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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour codes indicate whether the laws comply with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women, and recommendations of the country's Universal Periodic Review.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Jordan ratified CEDAW in 1992, but maintains reservations to Article 9(2) and Article 16(1)(c), (d), and (g). Jordan lifted its reservation to Article 15(4) in 2009. The publication of CEDAW in the official Gazette in 2007 had the effect of giving it the force of law.

Constitution

Article 6 of the 1952 Constitution guarantees equality before the law. Although women and men enjoy the constitutional right to equality before the law, the Constitution does not include an article addressing gender discrimination or prohibiting discrimination against women.

NATIONALITY LAW

NATIONALITY

Under the Nationality Law No. 6 of 1954, Jordanian women married to non-Jordanian men cannot pass their citizenship to their children or husband in the same way as men. In 2014, the government issued a statement promising to give sons and daughters of Jordanian women "Mazaya" (privileges).

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Protection from Domestic Violence, No. 15 of 2017. The law could be further strengthened by clarifying the definition of domestic violence crimes.

Abortion for rape survivors

Abortion is prohibited by Articles 321–325 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

There are no documented cases. There is no legal prohibition.

Sexual orientation

There is no specific prohibition of homosexual conduct in the Penal Code. There is lack of information about the application of criminal laws to penalize consensual same-sex conduct or expression of sexual orientation.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Sexual harassment can be punished as the offence of unwanted sexual contact under Articles 305 and 306 of the Penal Code. However, the scope of the law is unclear and on-line harassment is not addressed. Penalties are increased if the perpetrator is an employer or supervisor.

Human trafficking

The Law on Protection Against Trafficking of Humans No. 9 of 2009 provides comprehensive measures to address human trafficking.

Rape (other than of a spouse)

Article 292 of the Penal Code Law No. 16 of 1960 criminalizes rape. Any person who has sexual intercourse with a female, other than his wife, without her consent, whether by coercion or threat or deception, shall be sentenced to at least 15 years' imprisonment.

Femicide: Mitigation of penalty (so called 'honour' crimes)

Article 98 of the Penal Code was amended in 2017 to prevent reduction of penalties for 'honour' crimes. However, Article 340 has not yet been removed from the Penal Code. Article 340 allows for reduced penalties if a spouse is murdered when caught in the act of adultery.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 306–317 of the Penal Code.

Exoneration by marriage

Article 308 of the Penal Code exonerated a man in cases of rape or sexual assault if he married his victim. Article 308 was removed from the Penal Code in 2017.

Protective detention

Women and girls whose lives are at risk for reasons related to family honour may be forcibly detained in detention centres for their own protection under the Crime Prevention Law No. 7 of 1954. By-laws have been issued for a new system that will require women and girls who are at risk to be housed in shelters instead of being forcibly detained.

Adultery

Adultery is an offence under Articles 282–284 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The legal age of marriage is 18 years. However, a judge has discretion to consent to the marriage of a minor who is 15 years or older.

Male guardianship over women

A male guardian is required for an unmarried woman under the age of 40 (whether divorced, widowed, or single). The guardian's consent to marriage is required to a first marriage. There are weak codified protections for women under guardianship. A judge can overrule a guardian's objection to a marriage.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The wife owes a legal duty of obedience to her husband. Men have legal obligations to provide materially for their wives and children. The law allows the woman to add conditions to her marriage contract. Men can divorce unilaterally by talaq.

Polygamy

Polygamy is permitted by the Personal Status Law.

Guardianship of children

Fathers are the sole guardians of children.

Custody of children

The mother is entitled to custody until the child is 15. A mother loses custody if she remarries someone who is not a close relative of her former husband.

Inheritance

Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Constitution provides that "every worker shall receive wages commensurate with the quantity and quality of his work." The Labour Code (Law no. 8 of 1996) was amended by Law no. 14 of 2019 to prohibit gender discrimination in payment of wages.

Domestic workers

Migrant domestic workers have some rights as a result of regulations issued under the Labour Code in 2008. These regulate working hours and salary payments.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 27 of the Labour Code.

Paid maternity leave

Women have the right to paid maternity leave (90 days of leave for public sector workers; 70 days for private sector workers). This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Regulations issued under the Labour Code impose legal restrictions on women's employment in some occupations considered arduous or where they may be subject to health and/or safety risks. Women are also prohibited from night work except in roles specified by the Minister of Labour.