state does not provide adequate professional training on how to deal with cases of gender-based violence to the police, public prosecutors, health and social workers, or other public officials. UNICEF carried out several trainings on this subject, including a Gender-based violence Training for Security Forces in 2017. However, more people need to be trained, as the trainings carried out so far have not been sufficient to improve public officers' response to violence. In fact, NGOs have documented some cases of secondary victimisation of female victims during their interactions with the police.

In the past, civil society launched several campaigns aimed at raising awareness to end violence against women. However, the lack of sufficient funding has prevented NGOs from launching large-scale awareness-raising campaigns in the past few years.

#### *Access to a non-discriminatory judicial and police system*

In Jordan, women victims of violence can file complaints with the Family Protection Department; a specialised department within the police tasked with investigating sexual crimes and domestic violence under the supervision of the prosecution authority. If the complaint is withdrawn, cases of misdemeanour will be dropped, while if the defendant faces felony charges the trial will continue and the perpetrator is likely to receive a lighter sentence. In line with the amended law on domestic violence, which requires specialist judges to hear domestic violence cases, Jordan's Judicial Council announced in 2017 that 107 judges would be appointed throughout the country to deal with these cases. The Council also drew up a plan to provide these judges with specialized training. So far, only some of the judges have been trained.

<sup>1</sup> See the 2008 UN report Violence against Women - Assessing the Situation in Jordan

[http://www.un.org/womenwatch/ianwge/taskforces/vaw/VAW\\_Jordan\\_baseline\\_assessment\\_final.pdf](http://www.un.org/womenwatch/ianwge/taskforces/vaw/VAW_Jordan_baseline_assessment_final.pdf)

<sup>2</sup> See the report Shouting Through the Walls – Discriminations, Torture and Ill-treatments by Equal Rights Trust and Mizan for Law.



Women's testimonies are considered equal to those of men in criminal and administrative courts. However, when it comes to personal status courts a woman's testimony is only worth half of that of a man.

Several NGOs in Jordan provide free legal services to citizens lacking sufficient economic resources. While some human rights and women's rights organisations specialise in supporting women victims of violence, others more generally offer free legal aid to anyone who cannot afford it otherwise and may eventually represent perpetrators in cases of violence against women.

In case of complaints of violence committed by state agents, military courts or police courts have jurisdiction to adjudicate on the claim. Sexual violence committed by a state agent could amount to torture. However, the number of cases of such violence is unknown, and until recently perpetrators could be granted impunity under article 308 of the Penal Code if they agreed to marry their victim.

### *Specific vulnerabilities*

Underage marriage is very common in Jordan and is not criminalised by law. According to a study on child marriage published by the Jordanian Higher Population Council in 2017, the number of marriages involving girls under the age of 18 increased between 2011 and 2015, peaking at 10,866 in 2015<sup>3</sup>. UNICEF's State of the World's Children 2017 maintains that approximately 8% of girls in Jordan get married before turning eighteen<sup>4</sup>. These figures further increase when considering the Syrian refugee population in Jordan, with one third of all Syrian marriages in Jordan between 2011 and 2015 involving girls below the age of 18. According to some civil society organisations, the actual figures could be even higher, as marriages among refugees are not always registered immediately.

Jordanian laws do not explicitly criminalise same-sex physical relations. Nevertheless, lesbians, bisexual, and transsexual women are most vulnerable to violence, facing social stigmatization and discrimination. Moreover, as LGBT issues are an unmentionable subject in Jordan, no public organisations nor NGOs address abuses against them. Similarly, the taboo surrounding prostitution has so far meant that no organisation in Jordan will take up this issue, despite the high levels of harassment and abuse constantly faced by sex workers.

Women with disabilities are also highly vulnerable to gender-based violence. In 2012, Arabic BBC uncovered cases of child abuse in several private care institutions in Jordan<sup>5</sup>. In addition, a large part of Jordanian parents to mentally disabled women and girls defend their right to subject them to forced sterilisation. The absence of a law protecting women with mental disabilities from forced sterilisation was highlighted in the 2017 recommendations by the UN CEDAW Committee, which invited Jordan to take measures to ensure that the rights of women with disabilities be respected<sup>6</sup>. In May 2017, a new Law on the Rights for Persons with Disabilities was ratified, explicitly prohibiting the discrimination of persons with disabilities and fostering their integration.

The situation of domestic workers is addressed by the 2008 labour law, which protects the rights of migrant workers. The adoption of the anti-human trafficking law in 2009 further improved the legal protection for migrant workers in Jordan. Yet, domestic workers – mostly female – still represent a vulnerable group, due to the weak enforcement and ineffective application of the legislation. Furthermore, public authorities tend to turn a blind eye to instances of forced labour, trafficking, and violence. Most often, domestic workers do not even report the crimes to which they fall victim due to the fear of facing charges, detention, or deportation, as the Jordanian system grants the employer control over the migrant worker's residence status. Support to female migrant workers and victims of trafficking in Jordan is provided by the Tamkeen Centre for Legal Aid and Human Rights, which provides assistance to marginalised groups and victims of human rights violations.

3 [http://kvinfo.dk/sites/default/files/hpc\\_child\\_marriage\\_eng.pdf](http://kvinfo.dk/sites/default/files/hpc_child_marriage_eng.pdf)

4 <https://www.unicef.org/sowc2017/>

5 <http://www.bbc.com/news/world-middle-east-18073144>

6 See the Concluding observations on the sixth periodic report of Jordan by the CEDAW Committee [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOR%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOR%2fCO%2f6&Lang=en)



Single mothers represent yet another group vulnerable to discrimination and violence, due to social stigma and family pressure. A woman who gives birth out of wedlock can be held in administrative detention for years under the pretext of protecting her life from danger. She normally loses custody of her child, who is registered without his parents' names and taken to an orphanage. Although mothers enjoy the right to custody over their children in case of divorce, this right is subject to severe limitations, including travel restrictions preventing women from travelling with their children in the absence of the father's approval, even if for work purposes or to return to their home country. In addition, mothers can lose their right to custody in a number of ways, including in case of remarriage.

Finally, refugee women in Jordan are exposed to violence, human rights violations, including early marriage, and intersectional discrimination as women and refugees. The lack of protection services explicitly targeting refugees in Jordan and the barriers to economic and educational opportunities further exacerbate their vulnerability and endanger their fundamental rights.

## 4. Combating VAW in the framework of Europe-Jordan cooperation

### *European Union-Jordan cooperation*

Through its European Neighbourhood Policy, the European Union cooperates with Jordan to promote the equal treatment of women within the scope of the 2013 EU-Jordan ENP Action Plan<sup>7</sup>. Fostering gender equality and combating violence against women, including through public awareness campaigns, features among the priorities of the Plan's section on human rights and fundamental freedoms. Further, the European Union is working with Jordanian civil society through the financing of the project «Alternatives to Administrative Detention for Women at Risk», aimed at establishing shelters for women at risk of violence.

### *Council of Europe-Jordan cooperation*

Combating violence against women will remain one of the main priorities of the Council of Europe-Jordan cooperation for 2018-2021, within the framework of the Council of Europe's Neighbourhood partnership. In particular, the Council of Europe will assist Jordan in improving the normative framework to protect women from gender-based violence and putting in place an adequate protection system.



## 5. Recommendations to Jordan

- Review the Jordanian Constitution, the Penal Code, and the Personal Status law
- Implement and monitor the effects of the Jordanian Labour law in order to guarantee gender equality, protection against gender-based violence, and equal access to justice;
- Criminalize honour crimes in the Penal Code and increase the efforts to prevent these crimes;
- Criminalize underage and forced marriage and forced sterilization in the Penal Code;
- Withdraw all reservations to the CEDAW;
- Increase the number of specialized services and shelters for victims of gender-based violence, both in cities and in rural areas;
- Improve conditions of life and provide adequate protection services for refugee women in Jordan;
- Ensure the training of professionals and integrate gender equality, women's rights, and measures of prevention of gender-based violence into the educational curriculum;
- Systematically collect and publish data, information, and awareness-raising material about gender-based violence in Jordan.

