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Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan

Committee Opinion¹

Committee on Equality and Non-Discrimination

Rapporteur: Mr Valeriu GHILETCHI, Republic of Moldova, Group of the European People's Party

A. Conclusions of the committee

1. The Committee on Equality and Non-Discrimination congratulates the rapporteur of the Committee on Political Affairs and Democracy on her report and supports the proposed draft resolution.
2. While upholding the proposal to grant the Parliament of Jordan the status of partner for democracy with the Parliamentary Assembly, the Committee on Equality and Non-Discrimination reiterates that this decision is not the end of a process but rather the beginning of a new phase of strengthened parliamentary co-operation between the two institutions, which can be expected to be fruitful and beneficial to both and should be based on the shared commitments to human rights, democracy and the rule of law.
3. The committee deems the recommendations contained in the draft resolution timely and relevant. It also presents two amendments aimed at making some indications more specific.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, in paragraph 9.5, after the words “(in law and in practice)”, add the words “particularly in family law”.

Amendment B (to the draft resolution)

In the draft resolution, in paragraph 9.5, replace the words “fighting all forms of gender-based violence” with a separate paragraph worded as follows: “fight all forms of gender-based violence; undertake research and collection of reliable and comparable data on gender-based violence; ensure adequate funding for prevention measures and assistance and protection services for victims”.

1. Reference to committee: Bureau Decision, Reference 3990 of 30 September 2013. Reporting committee: Committee on Political Affairs and Democracy. See [Doc. 13936](#). Opinion approved by the committee on 25 January 2016.



C. Explanatory memorandum by Mr Ghiletschi, rapporteur for opinion

1. General comments

1. I would first like to congratulate Ms Durrieu on her detailed report, which gives an effective overview of the situation in Jordan under the angles that are relevant to the request for partner for democracy status with the Parliamentary Assembly.

2. The report of the Committee on Political Affairs and Democracy conveys the image of a country in transformation, where strong political will is driving constitutional and legislative reforms that were expected by the population, particularly by those who are more aware of democratic values. Jordan seems to be heading in the right direction and it can reasonably be expected to become even more open and democratic in the coming years. In this context, parliamentary co-operation between our institution and the Parliament of Jordan can only be beneficial to both sides.

3. I welcome the fact that the report takes into account one of the matters that are part of the mandate of the Committee on Equality and Non-Discrimination, namely gender equality, and makes a reference to violence against women. In this opinion, I will endeavour to supplement the report with additional information on gender equality and to deal with other subjects relevant to the mandate of this committee, namely racism and intolerance and the rights of persons with disabilities.

2. Gender equality

4. Jordan has developed in the last decades a vibrant women's civil society, counting over 120 non-governmental organisations active in fields including gender-based violence, humanitarian assistance, economic development and women's empowerment. I salute this vital component of Jordan's society, which represents an interlocutor for the authorities and can play a positive role both by providing relevant information on the needs and expectations of citizens, and by contributing to the implementation of legislation and policies to improve gender equality in the country.

2.1. Family law: divorce, custody and polygamy

5. Jordan has a dual legal system based on civil and religious law. The Personal Status Law (largely based on Sharia and customary law) is applicable to family law matters within the Muslim community. For the non-Muslim minorities, religious courts for the various denominations are competent on family and divorce. Jordanian family law still features provisions which are in breach of gender equality, such as the right of guardianship of a male blood relative over women until the age of 30 (as opposed to 18 for males). Inequalities subsist also concerning divorce (while men may divorce arbitrarily, and simply by pronouncing a ritual formula, women need to apply to a Sharia court and may be granted divorce only on grounds explicitly prescribed by the law).²

6. Polygamy is legal under Jordanian law for Muslim men, albeit not overly widespread in the country. The Parliamentary Assembly has consistently taken a stance against polygamy when it granted (and subsequently evaluated) Partner for democracy status to the Moroccan Parliament and the Palestinian National Council. I cannot but reiterate what has been said on those occasions. Polygamy runs counter to the dignity of women and equality between spouses and is not compatible with gender equality and non-discrimination as we understand them today. I wish to underline that polygamy is banned in a number of countries where Islam is the majority religion. These include Albania, Azerbaijan, Bosnia and Herzegovina, Tunisia and Turkey.

2.2. Family law: inheritance rights

7. As concerns the right to inheritance, the Islamic system is enforced both on Muslims and non-Muslim Jordanian citizens. In the majority of cases, the female heirs will receive a smaller share than the male ones. In addition, women are sometimes forced to relinquish their rights to inheritance through different means, including physical or psychological violence. In some cases, women refrain from demanding their entitlement, for lack of knowledge of their inheritance rights or for fear of being harmed by other heirs or of being abandoned. A report of 2012 of the Jordanian National Commission for Women pointed out that "in practice,

2. Factsheet on Jordan, Social Institution and Gender Index, OECD.

despite all conventions, covenants, and laws, women in Jordan do not enjoy their rights to ownership and inheritance due to continuous inequality in economic rights, which sustains women's economic subordination and dependency and makes them more vulnerable to violence and exploitation and other violations".³

8. That report added that the Jordanian Civil Law and the Provisional Jordanian Personal Status Law number 36 of 2010 have set forth a number of provisions that protect the inheritance rights of women. I deem it crucial that the Jordanian authorities ensure effective enjoyment and protection of such rights. As the aforementioned report recommends, it is advisable to criminalise all acts of coercion and deception that are taken against women for the purpose of depriving them of such rights. In addition, all discrimination between women and men in this field, and particularly any provision determining smaller shares for female heirs than their male counterparts should be abolished.

9. The numerous forms of discrimination on grounds of sex still present in Jordanian law are deeply rooted in the culture and mentalities and they appear difficult to amend overnight. Nevertheless, they are at variance with international human rights standards and the values of gender parity-based democracy that we share. The Jordanian authorities should therefore endeavour to achieve progress by initiating a public debate on the necessary reforms. In this, like in other matters, I encourage our Jordanian colleagues to keep an open attitude and not hesitate to make use of the experience of the various bodies of the Council of Europe. The Parliamentary Assembly should keep the same attitude and stand ready to co-operate in such a delicate, yet important field.

3. Violence against women

10. Despite the lack of official data on violence against women, studies and information made available by organisations providing assistance to victims show that the phenomenon is widespread, like in most other countries, and widely unreported. The survey on prevalence of violence against women compiled by UN Women, for instance, reports that (as at February 2012) 14.6% of women respondents declared that they had suffered physical or sexual violence at the hand of their intimate partner in the previous twelve months, and 23% during their lifetime.⁴

11. In the framework of UN Women's COMMIT initiative, the Government of Jordan has committed to end violence against women and girls and has "announced that it will develop and adopt a national strategy to combat violence against women and girls. Specific measures under the strategy will include legislative reforms to improve legal and judicial responses to violence against women in Jordan, in line with international standards; strengthened coordination efforts between key stakeholders and expansion of services for survivors of violence; as well as increased data collection on violence against women". I welcome this formal commitment and underline that the availability of reliable, comparable data is a precondition for designing and implementing effective measures to eradicate violence against women. Providing assistance to victims of violence, including in the form of shelters, is also of particular importance. I encourage the Jordanian authorities to spare no effort in this direction and to avail themselves of the co-operation of civil society organisations, which in most countries play a crucial role in this specific field.

12. Some progress can be registered concerning so-called "honour" crimes. The CEDAW Committee raised concerns about the reduced penalties for crimes committed in the name of so-called "honour". It also urged Jordan to review its legislation allowing rapists to escape punishment by marrying their victim. The non-governmental organisation (NGO) Freedom House reports that in the last few years sentences for "honour" killings have become harsher, and a specialised tribunal competent for this kind of cases was set up by the Ministry of Justice in 2009.⁵ However, Amnesty International's latest annual report claims that at least 12 women and two children, a girl and a boy, were victims of "honour" killings in 2014.⁶

13. Early marriages also remain a reason for concern. The legal age of marriage for women in Jordan is 18, but special dispensation for an earlier marriage may be obtained from law courts. In July 2015, UNICEF reported an increase in early marriages among Syrian refugees in Jordan.⁷

14. The Council of Europe Convention on combating violence against women and domestic violence (CETS No. 210, "Istanbul Convention") is widely recognised as a reference in this matter and is open to accession by non-member States. It would be advisable for the Jordanian authorities to take inspiration from

3. *Women's Rights to Inheritance – Realities and Proposed Policies*, Jordanian National Commission for Women, 2012.

4. *Violence against Women Prevalence Data: Surveys by Country*, UN Women, 2013.

5. *Countries at a crossroads: Jordan*, Freedom House 2012.

6. Amnesty International Annual report 2014-2015, Jordan report.

7. A study on early marriage in Jordan, 2014, UNICEF 2014.

the standards set out in the convention, which is based on a holistic approach encompassing prevention of violence, prosecution of perpetrators and protection of the victims (as well as integrated policies), and to consider acceding to it in the longer term. I also encourage the Jordanian delegation to follow the example of current partner for democracy delegations and designate a representative with the Parliamentary Network Women Free from Violence.

4. Political representation of women

15. In recent decades, Jordan has introduced positive measures to increase the political representation of women. At local level, 297 of the 970 municipal council seats are reserved for women, a quota of 30%. At parliamentary level, a quota reserved for women was introduced in 2003. The electoral reform of 2012 set out that 15 seats out of 150 in the House of Representatives were reserved for women. In 2013, 18 women were elected to parliament, 15 through the reserved quotas and three through proportional lists and the majoritarian constituencies.

16. The existence of an active civil society, with a large number of women committed to promoting equality and combating discrimination, should ensure that skilful, experienced candidates of both sexes may be found. However, accompanying measures, such as competence building, information and awareness-raising activities, should be set forth to make women's political representation sustainable in the long term.

5. The rights of persons with disabilities

17. Jordan signed the United Nations Convention on the Rights of Persons with Disabilities on 30 March 2007, and ratified it on 31 March 2008. The country is also party to the International Labour Organization (ILO)'s Vocational Rehabilitation and Employment Convention (No. 159), and to the Arab Agreement on the Rehabilitation and Employment of the Disabled. A Law on Disabled People's Rights was adopted in 2007 which replaced the previous law dating from 1993. In compliance with the law, a Higher Council for Disabled People Affairs was then established, with a mandate to, among others, draw up, review and follow up the implementation of policies relating to people with disabilities.

18. A report of the United Nations Economic and Social Commission for Western Asia (ESCWA) on the situation of persons with physical disabilities in Jordan⁸ takes stock of the implementation of the international and domestic legal obligations in this field. Availability of adequate services and accessibility of mainstream infrastructures, the report points out, are the main challenges.

19. In 2012, the first civil society shadow report on the implementation of the Convention on the Rights of Persons with Disabilities in Jordan was submitted to the relevant United Nations committee (CRPD).⁹ The report states that numerous actors have responsibilities in the field of disability in Jordan, with a certain complexity and overlap in their roles. This seems to be one of the biggest obstacles in the implementation of the United Nations convention.

20. Enhancing equal opportunities and independence of persons with disabilities and guaranteeing their full citizenship and active participation in the life of the community are challenges that require the commitment of all relevant actors. By signing and ratifying various international instruments and launching a national action plan, Jordan has shown political will to improve the situation of persons with disabilities. I encourage the Jordanian authorities and particularly fellow parliamentarians to strengthen anti-discriminatory measures based on a human rights approach. The Council of Europe Disability Action Plan 2006-2015, addressed to the governments of all member States, may be taken into account when designing and implementing relevant measures.

6. Racism, intolerance and discrimination on grounds of ethnic origin

21. Jordan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, without any reservations. The country's Constitution enshrines the right to equality before the law for all citizens without discrimination on the grounds of race, language or religion (this exhaustive list, as the rapporteur of the Committee on Political Affairs and Democracy rightly pointed out, raises questions about

8. *Mapping Inequity: Persons with Physical Disabilities in Jordan*, United Nations Economic and Social Commission for Western Asia (ESCWA) 2009.

9. *A mirror of reality: a tool for change – Civil society report on the status of implementation of the Convention on the Rights of Persons with Disabilities in Jordan* – CRPD Jordan, 2012.

protection from discrimination based on other grounds, including sex; the explicit mention of race is nonetheless reassuring under the angle of this particular ground of discrimination). In addition, the provisions of the Labour Code are applicable to workers irrespective of their sex, nationality (Jordanian or non-Jordanian), ethnic origin, colour and religion.

22. In recent years, with an increased presence of foreigners, including migrant workers, the country has witnessed numerous cases of discrimination. Human Rights Watch's World Report of 2014 indicates that hundreds of foreign migrants working in the industry, agriculture and domestic work reported labour violations and forced labour, but "government inspections and judicial redress remained lax". Investigators of the Ministry of Labour rarely classified domestic workers who had suffered multiple abuses from their employers as victims of trafficking.¹⁰

23. Another reason of concern, reported by the NGO Freedom House in its 2015 Freedom in the World report, is that although Jordan is making big efforts to host refugees from Syria and Iraq, those of Palestinian origin, irrespective of their citizenship, are denied access to the country. I share Ms Durrieu's appreciation of the efforts made by the Jordanian authorities to welcome and assist refugees, as well as the fact that refugees belonging to other minorities, such as Iraqi Christians, are accepted without discrimination. However, I wish to underline that all forms of discrimination should be avoided and the practice I referred to appears to be in breach of international standards in this field.¹¹

24. Since 1988, and increasingly in the last few years, the Jordanian authorities have been withdrawing Jordanian nationality from its citizens of Palestinian origin, making them stateless. They do so arbitrarily and without notice, by cancelling the so-called national number that each Jordanian is assigned as proof of Jordanian nationality.¹² This practice has been interpreted in various ways, but appears to be clearly in breach of national regulations on citizenship and a form of discrimination between Jordanian citizens based on ethnic origin. In 2012, a group of Jordanian intellectuals, political activists and media figures wrote to King Abdallah¹³ and urged him to end discrimination against Jordanians of Palestinian origin. Once again, Jordan's civil society shows its commitment and the potential to contribute to change. I hope that our Jordanian colleagues will listen to this voice and assume the important role that parliamentarians can play to tackle this form of discrimination.

25. Combating racism and intolerance in all their forms requires a variety of measures, not only in terms of sanctions but also of information and awareness-raising. I encourage our Jordanian members to co-operate closely with the Assembly in this field, particularly with the No Hate Parliamentary Alliance. They should not hesitate to designate a member to represent their parliament within the Alliance, which was recently opened to membership by observer and partner for democracy delegations.

7. Religious diversity and minorities

26. Jordan is committed to respecting religious diversity within its borders and in the region. Mr Heiner Bielefeldt, the United Nations Special Rapporteur on Freedom of Religion or Belief, praised the country as "a safe haven and voice of religious moderation".¹⁴ He noted that there is a positive atmosphere of tolerance, in particular between Muslims and Christians, which is also the result of the efforts made by the world of education, media, the administration and the parliament. On the other hand, he noted that some religious groups such as Baha'is, Druze and Evangelical Christians are not recognised officially and therefore face difficulties related to personal status.

27. I endorse Mr Bielefeldt's positive evaluation of the general climate of tolerance, all the more important in the region and in times of misuse of religion to justify violence. At the same time, I call on the Jordanian authorities to ensure that individuals belonging to all religious communities enjoy the same rights, without discrimination. The right to change one's religious affiliation, which is an integral part of freedom of religion, should also be consistently respected, and it is crucial that this does not lead to discrimination or any negative consequence for the individuals that may make this choice. Personally, I hope that parliamentary co-operation in the partnership for democracy will allow for fruitful exchanges also in this field.

10. Human Rights Watch, World Report 2014.

11. Freedom House, Jordan Country Report, Freedom of the World 2015.

12. Stateless Again. Palestinian-Origin Jordanians Deprived of their Nationality, Human Rights Watch, February 2010.

13. Anti-Palestinian Discrimination in Jordan – Now It's Official, Gatestone Institute, 2012.

14. Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum, Mission to Jordan, 2014.