

Gender Discrimination in Jordan



Kingdom of the Netherlands



Introduction



- In the early years of Jordan's establishment, women's integration into the public sphere was recognized as an inevitable step in the direction of modernity. This was not welcomed by all.
- Women had to fight to secure their civic and political rights between 1940s and 1970s.
- They organized and participated in multiple demonstrations calling for equality, the right to vote and run for elections.



Introduction



- Today, 45 years later:
 - 14.6% of women economically active.
 - Found to work in the public sector, mainly in education, health & social work.
 - Women's political participation remains weak.
 - 15 seats for women in the Lower House of Parliament.
 - 25% in municipal councils.
 - 12% of senate members are women.
 - In 2018, 7 female ministers (25%).



Objective & methodology



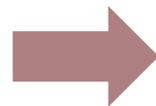
The objective of this study is to explore the prevalence and root causes of gender discrimination and patriarchy in Jordan. It examines the extent to which patriarchy is embedded in national legislation and societal practices and provides evidence-based policy recommendations to enhance gender equality in Jordan.



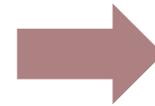
Gender Discrimination in the Law



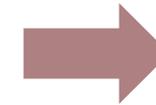
Article 6(i) of the Constitution of Jordan states that 'Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language or religion'



The state's response to this criticism is that the term 'Jordanians' includes men and women and that 'females are granted all the same rights provided for in the Constitution as are granted to males'



National legislation discriminates between men and women.



Since the constitution fails to prohibit gender discrimination, we can't consider these laws unconstitutional

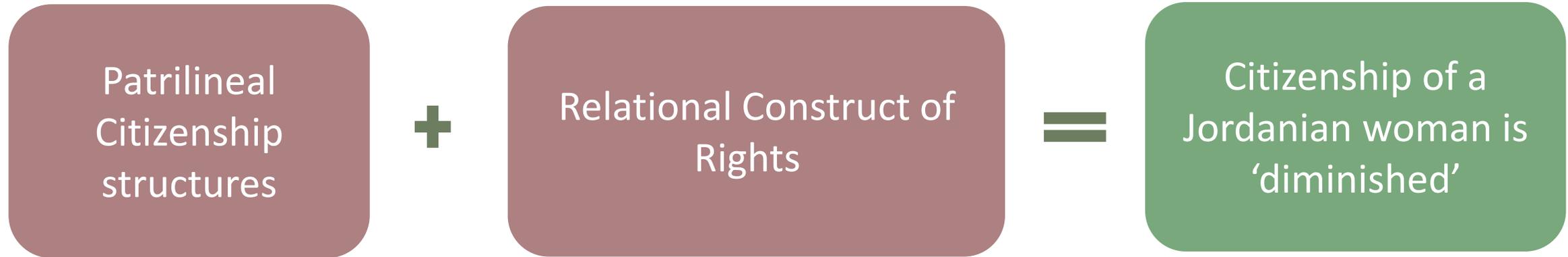


Constitutional rights



Rights and responsibilities
in national legislation

Diminished Citizenship

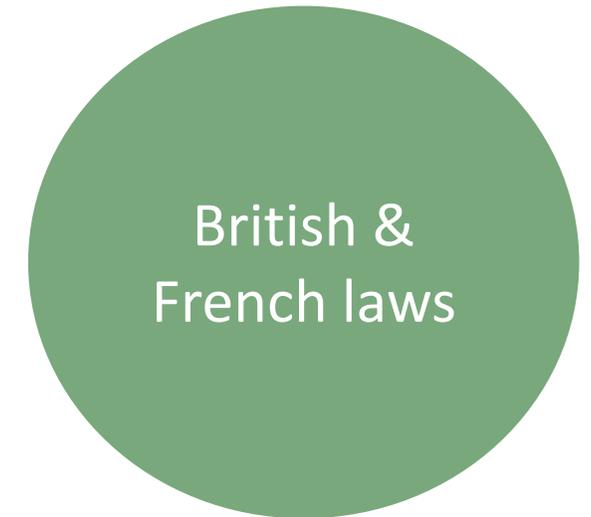
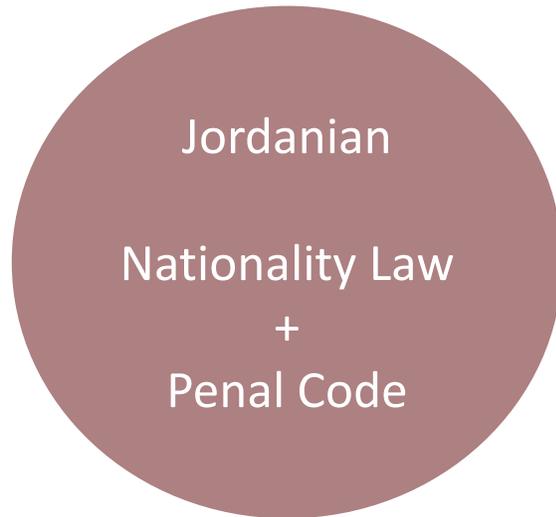


Jordanian women cannot
pass their citizenship to
their children

Family is the basic unit in
society

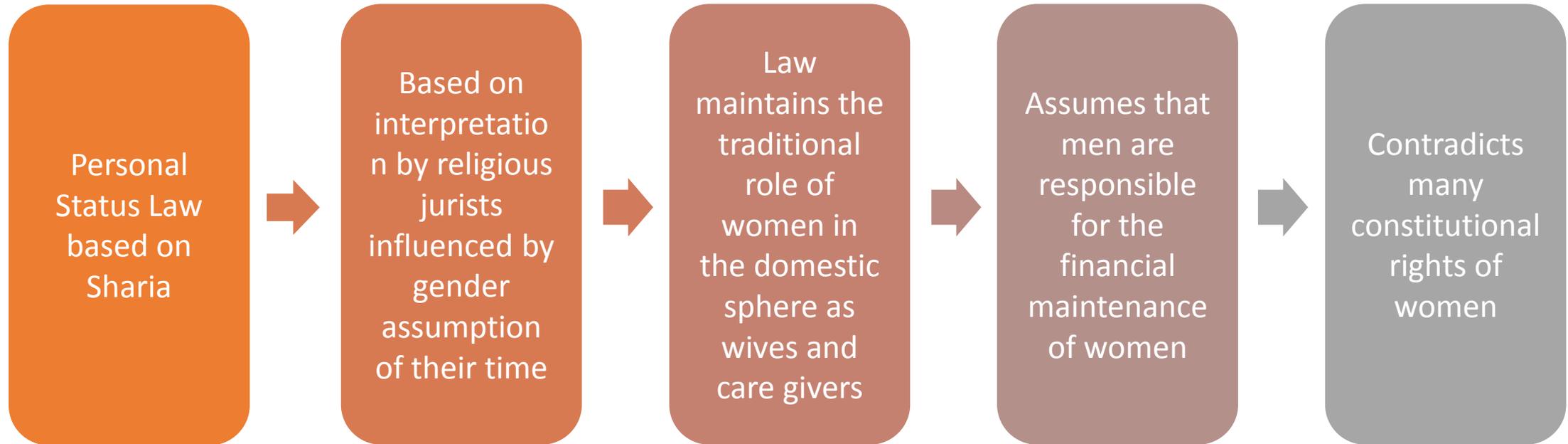
Relational construct of rights: A
Jordanian woman's relationship with
the state is in some cases articulated
through a male mediator – usually her
father or husband.

Jordanian Legislation



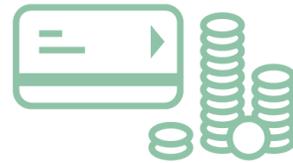
- Date back to the 19th century
- Heavily revolve around the notions of paternity and patrilineality
- Became part of the national identity

The Personal Status Law



Law is treated as sacred Sharia principles, however it is temporal and based on human interpretation and should reflect the changes of our time.

Contradiction in the law



Article 23 of the Constitution states that **'work is the right of every citizen'**

Article 61 states that a woman requires the permission of her husband to work outside the marital home. If she does so without his consent, she loses her right to financial maintenance.

Article 62 states that the 'disobedient' (*nashez*) wife loses her right to financial maintenance. The article defines a disobedient wife as the one who refuses to live where her husband lives, leaves the marital home without consent, refuses to allow her husband into the house while she is there, or refuses to travel with her husband to his new home.

The Marriage Contract



- The marriage contract is the only way through which a Jordanian woman can protect her constitutional rights.
- A woman can add conditions including her right to work outside the marital home, her right to divorce herself from him, her right not to be compelled to leave town, her right to travel without consent and that he does not take another wife beside her.
- In practice, very few Jordanian women exercise this right, either because they are unaware of their rights, or due to societal and family pressures.

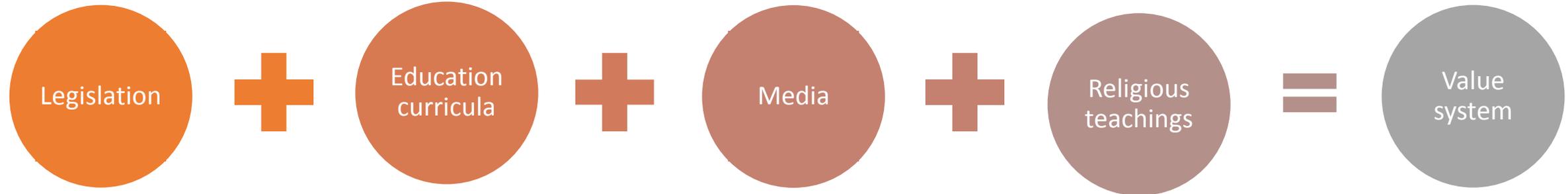
رقم التوثيق	قيد بسجل الأحوال المدنية برقم
عقد تصادق على زواج	
أنا في يوم	الواحد
السابعة	بمكتب توثيق
أمامنا نحن	التوثيق بالكتب الحكيم وبحضرة كل من :
1 -	القيم
	والمشقة
2 -	القيم
	والمشقة
باعتبارهما شاهدين بالعين وبأصواتهما لكافة الصفات المطلوبة قانوناً طبقاً للمادة (5) من اللائحة التنفيذية لقانون التوثيق.	
حضور كل من	
الزواج / السيد /	بن
بوزاته السيدات /	بن
المولود بتاريخ	بجدة
والمشقة	وبزاتته
والقيم	والمشقة الشخصية بموجب
ثانياً /	بنت
بوزاتها السيدات /	بنت
المولود بتاريخ	بجدة
والمشقة	وبزاتها
والقيم	والمشقة الشخصية بموجب
ويطلب منا ان تصديق على قيام الزوجة الشرعية بينهما اعتباراً من بعد ان قررا بعدم وجود مانع يجعل من زواجهما وأقرهما الشاهدان على ذلك وبعد مراجعة الأوراق المرفقة لهذا العقد والتحقق من عدم وجود ما يمنع شرعاً أو قانوناً من زواجهما	
بـ	وأنها
سألنا كلا منهما عما إذا كان قد سبق لأحدهما الزواج فأجاب الأول أنه	لم يسبق له الزواج
بـ	وأنها
سألنا	سألنا له الزواج
كالتالي	بعد تزواجه
وأجابته الثانية	أنها لم يسبق لها الزواج
بـ	بـ
بأنه خلفها أو تزوجت كالتالي	والتفصيح هنا
التوثيق	الشاهدان
	الزوجان

Religious Institutions



- Majority of those working Muslim and Christian institutions are male.
- The research found that some women work at the Supreme Judge Department but only in the family reconciliation unit in Amman. Some women also work in the Ministry of Islamic Affairs, as preachers and religious teachers in mosques. No women were found to work at the General Iftaa Department.
- **Thereby, no women are found in decision-making positions in Muslim and Christian religious institutions.**
- Judges who rule on cases and issues relating to marriage, guardianship, family and so on are all men. **This places the fundamental issues that impact the day-today life of women exclusively in the hands of men.**
- While there are no laws, regulations or religious texts that prohibit women from being part of such institutions, there aren't any because of **existing social norms.**

Discriminatory gender roles



While the Constitution is based on principles of equality, various national laws discriminate between men and women

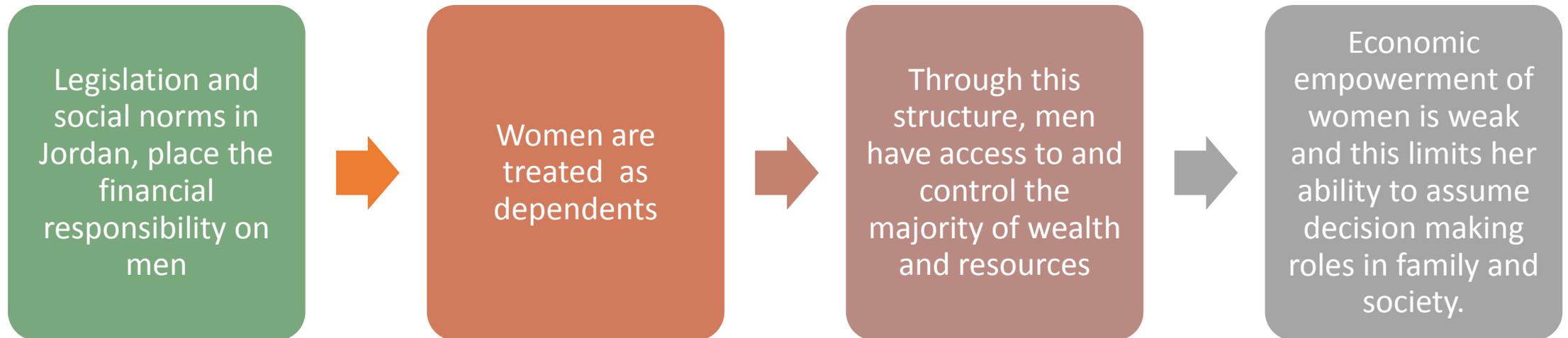
Jordanian educational curricula limits the role of women to the private sphere.

Reinforced through the media which in many cases produce content that promotes gender stereotypes and questions women's ability to perform successfully.

Some religious figures provide sermons, fatwas based on their own interpretation of religion, in many cases influenced by their own personal beliefs and not an accurate interpretation of religious texts.

Family
&
Society

Economic Empowerment of Women

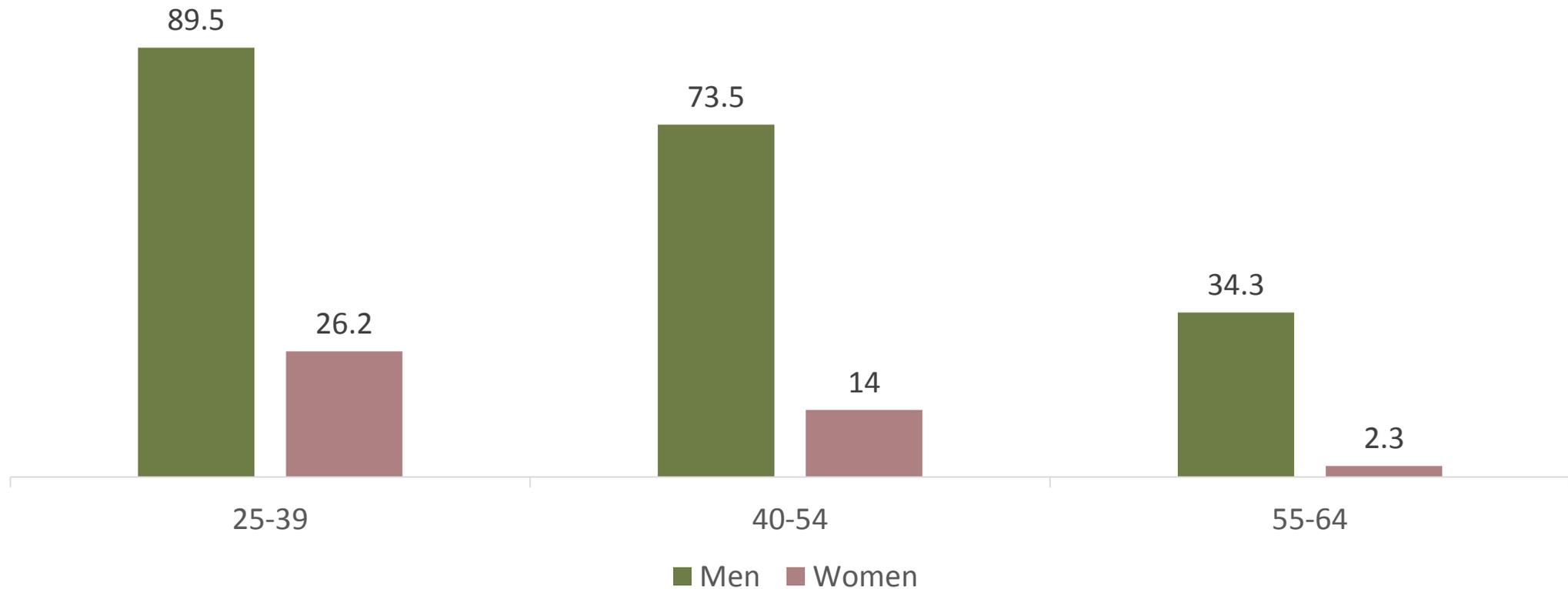


Economic Empowerment of Women



Source: Department of Statistics

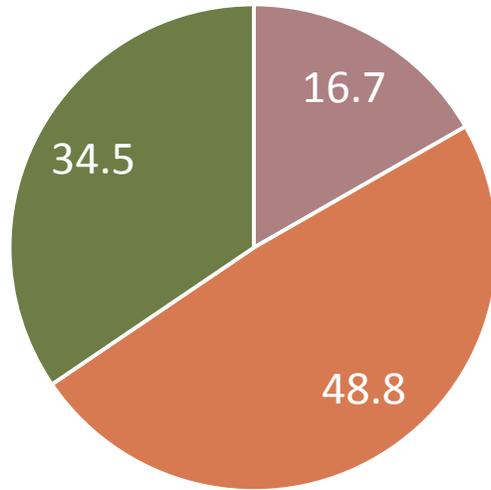
Economic Activity (%) by sex & age groups in 2018



OWNERSHIP AND CONTROL OVER RESOURCES

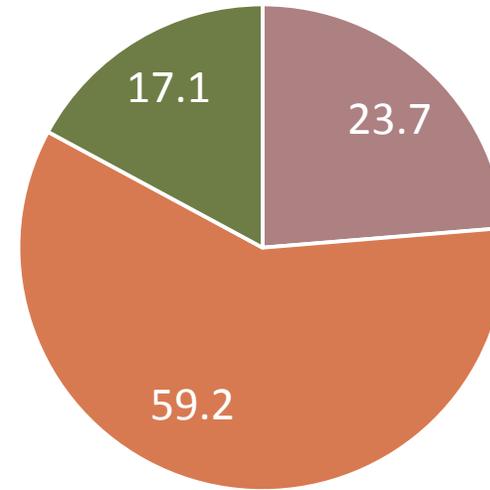
Source: Department of Statistics

Land Ownership



■ Women ■ Men ■ Joint ownership

Apartment Ownership



■ Women ■ Men ■ Joint ownership

Research shows that many Muslim and Christian women are coerced into giving up their inheritance rights to male members of the family like brothers.

Conclusions



- Gender discrimination is deeply rooted in Jordanian political, religious, social and economic systems.
- While some laws have been amended to improve the situation of women in Jordan, the Jordanian legislative system has not been significantly reformed to achieve total equality between men and women.
- Gender are rigid and maintain the traditional role of women in the private sphere.

Recommendations



To policy makers

- Amend Article 6(i) of the Constitution – by adding the word ‘sex’ - in order to clearly denounce and prohibit gender-based discrimination.
- Amend the Nationality Law, to ensure equality between women and men and to enable Jordanian women to pass their nationality on to their children and spouses.
- Associate relevant family information to national ID numbers, hence eliminating the need for a separate family registry book.
- Remove the articles in the Civil Status Law that define the head of the household.
- Reform the Penal Code to remove all articles relating to the concept of honor and family honor.

Recommendations

To policy makers

- Amend the Personal Status Law by:
 - Removing Article 19 so that women over the age of 18 can enter into marriage without the consent of a guardian.
 - Removing Article 10 of the law to end the practice of early and/or child marriage and conduct awareness-raising campaigns concerning the many negative consequences of such marriages.
 - Removing Article 61, to protect women's constitutional right to work without the consent of the husband.
 - Removing all articles in the Personal Status Law that address the issue of 'obedience'.

Recommendations



To policy makers

- Further review the national educational curricula to:
 - Ensure that men and women are equally represented;
 - Remove all gender stereotypes relating to the role of men and women in the private and public spheres;
 - Include material with relevant examples on gender equality and women's rights as part of human rights;
 - Equip students with the necessary knowledge and skills to be critical of discriminatory social norms.

Recommendations



To religious institutions

- Appoint women in decision making circles of religious institutions (specifically, appoint women judges in Sharia courts).
- Ensure that Sharia courts and other religious institutions harmonize their norms, procedures and practices with international human rights standards.
- Raise awareness and educate religious clerks who conduct marriages on their responsibility to inform women of their right to add stipulations to their marriage contract, and to explain to them what these rights may entail.
- Amend the format of the marriage contract to include a list of all the conditions that women can enter into their contract to ensure that these conditions are visible and well known to men and women before consenting to the marriage.

Recommendations



To civil society

- Promote collaboration between civil society and religious institutions such the Supreme Judge Department to correct misconceptions around religion and discriminatory social norms.
- Implement a comprehensive strategy to modify or eliminate patriarchal attitudes and discriminatory gender stereotypes, in collaboration with civil society and religious institutions and figures, in order to educate and raise awareness regarding the substantive equality of women and men;
- Provide gender training to media organizations and journalists in order to correct gender stereotypes and equally represent men and women in the media. Capacity building and awareness raising programs should be followed up with a monitoring system to ensure gender sensitivity in reporting.
- Enhance women and men's awareness of women's rights and the means of enforcing them.