



Gender Discrimination in Jordan

2019

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Executive Summary

In the early years of Jordan's establishment as a national state, women's integration into the public sphere was recognized as an inevitable and necessary step in the direction of modernity and advancement. This however was not welcomed by all; while some groups advocated for the advancement and liberation of women, others resisted it and believed that the traditional role of women should be preserved. And so, women had to fight to secure their civic and political rights. They organized and participated in multiple demonstrations between the 1940s and 1970s calling for equality, women's suffrage and their right to run for elections.¹

Today, almost 45 years later, gender inequality is still one of the major issues hindering Jordan's advancement as a country. In 2018, only 14.6% of women were economically active. Women's participation in the labor force was lower across all age groups when compared to men. The percentages drop aggressively as women get older², which means that very few women assume leadership positions.

Women are also found to work in certain industries and sectors; they mostly work in the public sector, mainly in education and health and social work.³ Women's political participation remains weak as well. The quota system, introduced in 2003, reserves 15 seats for women in the Lower House of Parliament. The allocation of women in municipal councils is 25% and around 12% of senate members are women.⁴ In 2018, 7 women were appointed in the cabinet of ministers, amounting to 25% of total ministers.⁵

The CEDAW concluding observations on cultural stereotypes and gender roles have not changed since the year 2000. In the most recent report, the Committee expressed its concern over the 'persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which overemphasize the traditional role of women as mothers and wives, thereby undermining women's social status, autonomy, educational opportunities and professional careers.'⁶ The Committee also noted that 'patriarchal attitudes are on the rise within State authorities and society, and that gender equality is being openly and increasingly challenged by conservative groups.'⁷

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 improve gender equality in Jordan. The study is based on a thorough review of literature and legislation as well as 15 semi-structured in-depth interviews with key experts. The design and analysis of the research is based on a theoretical framework by Suad Joseph *Patriarchy and Development in the Arab World*.⁸

The research finds several root causes of gender inequality in Jordan:

- 1. There is a great disconnect between rights granted by the Constitution and rights and responsibilities found in various national laws.** While the Constitution is based on principles of equality, various national laws discriminate between men and women. The failure of the Constitution to prohibit gender discrimination means that none of these laws can be challenged as unconstitutional.
- 2. Jordanian women have ‘diminished’ citizenship** as Jordanian women cannot pass their nationality to their children. Additionally, when analyzing gender and citizenship in the Jordanian context, Abla Amawi refers to Charles Tilly’s definition of citizenship which states that it is ‘a direct relationship between the individual and the state’.⁹ **In many cases, a Jordanian woman’s relationship with the state is articulated through a mediator – usually her father or her husband.** For example, unless previously married, a Jordanian woman requires the consent of a male guardian to enter into marriage. Furthermore, the Civil Status Law stipulates that the family registry book is issued in the name of the head of the household, which the law defines as the husband. A Jordanian woman can be issued her own family book, but only if she was divorced or widowed.¹⁰ Amawi argues that the main problem with the family registry book is the assumption that the head of the household is the male, who then becomes the mediator between the state and the family for any official and legal transactions.¹¹
- 3. Patrilineal citizenship structures and the emphasis of family as the single most important unit in society impacts the**

wellbeing of citizens who do not fall within this traditional structure. Women and vulnerable groups tend to be impacted the most by such citizenship structures. The two groups that constitute the extreme cases are individuals deprived of family ties and the families of Jordanian women married to non-Jordanians.

- 4. Several Jordanian laws, including the Nationality Law and the Penal Code are derived from colonial institutions of law** that date back to the 19th century and heavily revolve around the notions of paternity and patrilineality. These laws have become institutionalized as part of the post-colonial national identity of Jordan until this present day.¹²

The Jordanian Nationality Law is derived from the British nationality laws which were originally based on the notion of paternity. In 1981 and 1985, the British nationality laws were amended to enable British women to pass their nationality to their children. Until 1987, the Jordanian nationality law not only deprived Jordanian women from the right to pass the nationality to their husbands and children, but also denationalized Jordanian women who married non-Jordanians. In 1987, and in response to lobbying by women’s groups, the law was amended to allow women to keep the Jordanian nationality when they married non-nationals. However, the law still maintains paternity as the source of citizenship.¹³

The Jordanian Penal Code No.16 of 1960 is based on the Ottoman Law of 1858, which is derived from the French Criminal Law of 1810.¹⁴ While some discriminatory articles of the law have been amended and others abolished, the law remains problematic mainly because many

of its provisions revolve around the concept of honor or family honor, which in the Jordanian context is mostly associated with women. For example, article 324 states that if a woman causes herself to have an abortion in order to protect her honor, or if a person causes her to have one, in order to protect the honor of a female family member, they benefit from a reduction in penalty.¹⁵

5. **The Personal Status Law is based on interpretation by religious jurists who were guided by the gender assumptions that reflected the social, political and normative values of their time.** While these interpretations are treated as sacred *Shari'a* principles, they are in fact temporal and should be continuously re-examined to reflect the realities of our time.¹⁶
6. **The Personal Status Law maintains the traditional role of women in the domestic sphere as wives and caretakers.** The law differentiates between the rights and responsibilities of men and women in several ways:

First, the 'relational construct of rights' is evident in the Personal Status law as in many cases women are treated as dependents of men. For example, a woman over the age of 18 requires the consent of a male guardian to enter into marriage, unless she was previously married. A man over the age of 18 does not require the consent of a guardian to enter into marriage. The fact that by law, a woman cannot conduct her own marriage and needs a mediator to do so 'highlights the discriminatory concept of women as less equal emotionally, economically and intellectually.'¹⁷

Second, while some articles of the law emphasize the concept of equality and partnership in marriage, others demonstrate the concept of reciprocity. An example of partnership is article 77 of the law which requires both spouses to treat each other with respect, affection and mercy and requires them to maintain the best interest of their family. Examples of reciprocity include: article 78 which states that a husband should not prevent his wife from visiting her family and a wife should obey her husband in matters that are within the law; article 60 which states that the wife has a right to financial maintenance even if she was living in her parents' house, however if the husband asks her to move to the marital home and she refuses, she loses her right to financial maintenance; article 72 which states that a wife is required to travel with her husband to a new home or to another country, and if she 'disobeys' him, she loses her right to financial maintenance.¹⁸

Third, many articles of the law revolve around the concept of 'obedience'. A wife is legally required to obey her husband and if she doesn't she is considered 'disobedient' (*nashez*) and primarily loses her right to financial maintenance. Article 62 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.¹⁹

Many articles in the Personal Status Law contradict the constitutional right of women.

For example, article 23 of the Constitution states that 'work is the right of every citizen' however article 61 of the Personal Status Law 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.

- 7. The marriage contract is the only tool through which a woman can protect her constitutional rights.** Article 37 of the Personal Status Law states that a husband and wife have the right to add stipulated conditions to the marriage contract, as long as those conditions do not contradict with Shari'a. If the husband violates those conditions, his wife is entitled to file for divorce; if the wife violates the conditions, the husband may file for divorce and the wife loses her financial maintenance rights.²⁰

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.²¹ In practice, very few Jordanian women exercise this right, either because they are unaware of their rights, or due to societal and family pressures.²²

In the marriage contract, a man is automatically guaranteed his rights. However, a woman has to add stipulations that the husband needs to agree upon first, to protect her constitutional rights. For example, article 9(ii) of the constitution states that 'no Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specified place, except in circumstances prescribed by the law.' Article 23(i) of the Constitution also states that 'work is the right of all citizens'. However, unless stipulated in the marriage contract as otherwise, the Personal Status Law requires a woman to follow her husband and live where he lives and ask for his permission to work outside the marital home to qualify for financial maintenance.

- 8. As the Personal Status Law is based on religion, it is highly dependent on the interpretations of religious institutions. Those who work in religious institutions such as the Shari'a courts, the General Iftaa Department and the Supreme Judge Department are predominantly male. And the same is true for ecclesiastical courts that regulate personal status matters for the Christian communities.**

The research found that some women work at the Supreme Judge Department but only in the family reconciliation unit in Amman. In addition to family reconciliation, the unit also oversees cases in which the marriage of a minor (upon completing the age of 16) is requested, assesses these cases and makes a recommendation to the judge who then rules. 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-to-day 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.

- 9. Patrilineal citizenship structures result in the production of gender roles in society** For years, the Jordanian society has been based on rigid and traditional gender roles that place a higher value on women's reproductive roles. This has also been exacerbated by a religious and cultural value system that requires

husbands to support their wives and makes women financially dependent on men. As a result, women are underrepresented in the political and economic spheres.²³

10. Gender roles are reinforced and reinfused through several mechanisms and as a result, citizens become socialized into thinking that these discriminatory practices and beliefs are the norm as they become part of the everyday narrative and practice.

First, they are reinforced through laws that promote the current patriarchal system. Gender roles are institutionalized in the law, mainly through the application of the Personal Status Law, which places the financial responsibility on the husband and requires a wife to get her husband's consent to work outside the marital home.²⁴ Gender roles are also reinforced through laws that promote the current patriarchal system. For example, the electoral law, which is based on one-person one vote system, limits women's participation in parliament. Through this system, votes are usually casted to serve the interests of tribe or family and since politics in Jordan is mostly male dominated, women's chances to win a seat in parliament through competition remains limited.²⁵

Second, they are reinfused through Jordanian educational curricula, which limits the role of women to the private sphere. A revision of Jordanian primary school curricula showed that women's roles in these textbooks were misrepresented and limited to the private sphere as housewives and mothers. When they were presented in the public sphere, it was only as teachers and nurses, which are already stereotypical professions. The textbooks, which were revised, included 10 professions for women entailing a single dress code, and

120 professions for men mainly revolving around building and protecting the country.²⁶

Third, they are reinfused through the media which in many cases produce content that promotes gender stereo types and questions women's ability to perform successfully. Additionally, women have been underrepresented in private and public media platforms, as a media assessment found that the percentage of gender and women related news did not exceed 5% in the first quarter of 2019.²⁷

Fourth, they are reproduced through the teaching (fatwas) of religious figures which is based on their own interpretation of religion - in many cases influenced by their own personal beliefs and is not an accurate interpretation of religious texts.

- 11. Legislation and social norms in Jordan, place the financial responsibility on men, and see women as dependents. Through this structure, men have access to and control the majority of wealth and resources, which places women in a disadvantaged position.** In 2018, only 14.6% of women were economically active. Additionally, research shows that many Muslim and Christian women are coerced into giving up their inheritance rights to male members of the family like brothers, leading to their economic disempowerment. The most recent data on the ownership of resources shows that in 2017, women owned 16.7% of land and 23.7% of apartments.
- 12. Patriarchy in the self:** gender discrimination is heavily ingrained in the Jordanian political, religious, social, and economic systems. When that happens, Joseph argues that patriarchy becomes part of one's psyche or sense of self, and this is largely the reason why patriarchy has been endured for this long.

To achieve and enhance gender equality in Jordan, this research recommends the following:

To policy makers

1. Amend Article 6(i) of the Constitution – by adding the word ‘sex’ - in order to clearly denounce and prohibit gender-based discrimination.
2. Amend the Nationality Law, while taking into consideration practices of other countries from the region that have successfully amended their nationality laws, to ensure equality between women and men and to enable Jordanian women to pass their nationality on to their children and spouses.
3. Associate relevant family information to national ID numbers, hence eliminating the need for a separate family registry book.
4. Remove the articles in the Civil Status Law that define the head of the household.
5. Reform the Penal Code to remove all articles relating to the concept of honor and family honor.
6. 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’.
7. 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.

To religious institutions

1. Appoint women in decision making circles of religious institutions (specifically, appoint women judges in Sharia courts).
2. Ensure that Sharia courts and other religious institutions harmonize their norms, procedures and practices with international human rights standards.
3. 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.
4. 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.

To civil society

1. Promote collaboration between civil society and religious institutions such the Supreme Judge Department to correct misconceptions around religion and discriminatory social norms.
2. 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.
3. 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.
4. Enhance women and men's awareness of women's rights and the means of enforcing them.

1. Introduction

In the early years of Jordan's establishment as a national state, women's integration into the public sphere was recognized as an inevitable and necessary step in the direction of modernity and advancement. This however was not welcomed by all; while some groups advocated for the advancement and liberation of women, others resisted it and believed that the traditional role of women should be preserved.

And so, women had to fight to secure their civic and political rights. They organized and participated in multiple demonstrations between the 1940s and 1970s calling for equality, women's suffrage and their right to run for elections. Some of these demonstrations were circumscribed by the government, but eventually resulted in some legal reform. However, despite such reforms, women did not acquire their full and equal rights. For example, in 1955, the parliament voted for granting educated women the right to vote. While all Jordanian men could vote, the condition to have an elementary-level education was only placed on women. As a result, women's groups continued to demonstrate and campaign.²⁸

It was not until 1974, that King Hussein issued a royal decree to allow all adult women the right to vote and things started to improve slowly. However, such improvements were contradicted in 1976 when the Personal Status Law was passed; a law that maintains the traditional role of women, as wives and caregivers, and emphasizes them as dependents. As a result, women were placed on a 'dual axis of tradition and modernity'.²⁹

Today, almost 45 years later, gender inequality is still one of the major issues hindering Jordan's advancement as a country. The Constitution of Jordan does not explicitly prohibit gender

discrimination and in national legislation, men and women are not treated equally. Gender roles and identities remain rigid and stereotypical. As a result, women have not been able to fully integrate in public life.

In 2018, only 14.6% of women were economically active. Women's participation in the labor force was lower across all age groups when compared to men. The percentages drop aggressively as women get older,³⁰ which means that very few women assume leadership positions in their careers. Women are also found to work in certain industries and sectors; they mostly work in the public sector, mainly in education and health & social work.³¹ Women's political participation remains weak as well. The quota system, introduced in 2003, reserves 15 seats for women in the Lower House of Parliament. The allocation of women in municipal councils is 25% and around 12% of senate members are women.³² In 2018, 7 women were appointed in the cabinet of ministers, amounting to 25% of total ministers.³³

The CEDAW concluding observations on cultural stereotypes and gender roles have not changed since the year 2000. In the most recent report, the Committee expressed its concern over the 'persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which overemphasize the traditional role of women as mothers and wives, thereby undermining women's social status, autonomy, educational opportunities and professional careers.'³⁴ The Committee also noted that 'patriarchal attitudes are on the rise within State authorities and society, and that gender equality is being openly and increasingly challenged by conservative groups.'³⁵

Patriarchy refers to ‘male dominance over women’. When thinking about patriarchy, a series of questions should be asked: ‘is male dominance over women ‘natural’? Does it have biological roots? Or is it the product of social and economic forces? If so, what are those forces?’³⁶ Many scholars and theorists refuted the notion that male dominance over women is natural or biological and showed that it is in fact a product of social and economic forces.

The Jordanian society can be characterized as a tribal and patriarchal society, in which male dominance over women is still significant. The legal framework in Jordan still requires significant reform to achieve equality between men and women. While the government has taken small steps in the direction of gender equality, the lack of genuine political will to make the necessary changes remains the core problem. On the societal level, rigid gender stereotypes are deeply rooted in the Jordanian society – limiting women’s integration in the public sphere. This legal framework also places severe constraints on what women can do and what is expected of them.

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.

1.1 Methodology

This qualitative research is based on a thorough review of literature and legislation as well as 15 semi-structured in-depth interviews with key experts. In order to gain a comprehensive understanding of the topic, the experts were selected through a snow-balling technique, based on their expertise in

the fields of gender, law, development, education and *Shari’a* (see annex 1). In the interviews, the respondents discussed different issues of gender discrimination in Jordan along with their root causes and defined patriarchy in their own words. They also provided their recommendations on how to enhance gender equality in Jordan.

The design and analysis of the research was based on a theoretical framework by Suad Joseph ‘Patriarchy and Development in the Arab World’, which explores four forms of patriarchy: political, religious, social, and economic patriarchy. Together, these different forms of patriarchy ultimately result in ‘patriarchy in the self’.

1.2 Theoretical Framework

Patriarchy is not a new concept, nor is it unique to the Arab world. Many scholars and thinkers have analyzed this global concept over the years. Gerda Lerner, a pioneer of women’s history, defines patriarchy as ‘the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general’.³⁷

Gerda Lerner refutes the notion that male dominance over women is natural or universal, and shows in her work *The Creation of Patriarchy*, that patriarchy was created by men and women, at a certain point in history. She explains that as men hold positions of power in integral institutions in society, women are denied access to this power and consequently access and control over resources.³⁸

Another leading scholar, British sociologist Sylvia Walby defines patriarchy as ‘a system of social structures and practices in which men oppress, exploit and control women.’³⁹ She emphasizes the use of the term ‘social structure’ because it also rejects the notions of biological determination.⁴⁰

In her article, *Patriarchy and Development in the Arab World*, Suad Joseph writes about four forms of patriarchy: political, religious, social, and economic patriarchy which result in the fifth form of patriarchy: patriarchy in the self. Joseph defines patriarchy in the Arab context as ‘the prioritizing of rights of males and elders (including elder women) and the justification of those rights within kinship values which are usually supported by religion.’⁴¹

Political patriarchy: In most Arab countries, the family is considered the basic unit in society. Children usually inherit the national, religious and social affiliations of their fathers. Many also end up taking up their fathers’ affiliations and/or positions in government or relying on their fathers’ access to political resources to gain public services. Joseph refers to this as a ‘relational construct of rights’ which contrasts the notion of contractual rights found in other parts of the world.

Religious patriarchy: Joseph refers to religious patriarchy as ‘the privileges of males and elders in religious institutions and practices.’⁴² Islam is the official religion in most Arab states, and in most of them, the personal status laws are derived from Islamic law. This includes laws pertaining to marriage, divorce and inheritance. Joseph states that because religious clerics are males, ‘by placing personal status laws in the hands of religious clerics, most Arab states have given control over fundamental issues of daily life to males and elders.’⁴³

Social patriarchy: Two features define social structures in the Arab world. First, lineage is determined through the male line (descent is patrilineal). Second, family is the most basic and important unit in society. As a result, kinship and membership to certain kin groups determine one’s access to social networks and political resources and defines his/her religious and social identity. Therefore, ‘patrilineage is responsible to varying

degrees for the wellbeing and behavior of family members.’⁴⁴ While the centrality of patrilineal kinship infuses patriarchy in different spheres of societal life, Joseph explains that patriarchy is also produced independently throughout social life without reference to kinship.

Economic patriarchy: Joseph defines economic patriarchy as ‘the privileges of males and elders in ownership and control over wealth and resources, including human resources.’⁴⁵ She explains that, in most cases, males and elders are considered financially responsible for women and children in their family and as a result, patriarchal kinship is an important source of economic security for the latter group. While women and children may be economically active, their contribution is deemed secondary to that of males and elders. Through economic patriarchy, men and elders gain control over the majority of wealth and resources.

Patriarchy in the self: When patriarchy is heavily ingrained in social, political, religious and economic systems, it becomes part of one’s psyche or sense of self, and this is largely the reason patriarchy has been endured for this long. Joseph explains that ‘patriarchy in some Arab societies is linked to a ‘connective’ (or relational) notion of self: a sense of self that is embedded in relationships.’⁴⁶ This encourages women and men to see themselves in relationship to and as an extension of their families. This is where patriarchal connectivity emerges.

2. Gender Discrimination in the Law

According to Suad Joseph, two features define citizenship and social structures in the Arab world. First, lineage is determined through the male line (descent is patrilineal). Second, family is the most basic and important unit in society.⁴⁷ Joseph argues that the determination of lineage, nationality and religion by the male line, and its protection within the family institution, results in a 'relational construct of rights' – acquiring rights through a relation to others, as opposed to as an individual. This 'relational construct of rights' has important implications on the rights, responsibilities and wellbeing of citizens.⁴⁸

Indeed, the Constitution of Jordan considers the family as the most important unit in society; article 6(iv) stipulates that 'the family is the basis of society the core of which shall be religion, morals and patriotism; the law shall preserve its legitimate entity and strengthen its ties and values.'⁴⁹

While 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,'⁵⁰ the Constitution does not explicitly prohibit discrimination on the grounds of sex, which is something that Jordan has been criticized for over the years.

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'.⁵¹ While in theory, the constitution grants women equal rights to men, in national legislation, men and women in Jordan are not treated equally. Thereby, the constitution fails to prohibit gender discrimination.

“ We are still not full citizens, whether we like it or not. And everybody accepts it, men and women. That's it. ”

Dr. Amal Sabbagh, Gender Expert

“ I say women are not full citizens, because the minute you accept and can prove that women are not full citizens the rest is obvious. It's actually institutionalized in law, in structures. ”

Nermeen Murad, Gender Expert

“ The legal framework itself starts with the constitution which does not mention sex for equality among Jordanians and that allows great room for discriminatory laws... Our societies are paternally linked, which makes patriarchy official... It takes the social norm and makes it law - which governs everything in your life. Therefore you are not a citizen. ”

Dr. Abla Amawi, Secretary General of the Higher Population Council

When analyzing gender and citizenship in the Jordanian context, Abla Amawi refers to Charles Tilly's definition of citizenship which states that it is 'a direct relationship between the individual and the state' and ranges between 'thick' and 'fragile' citizenship.⁵²

Amawi argues that a Jordanian woman does not have a direct relationship with the state; rather this relationship is articulated through a mediator - her father, brother, or husband. She adds that while the state grants Jordanian women rights, some of these rights are 'only actualized through the males in the family, who have control over women's actions and conduct.'⁵³ **Thereby, the citizenship of a Jordanian woman is 'diminished'**.⁵⁴

The 'relational construct of rights' that Joseph refers to and what Amawi coined as 'diminished citizenship' can be understood when looking at various national legislation which are based on the concepts of patriarchy and patrilineality.

2.1 Nationality

The first nationality laws in Jordan were developed in 1929 and published as 'The Nationality Law of Transjordan'. They echoed the British nationality laws, which date back to the nineteenth century and are based on the notion of paternity.⁵⁵

In British nationality laws, British women could not pass on the British nationality to their children, and lost it if they married non-British men. British men on the other hand, could pass the British nationality to their children and non-British wives. The British Nationality laws were amended in 1981 and 1985 to enable British men and women to pass their nationality to their children.⁵⁶

Until 1987, the Jordanian nationality law not only deprived Jordanian women from the right to pass the nationality to their husbands and children, but also denationalized Jordanian women who married non-Jordanians. In 1987, and in response to lobbying by women's groups, the law was amended to allow women to keep the Jordanian nationality when they married non-nationals.

However, the law still maintains paternity as the source of nationhood.⁵⁷

Article 3 of the Jordanian Nationality Law No.6 of 1954 (amended 1987) states that the children of a Jordanian man shall be Jordanian.⁵⁸ A Jordanian man married to a non-Jordanian can automatically pass on his citizenship to his children, and to his spouse after a number of years. A Jordanian woman on the other hand, cannot.⁵⁹

Discrimination in citizenship is among the most prominent gender discrimination issues in Jordan. For years, civil society groups conducted nationwide advocacy campaigns asking for equality in the nationality law. In 2014, and in response to negotiations with a parliamentary legislative bloc asking for civil rights for the children of Jordanian women, the government offered privileges (*mazaya*) to the children of Jordanian mothers and non-Jordanian fathers.⁶⁰ Privileges are granted under the condition that mothers reside in Jordan for 5 years and include free access to public schools and health care, access to employment, permission to own property and invest, as well as special ID cards, driver's licenses and residence permits.⁶¹ A 2018 report by Humans Rights Watch states that many individuals who obtained the new identification cards did not experience significant improvement in their situation. They reported still being treated as foreigners by many governmental agencies. It is only in health services that the children of Jordanian mothers reported improvement.⁶²

2.2 The Family Registry Book

The family registry is an official document issued in the name of the head of the household, usually the husband, and lists other female members and children.⁶³ Article 38(b) of the Civil Status Law stipulates ‘if the Jordanian becomes the head of the household, he is issued a family registry book within 90 days of the marriage.’⁶⁴

The head of the household is defined in article 58(a) of the Civil Status Law as:⁶⁵

- the father, and in the case the father is deceased or lost his Jordanian nationality, the wife, and if the man has multiple wives, each gets issued a family book;
- the wife, if the head of the household is missing;
- the eldest unmarried son if both parents are deceased.

Article 59 states that a divorcee, widow or Jordanian woman married to a foreigner can be issued a family book if she wishes.⁶⁶ An official from the Civil Status and Passports Department explained that if a Jordanian woman gets divorced, she can be issued a family book, but her children remain registered in their father’s family book. If a Jordanian woman becomes a widow, she can be issued a family book and register her children with her. If she remarries, then she gets transferred to her husband’s family book, and a new family book is issued in the name of the eldest child. A Jordanian woman married to a foreigner can be issued a family book under her name, but she cannot register her children with her.

Amawi argues that the main problem with the registry book is the assumption that the head of the household is the male, who then becomes the mediator between the state and the family for any official and legal transactions.⁶⁷

The official from the Civil Status and Passports Department explained that the Family Book is becoming obsolete. While still required by law, in reality, the family book is only needed for very few transactions. He added that with the introduction of the e-government system, all data related to citizens is now electronic and shared easily between governmental departments – indicating no further need for a hard copy document such as a family book.

2.3 The Penal Code

The Jordanian Penal Code No.16 of 1960 is based on the Ottoman Law of 1858, which is derived from the French Criminal Law of 1810.⁶⁸

The law ‘criminalizes acts constituting sexual and physical violence, injury to reputation, and forms of harassment against women in the public sphere.’⁶⁹

Up until very recently, the Jordanian Penal Code allowed men a great deal of leniency in punishment for crimes committed against women. One example included article 98, which originally stated ‘he who commits a crime in a fit of fury caused by an unrightful and dangerous act on the part of the victim benefits from a reduction of penalty.’⁷⁰

The second was article 308, coined as the ‘rape law’, which allowed rapists to escape punishment if they married their victim for at least three to five years.⁷¹

In 2017, and after 20 years of advocacy and campaigning by civil society and women’s groups, the Jordanian Parliament voted to abolish article 308 and amend article 98 of the law. Article 98 was amended so that a perpetrator who commits a crime in a fit of fury does not benefit from mitigating circumstances if the victim was a female.⁷² 2018 witnessed the lowest rate of murders since the year 2008, as the percentage of murders against

men and women declined by 30%. Additionally, after the penal code was amended, crimes against women and girls dropped by 56% in 2018.⁷³

However, the law remains problematic mainly because many of its provisions revolve around the concept of honor or family honor, which in the Jordanian context is mostly associated with women. For example, article 324 states that if a woman causes herself to have an abortion in order to protect her honor, or if a person causes her to have one, in order to protect the honor of a female family member, they benefit from a reduction in penalty.⁷⁴

Similarly, article 340 addresses so-called honor crimes, and states that those who discover their spouse with another in an adulterous situation and kills wounds or injures one or both of them can benefit from a reduction in penalty. While this article originally benefited males only from mitigating circumstances, it has been amended in 2010 to offer females a reduction in penalty for the same crime.⁷⁵ The article is still considered problematic for all human rights advocates.

2.4 The Personal Status Law

Perhaps among the most debated issues in Jordan is the differences between the rights and responsibilities of Jordanian men and women in the Personal Status Law. The Personal Status Law No. 36 of 2010 is based on Islamic *Shari'a* and is executed by religious courts. Islamic *Shari'a* is based on provisions of the Quran, Prophet Mohammad's practices and teaching (*sunna*), informed opinion and interpretation (*ijtihad*), and case-based judgment (*qiyas*).⁷⁶ The law governs personal life and organizes matters relating to marriage, divorce, guardianship and others (for more details, see section 4.2).

The law differentiates between the rights and responsibilities of men and women in several ways:

First, the 'relational construct of rights' is evident in the Personal Status law as in many cases women are treated as dependents of men. For example, a woman over the age of 18 requires the consent of a male guardian to enter into marriage, unless she was previously married. A man over the age of 18 does not require the consent of a guardian to enter into marriage. The fact that by law, a woman cannot conduct her own marriage and needs a mediator to do so 'highlights the discriminatory concept of women as less equal emotionally, economically and intellectually.'⁷⁷

Second, while some articles of the law emphasize the concept of equality and partnership in marriage, others demonstrate the concept of reciprocity in marriage. An example of partnership is article 77 of the law which requires both spouses to treat each other with respect, affection and mercy and requires them to maintain the best interest of their family. Examples of reciprocity include: article 78 which states that a husband should not prevent his wife from visiting her family and a wife should obey her husband in matters that are within the law; article 60 which states that the wife has a right to financial maintenance even if she was living in her parents' house, however if the husband asks her to move to the marital home and she refuses, she loses her right to financial maintenance; article 72 which states that a wife is required to travel with her husband to a new home or to another country, and if she 'disobeys' him, she loses her right to financial maintenance.

Third, many articles of the law revolve around the concept of obedience. A wife is legally required to obey her husband and if she doesn't she is considered 'disobedient' (*nashez*) and primarily

loses her right to financial maintenance. Article 62 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.

Many articles in the Personal Status Law contradict the constitutional right of women. For example, article 23 of the Constitution states that ‘work is the right of every citizen’ however article 61 of the Personal Status Law 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.

For more details around gender discrimination in the Personal Status Law, see annex 2.

2.5 The Marriage Contract

Article 37 of the Personal Status Law states that a husband and wife have the right to add stipulated conditions to the marriage contract, as long as those conditions do not contradict with *Shari’a*. If the husband violates those conditions, his wife is entitled to file for divorce; if the wife violates the conditions, the husband may file for divorce and the wife loses her financial maintenance 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.⁷⁸ In practice, very few Jordanian women exercise this right, either because they are unaware of their rights, or due to societal and family pressures.⁷⁹

In the marriage contract, a man is automatically guaranteed his rights. However, a woman has to

add stipulations that the husband needs to agree upon first, to protect her constitutional rights. For example, article 9(ii) of the constitution states that ‘no Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specified place, except in circumstances prescribed by the law.’ Article 23(i) of the Constitution also states that ‘work is the right of all citizens’. However, unless stipulated in the marriage contract as otherwise, the Personal Status Law requires a woman to follow her husband and live where he lives and ask for his permission to work outside the marital home to qualify for financial maintenance.

As Massad puts it, ‘in signing a marriage contract without these listed protective clauses, a woman ceases to be a full citizen and is ushered into a different realm of juridical existence.’⁸⁰

2.6 Discussion

This section looks at gender discrimination in the Jordanian legal framework and finds four main issues:

First, there is a great disconnect between rights granted by the Constitution and rights and responsibilities found in various national laws. While the Constitution is based on principles of equality, various national laws discriminate between men and women. The failure of the Constitution to prohibit gender discrimination means that none of these laws can be challenged as unconstitutional.

Second, because family is the basic unit in society and citizenship structures are patrilineal, a Jordanian woman’s relationship with the state is in some cases articulated through a male mediator, which results in her diminished citizenship.

Third, the Personal Status Law maintains the traditional role of women in the domestic sphere as wives and caretakers. It also assumes that men are responsible for the financial maintenance of women, and in return, women have the responsibility of obedience towards men. In the marriage contract, a man is automatically guaranteed his rights. However, a woman has to add stipulations to protect her constitutional rights. The Islamic *Shari'a* asserts that women and men have the right to enter conditions into the marriage contract and thereby this contract is the tool through which women can protect their constitutional rights. Many experts argued that in reality the marriage contract is not utilized by many women. This is because girls do not learn about their rights in schools and universities or by their families as they grow up. Additionally, according to social norms, a woman who wants to add conditions to her contract is in many cases negatively viewed as a 'strong' woman or a 'trouble maker' who is entering into the marriage with the wrong intentions. Many experts also placed the responsibility on religious institutions, as very few sheikhs take the time to explain to women what conditions they are entitled to add by law and *Shari'a*.

Fourth, several Jordanian laws, including the Nationality Law and the Penal Code are derived from colonial institutions of law that date back to the 19th century and heavily revolve around the notions of paternity and patrilineality. These laws have become institutionalized as part of the post-colonial national identity of Jordan until this present day.

It is important to note that the persistence of gender discrimination in the legal framework is also a result of discriminatory and rigid social norms. A 2017 study on gender mainstreaming in the 18th house of representative showed that 'the lack of

integration and mainstreaming of gender issues into the agenda of the Jordanian parliament has resulted in the absence of legislative drafting of gender-sensitive texts.' The study also showed that there is a lack of knowledge around the concept of gender among parliament members as 60% of members stated that they have poor knowledge about gender concepts. Additionally, 59.3% of members believed that men and women are equal in national laws and regulations.⁸¹

Some key experts interviewed maintained that gender discrimination in the legal framework is the root cause of gender based discrimination and patriarchy in Jordan. They explained that when women are not seen as full citizens by legal institutions, it is only expected that they are not treated as equals in other institutions such as the family and society. They believe that in order to tackle the issue of gender discrimination, the law should be amended first, and the rest will eventually follow.

3. Religious Institutions and Interpretation

Joseph refers to religious patriarchy as ‘the privileges of males and elders in religious institutions and practices.’⁸² As demonstrated in the previous section, the Personal Status Law is among the most debated legal texts in the gender discussion – mainly due to the differences between the rights and responsibilities of men and women. The Personal Status Law No. 36 of 2010 is based on Islamic *Shari’a* and is executed by religious courts. Joseph argues that since religious figures are male, the fundamental issues of daily life – regulated through this law - are placed in the hands of men. Thereby, religious institutions re-infuse patriarchy in different aspects of daily life.

3.1 Shari’a and the Personal Status Law

When looking at the issue of gender equality in Muslim family laws, Ziba Mir-Hosseini makes two important arguments:

First, one must distinguish between *Shari’a* and *fiqh*. *Shari’a* is ‘the sum of total religious values and principles as revealed to the Prophet Muhammad to direct human life.’⁸³ *Fiqh* is ‘the process of human endeavor to discern and extract legal rules from the sacred sources of Islam: that is, the Qur’an and the Sunnah (the practice of the Prophet, as contained in Hadith).’⁸⁴ In other words, while *Shari’a* is sacred, *fiqh* is temporal, based on human interpretation.⁸⁵

Many commonly mistake *fiqh* with *Shari’a*. Conceptually, *Shari’a* is not a set of laws, it is closer to ethics and ‘embodies ethical values and principles that guide humans in the direction of justice and correct conduct.’⁸⁶

Second, one must distinguish between the different categories of rulings: *ibadat* or devotional acts and *mu’amalat* or contractual acts. Devotional acts ‘regulate relations between God and the believer’ and have limited scope for change. Contractual acts on the other hand ‘regulate relations among humans and remain open to rational considerations and social forces.’⁸⁷ Since human affairs are continuously changing, new interpretations of the texts are needed to cater to changing realities – which is where *ijtihad*, or self-exertion, comes in.⁸⁸

Mir-Hosseini argues that in the interpretation of religious texts, jurists were guided and influenced by gender assumptions that reflected the social and political context as well as the normative values of their time. These time-bound and patriarchal assumptions were treated by subsequent generations as permanent *Shari’a* principles. This was done by infusing social norms into *Shari’a* ideals and by not allowing marriage and the family rulings to be open to rational discussion, as if they belonged to the category of *ibadat*.⁸⁹

In fact, the first ever transformation of *Shari’a* into coded law was in the Ottoman civil code enacted in the 1870s. In 1893, the Egyptian justice minister, Muhammad *Qadri* Pasha, was the first to coin the term ‘personal status’ when he published a book entitled *The Shari’ah Provisions on Personal Status*. The book included articles on marriage, inheritance and divorce. More transformations followed in the 1920s with the aim of ‘facilitating the governance of the modern nation-state – the modality through which “we” were to become modern while remaining traditional at the same time.’⁹⁰

3.2 Religious Institutions

Article 103(ii) of the Jordanian Constitution grants religious institutions direct authority over personal status matters, and states ‘matters of personal status are those which are defined by law and in accordance therewith fall within the exclusive jurisdiction of the *Shari’a* Courts where the parties are Muslim.’⁹¹

As the Personal Status Law is based on religion, it is highly dependent on the interpretations of religious institutions. Religious institutions such as the *Shari’a* courts, the General *Iftaa* Department and the Supreme Judge Department are predominantly male dominated. Similarly, ecclesiastical courts that regulate personal status matters for the Christian communities are also predominantly all males.

The research found that some women work at the Supreme Judge Department but only in the family reconciliation unit in Amman. In addition to family reconciliation, the unit also oversees cases in which the marriage of a minor (upon completing the age of 16) is requested, assesses these cases and makes a recommendation to the judge who then rules. 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 Islamic and Christian religious institutions as 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-to-day 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.

3.3 Discussion

As discussed previously, the inequality between men and women in the Personal Status Law is one of the most debated issues in the gender discussion. This section sheds light on the arguments made by Ziba-Mir Hosseini which maintain that the issue of discrimination stems from the interpretation of religious texts, rather than religion itself.

“ There should be women in religious institutions, to create some balance at the very least. Women today work as judges in civil courts, and many are more qualified and have more integrity than many male judges. ”

Dr. Hayel Dawoud, Professor of Shari’a at the University of Jordan

“ There are no women in courts that govern personal status matters; they are all men. This becomes problematic because not all women are comfortable with discussing private matters with men, and these men do not understand all the details concerning women’s needs and expenses. ”

Dr. Ayam Halaseh, Policy and Institutional Development Component Lead at USAID Takamol

Some religious and legal experts interviewed agreed that religious jurists and scholars who interpreted religious texts were influenced by gender assumptions that reflected the social and political context and the normative values of their time. They also agreed that these interpretations are not sacred, but are in fact temporal and should be continuously re-examined to reflect the realities of the time. Dr. Hayel Dawoud states “because the law is based on how scholars understand and interpret the provisions of Shari’a, there is no problem in re-examining these laws every now and then to ensure that they take into account the social and economic changes of the time.”

The second issue was with religious institutions and key experts confirmed that Muslim and Christian religious institutions are predominantly male dominated. Experts stated that there are no religious texts or laws that prohibit women from being part of religious institutions, only social norms.

They also added that it is not only because it is the social norm, but that some scholars question women’s ability to assume such positions. “Religious scholars have different opinions on whether a woman is capable of working as a judge, however there is no law in the Supreme Judge Department that prevents this.” Dr. Ahmad Harasees.

4. Discriminatory Social Norms and Practices

The citizenship structure in Jordan has been discussed in depth in the previous sections. It is patrilineal and places emphasis on the family as the most basic unit in society. On the one hand, Joseph explains that this has implications on the wellbeing of citizens. On the other hand, this results in inequality between men and women in the private and public spheres and the production of gender roles in society. While the centrality of patrilineal kinship infuses patriarchy in different spheres of societal life, Joseph explains that patriarchy is also produced independently throughout social life without reference to kinship.

4.1 Stigmatization as a result of Patrilineality

With the family unit being the most crucial structure in society, membership to certain families gives individuals access to social networks, political resources and status. The opposite is also true for those individuals who do not fall within the traditional social structure and thereby find themselves struggling to survive in a patriarchal and patrilineal society. In Jordan, two groups constitute the extreme cases, individuals deprived of family ties and the families of Jordanian women married to non-Jordanians.

Individuals deprived of family ties are those who are born out of wedlock and lost family care as a result. They include those whose father is unknown, have been abandoned as children and children of incest. Due to having lost family care, they live in residential care centers up to the age of 18. After leaving the centers, they are expected to survive in a society, which is heavily reliant on family ties, without having a family of their own.⁹²

Because of their 'origin' - being born out of wedlock - and their circumstances - being raised in a care center - they are heavily stigmatized by society and this can be seen by the labels used to describe them. This starts with the use of terminology like 'illegitimate' and 'foundlings' in Jordanian legislature. While the use of such terminology is not intended to deny any individual his/her right, it certainly does contribute to the spread of a social stigma that is harmful to them on a social level. The use of such terminology in formal institutions also encourages its spread and use throughout all levels of society. Such spread is notable in the terminology used by various media outlets - including 'illegitimate', 'children of sin' and 'foundlings' - in their coverage of this issue throughout the years.⁹³

The families of Jordanian women married to non-Jordanians are also socially excluded in Jordan. When Jordanian women are denied their right to pass on their nationality to their children, their families are treated as foreigners. The children of these families seem to bear the majority of the burden as they are constantly reminded that they are 'foreigners' and rejected by their surrounding environment.⁹⁴

Due to the legal and social hardships that Jordanian women married to non-Jordanians have to endure on a daily basis, these women end up feeling helpless in their own country and battle to secure a better future for their children in a patriarchal legal and societal structure.

4.2 Discriminatory Stereotypes and Gender Roles

For years, the Jordanian society has been based on rigid and traditional gender roles that place a higher value on women's reproductive roles. This has also been exacerbated by a religious and cultural value system that requires husbands to support their wives and makes women financially dependent on men. As a result, women are underrepresented in the political and economic spheres.⁹⁵

A 2018 study by the World Bank measured the extent to which social norms and beliefs affect women's work and found that at the household level, men are still the ultimate decision makers, as more than 90% of female respondents said that the opinions of male family members (mostly husbands) in their decision to work is important or extremely important. Additionally, it found that marriage, child bearing and the responsibility of maintaining household chores are key factors that limit women's economic participation.⁹⁶

The key experts interviewed all spoke about cultural stereotypes and gender roles in Jordan and their impact on women's roles in the private and public spheres. They discussed power relations within the household. Dr. Salma Nims stated that it is an issue of power and control, which has become part of the narrative "the concept of the right to control: the problem is not with her going out, it's about him having the right to make that call. It's about him continuing to have a say in this. This is in our discourse and our language." In some cases, the 'right to control' is socially expected of men, which Dr. Salam Mahadin refers to as toxic masculinity:

"Toxic masculinity is when there are expectations placed on men; sometimes he does not want to control his sister, but he is pressured by society

to meet these expectations. They both [men and women] face challenges, related to social, cultural, political and economic expectations." Dr. Salam Mahadin.

Gender roles are institutionalized in the law, mainly through the application of the Personal Status Law, which places the financial responsibility on the husband and requires a wife to get her husband's consent to work outside the marital home.⁹⁷

“ I started looking at school textbooks and the first observation was that the national identity in Jordan, is militarized and masculinized. Looking at verbs and action words, almost all static verbs were associated with female actors, and action verbs with males. Then the nouns that were used to describe men were nouns of authority, for example 'sultan', 'king', 'prince', or nouns relating to science and knowledge, like 'scientist', 'thinker', 'philosopher', or 'inventor'. For women, five nouns were used. The first category was relational positioning 'his mother', 'his aunt', this is relational positioning to male. The second category, related to caretaking, 'nurse' 'the caring grandmother'. [Female] 'doctor' was used only once. ”

Dr. Wafa Khadra, Associate Professor and Dean of the Faculty of Languages and Communication at the American University of Madaba

Gender roles are also reinforced through laws that promote the current patriarchal system. For example, the electoral law, which is based on one-person one vote system, limits women's participation in parliament. Through this system, votes are usually casted to serve the interests of tribe or family and since politics in Jordan is mostly male dominated, women's chances to win a seat in parliament through competition remains limited.⁹⁸

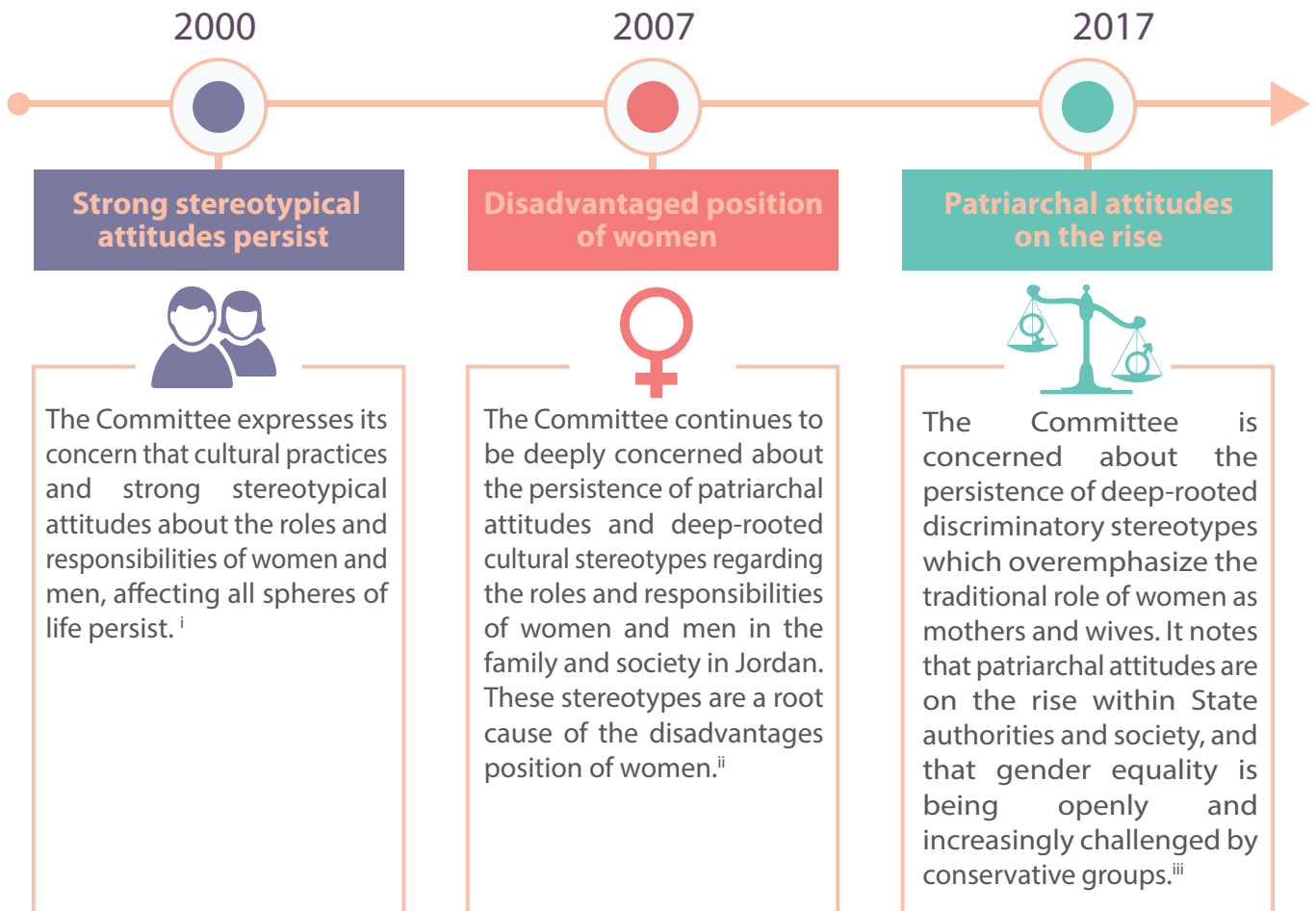
Furthermore, gender roles in Jordan are reinfused through Jordanian educational curricula. A revision of Jordanian primary school curricula showed that women's roles in these textbooks were misrepresented and limited to the private sphere as housewives and mothers. When they were presented in the public sphere, it was only as teachers and nurses, which are already stereotypical professions. The textbooks, which were revised, included 10 professions for women entailing a single dress code, and 120 professions for men mainly revolving around building and protecting the country.⁹⁹

Media outlets also contribute to reinfusing stereotypical gender roles and in many cases produce content that questions women's 'intellectual and moral ability to perform successfully'.¹⁰⁰ Additionally, women have been underrepresented in private and public media platforms, as a media assessment found that the percentage of gender and women related news did not exceed 5% in the first quarter of 2019.¹⁰¹

The CEDAW concluding observations on cultural stereotypes and gender roles have not changed since the year 2000 (figure 1). In the most recent report, the Committee expressed its concern over the 'persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which overemphasize

the traditional role of women as mothers and wives, thereby undermining women's social status, autonomy, educational opportunities and professional careers.'¹⁰² The Committee also noted that patriarchal attitudes are on the rise, and stated its concern that conservative groups are increasingly and openly challenging gender equality.

Figure 1 - CEDAW concluding observations on cultural stereotypes and gender roles



i UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Comments of the Committee on the Elimination of Discrimination against Women: Jordan, 2000, No. 38 (A/55/38), Paragraph 166.

ii UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Comments of the Committee on the Elimination of Discrimination against Women: Jordan, 10 August 2007, CEDAW/C/JOR/CO/4, Paragraph 19.

4.3 Discussion

This section explores gender inequality that results from social and cultural discrimination. It finds that patrilineal citizenship structures and the emphasis of family as the single most important unit in society impacts the wellbeing of citizens who do not fall within this traditional structure. The two groups that constitute the extreme cases are individuals deprived of family ties and the families of Jordanian women married to non-Jordanians.

Patrilineal citizenship structures result in the production of gender roles in society. Most key experts interviewed agreed that the Jordanian society is based on rigid and stereotypical gender roles and undervalues women's roles outside the private sphere. Indeed, the CEDAW concluding observations have not changed since the year 2000, noting its concern over the persistence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Jordan.

Gender roles are reinforced and reinfused through several mechanisms:

First, they are reinforced through laws that promote the current patriarchal system. Second, they are reinfused through Jordanian educational curricula, which limits the role of women to the private sphere. Third, they are reinfused through the media which in many cases produce content that promotes gender stereotypes and questions women's ability to perform successfully. Some experts stated that, as a result, citizens become socialized into thinking that these discriminatory practices and beliefs are the norm as they become part of the everyday narrative and practice.

“The narrative should not be that she is someone's daughter, sister or wife. She is herself.”

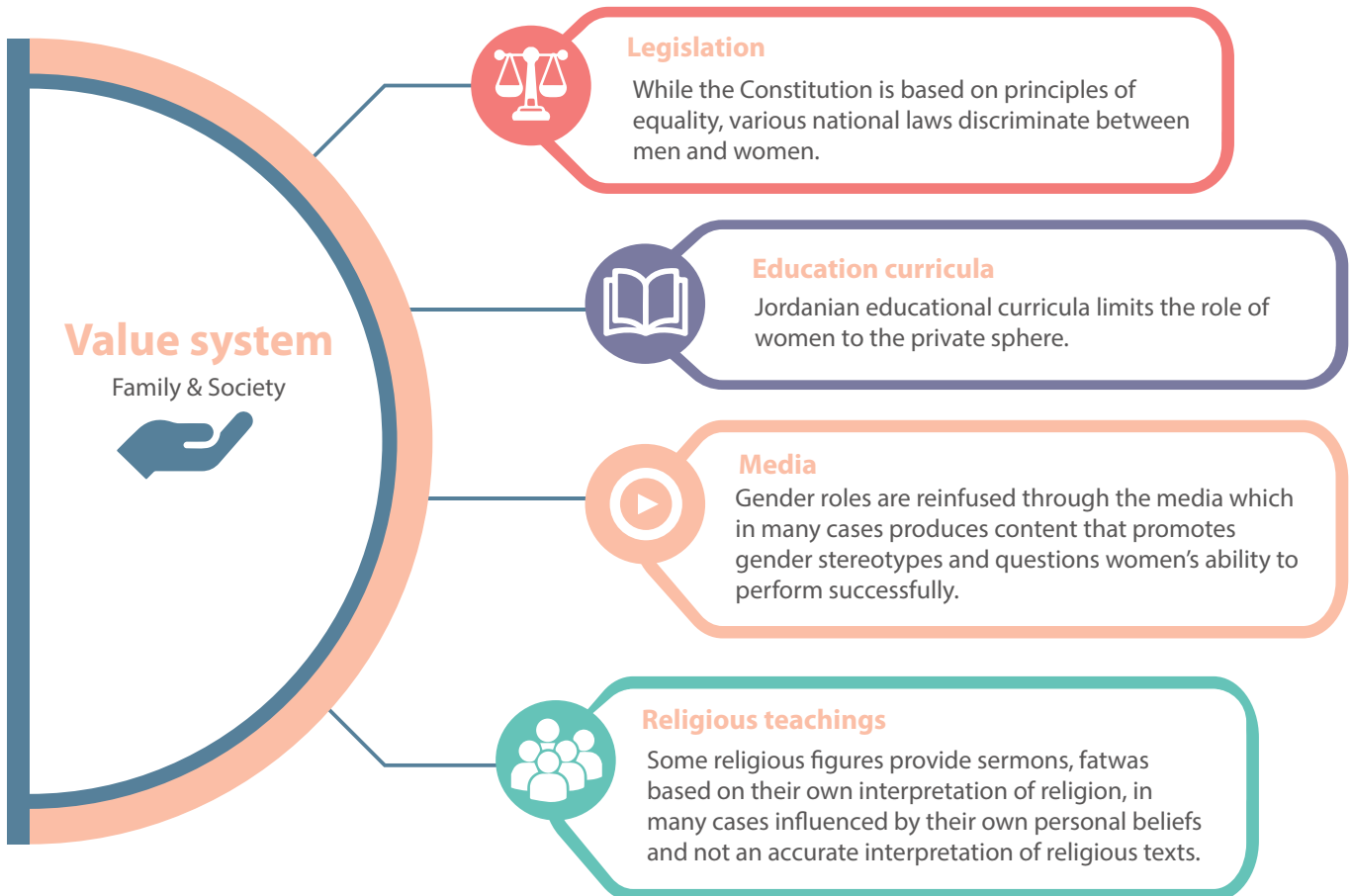
Dr. Thouqan Obeidat, Education Expert

“Even if you change the law, which we have, it doesn't change the practice. It's the culture, the whole idea of socialization, of the boys and the girls, to accept the status quo of authority and power relations. We are overpowered by our own socialization that is biased, because we are brought up like this, regardless of how much your family has challenged you, it is what you see around you.”

Hala Ghosheh, Gender and Development Consultant

Additionally, key experts stressed that many religious figures often provide sermons, fatwas, and advice based on their own interpretation of religion, which in many cases is influenced by their own personal beliefs and is not an accurate interpretation of religious texts. These interpretations then influence the beliefs and practices of many society members. Therefore, many start to treat cultural and social norms as sacred religious teachings.

Figure 2 – The production of gender roles in family and society



5. Economic Structures Disempowering Women

Joseph defines economic patriarchy as ‘the privileges of males and elders in ownership and control over wealth and resources,¹⁰³ including human resources.’ As discussed in the previous sections, legislation and social norms in Jordan, place the financial responsibility on men, and see women as dependents. Through this structure, men have access to and control the majority of wealth and resources, which places women in a disadvantaged position. Joseph explains that even if women are economically active, their contribution is deemed secondary to that of men.

5.1 Economic Participation of Women in Jordan

Indeed, the economic participation of Jordanian women remains low, despite their high educational attainment. In 2018, only 14.6% of women were economically active (this figure includes employed women and those seeking work). The unemployment rate of women reached 24.1%, compared to men’s unemployment rate, which stood at 17%.¹⁰⁴

Employment and unemployment data in 2018 shows that the participation of women in the labor force is lower across all age groups when compared to men. The percentages drop aggressively as women get older as demonstrated in Figure 1.¹⁰⁵ This means that they do not assume leadership and decision-making roles in their career lives. Women are also found to work in certain industries and sectors, they primarily work in the public sector, in feminized fields, mainly in education (29.7%) and health & social work (11%).¹⁰⁶

Figure 3 - Economic Activity (%) by Sex & Age Groups in 2018

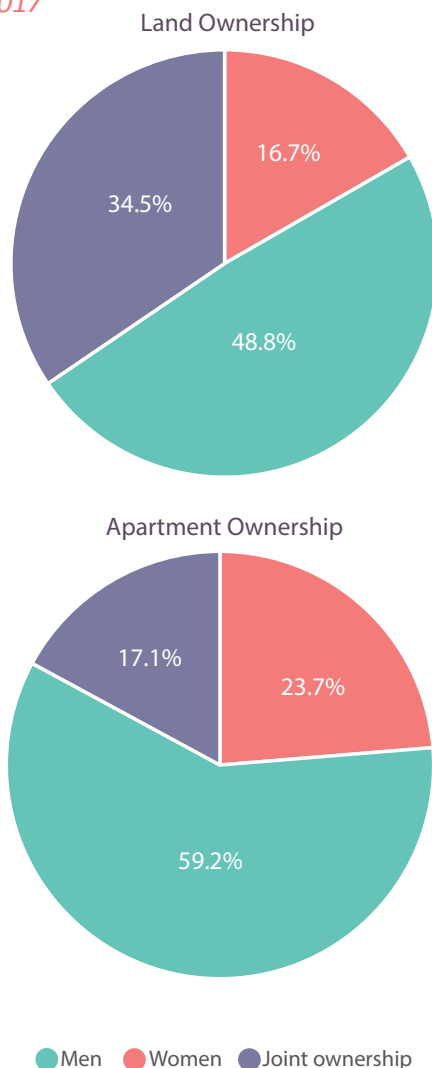


While many legislative amendments were made to increase women’s economic participation, including amendments to the Labor Law No.8 of 1996, the Social Security Law No.1 of 2014 and the Civil Service Regulations No.82 of 2013, the economic participation of women in Jordan remains staggeringly low. This is due to different structural, legislative and cultural factors that impede their participation. As mentioned in the previous section ‘social patriarchy’, gender roles in Jordan are still rigid and based on discriminatory social norms and attitudes, limiting women’s roles to marriage, child bearing and maintaining household chores. Men are considered the breadwinners, by law and according to societal norms, and thereby women’s work outside the home is seen as secondary and in many cases is conditional upon a father or husband’s approval.

5.2 Ownership and Control over Resources

Women's economic participation is not the only indicator of women's economic empowerment. It is also important to determine whether they have access to and control over resources including money, land and property. In 2017, women owned 16.7% of land and 23.7% of apartments.¹⁰⁷ While men own the majority of land and apartments, some is owned jointly by men and women: 34.5% of land, and 17.1% of apartments.

Figure 4 - Land and apartment ownership (%) by sex in 2017



Social norms also influence who has access and control over resources. As seen in the previous sections, the provisions of *Shari'a* place the financial responsibility on men, but they also maintain that women have full responsibility over what they own and earn. This means that a woman's husband has no authority over his wife's resources – her wealth is her own and under her disposal.¹⁰⁸ While many families uphold the former provisions, it is not always the case for the latter as many women are forced or pressured by social traditions to give up what is rightfully theirs.

For example, a 2014 investigative report found that Muslim and Christian women are coerced into giving up their inheritance rights to male members of the family like brothers. It states that 'these women are pressured by social traditions that do not permit women the right to inherit, or are blinded by their lack of knowledge in legal and Sharia law matters. The waiving of their rights happens as a result of legal loopholes, which do not criminalize these coercions. Worse, families maneuver within these grey areas to deny their daughters what is rightfully theirs.'¹⁰⁹

5.3 Discriminatory Laws

Jordan has made significant efforts to economically empower women and fully integrate them into the labor market. Such efforts include legislative amendments to the Labor Law No.8 of 1996, the Social Security Law No.1 of 2014 and the Civil Service Regulations No.82 of 2013. However some legal articles still discriminate between men and women.

In the Civil Service Regulations which apply to public sector employees, Article 25 states that a male employee is entitled to a family allowance of 20 JOD per month once married, or if the employee is

widowed, or divorced with children under the age of 18. A female employee on the other hand, only receives this allowance if her husband is disabled, or if she is the primary breadwinner, or if she is divorced and does not receive child support.

Another example is article 81 of the Social Security Law, which states that if a man passes away, his wife is entitled to receive his retirement salary as well as his daughter(s) and sister(s) as long as they are unmarried. If the wife, sisters, or daughters get married, they stop receiving his retirement salary. If they get divorced or widowed, they start receiving the salary again. This upholds the assumption that women are financially dependent on men.

5.4 Discussion

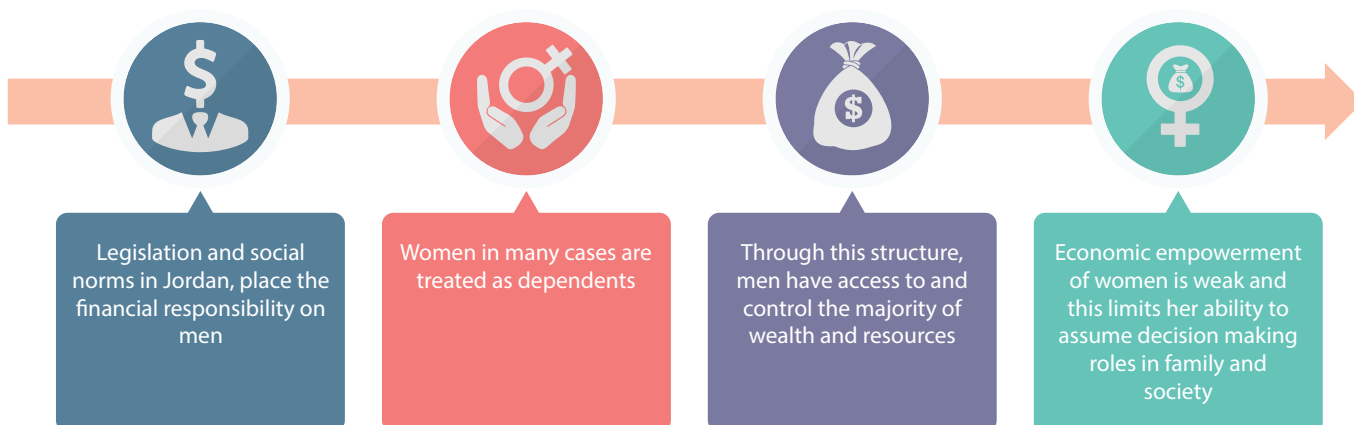
As discussed in the previous sections, legislation and social norms in Jordan, place the financial responsibility on men, and see women as dependents. Through this structure, men have access to and control the majority of wealth and resources, which places women in a disadvantaged position. This section sheds light on the economic empowerment of Jordanian women and find that in 2018, only 14.6% of women were economically active. The most recent data on the ownership of resources shows that in 2017, women owned 16.7% of land and 23.7% of apartments.

The majority of experts interviewed agreed that the economic disempowerment of Jordanian women is one of the most prominent gender discrimination issues in Jordan. They maintained that not only are many Jordanian women economically inactive but they also lack access to financial resources. They added that this economic model contributes to and is a result of the issue of power dynamics within families.

Some experts believed that removing the economic barriers to women's access to resources is one of ways in which gender equality can be achieved.

“If we reviewed legislation and removed all economic barriers, which means removing every single place where she needs to go through a mediator to access resources or where she has less access, we would have institutionalized equality, because the political and social processes will ultimately follow.”

Nermeen Murad, Gender Expert



6. Conclusions: Patriarchy in the Self

In the last few decades, Jordan was able to reduce gender inequality to a certain degree, through some legislative amendments as well as campaigns and initiatives targeting social norms. However, most experts interviewed agreed that this progress has come in the form of small and sporadic achievements over the years, and that Jordan has not been able to take the significant and necessary steps to radically improve the status of women and achieve gender equality.

This research found several legal, social and economic root causes of gender inequality in Jordan:

First, gender inequality is established in the law as many national laws discriminate between men and women and clearly define gender roles. The legal institution is also influenced by social norms, as research has shown that many parliament members have a poor understanding of gender concepts which impacts the formulation and amendment of gender sensitive legislation.

Second, in addition to the legal institution, other institutions also reproduce and reinfuse patriarchy into society such as education curricula which in many cases limits women's role to the private sphere and media which produces content that promotes gender stereotypes and questions women's ability to perform successfully.

Third, the voices of women are in most cases lacking in the decision making processes of Muslim and Christian religious institutions, which are male-dominated. As these institutions regulate matter of personal status, this means that the day-to-day issues of women are placed exclusively in the hands of men. Additionally, some religious figures

provide sermons and fatwas based on their own interpretation of religion, which are in many cases influenced by their own personal beliefs and not an accurate interpretation of religious texts. Thus, religious institutions also reinfuse patriarchy into society.

Fourth, as legislation and social norms place the financial responsibility on men, women are often treated as dependents and their economic participation is deemed secondary. Through this structure, men tend to have the majority of access and control over wealth and resources, resulting in the weak economic empowerment of women. All of these structures and mechanisms result in a value system in family and society that discriminates against women and considers them secondary to men. When that happens, Joseph argues that patriarchy becomes part of one's psyche or sense of self, and this is largely the reason why patriarchy has been endured for this long.

The experts interviewed were divided in their opinions on the direction that Jordan needs to take in order to tackle gender discrimination. The first group believed that gender discrimination in the legal framework is the root cause of patriarchy in Jordan. They explained that when women are not seen as full citizens by legal institutions, it is only expected that they are not treated as equals in other institutions such as the family and society. They believe that in order to tackle the issue of gender discrimination, the law should be amended first, and the rest will eventually follow. The second group argued that social norms and gender roles are rigid and even if the laws are reformed, real change will not happen before mindsets are changed. The third group maintained that legal and social reform have to go hand in hand to achieve gender equality in Jordan. This is especially true when it comes to addressing the power dynamics within the family and removing the economic barriers to women's access to resources.

7. Recommendations

To achieve and enhance gender equality in Jordan, this research recommends the following:

To policy makers

1. Amend Article 6(i) of the Constitution – by adding the word ‘sex’ - in order to clearly denounce and prohibit gender-based discrimination.
2. Amend the Nationality Law, while taking into consideration practices of other countries from the region that have successfully amended their nationality laws, to ensure equality between women and men and to enable Jordanian women to pass their nationality on to their children and spouses.
3. Associate relevant family information to national ID numbers, hence eliminating the need for a separate family registry book.
4. Remove the articles in the Civil Status Law that define the head of the household.
5. Reform the Penal Code to remove all articles relating to the concept of honor and family honor.
6. 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’.
7. 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.

To religious institutions

1. Appoint women in decision making circles of religious institutions (specifically, appoint women judges in Sharia courts).
2. Ensure that Sharia courts and other religious institutions harmonize their norms, procedures and practices with international human rights standards.
3. 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.

4. 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.

To civil society

1. Promote collaboration between civil society and religious institutions such the Supreme Judge Department to correct misconceptions around religion and discriminatory social norms.
2. 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.
3. 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.
4. Enhance women and men's awareness of women's rights and the means of enforcing them.

Annex 1 – List of Key Experts Interviewed

Key Expert	Position	Date of Interview
Dr. Amal Sabbagh	Gender Expert Former Secretary General of the Jordanian National Commission for Women	17 December 2018
Dr. Wafaa Khadra	Associate Professor and Dean of the Faculty of Languages and Communication at the American University of Madaba	12 December 2018
Dr. Ayman Halaseh	Associate Professor in Public International Law at Isra University Policy and Institutional Development Component Lead at USAID Takamol	08 January 2019
Nermeen Murad	Gender Expert Former Chief of Party of USAID Takamol	08 January 2019
Hala Ghosheh	Expert Development Consultant Former Director of the Gender and Social Fund	24 January 2019
Daoud Kuttab	Journalist and Director General of Community Media Network	26 January 2019
Dr. Lina Jazrawi	Freelancer Senior Researcher, Media Expert, and Writer	28 January 2019
Dr. Abla Amawi	Secretary General of the Higher Population Council Gender Expert	28 January 2019
Yaqoub Al Far	Lawyer and a Senior Partner at Yacoup Al-Far law	28 January 2019
Dr. Israa Tawalbeh	Jordan's first female forensic doctor	04 February 2019
Dr. Salma Nims	Secretary General of the Jordanian National Commission for Women Gender Expert	11 February 2019
Dr. Salam Mahadin	Professor of Translation and Cultural Studies at Al-Ahliyya Amman University	18 February 2019
Dr. Thouqan Obeidat	Professor and Educational Expert	18 February 2019
Dr. Hayel Daoud	Professor of Shari'a at the University of Jordan	03 April 2019
Dr. Ahmad Harasees	Human Rights and Women's Affairs Expert at the General Iftaa Department	04 April 2019
Malek Khasawneh	Civil Status and Passports Department	14 April 2019
Judge Basman Zoubi	Supreme Judge Department	27 June 2019

Annex 2- Musawah Overview Table on Muslim Family Laws and Practices: Jordan – Submitted to the 66th CEDAW session^{iv}

Women's capacity to enter into marriage	Polygamous marriage	Equality in rights and responsibilities during marriage	
<p>A woman requires the consent of a male guardian to enter into marriage, unless she was previously married and is over 18. A man over the age of 18 does not require the consent of a guardian to enter into marriage. The fact that by law, a woman cannot conduct her own marriage and needs a mediator to do so 'highlights the discriminatory concept of women as less equal emotionally, economically and intellectually.'¹¹⁰ (Articles 11, 14- 19 of the Personal Status Law).</p>	<p>A Muslim man may marry up to four wives, if he is able to treat all wives equally. The wife is only informed after the new marriage is contracted by the court. The Arab Women Organization of Jordan requested that the Personal Status Law of 2010 outlaw polygamy in Jordan. The Ministry of Islamic Affairs and Holy Affairs refused the request, claiming that it is unimportant.¹¹¹ In order to ensure that a man can financially support his wives, the judge has to check if the man has a monthly income over 500JDs.¹¹² (Articles 13a, 13b, 31, 34, 75, 79 of the Personal Status Law).</p>	<p>Marriage is not based on equality in the rights and duties of husband and wife, however it is based on reciprocity. The wife has certain rights with corresponding duties towards the husband and the husband has rights with corresponding duties for the wife.¹¹³ For example, the wife has a right to financial maintenance, and the husband has a corresponding right to require her to obey him and live under his roof. If the wife 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, she is considered disobedient and loses her right to financial maintenance. Law).¹¹⁴ (Articles 60- 62, 77, 78 of the Personal Status Law). The situation of Christian communities is the same under the Christian Canon Law.¹¹⁵</p> <p>Women's right to work outside the marital home: according to article 61 of the law, 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.</p>	
Divorce rights	Custody of children	Guardianship of children	Inheritance
<p>Unilateral repudiation by the husband (<i>talaq</i>) does not require court permission. A wife or husband may apply for judicial divorce, but the wife has to provide a valid reason for seeking divorce, while the husband does not. In cases of divorce based on strife and discord, a wife's testimony is not sufficient to prove harm; she must also have two witnesses. (Articles 80-84, 115-144, 126-127 of the Personal Status Law).¹¹⁶</p>	<p>Article 173 states that a mother has priority right to custody of her children until they reach the age of 15, at which point the child is given the option to remain with the mother until reaching the age of majority (18). A woman may retain custody longer if the child is sick and requires care. If a mother remarries, she loses custody, if the husband is not a close blood relative of the child (<i>mahram</i>). While the mother has priority right to custody of her children, in practice, the father may have a great deal of influence through his authority as a guardian.¹¹⁷</p>	<p>There is no equal right to guardianship. Article 223 specifies that a father is the legal guardian of his children, followed by the paternal grandfather, then court. Conflict arises when mothers have custody rights but no guardianship rights when it comes to making major decisions including school registration and transfer and travel.¹¹⁸ (Articles 223, 228, 230-233, 184, 176 of the Personal Status Law).</p>	<p><i>Shari'a</i> does not provide for equal divisions of assets for men and women. Christian communities in Jordan have their own ecclesiastical laws and courts that govern all personal status and family matters except for inheritance. Islamic inheritance laws are applied to the Christian communities.</p>

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