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THE PROTECTION OF WOMEN AND GIRLS IN JORDAN

A WOMEN'S RIGHTS ASSESSMENT REPORT

By

Plan International and the Solidarity is Global Institute – Jordan

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ACRONYMS

AECID	Agencia Española de Cooperación Internacional para el Desarrollo (Spanish Agency for International Development Cooperation)
CBO	Community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CSO	Civil Society Organization
EU	European Union
FGD	Focus Group Discussion
GE	Gender Equality
GBV	Gender Based Violence
HIV	Human immunodeficiency viruses
HE	His/her Excellency
MENA	Middle East and North Africa
NCFA	National Council for Family Affairs
NGO	Non-Governmental Organizations
OECD	Organization for Economic Co-operation and Development
ROA	Return of Assets
SIGI / SIGI-JO	Solidarity Is Global Institute-Jordan
SRHR	Sexual and reproductive health rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
USAID	United States Agency for International Development
VAW	Violence against Women

INTRODUCTION

The gender rights movement in Jordan has made significant progress over the last decade in reducing discrimination, marginalization, exclusion and violence against women and girls. However, prevailing challenges exist that continue to limit women and girls' participation in the economic, political and governance spheres, and they continue to face significant levels of violence and discrimination. This is compounded by a highly conservative and patriarchal society, dominated by deeply-rooted customs, traditions and norms that often hinder the protection of women and girls.

In 2019, Jordan ranked poorly in the Global Gender Gap Index (GGI), scoring 138 out of 153 countries and placing 6th regionally (out of 16 Arab countries). The GGI measures countries against 4 main indicators: Women's economic participation, political empowerment, education and health. It is clear that the Syrian refugee crisis continues to place significant strain on Jordan's resources and is impacting refugee and host communities access to services by causing an overall stress on health, education and other public infrastructures. These challenges are now exacerbated by the socio-economic impact of the COVID-19 pandemic which further undermines the protection of adolescent girls and young women by impeding their rights.

Due to the changing environment, Plan International and the Solidarity Is Global Institute/Jordan developed this report to better highlight the status of protection of women and girls' rights in Jordan. This report assesses legal and policy implementation, gaps in gender transformative measures, as well as relevant programs and initiatives aimed at supporting women, and proposes actions necessary to enhancing their protection.

NATIONAL AND INTERNATIONAL LEGAL PROTECTION FOR JORDANIAN WOMEN AND GIRLS.

Jordan has made some notable progress in legislative reform by promoting gender equality and strengthening the protection of young women and girls, as well as the enjoyment of their rights. This is highlighted by the adoption of important legal reforms such as: The Social Security Law (2014), the Spending Credit Scheme (2015), the Civil Service System (2013), the Shelter System for Women at Risk (2016) and the Flexible Working System (2017) in the public and private sectors, as well as the Economic Growth Stimulation Plan (2018-2022). Additionally, Jordanian authorities have succeeded in amending/abolishing particular discriminatory sections of some legislation such as the Personal Status Law¹, the Penal Code, and the Labour Law.²

The country has also had progressed in its compliance with international principles and standards by ratifying International human and women's rights conventions and treaties. In line with the SDGs, and specifically goals 5 (gender equality) and 10 (reducing inequalities), the Jordanian National Commission for Women (JNCW) is committed to ensuring they regularly report to mechanisms on international commitments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action. Aiding the achievement of the third goal - good health and wellbeing - the Ministry of Health implemented a National Strategy for Reproductive Health/Family Planning (2013-2018) and, together with the Higher Population Council, are working on a new national multi-year strategy to strengthen the access and quality of maternal and child health services.

Jordan has further adopted the National Framework for Protecting the Family from Violence (2016), the National Strategy for Combating Violence Against Women (2014-2017), the Media Strategy for Combating Gender-based Violence (2015), the Gender and Climate Change Plan (2011) and the Anti-Trafficking Unit (2012). Furthermore, the process for the administrative detention of women is being improved by the Ministry of Social Development as they have designated special areas for women and improved the afforded social care.

Despite this notable progress, legislative gaps still remain that hamper the protection of women and girls, and some laws and legislations in place continue to not be enforced or respected. These policy issues/gaps include:

Area	Gaps
Child Protection	A draft law has been submitted to the legislative court but has not been sent to parliament for approval. Civil society has demanded this kind of text for years, but with no significant progress.
the Status of Penal Code of the International Criminal Court - including witness protection law	There is no text issued for this on a national level, and this void in the Jordanian legal framework represents a lack of compliance with international conventions.
Sexual abuse against girls	In some circumstances, the courts allow the case to be resolved through financial settlements, with no attention paid to the physical and psychological harm caused to the victim.
Early marriage	In 2020, nearly 8000 girls were married before the age of 18. The issue of child marriage continues to have exceptions in the personal status law.
Compulsory Education	Is a right recognized in the Jordanian Constitution but is not fully exercised and respected due to a lack of monitoring and weak penalty measures.
Mandatory Childcare and Nurseries	Article. 72 of the Labour Law was amended to require companies to provide nurseries for both men and women with children younger than 4 years. This has however not been activated, but local organizations are working on resolving this issue.

¹ **Jordanian Personal Status Laws, amendments 2017:** (1) Amendments to limit the conditions to permit early marriage: the early marriage age was raised from 15 to 16 years old and in 2018, the number of approved early marriages under the age of 16 decreased by 4900 compared to 2017; (2) 18th of April designated as the official "National Day to Combat Child Marriages".

² **Jordanian Penal Code, amendments 2017:** (1) Abolishment of article 308, which allowed rapists to avoid jail if they married their victim; (2) Amendments to art. 98 (which provided a lighter sentence for perpetrators under the "fit of fury" excuse. This legal loophole was used to reduce the sentences of perpetrators accused of "honour killings/crimes"). This amendment prevented perpetrators from escaping punishment and strengthened penalties.

THE ROLE OF CIVIL SOCIETY IN SUPPORTING THE LEGAL PROTECTION OF WOMEN AND GIRLS

Civil society organizations play an important role in both addressing legislative gaps and monitoring their implementation. For instance, with regards to the Personal Status Law, civil society groups continue to advocate for authorities and policy makers to take action to end child, early and forced marriages, by closing the legal loopholes which allow families to seek exceptions to the stated minimum age.

According to official figures and statistics issued in 2018, there are 5989 registered CSOs in Jordan.ⁱⁱ These CSOs are supervised by various ministries and are regulated by national legislations, international and regional conventions, principles and treaties. After CSOs are officially registered, they are then eligible to apply for local or foreign funding opportunities and receive related grants. This, along with several other factors listed below, hinder the role of CSOs and CBOs to effectively address women and girl's rights violations in Jordan:

- The Societies law³ that allows governments to control the establishment of associations and restricts their access to foreign funds and their ability to organize public activities.
- A shrinking civil society space due to increased governmental restrictions on freedom of association and demonstrations.
- Increased checks and balances by the government for funds received by CSOs/CBOs (this includes international NGOs operating within Jordan) that require multiple ministerial approvals for activities and that delay the start date of the project for up to a period of 6 months or more.
- Existence of conservative social norms, customs and traditions, prevents CSOs and CBOs from effectively reaching out to communities and discussing, promoting or challenging topics deemed sensitive/private i.e. SRHR, GBV, women's rights issues, etc.
- Lack of available financial support afforded to small CBOs and lack of capacity building for their staff on the topics like fundraising and project management.
- The language barrier faced by local CBOs/CSOs that hamper their ability to attain or apply for funds from donors communicating in English and not Arabic.

³ "the draft law grants the government new powers and mechanisms to deny NGOs licenses to operate, inspect, approve funding, install government-imposed management, and dissolve NGOs for a wide variety of reasons. In effect, the government is to be the sole arbiter of which NGOs it allows to exist and what it allows them to do, depriving NGOs of any meaningful independence. It has exercised its power in an arbitrary manner, restricting NGOs that take on political or controversial social issues. The government has also clamped down on the freedom of civil society to peacefully assemble and to associate." - [Human Rights Watch: Shutting Out the Critics](#).

GENDER MOVEMENTS IN JORDAN

BACKGROUND

Before the establishment of the Jordanian State in 1921, the scope of the national women's movement was limited to meeting the basic needs of poor and needy families. Since then, their role has gradually expanded to include wider social, economic, and political issues. Starting in the 1940s, gender activism in Jordan became a prominent issue, and in 1954 Jordanian women began demanding increased political rights. During this same period the Arab Women's Union (AWU) was founded to advocate for Senate and Parliamentary support for women's political rights, and specifically for their right to vote. Consequently, in 1955 the Government approved their right to vote but limited this right to educated women. By continuing to apply pressure on the government, gender activists were able to amend this law in 1974, allowing women the right to not only vote, educated or not, but to also run for parliament under the same conditions.

As feminist movements became more organized between 1973-1989, more progressive changes were seen. In 1992, Jordan ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and in 1993, the first woman, Ms. Tujan Faisal, was elected to the House of Representatives. During this period many legislative amendments were made in favour of women, including the amendment to the article on crimes under the pretext of "honour", the introduction of the quota system in the 2003 Election Law, amendments to the 2010 interim Personal Status Law, and amendments to the 2017 Penal Code

PRESENT STATE OF WOMEN'S RIGHTS IN JORDAN

Access to Political & Civil Rights

Despite some progress, discriminatory legislation and negative social norms are still impacting women and girls. Women continue to be under-represented in politics, and are therefore not fully included in leadership roles and the decision making processes. Compounding this issue is the existence of a patriarchal and male-dominated power structure that is strongly influenced by traditional and conservative beliefs around gender roles which greatly constrain women. Additionally, women face multiple difficulties when it comes to running for elections as political candidacies are normally closely tied to tribal links and affiliations, which disadvantage women and favour men. There is also a need to protect women from electoral violence, like the use of force, threat and/or abuse against women voters, candidates, or campaign workers.

The table below highlights the 2017 participation rate of women in politics and the public sphere:ⁱⁱⁱ

Institution	Rate of women's participation
Parliament	15.4%
Cabinet	6.6%
Judiciary	18.5%
Political parties	35%
Councils of professional associations	8%
Municipal Councils	28.8%
Trade Unions	21%
Diplomatic Corps	19.9%
Ambassadors	10.9%
Chambers of Industry	7.9%
Chambers of Commerce	0.6%

Access to Citizenship Rights

Children born to Jordanian women who are married to non-Jordanian men are deprived of their nationality and citizenship . This is because according to Jordanian Law, children can only take their fathers nationality. So families with non-Jordanian fathers are marginalized, the struggle is further exacerbated for women who live in rural areas or whose husbands end up divorcing them or leaving them to provide and care for the family on their own.

WOMEN'S ECONOMIC RIGHTS

Women's economic empowerment not only encompasses their economic participation, but extends to their ability to make financial decisions or to own property and land. Women and girls in Jordan are exposed to economic violence in all its forms, which marginalizes their roles, limits their economic participation and leads to many violations of their rights. These violations include:

- preventing women from obtaining economic resources.
- preventing women from using and freely disposing of and conserving their economic resources.
- exploiting women's economic resources.

Additionally, there has been a significant decline in the number of job opportunities created for women despite the fact that unemployment rates among women are higher than the national average. When it comes to employment, single women are more likely to be employed compared to their married counterparts. This is partly due to the fact that women are often constrained by societal expectations and assumptions of where and how they should work. This effectively means that women are delegated employment opportunities that fit stereotypical roles, such as teaching, nursing, and caregiving. Even within these professions, they are expected to only work short hours and in workplaces that are close to the vicinity of their homes in order to avoid long work commutes. Furthermore, fear of harassment, exploitation, and discrimination deter women from joining the job sector. All of these factors combine to greatly limit women's job opportunities and hinder their career development and progression.

Working women also face added burdens as they struggle to reconcile work and family life due to a lack of flexible work schedules and rigid contract systems. In general, there is inadequate financial support allocated to daily workers, in terms of social protection, and there is a strong need for comprehensive and universal health coverage, especially for women working in factories or as domestic workers, or in manually exhaustive sectors like agriculture. There is also a need to reassess the indirect impact of allowances like the "one shot compensation" mechanism for women who get married. This allows women to claim what they have previously paid for in social security as an employee, and represents a discriminatory legal approach since it is only permitted to married women. This indirectly impacts women negatively as it incentivizes and pressures women to leave their jobs and go back to the socially accepted, and encouraged, traditional role of a housewife. However, it should be noted that between 2018-19, there were key gender-responsive adaptations made to the Labour Law.

The table below highlights some of these important progresses:

Year	Legal provision/scope	Impact
2018	Amendments to art. 72	This required institutions with over 20 female employees to offer day-care services for their employees' children who are under the age of four. This article also applies uniformly to both working mothers and fathers.
2019	Amendments to Labour Law no. 8	This amendment introduced the concept of "wage discrimination" defined as wage inequality between employees based on gender and imposed a fine/punishment for discriminating companies.
	Abolishment of art. 69,	Prohibited women from working during the night, between 7 p.m. and 6 a.m.
	Amendment of art. 29	This regulates the legal rights of termination for both employers and employees. The following exception was added into the law: "the employer may not terminate the employment of a worker or give him/her notice if the worker is a pregnant woman who has reached at least her sixth month of pregnancy, or a woman on maternity leave".
2020	Proposed establishment of a Protection Fund for Workers.	This aims at protecting workers' rights related to social benefits and employment termination. This is especially relevant for women and vulnerable groups as one of the biggest issues they face is the absence of a social safety net.

The Impact of COVID-19

The socio-economic impact of the COVID-19 pandemic continues to hinder women and girl's protection needs in Jordan. A UN Women reportⁱⁱ released during the crisis highlighted the current challenges facing girls and young women who suffer from a lack of child's rights protection, quality distance education, and insufficient access to shelter homes, protection and services. The pandemic has also had a major impact on the labour market, causing widespread job losses and interrupting most -if not all- economic activity because of the precautionary measures taken by the Government of Jordan to contain the spread of the virus. The negative effect has been more pronounced in the informal economy, where a large percentage of the workers are women. This has further demonstrated the fragility of women's economic resources and the weak social protections afforded to them especially in times of crises.

LEADERSHIP IN THE PUBLIC AND PRIVATE SECTOR

Women's participation in leadership positions in both the private and public sectors is low due to a combination of high job withdrawal and early retirement. This can be explained, in part, by the existence of unequal laws in place like the Social Security Law which allows women to retire at 55 years old and men at 60 years old. Within this law there is also an added clause that allows women to retire after 15 years of work. This means that women who start working at an early age are more likely to retire, sometimes due to family pressure, therefore reducing their chances of advancing their careers and reaching senior or leadership positions. It should also be noted that there are also economic incentives at play that deter women's progression. According to the Department of Statistics annual report for 2018^v, with regards to the gender pay gap, the rate was 18% in the public sector and 14% in the private sector.

PUBLIC SECTOR

After 25 years, a comprehensive national review^{vi} was carried out in 2019 to review Jordan's progress in implementing the Beijing Declaration and Platform for Action. The report found that women occupied only 7.38% of leadership and senior positions in the public sector⁴, 12.6% of management positions, and 23.8% of supervisory positions. These percentages were also shown to have not improved since 2015.

PRIVATE SECTOR

A 2015 study^{vii} on the economic performance of companies in Jordan showed that women occupy only 21% of top executive positions in publicly owned companies. Additionally, only 23% of private corporations have female representation on their boards of directors, representing one of the lowest rates both regionally and internationally. Another study published by the International Finance Cooperation^{viii}, showed that the highest representation of women on boards of directors was found in the health sector (10.7%), and the lowest representation was in the financial sector (4%). It was also highlighted that there was no female representation on the boards of directors for the engineering, communications and technology sectors.

The study also found that in 2012, the rate of return on assets (ROA) for public companies listed on the Amman Stock Exchange that do not have female representation on their boards of directors was 0.99%. However, for companies with direct representation of at least one woman on their boards, this number increased drastically to 3.03%. This correlation of female representation on companies' boards and an increased ROA was also found to be the case for the years 2011, 2010 and 2009.

As for the ICT sector, according to Int@j, the Information and Communications Technology Association of Jordan, women's economic participation in most sectors in Jordan stands at 16 per cent or less, whereas their involvement in the ICT Sector is nearly double that at 30%. Additionally, nearly 35% of start-ups in the ICT sector are founded and headed by women.

¹⁰ These positions encompass: Secretary - General, Director - General, Chairman of the Commission, Governor, Commissioner, Member of the Board of Commissioners, Senior Class Counsellor, Assistant Secretary - General

GENDER-BASED VIOLENCE

Jordanian women face growing challenges when it comes to prevention and protection from gender-based violence. This has been especially the case during the COVID-19 pandemic, as there has been an alarming increase in occurrences of GBV.

PHYSICAL, SEXUAL AND EMOTIONAL VIOLENCE

One in four married women in Jordan have experienced violence, according to a report produced by the Population and Family Health Survey (2017-2018.)^{ix}. The survey confirmed that 25.9% of wives aged 15-49 years were subjected to physical, sexual or emotional violence by their husbands, while 1.4% of husbands aged 15-59 years reported suffering physical violence from their wives. Furthermore, the percentage of wives who committed physical violence against their husbands increased significantly among wives who had previously been abused by their husbands. The study also highlighted that current and former husbands, brothers and fathers are the main perpetrators of physical violence against married women, sisters and daughters. 71.1% of married women who suffered physical violence reported that their current husbands are the perpetrators of the violence, while 15.1% of them reported that former husbands are the perpetrators. In addition, 13.3% of them were subjected to physical violence by their brothers and 11.9% by their fathers.

In 2018, the Family Protection Department received 11,923 cases^x, 22.3% of which were for physical assaults and 13.5% for sexual assault. However, approximately half of married Jordanian women who have been subjected to one or more forms of violence do not seek help nor do they report cases of violence.^{xi} The culture of silence is especially persistent as women fear provoking an adverse reaction from their perpetrators if they report, and fear social repercussions, pressures and backlash from a conservative society.

It should also be noted that a lot of women and girls avoid reporting cases of GBV because they do not register it as abuse. The survey showed that 62% of wives in Jordan between the ages of 15-19 accept and excuse being slapped and beaten by their husbands. It was also found that the younger the women are when they are married, the more likely they are to justify being beaten by their husbands.

The table below highlights the main justifications for abuse noted by both boys and girls:

Justifications for being beaten (girls)	Percentage of girls justifying violence	Percentage of boys justifying violence
being in a relationship with other men	59.1%	64.2% (15-19 age group)
insulting the husband	27.9%	
not obeying the husband	18.9%	
leaving the house without telling them	15.1%	
neglecting the children	12.4%	
arguing with the husband	10.1%	
burning the food	2.2%	

RATES OF WOMEN SEEKING ASSISTANCE

Only 19% of married women who suffer physical or sexual abuse by their husbands asked for help, and out of those only 3% of them filed complaints. Depending on the type of violence practiced, 8% of married women seek help when exposed only to sexual violence and 17% do it when exposed to physical violence. Women between the ages of 30-39 suffer double the rates of sexual violence because they try to refuse their husbands advances, unlike married young women between the ages of 15-19 who don't believe they have the right and power to say no. When women and girls do choose to report acts of GBV^{xii}, it has been observed they seek help from the following sources:

Who abused women in Jordan seek help from if they face physical or spousal sexual violence : ^{xiii}	
Their families	77.2%
Husband's family	21.4%
Social service institutions	5.9%
Friends	1.9%
Neighbours	5.9%
Police	3%

As highlighted above, official bodies are one of the least likely channels women or girls will turn to for help, which further masks the true extent of the GBV crises faced in Jordan. There is also a clear culture of silence and shame that prevents female victims from reporting cases or seeking assistance. This is due to a mixture of social marginalization, a dread of being stigmatized, and a fear of facing psychological or physical retaliation from their family and/or community members. In addition to that, women and girls face limited access to support services like psychological, social and legal counselling, and access to family reconciliation and reform centres. There is also a general lack of awareness within communities about the direct and indirect negative effects of different forms of violence on victims, their children and families, and society as a whole.

MARITAL RAPE

The Population and Family Health Survey found that 5.2% of married women had experienced sexual violence. The survey also found that women who try to refuse their husbands' sexual requests are the most vulnerable to sexual violence, as one in three of them had experienced one or more forms of violence (34%).

Type of Violence	Older Wives who have suffered violence	Younger Wives who have suffered violence
Emotional	25.6%	16.3%
Physical	23.1%	13%
Sexual	8.2%	4%

Married women who view marital relations as part of their conjugal duties are the least exposed to sexual violence. This submissive acceptance highlights another issue prevalent within society; a lack of understanding around the topic of consent. But this lack of awareness is not just tied to social norms, according to the Jordanian Penal Code - Article 292/1 - Whoever has sexual intercourse with a female – other than his wife - against her will by the use of force or threats or trick or deception, he shall be punished with temporary imprisonment with hard labour for a period no less than ten years. Therefore, married women are also not protected by law when they experience sexual abuse or rape by their husbands, which further deters women from reporting assault cases.

FEMICIDE

From The beginning of 2020 until the end of October, there were 17 reported cases of women and girls murdered.⁵ In 2019, the figure stood at 26, which represented a 200% increase compared to 2018, where 7 murders were reported. Out of those 26, 21 murders were committed by family members^{xiv}, and in those cases, 4% of the perpetrators and 11% of the victims were under the age of 18 years old. In the same year, 4 crimes were committed under the pretext of defending “honour”.⁶

Jordan registers as having one of the highest rates of honour killings in the world. In the past, Article 98 of the Penal Code was applied to reduce penalties for men who perpetrated violent crimes against women, after the woman had been perceived to have committed a dishonourable act. This article was amended in 2017 to prevent it from being used to reduce penalties for so-called ‘honour’ crimes against women.⁷ However, legal loopholes still exist; Article 340 of the Penal Code provides for a reduction of penalty in cases where a wife or husband is murdered or assaulted when they are surprised (caught) in the act of committing adultery by their spouse.⁸ Additionally, courts also often reduce sentences because victims’ families request leniency. This is usually the case as members of the victim’s family are often complicit in the killings.⁹

⁵ There are no official statistics made public by the government and so local CSOs and CBOs have to independently collect data. The figures provided are according to the monitoring carried out by SIGI/JO of crimes published in the various media outlets.

⁶ Honour killings refers to the killing of a relative, especially a girl or woman, who is perceived to have brought dishonour on the family

⁷ **Jordanian Penal Code- Art. 98:** The first clause of Article 98 provides: “He who commits a crime in a fit of fury caused by a wrongful and dangerous act on the part of the victim benefits from a reduction of penalty.” In 2017, a second clause was added to Article 98 stating the perpetrator shall not benefit from the mitigating excuse if the act is committed against a female.

⁸ **Jordanian Penal Code- Art. 340:** Article 340 remains in the Penal Code and provides for the following: Whoever surprises (catches) his wife or one of his female decedents or ancestors or sisters during the act of adultery or in an illegitimate bed and murders her immediately, or her lover, or both of them, or assaults her, or both of them and the assault resulted in death or injury or harm or permanent disfigurement, he shall benefit from a mitigating excuse (reduced penalty). The wife who surprises (catches) her husband in the act of adultery or in an illegitimate bed in their matrimonial home and murders him or his lover or both of them immediately or assaults him or both of them and the assault resulted in death or injury or harm or permanent disfigurement, she shall benefit from the same mitigating excuse (reduced penalty) mentioned in the paragraph above. The right of lawful self-defence shall not be permitted to the person who benefits from this excuse nor shall the provisions of “aggravated circumstances” (zuruf mushaddida) apply.

⁹ Under article 99, the killer’s sentence can be cut in half in these cases.

SEXUAL HARASSMENT AT THE WORKPLACE

In a recent report, 75.9% of respondents said they had experienced sexual harassment,^{xv} and 75.3% of them stated they did not consider legal action.^{xvi} This is because the legal protection afforded to victims in these cases is not robust enough and does not factor in the varying levels of infringement faced by women in the workplace. The law only punishes “sexual assault, attempted sexual assault, physical molestation or touching involving intimate areas of the body, [and] behaviour constituting a breach of public morality such as indecent exposure”¹⁰. It therefore still permits unwelcome advances, sexual allusions, or offensive gender-related language. It should also be noted that the definitions provided by the Jordanian legal system do not comply with the much more comprehensive version outlined by the International Labour Organization.¹¹ This lack of acknowledgement of the different types of sexual harassment directly foster a hostile work environment where women’s rights are not adequately safeguarded and protected.

ONLINE VIOLENCE AGAINST WOMEN & GIRLS

With the advancement of modern technology, there has also been an advancement in the types of violence faced by women and girls. These new challenges include:

- Electronic stalking.
- Electronic blackmail.
- Electronic sexual harassment.
- Online surveillance and spying.
- Illegal use of technology and the Internet to obtain images and videos.
- “catfishing”¹² susceptible women and girls.

It's also important to note that there is a prevalent societal taboo around girls use of online platforms, and their visibility on them. Many girls and young women are forced to navigate these online spaces by creating fake accounts that do not display or reflect any identifiable personal features or info (fake name, picture, etc.). The fear of reprisals felt by girls if they are discovered is real, for example, this year in Jordan a 14-year-old girl was killed by her brother because she chose to open a Facebook account.^{xvii}

¹⁰ The laws related to sexual harassment in the workplace are limited to Article (29/A/6) of the Jordanian labour law (1996): “The Employee may quit work without notice and still retain his legal rights for the termination of service as well as the damage compensation accruing to him in any of the following cases: 6) If the employer or his representative assaults him during or because of his work by beating, degradation or any form of sexual assault punishable under the provisions of the legislation in force.”

¹¹ **International Labour Organization (ILO) (2017)** : sexual harassment is “a sex-based behaviour that is unwelcome and offensive to its recipient... [that] may take the form of: 1) a job benefit - such as a pay rise, a promotion, or even continued employment - is made conditional on the victim acceding to demands to engage in some form of sexual behaviour; or, 2) a hostile working environment in which the conduct creates conditions that are intimidating or humiliating for the victim. It includes physical behaviour, such as violence and touching, verbal behaviour, such as comments about appearance, offensive and intrusive remarks, and non-verbal behaviour, such as whistling and sexual gestures.”

¹² the process of luring someone into a relationship by means of a fictional online persona.

CHILD EARLY AND FORCED MARRIAGE

The Jordanian Personal Status Law is the main legislation that governs matters relating to marriage and family relations of Muslims in Jordan. In cases where a particular matter of personal status for Muslims is not addressed specifically in the law, generally the rules of Islamic jurisprudence would apply. Under article 10 of the current personal status law, the minimum age for marriage is 18, but Sharia Court judges can make exceptions in special cases for children between 15 and 18 if it is judged to be in their “best interest”.¹³ Under the amendments passed initially by Jordan’s Senate, the upper house, the new minimum age for a judge’s exception was to be 16, but the House of Representatives rejected that call and maintained the exception at 15 years of age.^{xviii}

As stated earlier, there is a clear link between girls who marry at an earlier age and those who justify being beaten by their husbands. Additionally, child marriage forces young girls to become sexually active at a time when they do not know enough about their bodies or about the topic of sexual and reproductive health, and due to limited access to family planning counselling and services, exposes them to the risk of consecutive, unplanned and unwanted pregnancies. It also deprives girls’ of an education as it causes them to drop out of school, which directly affects their ability to obtain jobs and employment, as well as weakens their economic, political and social capabilities.

SEXUAL AND REPRODUCTIVE HEALTH RIGHTS

Access to sexual and reproductive health services, including family planning, is essential for the wellbeing of women and families. However, discriminatory norms around women and girls’ bodies and rights are especially salient in creating barriers to SRH services, and it is now evident that emergencies such as fleeing to another country and pandemics can further compound problematic attitudes and practices that prevent women and girls from enjoying full reproductive rights.

For example, the most recent demographic and health survey found that the percentage of married women using family planning and contraceptive methods is down from 61% in 2013, to 52% in 2018^{xvi}. Currently, 14% of married women state they have an unmet need for family planning, that is, they wish to separate pregnancies or reduce births but are not currently using any kind of contraception.

While addressing the Sexual and Reproductive Health needs is considered a national priority, the provision of such services to youth remains controversial. This is particularly concerning when it comes to young, unmarried people. There is limited evidence that the services provided by MOH, women and child health centers are youth-friendly. Moreover, services provided in schools are limited to medical examinations, referrals and awareness-raising campaigns while international organizations have taken the lead in implementing SRH/FP health promotion and awareness-raising programs throughout the country. Currently, SRH education does not target adolescents under the age of 18 years and The Higher Population Council has partnered with some universities to begin to integrate SRH education into mandatory university courses.

¹³ As stated in the law: “the marriage is necessary and in [their] interest, and those who get married accordingly are fully competent in everything related to the marriage...”.

RECOMMENDATIONS

POLICY AND ADVOCACY

- Establish a steering committee with key line ministries aimed at enhancing government support for women's empowerment while working to activate and implement national policies to combat GBV and advance gender equality.
- Work with the relevant ministries and institutions to introduce a mandatory duty on employers to protect workers, especially females, from harassment and victimization in the workplace, by having certain by-laws, HR policies and practices.
- Afford victims of workplace harassment better legal protection by aligning the definitions found in the Jordanian legal system to the comprehensive definitions outlined by the International Labour Organization.
- Amend article 292 of the Jordanian Penal Code, in order to make marital rape punishable similar to other types of rape and sexual abuse.
- Abolish article 340 of the Jordanian Penal Code which reduces the penalty if a man kills or attacks a female relative if she commits adultery.
- Amend article 62 of the Jordanian Penal Code that deals with parent's punishment of their children, specifically closing loopholes that indirectly permit acts of GBV suffered disproportionately by girls.
- Address gaps in the policy framework and mandatory reporting mechanisms that expose survivors of rape and other forms of GBV and jeopardises their right to confidentiality.
- Amend the exceptions that allow children under the age of 18 to get married if it is judged to be in their "best interest".
- Advocate with relevant ministries and key national stakeholders on the right of nationality for children and spouses of Jordanian women married to foreign men.
- Enforce laws and regulations tackling cybercrime and enhance government, civil society and service providers' efforts to fight cyber violence against women and girls.
- Advocate for relevant data around women's and girls' rights issues i.e. GBV figures, honour killings, early marriage, etc. are collected, collated, and made publicly available by the government to better inform the work and programming of activists, INGOs and CSOs.

PROGRAMMATIC

- Utilise social media platforms to conduct targeted and focused awareness raising campaigns covering topics related to gender and GBV to help facilitate behaviour change within the community and challenge prevalent harmful assumptions, stereotypes, and norms.
- Conduct public awareness campaigns targeting at-risk and vulnerable girls and women highlighting the available reporting mechanisms, referral systems and outlets available to them to seek help.
- In collaboration with the Ministry of Education and other relevant stakeholders, develop a comprehensive sexuality education curriculum and manual for schools that can be delivered by health workers or school counsellors.
- Develop national competencies for staff responding to GBV and implementing SRHR services.
- Ensure safe and gender specific entry points for women and girls to access confidential services related to GBV/SRHR, family planning, and counselling.
- Work with legal aid organisations to ensure the services provided to GBV survivors are based on a survivor-centred approach that affords them guaranteed protections under the law.
- Support efforts to ensure access to quality education for all girls, including girls with disabilities and those living in remote and rural areas.
- Engage adolescents and youth in local level activism on human rights and access to justice, and ensure meaningful participation of women and girls with disabilities.
- Enhance women and girl's active participation in the economy by creating an enabling environment that provides workers with equal training opportunities and reduces the barriers for female access by allowing flexible working hours, safe transportation etc.
- Increase and sustain funding for programmes and initiatives focused on gender equality and women and girl's empowerment.

ENDNOTES

ⁱ World Economic Forum (2019), [Insight Report - Global Gender Gap Report 2020](#).

ⁱⁱ NCHR (2018), [The Role of Civil Society Organizations \(Associations and Unions\) In Enhancing Peoples' Right to Participation In Public Affairs in the Hashemite Kingdom of Jordan](#).

ⁱⁱⁱ OECD (2018), [Women's Political Participation in Jordan](#).

^{iv} UN Women (2020), [COVID-19 and Gender: Immediate Recommendations for Planning and Response in Jordan](#)

^v Department of Statistics (2019), [Jordan Statistical Yearbook 2018](#).

^{vi} The Jordanian National Commission for Women (2019), [Comprehensive National Review of the Progress in the Implementation of the Beijing Declaration and Platform for Action 25 Years On](#).

^{vii} “The impact of [women's representation on boards of directors of companies](#).

^{viii} International Finance Corporation (2015), [Gender Diversity in Jordan Research on the Impact of Gender Diversity on the Economic Performance of Companies in Jordan](#).

^{ix} published by the General Department of Statistics and ICF International, in March 2019.

^{xiv} Public Security Directorate (2018), Achievement Report, Jordan.

^{xi} Population and Family Health Survey in Jordan (2017-2018).

^{xii} Plan International Jordan (2020), [Daring to ask, listen and act: A snapshot of the impacts of COVID-19 on women's and girls' rights and sexual and reproductive health](#).

^{xiii} DHS (2019), [Jordan- Population & Family Health Survey 2017-2018](#).

^{xiv} SIGI/JO (9th June, 2020), [“Solidarity: 4 crimes under the pretext of defending “honour” and 6 crimes on grounds of moral dissolution in 2019”](#) .

^{xv} ILO (21st June, 2020), [“ILO in Jordan launches campaign on the right to a workplace free from violence and harassment”](#).

^{xvi} Arab Renaissance for Democracy and Development (ARDD) (2018), [The Jordanian law and policy on sexual harassment](#)

^{xvii} Middle East Monitor (2020), [Jordan: Call for execution of man who killed 14-year-old sister for joining Facebook](#).

^{xviii} HRW (3rd April, 2019), [Jordan: End Child Marriage in Status Talks](#)

^{xix} Department of Statistics (2019), [Jordan Population and Family Health Survey 2017-18](#).