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LAW AND THE PROTECTION OF WOMEN FROM
VIOLENCE IN JORDAN

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A thesis submitted for the degree of

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Declaration

I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature:

Preface

Concern with the issue of violence against women should be fundamental in every society. This concern encouraged me to try to improve the way in which the legal system and its officials offer protection to women in Jordan. This study derives from personal and professional interests. Observing families and close friends who experienced violence has developed my interest in the subject. I started a master's degree in international relations at the University of Saint John's in the United States, where my knowledge grew in relation to international conventions and human rights treaties. This interest continued to grow when I started my own business in a furniture shop; while serving many customers I talked to them about personal matters. As a result, I became curious about these women and passionate to help them. It became apparent to me that many women in Jordan are victims of violence. I became a trusted friend to these women and that resulted in them asking me for advice and solutions to the problems they were experiencing. My personal involvement also made me realize the limited choices women face when dealing with issue of violence. Consequently, I decided to further my research into the issue of violence against women (VAW) in the context of Jordan. I wanted to identify the shortcomings of Jordanian legislation and develop adequate and effective measures to deal with VAW and provide women with better choices and protection. What is happening in Jordan is unacceptable and I think it is imperative to address these issues.¹ I wanted to investigate activist movements and women's rights organizations which work on VAW issues and assess the legal framework for protection of women against violence in Jordan. I paid particular attention to the presence of organisations

¹ For more information, I started reading newspapers, for instance, Jordan Times. Media, NGOs Address Awareness of Violence Against Women-Jordan. Published in 11/22/2005. By Rana Hussein. Accessed date 4/21/2012. Also, The Leadership Conference (WLP) Women's Learning Partnership. Women's Rights and the Arab Spring "Overview on the Middle East and North Africa". Accessed date 11/17/ 2011. United Nation, CEDAW. The Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/JOR/110 November 1997. English Original: Arabic. Accessed date 12/16/2011.

such as the Sisterhood Is Global Institute (SIGI) and the Department of Family Protection (DFP) in Jordan.

UNIVERSITY OF SUSSEX

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Abstract

There is a legal separation in Jordan between Sharia' (Islamic) Law and Civil Law. Both types of law come together to create criminal law that has a negative effect on women's rights. Laws in Jordan are evolving in the right direction but are not going far enough to protect women from violence. This study explores the issues of violence against women in Jordan through a study the Jordanian legal system and the experience of women who suffer violence. The working of the Jordanian justice system is presented by analysing the responses of state and non-state institutions dealing with violence against women. Included in the research is an analysis of feminist concerns with the law and the position of women in society. My concern is with the way in which women's inferior position impacts on their experience of violence and their ability to obtain redress and access protection. The methods used to complete this study included qualitative data collections such as field observations, and semi-structured participant interviews. It also extended to archival work in which I studied official reports and public policies on VAW. My study attempts to explain the structure of gender relations and women's experiences of violence in the context of Jordanian society by using feminist theory. The empirical work conducted in Jordan considered the effectiveness of law in serving victims. Further analysis considers how the Jordanian socio-economic and legal environment influences women's decisions on whether to seek help. The research found that there is a need to introduce better-developed law accompanied by additional policy measures to affect an essential change in attitudes. This requires changing some laws and policy programmes to increase awareness of legal rights. Additionally, I will suggest that applying Islamic law to women's rights can also give women more freedom and provide them with additional opportunities to access protection. The research identified a need for coherence between Civil and Sharia' (Islamic) Law in developing civil and criminal remedies which would align Jordan's domestic law to its international obligations.

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Chapter 1

1.1 Introduction

Many accounts from empirical research illustrate women's common experience of violence in Jordan. The lack of effective efforts to protect and provide women with better choices means they are often in no position to escape violence. Women fear losing reputation, their children, and respect. The prospect of divorce and losing the financial security attached to marriage means they are often prepared to tolerate abusive relationships rather than leave their spouse. Violence against women (VAW) is accepted as a widespread phenomenon in Jordan because of culture and social norms that devalue women and emphasise male role models.² Women may be subject to violence if they disobey their husband or behave in a way their husband dislikes. Women may not speak out against this kind of violence and there is a tendency for them to blame the abuse on themselves, seeing themselves as culprits rather than – or at least, alongside – their abusers.³ The lack of awareness of their plight and the unlikelihood of receiving an appropriate response from the courts means a large number of women have little or no faith in the legal system, which leads them to be unsure of what to do, and leaves incidents of violence unreported.

² Diab M. Al-Badayneh, 'Violence Against Women in Jordan' (2012) 27 Journal of Family Violence.

³ A Oweis and others, 'Violence Against Women: Unveiling the Suffering of Women with A Low Income in Jordan' (2008) 20 Journal of Transcultural Nursing. See also, Muhammad M. Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case of Jordanian Men' (2005) 33 Journal of Community Psychology.

The focus of this study is to address violence against women in Jordan. In many circumstances, this remains a taboo, a 'culture of silence'⁴, is practiced for the sake of the protection of family's reputation and status within the community. This study aims to investigate why women fear for their family's reputation if they speak out, and how society could overcome this. Women currently confront sexism within the Jordanian legal system.

Realistically, the complete eradication of violence may not be achievable, but it may be feasible to attempt to reduce the levels of violence and lift some of the restrictions of the law that protect families and help to conceal the violence (discussed in chapter four). It is my hope that this study will add to the debate on VAW and that it will encourage the development of a sustainable solution that will see women's rights respected to a higher degree and their security and safety within the family and the community greatly enhanced. This study is focused on VAW within families, which are typically male-dominated, and the influence of family honour upon the behaviour and attitudes of both men and women. I conducted empirical research in Jordan and drew my sample from four distinct groups. The first group of females I met were volunteers, all of whom had experienced violence, from different organizations such as Sister Hood is a Global Institute (SIGI) and the Department of Family Protection (DFP), prisoners detained in state prisons, and close friends of women who suffered violence. The second sample was made up of police officers that had been involved when women had experienced this kind of violence. The third group was made up from NGO representatives working on issues related to violence, for instance The Jordanian National Commission for Women (JNCW), and National Centre for Human Rights (NCHR). The final sample was comprised of lawyers (Legal Professionals) that had dealt with cases involving violence. My analysis was based on given descriptions of what had happened and how the legal

⁴ Cathy Malchiodi, 'Telling Without Talking: Breaking the Silence of Domestic Violence. Art Breaks the Silence of Domestic Violence' (*Psychology Today*, 2008) <<https://www.psychologytoday.com>> accessed 16 November 2015.

system had responded to it. I used qualitative research techniques such as interviewing and observing, document analysis and focus group sessions.⁵ Subsequently, I addressed the specific problems of the legal system by examining how cases of domestic violence have been handled in the Jordanian legal system and by presenting and analysing real life incidents of VAW in Jordan. Key features of family law in Jordan, which is built on Sharia law, not Islamic teachings, work to hinder women's access to civil rights in all aspects of life.

This study found that Jordan has taken certain steps towards decreasing the levels of VAW, but cultural and social norms still exist that exert control over women's daily lives and may even threaten their essential security needs. This thesis examines practical alternatives to the current law that could be adopted. In particular, I consider how strategies which can meet the diverse needs of different groups of women in Jordan could be developed in the fight for the elimination of violence against women. Clearly, the legal system has a responsibility to foster the adoption of values such as liberty and civil rights, and to develop the necessary awareness to deal with the broken family relationships that lead to violence at home. It is essential for the legal system to take a leading role in this struggle, in the hope that domestic situations will improve to such an extent that the law is needed less and less.⁶

The introductory chapter illustrates the prevalence of VAW in Jordan and briefly explains the methodological difficulties confronting my research, which are discussed in more details in chapter two. This chapter explains aims and objectives, and the outlines the structure of the thesis.

⁵ P Wood, *Successful Writing for Qualitative Researcher. Social Sciences- Research* (Routledge 1999). See also; Bryman, *Social Research Method* (4th edn, Oxford University Press 2001).

⁶ Jo-Ann Della Giustina, 'Violence Against Women in Intimate Partner Relationships: Community Responsibility, Community Justice' (2011) 11 Contemporary Justice Review.

1.2. Aims and Objectives

A life free of fear, oppression, violence and discrimination is universal human rights, and every woman in the world is entitled to it. However, for many women and girls in Jordan, the Arab region and worldwide, this fundamental human right is denied.⁷

The aims of the study are

- To gain insight into the levels of violence experienced by women in Jordan
- To investigate the legal system's response to violence which is experienced
- To suggest any changes to the system, which might offer, enhanced protection for women, in terms of law and application.

Related sub-aims are to probe the reasons for any deficiencies in the law or its application, to encourage male participation in the defence of women's rights in Jordan and to evaluate how far international conventions regarding women's rights have been able to influence policy and practice in Jordanian society, again with recommendations where any lack is found.

The motivation for this study is the certainty that without understanding the life experience of women who are victims of violence, listening to their voices and specific needs, it will be hard to implement programmes and policies to confront VAW. The hypothesis of this study is that the existing legal system does not support female victims of violence. The structure of the domestic economy, the difficulty for women to obtain a legitimate divorce, and the need for feminist jurisprudence in court to deal with domestic violence, which is based on the treatment of women in Islam, need to be confronted. If the legal system listened more to women affected by violence, it would be able to address

⁷ UN statement (Hussein, Jordan Times, 2010a).

the problem more effectively because policymakers would better understand the issues. CEDAW was signed by Jordan in the year 1980 and ratified in 1992, yet Jordan incorporated reservations with respect to several Articles, notably 9(2) relating to nationality; Article 15(4) related to freedom or liberty of housing as well as movement, and Article 16(1) paragraph (C), (D), and (G) relating to status of marriage, custody and personal issues.⁸ The reservation on Article 15(4) was formally lifted in May 2009; however, the final two reservations are still in force. On August 1, 2007, the publication of the Convention in the official gazette signified a fundamental move towards a willingness to adopt its full execution. This step was the result of constant efforts by many organizations working for women, and it would have the effect of incorporating CEDAW in its domestic legislation. Now any contravention of the convention can be questioned in court, but how effective this framework proves to be in practice remains to be seen. Moore notes that the rule of the legal system is a crucial element in the enhancement of freedom; empowerment and protection, so amending and enforcing law will reflect political and cultural differences.⁹ The next chapter 2, section 2.8. focuses on the methodological difficulties in explaining women's experience of the legal system with specific regard to cases of violence against them.

1.3 Research Questions

The research questions I was particularly interested to answer during this research project were:

- Have Jordanian government policies on violence against women (which use criminal and civil strategies to protect women) proved to be ineffective?
- If so, can any of the blame be attributed to government activity (or inactivity)?

⁸ Rana Hussieni, 'Jordan', *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, (1st edn, Freedom House 2010) <Open Element,

⁹ Moore, S. (Ed) 2004. *Law and Anthropology*. Oxford, Blackwell Publisher.

- Are there areas where the government can or even must do more to fulfil its responsibility to protect women from violence?
- How can the legal system give better assistance in the protection of women against violence?
- What is the role of NGOs in promoting safety for women?

Sub-objectives:

- To what extent do women seek help when they are the victims of violence and what are the factors that encourage or discourage their decision to do so?
- How is the legal system currently involved with the issue of violence against women?
- What legal aid is available for victims?
- Is it possible to identify obstacles that inhibit the law's effectiveness in protecting women against violence?
- Should the law or government policy create space for the work of NGOs in protecting women against violence?
- How can government policy and the legal system engage NGOs in the protection of women against violence?
- What roles should activists and lawyers play in protecting women?

1.4 Academic Studies

Many consider the research on violence towards women as a multidimensional problem as its influence range from families at the lowest level of society, and parliament at the highest levels, involving a multitude of issues. Violence against women is a social and health problem in societies across the world and it is generally understood that it evolved

from a husband's perceived right to control his wife.¹⁰ There has been less information on issues of violence against women in Arab society, as most of the research done have focused around western democracies.¹¹ The study conducted by Araj and Carlson (2001)¹² on Jordanian university students conveyed that it was the occupational status of the father and the educational qualification of the mother that had a significant impact on the perceptions by the students of the family's violence. VAW in Jordan is better understood in the light of the social and cultural context of a male-controlled ideology and system, where acts of violence against women are considered a method to exercise control, dominance, and power. There is an urgent need to dissolve the belief and practice in the Jordanian society that violence against women is a private affair.¹³

The research has witnessed the publication of numerous studies on the pervasiveness of violence in Jordan; the data can be gathered from journals, books and newspapers. Nonetheless, the available data for monitoring the scale as well as magnitude of the issue remains scattered and ambiguous.¹⁴ That considered, the data available on domestic violence is as follows:

¹⁰ G Ortiz-Barreda, C Vives-Cases and D Gil-González, 'Worldwide Violence Against Women Legislation: An Equity Approach' (2011) 100 Health Policy. See, Al-Badayneh, 'Violence Against Women in Jordan' (n 2).

¹¹ R. Btoush and M. M. Haj-Yahia, 'Attitudes of Jordanian Society Toward Wife Abuse' (2008) 23 Journal of Interpersonal Violence.

¹² S. K. ARAJI and J. CARLSON, 'Family Violence Including Crimes Of Honour in Jordan: Correlates and Perceptions of Seriousness' (2001) 7 Violence Against Women. P 586 – 621.

¹³ M Khawaja, 'Domestic Violence in Refugee Camps in Jordan' (2004) 86 International Journal of Gynaecology & Obstetrics. P 67–69.

¹⁴ I draw this thesis based on the review of the reports of national organizations, journals, newspapers and interviews with professionals working in the field of violence against women, for instance, during interviews with SIGI representatives and Mizan legal professionals: Interviewees FLP6, EOM 10. Reviewing some papers, for instance, G Tabet, 'Women in Personal Laws: Iraq, Jordan, Lebanon, Palestine, Syria' (*Women's Studies/Gender Research*, 2005) <<http://www.unesco.org/shs/gender>> accessed 19 November 2011. Also see, 'Interview with

1. Research is dependent on reports from organizations that provide services for victims. Each organization utilizes its own method for registration of the cases, so there is no uniform system of reference to avoid the registration of the same victim more than once.
2. Research that is based on interviews from representatives of different strata of society for the examination of certain issues pertinent to domestic violence. These issues include prevailing social norms and awareness among the general population.

There have been several reports and studies conducted in Jordan, which demonstrate the persistence of VAW, showing the true number of abused women and revealing the attitudes of legal professionals to the prevention and protection programs regarding family violence. For example, the study by the National Council for Family Affairs (NCFA) titled “Domestic Violence in Jordan: Knowledge, Attitudes and Reality”, published in 2008, is grounded in an investigation conducted in collaboration with the World Health Organization (WHO) in the year 2005. The examination attempts to give a proper definition to the term ‘domestic violence’. Drawing on information collected by their interviews, this study has concluded that, significantly, incidents of domestic violence are closely linked to physical violence.¹⁵

Leila Hammarneh, Projects Director, Arab Women Organization, Jordan: "Women's Rights Are Now on The Table" (2011) <<http://www.fidh.org/Interview-with-Leila-Hammarneh-Projects-Direction>> accessed 2014. See, 'Social Institutions And Gender Index (SIGI) | OECD Development Centre' (*Genderindex.org*, 2012) <http://www.genderindex.org>. accessed March 2013. R Husseni, 'Brother Kill 'Sister in Honour Crime of The Year'" *Jordan Times* (2011). <<https://www.hrw.org/.../jordan0404/jordan0404.pdf>> accessed 31 April 2015. Also, Hussein R, 'Princess Basma Calls for Changing Attitudes Towards Gender Violence' *The Jordan Times* (2011) <http://www.princessbasma.jo/index.php?page_type=news...2011> accessed 2013

¹⁵ National Council for Family Affairs and world Health Organization, 'Health and Violence' (WHO 2005). See, D Al-Badayneh, 'Violence Against Women in Jordan' (n 2). See, M Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse?' (n 4). Also, Khawaja, 'Domestic Violence in Refugee Camps in Jordan' (n 24). Also see, 'Country Reports on Human Rights Practices-Jordan' (*Refworld*, 2014) <<http://www.refworld.org>>.

It was hoped that the reports of the Demographic and Health Survey conducted in 2007 would contribute a better understanding of the extent of VAW, however the results of this survey were not considered during the preparation of this evaluation, although some of the statistical findings from the study, entitled ‘Violence against Women in Jordan’ (NCFA, USAID 2008)¹⁶ are in the following paragraph.

The data from the Family Protection Department for 2006 reported 1764 cases of violence (out of which 430 victims were women); the data from the Ministry of Social Development for 2006 reported 1200 cases of violence against females; The National Centre for Forensic Medicine in 2006 registered 120 sexual assaults against women together with 18 cases categorized as honour crimes; the Jordanian Women Union (JWU) statistics for 1999 – 2006 reported 775 cases that utilized the shelter services; and Sisterhood is Global Institute (SIGI) statistics for 2007 reported 225 cases of women who requested legal services.

All studies show that violence and abuse towards women by the husband, a rapist, or by a family member resulted in women continuing to live with limited choices and a low self-esteem. For women to be able to live independently and support themselves financially, there needs to be an end to this violence against them.¹⁷

One of the academic studies discussed by Awawdeh, which took information from her book *Violence Against the Wife in the Jordanian Society*, aimed to identify the most important types of violence prevailing in the Jordanian society by focusing on cases of polygamy, which is considered acceptable by both the constitution of Jordan and the prevailing social norms. In her study, she defines the suffering of wives as a form of

¹⁶ National Council for Family Affairs, 'The Reality of Violence Against Women in Jordan' (NCFA&USAID 2016).^[1]_{SEP} accessed 15 August 2012.

¹⁷ Gaby Ortiz-Barreda, Carmen Vives-Cases and Diana Gil-González, 'Worldwide Violence Against Women Legislation: An Equity Approach' (n 21).

social violence, concluding that VAW is very widespread in Jordanian society and that it is the most prevalent form of violence. Her study concludes that 56% of women in polygamous marriages experience violence. She identified verbal violence as another form of abuse, and the results suggest that over half of the wives in the study sample had experienced at least one form of verbal violence. Slapping is the most common form of physical violence, experienced by 62% of women who experience violence. In addition, threats of sexual violence reported in the study affect 48% of women, the same percentage as that relating to the threat of violence.¹⁸

It is important that to note the written report by Gavlak at the BBC News, which addresses the topic: 'United Nations Examines Jordan Women's Status' (15th March 2004). The report was based on a study conducted in Jordan to discover women's reactions to and involvement in economic and political aspects of their lives, while also examining the violence against women. The study revealed that DV against women still exists in Jordan and suggested that it will take stronger actions by governmental and non-governmental organizations if this is to be eliminated.

1.5 Methodology

This study used empirical methods of research by conducting field interviews by meeting with the victims, police officials, NGOs and officials in government organizations. I did not attempt to meet with the alleged perpetrators of the violence for obvious reasons, namely that it could place both me and the victims of violence in a dangerous position and encourage the men to be angry that their experiences were being discussed. It was important to be discreet. International and national NGO reports have also proved to be valuable sources of data on VAW, and the report conducted by WHO in 2005 is widely

¹⁸ Amal Awawdeh, 'Violence Against the Wife in The Jordanian Society, "Social Study of A Sample of Households in The Province of Amman' (MA, Graduate, University of Jordan 1998).

used in understanding VAW.¹⁹ This methodology was chosen because it is argued that it has the potential to provide a greater insight into the various aspects of the problem of violence against women in Jordan, and the necessity for change, both in government policies and people's attitudes. Furthermore, it can help place NGOs in a better position to help women in Jordan. The thesis adopted qualitative and quantitative methods, employing different methods of data collection to answer my research questions. This is a comprehensive piece of work with a wide range of the use of archival resources, semi-structured interviews, participatory action methods, focus group, and field observation.²⁰ I carried out interviews with lawyers and practitioners to get their perspectives on whether sentences in cases of VAW seemed appropriate. I focused on analysing restorative NGOs reports and interviewing NGO representatives where their efforts focused on wife beating and VAW in the country. Semi-structured interviews were used to incorporate the concerns of women, who experience violence, and participants were identified through community gatekeepers such as The Ministry of Social Development and NGOs working with women who are victims of violence, to decide whom it would be appropriate to interview. I wanted to compare the result between the first set of the interviewers and the second set to ensure that my research has a practical grounding.²¹ It is hoped that this can be useful in the development of regulations and laws for better protection women in Jordan against acts of violence. Other policies and protection measures and opportunities will be explored between the countries or the region, which means other Middle-Eastern Arab countries. My role was to investigate certain problems with the current research in order to ascertain exactly what needed to be researched and

¹⁹ I draw this method based on the review of theses reports of NGOs, WHO, and interview with legal professionals working in this field of women's rights.

²⁰ A Bryman, *Social Research Method* (4th edn, Oxford University Press 2001). Also, Peter Berger and Thomas Luckmann, *The Social Construction of Reality* (Penguin Books 1967).

²¹ L Finlay, "'Outing" The Researcher: The Provenance, Process, And Practice of Reflexivity' (2002) 12 Qualitative Health Research.

indeed why the study is important. Once this was completed, I would then be able to establish the research design and form a precise methodology. This also involved recognizing time constraints and coordinating the different stages of the study.

The next step was to focus on collecting data for the research problem, using processes like interviewing, sampling, and simple observation. Primary and secondary sources were utilized. I ensured procedures were in place to collect accurate and reliable data and to ensure that the integrity and confidentiality of the collected data was maintained at all times. After I had finished using the data for research purposes, it was archived properly. Next, I started analysing the available data to form my own ideas, testing the hypothesis that if the legal system were to listen to the experience of the women affected by violence, then there could be a development of the policies, based on a better understanding of those experiences and their effects. The next stage was to work towards verifying the findings. Verification involved testing both the reliability and validity of the research findings.²²

I worked with institutions to identify potential participants and discuss the possible risks associated with participation- for all that were involved. Before beginning the study, meetings were arranged with the participants to explain the study, its objectives, its importance and the high degree of privacy required from women, lawyers and institutions. Due to the nature of Jordanian society, with custom and tradition playing an integral role, there was considerable risk involved. Since this study is explores VAW, which is a sensitive issue, it could create a dangerous environment for both women participants of this study who experience violence and myself as an interviewer. I understood the implications, and that female participants subjected to violence intended to undertake measures to minimize the risk to themselves. In the unlikely situation that a

²²M Henn, M Weinstein and N Foard, *A Short Introduction to Social Research* (SAGE 2006). See, Cohen, L., Manion, L., and Morrison, K. 2000. *Research Methods in Education* (5thed.), London: Routledge.

participant should ask for help to avoid violence in the future, they would be provided with information on the nearest 'Battered House' or 'Women's Union' or other appropriate organization able to provide the kind of help appropriate to the participant's apparent needs. The nature of the study demanded special emphasis be placed on issues of safety and confidentiality. Also, there was a small risk to the respondents' emotional wellbeing because interviewees might be asked to discuss painful and difficult experiences.²³ The questions asked in the study were designed not to cause any unnecessary stress for the participants; however, if the interview process caused any negative reactions, participants were offered breaks and additionally given the opportunity to speak to a professional counsellor.²⁴ I had already contacted a counsellor in Amman, Jordan, who was willing to provide this support free of charge.

This research strategy came from a feminist legal theories perspective.²⁵ It examined the laws in relation to VAW in Jordan and the legal options women have under the current legal system. My empirical research intended to define the categories that will be used for describing which are women's rights. These categories came from the study of group conflict and increasing of number of violence cases.²⁶ It was hoped that the findings of

²³ A Garrett, *Interviewing Its Principles and Method: Purposes of Interviewing*. Family services Association of America, (1964). P 26

²⁴ Janet Finch, 'It's Great to Have Someone to Talk To: The Ethics and Politics of Interviewing Women', *Social Researching: Politics, Problems, Practice* (1st edn, Routledge and Kegan Paul 1984). pp. 70-87.

²⁵ M Fineman, 'Feminist Legal Theory' (2005) 13 American University Journal of Gender, Social, Policy and the Law in Fineman M and Thomson M, *Exploring Masculinities: Feminist Legal Theory Reflections* (Ashgate Publishing Group 2013). Also see, E Schneider, 'The Dialectic of Rights and Politics', *Feminist Legal Theory: Reading in Law and Gender* (1st ed, Westview Press 1991).

²⁶ John Gottman, 'Finding the Laws of Close Personal Relationships', *Methods of Family Research: Biographies of Research Projects Family Research. Volume I: Normal Families* (1st edn, Lawrence Erlbaum Associates publisher 1990). P 50.

this study would inform readers regarding the current discourse of VAW in Jordan, public policies, governmental institutions and women's groups' that responded to VAW.

1.6. Ethical Considerations

When conducting research such as I have done for this study, namely into an issue that has deep personal consequences for those involved, on a personal and on a societal level, and one which looks into violent and dangerous behaviour, it is especially important to be aware of ethical issues that may confront the researcher. These issues primarily revolve around the safety of the interviewees, but also include the safety of the researcher. They include the need not to antagonise or provoke any party, who may be involved in the domestic violence, as this could have unforeseeable consequences.

My first step towards meeting the ethical requirements was to ensure that every single participant in the study was fully aware of the purpose of the study and the way that any information gained from the study would be used. Assurances were given that the information would be confidential, and that all participants would be anonymous. The information was not to be distributed to anyone either involved with the participants or otherwise. Thereafter, the consent of each participant was requested, and of course, it was made clear that this consent was completely optional – there was no pressure at all to take part in the study. Since talking about the interviewee's abusive relationships could invoke stressful thoughts, a counsellor was made available to speak with, if necessary.²⁷ Finally, I was careful to go through all the recognised channels at the university and satisfy them that the research was going to be undertaken in a responsible way. Only after this was clearance to proceed obtained.

²⁷ Cotterill P, 'Interviewing Women: Issues of Friendship, Vulnerability, And Power' (1992) 15 Women s Studies International Forum.

1.7 The Social Political Background

In Jordan, the development of the women's movement goes back to the 1940s,²⁸ when women were active in political parties as well as national struggles.²⁹ In 1944, Queen Misbah (wife of King Abdullah I) first established a women's organization called 'Women's Solidarity Society'.³⁰ In 1944 Huda Sha'rawi, from Egypt, asked King Abdullah I for a permission to establish the 'Women's Union Society', which would have the approval of other Arab countries. In 1945, the 'Women's Union Society' was officially established.³¹ The president of this union was Princess Zain Al Sharaf. The organisation focused on fighting illiteracy.³² Both organizations followed the same strategies and focused on charitable works, and health and education promotion for those in-need.³³

Some women were influenced by western ideas and began to debate issues such as women's representative in political organizations, establishing women's organizations,³⁴

²⁸ Margaret Meriwether and Judith Tucker, *Social History of Women and Gender in The Modern Middle East* (Westview Press 1999). www.diss.fu-berlin.de/diss/servlet... In their book, they pointed to women's movement, discuss gender, and Islamic family law in the Middle East in a broad. Cf. Anderson Bonnie, *Joyous Greetings: The First International Women's Movement, 1830-1860* (Oxford University Press, 2000). P14.

²⁹ N Pratt, 'A History of Women's Activism in Jordan: 1946-1989' (*7iber* |, 2015). <http://www.7iber.com/.../a-history-of-womens-activism-in-jordan-1946-1989> accessed 2015

³⁰ Meriwether and Tucker, *Social History* (n 35).

³¹ *ibid* (n 35) 14.

³² *Ibid* 14.

³³ N Pratt, 'A History of Women's Activism in Jordan: 1946-1989' (n 36).

³⁴ L Ahmad, 'Women and Islam' From Oxford Islamic Studies Online' (2016) 213 The Oxford Encyclopaedia of the Islamic World in Oxford Islamic Studies Online.

obtaining higher education and becoming activists. These movements started in the form of social welfare movements, voluntarily headed by some societal members, which were similar to other charitable activities in the state.³⁵ Jordan achieved its independence from Britain in the year 1954 and henceforth became increasingly active. Thereafter, the establishment of The Social Affairs Department in 1951 was in need of voluntary assistance.³⁶ These movements led to the establishment of the Jordanian Women's Union in the year 1954 to fight for equal suffrage under the leadership of Emily Bisharat, who became the first female lawyer in Jordan.³⁷ The result was an atrial success; only women with a certain education were given the right to vote. After 1957, the Jordanian government encouraged women to join the workforce, particularly in the teaching and nursing fields. At the same time, women continued their work in charitable and welfare organizations. Some members of the Arab Women's Union of 1950 attended the United Nations International Women's Conference in Nairobi to synchronize activities in creating the Women's Union in Jordan in 1974.³⁸ Emily Bisharat, the president of the union, along with other activists, organized the celebration for International Women's Day as well as preparing the International Women's Year. The UN recognised this in 1975. This union was known as 'National Woman's Group in Jordan' and made improvements for women in the educational and socioeconomic sectors, as well as helping women to exercise their rights as citizens. All women in Jordan subsequently gained the right to vote and contest parliamentary elections.³⁹ The union membership grew, and branches were opened throughout Jordan, demanding more respect towards women in all areas of life. In 1979, women's movements developed further with the

³⁵ UN.org.watch, 'Combined Third and Fourth Reports of States Parties: Jordan' (n 17).

³⁶ Meriwether and Tucker, *Social History* (n 35).

³⁷ *ibid* (n 35).

³⁸ *ibid*.

³⁹ *ibid*.

appointment of In'am al-Mufti as the Minister of Social Development, the first ever-female cabinet member. Afterwards in Copenhagen, In'am al-Mufti and other female activists conceived the idea of The Ministry of Social Development – Women's Organizing at the United Nations Women's Decade in 1980, which became operative in September 5, 1981. However, their actions were limited by the state. Simultaneously, many women's organizations energized their actions and the beginnings of the democratic experiment emerged, which opened the door for women's NGOs. Many issues were addressed, such as abortion, domestic violence and nationality law.⁴⁰ In 1989, the opportunity arose to effect many changes after the involvement of Princess Basma. State feminism has helped women's advancement by openly discussing different issues, for example violence, abortion and legal reform.⁴¹ In 1993 the first woman candidate was elected as one of the members of the Lower House of the Jordanian Parliament and later many women candidates were elected in both the upper and lower houses.⁴² Further improvement came in 2002 because of the active involvement of Queen Rania through her NGO, The Jordanian River Society.⁴³ In the last five years, women have been consistently active in politics by exercising their civic voice in numerous manners. They have taken up advanced governmental positions in greater numbers and have been gaining appointments in ministerial positions as well as becoming lawmakers, with increasing frequency. Since 2004, an average of three ministerial portfolios have been designated to women in each cabinet. A quota system based on gender was also introduced for the first time in the lower house of parliament in the year 2003 and was

⁴⁰ *ibid* (n 35).

⁴¹ H Knopp and T Kronner, 'The Dynamic Of Women's Movement in The Arab World' (2003) <<http://www.princessbassma.jo>>. accessed 28 October 2013. Also see, Jabiri A, 'Jordan Shadow NGO Report' (*Jordanian Women's Union*, 2012) <[http://www2.ohchr.org/English/bodies/cedaw/doc/ngos/Jordanian Coalitionforthesession.pdf](http://www2.ohchr.org/English/bodies/cedaw/doc/ngos/Jordanian%20Coalitionforthesession.pdf)> accessed 2012

⁴² UN.org.watch, 'Combined Third and Fourth Reports of States Parties: Jordan' (n 17).

⁴³ Meriwether and Tucker, *Social History* (n 40).

extended to municipal councils in the year 2007.⁴⁴

This new chapter for women in Jordan affected the social and economic atmosphere.⁴⁵ Movements which started as charitable causes were adopted by many NGOs and governmental organizations and their combined efforts resulted in development of the National Framework for Family Protection in 2005, which aimed to develop a working strategy to provide anyone who experienced violence in the country with a support mechanism.⁴⁶ This led to the identification of other organizations that worked for support and rehabilitation of the victims of domestic violence, making them aware of their rights and responsibilities and of those engaged in the prevention of domestic violence against women in the country. This framework helps those organizations in a wide range of ways, and trains them to work more efficiently. The setup is trying to coordinate with three major ministries of the country. The Ministry of Social Development takes care of basic needs such as food and shelter, and the Ministry of Health most importantly takes care of their physical wellbeing, while the Ministry of Education develops technology in schools to improve the education levels of girls and thus women. This framework aims at improving the present policies of these ministries with respect to the improvement to the condition of women and simultaneously making new policies to meet the needs of the present day.⁴⁷

⁴⁴ Jabiri A, 'Jordan Shadow NGO Report' (n 49).

⁴⁵ Sanja Kelly and Julia Breslin, 'Jordan: Government Adopts Anti-Human Trafficking Law, Integrated Regional Information Networks (IRIN)', *Women's Rights in the Middle East and North Africa: Progress Amid Resistance* (1st edn, Rowman & Littlefield publishers 2010) <<http://www.irinnews.org/report.aspx?ReportId=82587>>. accessed 20 August 2012. See Snyder A, 'Transnational Dialogue: Building the Social Infrastructure for Transnational Feminist Networks' (2005) 10 *International Journal of Peace Studies*. p.69-84.

⁴⁶ National Council for family affairs, 'Jordanian Public Attitudes Toward Family Violence' (NCFA 2005).

⁴⁷ IRIN, 'Project Launched to Fight Violence Against Women' (2007).

In 2005, the Freedom House expressed the opinion that even though Jordan has a poor record in the context of rights for women, the condition of women in Jordan today is not as it was before and there are many social and economic improvements under way. Women in Jordan today enjoy numerous rights.⁴⁸

From 2004 to 2012, one can easily map the distance covered on the road to improvement regarding the conditions women experience. The movements for women have brought many positive changes to conditions for women. The United Nations has agencies that work for the protection of human rights and especially rights of women. These include the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO), the United Nations Population Fund (UNFP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The most important legislation for the protection of women was with the publication of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁴⁹ It is one of the major milestones on this road to improved rights and protection. CEDAW is against all kinds of discriminations practiced against women and has proved to be a positive step towards improving the vulnerable social condition of women in the country. Looking at the increasing number of domestic violence and domestic abuse cases against women in Jordan, the government opened its first women's safety shelter in February 2007, followed by the introduction of the Family Protection Law to protect women from

<<http://www.irinnews.org/.../jordan-project-launched-fight-violence-against>> accessed 30 October 2015.

⁴⁸ Widad Adas, 'Article 98 Of the Penal Code' (social science research 2005).

⁴⁹ L Naffa and others, 'Shadow NGO Report to CEDAW Committee Jordan: Evaluation of National Policy, Measures and Actual Facts on Violence Against Women' (*Karama Network of Jordan*, 2007).

<http://www.iwrawap.org/resources/pdf/39_shadow_reports/Jordanian_SR_2.pdf>. accessed 2013

domestic violence and injustice.⁵⁰ One of the many examples of progress in this area is the establishment in 2008 of 'The National Network' to combat violence against women. This network actively participated in the protection of women's rights and improves the social conditions of women in country.⁵¹

In light of the above, it can be said that the condition of women has been improving, at least since early 90s until today. However, there seems to be no clear data available to support this conclusion. Both recent and past researches, as well as government reports are incapable of giving firm evidence of real improvement in women's conditions since the advent of women's rights movements until today. A reliable assessment of the claims for progress requires checking the number of medical cases brought to the hospitals as a result of VAW since that time until today.⁵² The unavailability of data and uncertainty surrounding the present situation of women in Jordan poses many questions regarding the effectiveness of governmental policies. Since 1998 research in this area has been undertaken but the data available at present is still shadowed by uncertainty and needs greater clarity.⁵³

The transformation of the economy in Jordan in the past two decades has not proved beneficial to all sectors of society in equal measure, and the suffering of women continues. In the year 2007 a report was introduced by a group of activists that illustrated how violence based on gender has an important role to play in undermining the ability of

⁵⁰ Rana Hussein, 'Jordan Country Ratings', *Women's Rights in the Middle East and North Africa* (1st edn, Rowman & Littlefield 2010).

⁵¹ National Council for Family Affairs and USAID for Health/PSP, 'Violence Against Women in Jordan: Facts and Sheet' (NCFA 2008).

⁵² Afaf Jabiri, 'Jordan Shadow NGO Report' (n 49).

⁵³ IRIN, 'Project Launched to Fight Violence Against Women' (n 55).

a woman participating in the economy.⁵⁴ The economic competitiveness of women is also obstructed by a framework of law that underpins their long-established dependence for money on male members of the family.⁵⁵ Areas of law, which offer the clearest examples of this, include succession, income and benefits of retirement. Although the regulations and social norms or standards assign certain limitations to the working hours for women and the types of job they can perform, women have been gradually moving into new kinds of employment while also expanding their total presence in the labour force in the recent years. In 2007 women provided 8 percent of the gross domestic product and female employees represented 37 percent of the labour force in the public sector and just 12 percent in the private sector.⁵⁶ The participation of women in the labour market reached 14.7 percent in the year 2007, up from only 2.6 percent in 1990.⁵⁷ These improvements are partially credited to increase in the number of women who are educated as well a more modern acceptance by society of their roles in economic life.⁵⁸

Nevertheless, despite these difficulties feminism appears to be a strong movement and has the potential to confront the issue of violence against women in Jordan by using experience gained in relation to gender roles, gender inequality and power relations. However, feminist movements need to have a more expansive engagement with the legal system that is subjected to conflicting demands and expectations. Currently, VAW laws

⁵⁴ 'Refworld | Women's Rights in The Middle East and North Africa 2010 - Jordan' (*Refworld*, 2016) <<http://www.unhcr.org/refworld/docid/4b9901227d.html>> accessed 28 October 2013

⁵⁵ Jabiri (n 49). See, 'Social Institutions and Gender Index (SIGI)'(n 25). Also, N Darwazeh, 'Assessing The Situation In Jordan 2008-2012' (2008) <http://www.un.org/womenwatch/.../VAW_Jordan_baseline_asse>. accessed 16 April 2013

⁵⁶ *Jordan Population and Family Health Survey 2009* (1st edn, Department of Statistics [Jordan] and ICF Macro 2010). October 10, 2012.

⁵⁷ *ibid* (n 64).

⁵⁸ *ibid*.

in Jordan do not deliver any effective choices for women who are victims of violence⁵⁹ and divorce is rarely considered following violence towards women. It is necessary to look specifically at the power of the law in Jordan and to consider in depth the key challenges, the importance of feminist principles and how to identify solutions when there is a lack of legislation and policies directed at violence against women. Because of this lack, women become trapped in their situation and this keeps them vulnerable and under men's control.⁶⁰ The findings of this thesis will suggest possible changes in legislation to create more rights and provide opportunities in terms of equality.

1.8. Laws in Jordan

The law in Jordan originated partly from the Napoleonic code (derived from the legal systems of the Ottoman Empire and Egypt) and from Shari's (law of Islam) and has also been inspired by tribal traditions.⁶¹ The Court of Cassation is the uppermost court in Jordan, followed by Appellate Courts. The lower courts are divided into two parts: civil courts and religious courts. In the system of civil court, the Courts of First Instance have general jurisdiction over criminal as well as civil matters and the Court of Magistrate handle smaller claims. The Courts of Shari's have jurisdiction over the family matters of Muslims, which includes issues related to marriage, divorce and succession; equivalent tribunals supervise such affairs for non-Muslim minorities (discussed in chapter four).⁶² There are other special panels also authorized to construe and interpret the laws and the constitution at the demand of political leaders.

⁵⁹ Paula C. Barata, 'Abused Women's Perspectives on The Criminal Justice System's Response to Domestic Violence' (2007) 31 *Psychology of Women Quarterly*. P 202-215.

⁶⁰ R Dobash and R Dobash, *Violence Against Wives: A Case Against the Patriarchy* (Open Books 1980).

⁶¹ Sherry R. Lowrance, 'After Beijing: Political Liberalization and The Women's Movement in Jordan' (n 13)1-10.

⁶² Lowrance (n13) 1-10.

The constitution of Jordan in 1952 repeatedly refers to "every Jordanian" and is commonly understood to mean both men and women. However, it has proved unsuccessful as a means of prohibiting discrimination because of gender. Several laws controlling the lives of women are not in harmony with the concept of equality amongst Jordanian citizens, including those associated with retirement and social security. The absence of a constitutional court makes it hard for women to challenge the constitutional validity of laws, which are discriminatory in nature, and the Jordanian NGOs, which offer aid or legal assistance to ill-treated women, do not have the authority to report cases in higher courts on their behalf.⁶³ The definition of workers and employees has been mentioned in the terms of their gender under Article 2 of the law on Labour (No. 8 of 1996), as well as in the Civil Service Ordinance (No. 30 of 2007), which regulates employment in the public sector.⁶⁴ According to the former, "worker" means "each person, male or female, who performs a job in return for wages". However, none of the provisions expressly forbid discrimination because of gender in employment or promote equal pay for equal work between men and women holding equivalent positions. The practice of social discrimination against women is commonplace and many people in Jordan believe that women who enter the job market are doing so to supplement the income of their family instead of becoming economically self-sufficient or achieving a meaningful career.

Apart from the achievement of Jordanian women to enjoy legal equality on greater basis on matters of their freedom of movement, education, health care, participation in politics and employment, they are also affected by statutes that are discriminatory in nature, like the law of nationality and laws relating to citizenship. These laws bar them from being able to confer Jordanian citizenship to their spouses or offspring. This kind of gender-

⁶³ John O'Manique, "Universal and Inalienable Human Rights: A Search for Foundations", (1990) 12 *Human Rights Quarterly* 465-485.

⁶⁴ Naffa and others, 'Shadow NGO Report to CEDAW Committee Jordan' (n 57).

based discrimination is also present in family law, in pensions and social security legislation, and on a social level due to the deeply embedded norms of a patriarchal society. These legal obstacles, together with matrimonial violence and customary societal limitations on the opportunities for women to gain employment and to own property, have blocked many females from participating fully in the economy or attaining financial independence. Women who are divorced or seeking divorce, widows and the elderly often face poverty and frequently must depend on families, friends or welfare support.⁶⁵

Clearly, the law is but one of several factors which are connected to the issue of women's rights, others being ideas, customs, and traditions. However, law can be considered the focal point, which is able to supply a coherent reaction to deal with social problems; it is an appropriate vehicle to deliver solutions to these problems⁶⁶ and I intend to discuss some cases in the following chapters to explore in more detail the shortcomings of the legal system.

1.9. Structure of the Thesis

This chapter has addressed the specific problems facing women in Jordanian society, and major strengths and weaknesses of the law in terms of protecting women from domestic violence. The significance and legal background of the study show that there are growing concerns in Jordan for what can be done to prevent violence. Categorizing the violence as a human rights issue in Jordan corresponds with international human rights norms. In doing so, this chapter presents the work of women's movements and the process of governmental and non-governmental organizations with regards to this issue. The aims

⁶⁵ *ibid.*

⁶⁶ Sally Moore, *Law and Anthropology: A Reader* (n 11) 347-348.

and the objectives of this study focus on exploring women's subordination in Jordan and the real threat of violence that controls women's lives and how it influences their ability to contribute to society. Exploring the legal system will aid in developing a greater understanding of the law's role in the struggle to defeat violence against women in Jordan.

Chapter two discusses in more detail the methodological difficulties. In addition, it explains the types of methods engaged during the fieldwork, in particular focusing on the research process, methods of data collection and analysis. It reflects the influence of feminist methodology in the way in its planning and management. I lived among victims in an attempt understand the reality of their lives. In addition, I interviewed participants employing semi-structured interviews and including archival sources. The study also discusses several stories, to offer an account of possible ethical dilemmas and concerns that may occur during the fieldwork. This chapter will draw on the work of both national and international institutions and their programs directed towards protecting women from violence. Furthermore, it will also examine the effectiveness of the legal system in Jordan in providing legal choices to women who experience violence, specifically the law on protection from domestic violence.

The third chapter of this thesis discusses the theoretical framework and contains a review of the literature describing the development of the women's movement in Jordan related to VAW issues. It also draws on the importance of the women's movement in bringing about changes to the legislation and cultural attitudes in relation to VAW. It highlights the obligations the government of Jordan has undertaken under international human rights principles, and how these have influenced the changing of laws in Jordan and the development of subsequent policies directed at the eradication of VAW. I draw on feminist theories and explanations of violence against women. At the centre of my analysis, I consider how feminist scholars show the influence of gender and power in

societies.⁶⁷ I submit that men are responsible for most of the cases of violence against women. In this part of the research, I draw on relevant theoretical perspectives on women's rights and violence and place them in the context of Jordan. Furthermore, this chapter discusses the relevant historical literature and cultural values as well as some empirical accounts to explore further the issue. In addition, the response of relevant NGOs in supporting those affected by violence is examined. Finally, there is a discussion of the structure of the Jordanian family and the social norms that control and surround them.

Chapter four examines how the current law contributes to the problem of violence. It analyses the application of international conventions as they apply to women in Jordan, and the response to these conventions on the issue of the human rights. I stress the importance of the United Nations Declaration on Human Rights and raise the questions of how international NGOs work in Jordan, how they respond to and address the societal norms that justify violence towards women, and finally what obstacles they face if they are to implement the CEDAW's recommendations.⁶⁸ Furthermore, I explore the manner in which the current justice system does not serve the interest of women victims of violence. This thesis discusses the government's responsibilities toward VAW when Jordanian women are seeking a divorce, and I will present a case study regarding conviction and sentencing as evidence that Jordanian law favours men, permitting and thus tacitly encouraging violence against women. It is important to identify the options within the legal system that help women victims and evaluate the implementation of the

⁶⁷ Dobash and Dobash, *Violence Against Wives* (n 68).

⁶⁸ See, R Carrillo, 'Overview of International Human Rights Standards and Other Agreements and Responses of The Judicial System to Violence Against Women' (n 12).

law and its shortcoming regarding the treatment of physical violence against women. The primary instrument in law for treating cases of violence against women is the criminal code and putting it into practice has remained an issue because most VAW cases do not proceed with criminal charges. In addition, cases of VAW are discussed concerning how the ‘perpetrator’ and the ‘victim’ are handled. This thesis also explains how the attitude of the police and legal professionals influence women who are victims of violence. This chapter also exposes multiple challenges victims have to overcome when using the justice system.

Chapter five presents my fieldwork findings. It analyses the status of the issue on VAW and evaluates the effectiveness and weakness of the laws on domestic violence and identify shortcomings regarding their implementation in practice. Furthermore, it attempts to highlight the projects and achievement of the association of lawyers, which was established to defend cases of VAW in local courts. I address significant issues concerning way the legal system handles cases of domestic violence against women by presenting and analysing real life incidents of VAW in Jordan. It is important to consider actual case studies of legal events, and objectively assess the law by appealing to the facts and applying logical reasoning. In addition, it analyses the extent to which women’s human rights in Jordan correspond with international human rights norms. A clearer picture of the number and the percentage of women who faced violence appears in the tables and graphs I have added to refer back to previous chapters which consider how the perceptions of NGOs representative, legal professionals, and state officials influence and limit their responses to VAW.

Chapter six concludes this thesis by making specific recommendations on how responses to violence should be improved. Making changes in the law would be a significant move forward; however, it needs to be supplemented by other measures to bring important and basic changes in attitudes. This study acknowledges the importance of feminist perspectives in addressing the phenomenon of VAW, where it emphasizes ‘personal’

daily experience.⁶⁹ Where women remain ‘obedient’ under traditional gender roles they can avoid harm or humiliation for their families. I argue that International Conventions and Sharia law can work together to address women’s rights as a strategy and remedy for Jordanian society by challenging social attitudes towards domestic violence and implanting the real teaching of the Qur’an in Jordanian law.⁷⁰ We need to enhance women’s status, change cultural attitudes, and persuade men and women that violence has no part to play in normal human relationships, and is unacceptable. We should not accept men’s violence against women as natural. I acknowledge that VAW is a multifaceted social problem and this study aims to assist in developing our knowledge base so that we are better able to stop it from developing.⁷¹

Chapter seven reviews the previous chapters and highlights the key issues raised. This chapter clarifies and amplifies my recommendations for changing laws and improving responses when tackling violence against women. By analysing and addressing problems with the legal system, we can gain a greater understanding of the law’s role related to violence against women.

1.10. Conclusion

This chapter introduces the background and significance of the study. The underlying motivation of this thesis is Jordan’s acceptance of violence against woman. The purpose of this study is to explore whether the current legal system and National Governmental Organisations (NGO) provide enough protection for women from violence. Therefore,

⁶⁹ See Elizabeth M Schneider, *The Dialectic of Rights and Politics* (n 33).

⁷⁰ 'Does Domestic Violence Have A Cure?' (*Nour-dv.org.uk*, 2013) <http://nour-dv.org.uk/2013/01> accessed 2014

⁷¹ C. Garcia-Moreno, 'Public Health: Violence Against Women' (2005) 310 *Science*.

this chapter has discussed the methodology of this study and of data collection employed. In addition, it discussed possible ethical dilemmas and concerns that may occur during empirical research fieldwork. I present stories from the field to emphasize the theme in the second chapter. It also discussed the relevance of social theoretical perspectives to my argument in chapter three. I drew on the richness of thinking within social and cultural theories in relation to changes in law. This study it also sets out my goals and the objectives of studying the legal system in Jordan and its treatment of violence against women (VAW) and examines the shortcomings of the Jordanian legal system. I also present some stories in chapter four, which discusses the influence of the legal system on women's lives. The findings of this study will be examined and presented in chapter five and it identifies practical alternatives that could be adopted. In particular, I will be considering how to develop strategies for the elimination of violence against women in Jordan. In doing this, I will put forward my recommendation for the future actions of government and non-governmental groups in chapter six.

This chapter gives an account of the aims and objectives of this thesis in examining the negative impact of the legal system on women's lives and the obstacles that inhibit the law's effectiveness in protecting women against violence. It explains the academic studies and the social, political and the legal background in the Jordanian society to give a clear picture of how these influence women's vulnerability and can be seen to encouraging violence.

Chapter 2 – Methodology

2.1. Introduction

My research into legislation prohibiting violence against women in Jordan has two perspectives; in the first instance, to examine why Jordanian government policies seem to be ineffective in addressing the violence; in the second, to consider what the government can do to fulfil its responsibilities to promote the protection of women against violence. Due to the nature of the study's theme, it was recognised that steps needed to be taken to minimise any potential risk of danger as far as was reasonably possible. To that end, the meetings were arranged and held in secret, through recognised and trusted agencies and organisations, whose discretion could be counted on. What is more, it was always a goal to arrange meetings at a time when the husband would not be at home, so no suspicion would be aroused, or anything overheard. It was also understood that by asking women to talk to me about the violence that they have encountered could provoke a negative psychological reaction, for example by causing the participant to become nervous or fearful, or by unsettling and disturbing them. The only way to ensure that this would not happen would be to simply cancel the study. Accordingly, in order to respect the participants' wishes to take part, but to ensure that negative outcomes were prepared for, sessions with a professional counsellor were made available to any participant who requested them at any time, and if they felt they were becoming stressed and in need of a break, that was also provided. I, too, had the opportunity to take counselling sessions, as some of the information that was asked could potentially be distressing to the interviewer. The question of compensating the women for their participation had to be addressed. To offer them a financial payment for their co-operation was not something I felt could be done for two reasons. First, I could not afford to give money to everyone I interviewed, and more importantly, if I were to pay the participants, they may feel obliged to tell me things they felt I wanted to hear, rather than the truth. This possibility might also affect the way that others viewed the contents of the interviews. However, I could not allow the interviews to impose a financial burden on the interviewees, so I decided that I would reimburse any travel expenses they incurred because of attending the interviews. This

allowed me to maintain the academic integrity of the study, and not let it become a kind of financial transaction, i.e., “information for money”.⁷²

I adopted an empirical approach in investigating these areas to provide a qualitative analysis. This chapter is divided in two sections; the first section discusses the relationship, which was established and built between the researcher and participants, that enabled me to remedy gaps in my own knowledge and to follow research objectives and interests. To discuss women’s feelings and their experience of violence, the study utilized qualitative methods and feminist methodology. Therefore, the study employed different methods of data collection during the fieldwork including archival resources, semi-structured interviews, field observation, analysis and clarification of the data. The second section shows the methodology in action by examining the fieldwork in Amman and looking for the quality of response to violence and considering the effectiveness of the law in serving victims of violence. I used semi-structured interviews to enable me to incorporate the concerns of women who experience violence. This study was conducted for women to explore their experience within the justice system by using feminist epistemology. This study adopted some strategies that allowed me to gain better understanding of actual legal actions taken on behalf of these women who experienced violence. I present the data in the graph to highlight the result of this study. This chapter focuses on dilemmas and ethical concerns raised in relation to the empirical research to ensure that my research has a practical grounding.

2.2 Feminist Perspective

This research strategy comes from a feminist legal theory perspective.⁷³ It examines the law in relation to VAW and the legal options women have under the current legal system

⁷²Emma Head, 'The ethics and implications of paying participants in Qualitative Research', *International Journal of Social Research Methodology*, 12:4, P 335-344, (2009).

⁷³ M Maynard, 'Feminists Knowledge and Knowledge of Feminisms: Epistemology, Theory, Methodology and Method', *Knowing the Social World* (1st edn, Open University Press 1998).

in Jordan. I intend to define the categories that describe women's subordination and domination by men in Jordan. This thesis clarifies the research on VAW in Jordan, public policies, the role of governmental institutions and women's groups' responses to VAW epistemology. The researcher uses feminist epistemology on violence against women issues because it argues from women's perspectives and brings women's experiences and voices into the light.⁷⁴ Therefore, it has looked into the situations of both offenders and victims and how the state and legal systems respond to women's subordination in culture and women's inferiority in Jordanian society. Feminism addresses the effect of the law on women, their experiences of violence, and the legal systems.⁷⁵ Feminist methodologies focus on afflicted groups because of the inequity of power distribution in society and try to challenge it.⁷⁶ There have been many issues discussed by feminists on translating International human right standards in the local context, in reference to VAW across cultures, discussing the international treaties prohibiting any forms of discrimination and violence (discussed in more detail in chapter 3). The method used in this thesis is the feminist researchers, which supports the equality of all genders and mentions that the imbalance of power in society is the reason why women are victims in these societies.⁷⁷ This is useful because it can help establish a theoretical framework for understanding VAW, directed towards legal and social change, and provide an analysis to why VAW is accepted in society. In some areas that feminist researchers have paid attention to include the methods of data collection, relationships with participants, analytical concepts and

⁷⁴ Maynard, 'Feminists Knowledge and Knowledge of Feminisms' (n 80).

⁷⁵ Dobash and Dobash, *Violence Against Wives* (n 68). Also, Susan Brownmiller, *Against Our Will* (Bantam Books 1976). See Nancy Berns, 'Degendering the Problem and Gendering the Blame Political Discourse on Women and Violence' (2001) 15 *Gender & Society*.

⁷⁶ Schneider, *The Dialectic of Rights* (n 33) 318-350.

⁷⁷ Ibid.

ways of reporting.⁷⁸ This thesis explores how the justice system works for women through studying the issue of VAW.

2.2.1. Feminist Method

Domestic violence is a matter not only of continuing social concern, but also of continuing legal concern, as judicial reactions to domestic violence have to date failed to acknowledge reliably the reality and systemic nature of men's violence against women.⁷⁹ To discover the subordinate position of women in Jordan, it involved feminist dialogue with women in private, in public, and the examination of the negative impact of the legal system on women's lives. I used feminist approaches because I wanted to examine and consider each individual's experience. In the context of violence, it is hard to put all women in the same group because women's experiences of violence may differ depending on their race, class and so on.⁸⁰ Drawing on feminist researchers allows us to understand why social and legal institutions have allowed VAW in society.⁸¹ This thesis discusses the legal system's response to VAW and at the same time the concept of human rights based on The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Jordan ratified in 1992. This thesis explores how Jordanian society observes violence. This study has noted how the subordination of women in Jordan is manifested in various aspects of life, be it social, political, cultural or legal. Feminist theories places emphasis on both 'direct' and 'personal' experiences and

⁷⁸ M Maynard, 'Feminists Knowledge and Knowledge of Feminisms'(n 80). Also, E Buzawa and C Buzawa, *Domestic Violence: The Criminal Justice Response* (2nd edn, SAGE Publication 2003), In Buzawa E and others, *Responding to Domestic Violence* (Sage Publications 2012).

⁷⁹ Rosemary Hunter, Clare Mc Glynn and Erika Rackley, *Feminist Judgments: From Theory to Practice* (1st edn, Hart 2010). P 19

⁸⁰ Tracy Higgins, 'Anti-Essentialism, Relativism and Human Rights' (1996) 19 Harvard Women's Law Journal. 89-102.

⁸¹ Buzawa and Buzawa, *Domestic Violence* (n 85).

suggests that the reason for subordination is the imbalance of power in society.⁸² Using qualitative methods in this research helped to build closer relationships with the participants⁸³ and sharing the same language also eased communication.⁸⁴ Furthermore, the identity of the interviewer is significant, affecting both the input and outcomes of the research.⁸⁵ It is true that a feminist approach carries with it the risk that emotional engagement between the researcher and the interviewees will affect results, but simultaneously the approach requires directness, honesty, and awareness.⁸⁶ This study aims to explain how the current legal system, state and non-state programmes and policies provide for women's needs and interests through analysing women's experiences of violence to evaluate the efficiency and shortcomings of these responses.

2.2.2 Why Women Fight Against Violence

As part of the historical processes in which changes in women's position in Middle Eastern societies occur, women have developed their own movement in an effort to redefine gender relations. This movement discusses the nature of culture, personal identity and the meaning of modernity, and through it women have become more aware of their rights. This has led to a greater number of activists engaged in combating VAW. Members of this movement come from different socio-economic backgrounds and

⁸² Maria Mies, *Towards A Methodology for Feminist Research* (1st edn, SAGE Publication 1993). P 64-82.

⁸³ M Maynard, 'Feminists Knowledge and Knowledge of Feminisms'(n 80) 120-137.

⁸⁴ James Nazroo, *Grewal Ini And Jane Ritchie. 200 Ethnic And Language Matching of The Researcher and The Research Group During Design, Fieldwork and Analysis* (1st edn, Routledge 2006). P 65-81.

⁸⁵ Nazroo (n 91) 65-81.

⁸⁶ Finlay L, "'Outing" The Researcher: The Provenance, Process, And Practice of Reflexivity'(n 31) 531-545.

include students, artists and local officials in Jordan.⁸⁷ In local women's movements in many countries including the Middle East, there has been an exponential growth and not just through the stimulus of the international global and UN bodies. The movements are made up of local activists in Middle Eastern countries as elsewhere, for instance Tawakkol Karman, Razan Ghazzawi, Nawal El Saadawi⁸⁸ and some global bodies as UNDP, UNICEF, OHCHR, UNIFEM, WHO and the UN who have a target to eliminate VAW (discussed in more detail in chapter 3).⁸⁹

At an international level, women's movements have developed globally at United Nations conferences, which have provided women from different societies with an opportunity to come together and create a global movement.⁹⁰ This development at an international level has also influenced the women's movement in Jordan. The nationalist movements demanded economic and political equality between men and women. Women's issues of subordination and experiences of violence have been widely discussed by feminists around the world. In Jordan, on the other hand, women were hampered from discussing these issues because they feared risk to the reputations of their families.⁹¹ Now though, it seems to be the era of opportunity for Jordanian women to call for legal, social and institutional change especially after the ratifications of most of the

⁸⁷ Jabiri, 'Jordan Shadow NGO Report' (n 49).

⁸⁸ Juan Cole, 'Five Women Human Rights Activists Who are Changing the Middle East'. (2013) By Tasnim Nazeer. <https://www.juancole.com/2013/activists-changing-middle,hml>.

⁸⁹ United Nations Development Programme (UNDP), The United Nations Children's Fund (UNICEF), The Office of the United Nations High Commissioner for Human Rights (OHCHR) The United Nations Development Fund for Women (UNIFEM), World Health organization (WHO), and the United Nations.

⁹⁰ C Bunch and S Frost, *Women's Human Rights: An Introduction* (Routledge International Encyclopaedia of Women: Global Women's Issues and knowledge, Routledge 2000).

⁹¹ Jabiri, 'Jordan Shadow NGO Report' (n 49).

international human rights conventions.⁹²In addition, there are governmental and non-governmental organizations whose roles are to implement the National Framework on Family Protection. It is essential to investigate the programmes developed by international and national NGOs directed at the eradication of VAW (discussed in more details in chapter 5).⁹³ NGOs have developed programmes assisting women who experience violence to eradicate women's inequality and deal with VAW.⁹⁴

2.3 Ethical dilemmas of the study

The nature of any research in social sciences requires ethical consideration. I worked with feedback from the Ethics Committee at the University of Sussex, and with my supervisors to develop an approach that minimized the risk to participants, particularly women who have been subjected to violence. Dealing with vulnerable participants involves different and complex ethical considerations. Feminist scholars discuss the issue of the imbalance of power between the researcher and participants and the dilemmas that the researcher will have to consider when undertaking a study.⁹⁵ Therefore, my approach was influenced by feminist scholarship on strategic placement of the researcher's power in the research in the context of Jordan.⁹⁶As such, raising moral issues in the interview is seen as a way to promote friendship between the researcher and the participants, which in

⁹²United Nations, 'Report of The United Nations High Commissioner for Human Rights' (United Nations 2000). Last opened on 07 February, 2016.

⁹³N Darwazeh, 'Assessing the Situation in Jordan 2008-2012' (n 63).

⁹⁴Jabiri, 'Jordan Shadow NGO Report' (n 49).

⁹⁵ Marlene de Laine, *Fieldwork, Participation and Practice* (n 122). Also Pamela Cotterill, 'Interviewing Women: Issues of Friendship, Vulnerability, And Power' (1992) 15 Women s Studies International Forum.p.593-606.

⁹⁶ Diane L Wolf, *Feminist Dilemmas in Fieldwork* (n 121).

turn allows for the acquisition of more source material.⁹⁷ The most important part was how I viewed by the participants because it would influence our relationship. In fact, feminists scholarship does not make it clear exactly what the nature of the relationship might be⁹⁸. Some questions for the victims of violence may be distressing and unsettling for the interviewees⁹⁹ and, therefore, creating a relationship in some cases becomes more complicated and it might lead to ethical dilemmas, such as emerging expectations that the researcher cannot fulfil.¹⁰⁰

For women who have had dreadful experiences and have been subjected to different forms of abuse, being interviewed may be unpleasant. The female participant FP69 kept defending herself and justifying her actions in leaving her husband, to avoid being blamed for her actions. Being an insider and sharing the same culture puts me in a better position when dealing with the participants. Despite my position, I realized that it is difficult to establish clear friendships, because it might develop false expectations for some participants when they looked to me to provide assistance, which I am not able to provide.¹⁰¹

⁹⁷ Janet Finch, 'It's Great to Have Someone to Talk To: The Ethics and Politics of Interviewing Women', *Social Researching: Politics, Problems, Practice* (1st edn, Routledge and Kegan Paul 1984). pp. 70-87.

⁹⁸ Wolf (n121).

⁹⁹ Cotterill (n 158) 593-606.

¹⁰⁰ De Laine, *Fieldwork, Participation and Practice* (n 122). Also Pamela Cotterill, 'Interviewing Women: Issues of Friendship, Vulnerability, And Power' (n 158) 593-606.

¹⁰¹ P Davis, 'Doing Interviews with Female Offenders', *Doing Criminological research* (1st edn, SAGE 2000) in Lumsden K and Winter A, *Reflexivity in Criminological Research* (Springer).

2.3.1 Ethical principles

It is unacceptable for any social research to cause harm to the participants. To prevent this, ethical principles are focused on many areas: whether the circumstances may harm participants, for instance by causing loss of self-esteem; pressure; harm to participants' progress in persuading them to join in shameful acts; whether in the circumstances there is a lack of informed consent, which means participants must be given the opportunity to decide whether or not they would like to cooperate after they have read the information fully about the study and the research process; whether in the circumstances there is an invasion of privacy, which means that the anonymity and confidentiality of the participants should be esteemed and maintained; and, lastly, if deception is involved or not, especially when the researcher represents their work.¹⁰² It should go without saying how important ethical issues are to the research quality because social research may involve vulnerable groups, sensitive topics, people who have limited capacities and so on.¹⁰³ The need for sensitivity, especially in cases involving domestic violence, was incredibly high. As a result, I became influenced by feminist literature with regards to the relationship between the participants and myself as a researcher in how the participants would think of me, which would influence the relationship between us.¹⁰⁴ This was a little bit difficult during the field observation in Irbid. Whether I was perceived to be an 'insider' or 'outsider', was important in terms of my positioning as a researcher in a place that allowed me to conduct the research. In fact, being an insider has many advantages for the researcher because it is easier to share common knowledge, language and

¹⁰² A Bryman, *Social Research Method* (n 108) 135-143.

¹⁰³ Bryman (n 108)145-147.

¹⁰⁴ R Lydenberg, C Gilmartin and S Hesse-Biber, *Feminist Approaches to Theory and Methodology: An Interdisciplinary Reader* (Oxford University Press 1999).

enthusiasm.¹⁰⁵ I felt that there was a gain to be had in having smooth contact with the participants even though I faced some small difficulties at the beginning of interviews, such as drawing a clear line as to friendly relationships. Moreover, being an insider helped me with my knowledge of the culture, politics and the matter of the study setting. The relationships between the participants and me as a researcher became strong and allowed me to incorporate and gather more data because the interviewees felt more confident in me and the integrity of the study.¹⁰⁶ Although ethical considerations are significant and appropriate to all kinds of research, empirical research needs to be more aware of conditions of ethical conflicts due to the unexpected and unpredictable nature of relationships between participants and the researchers.¹⁰⁷ The research involved victims of violence of different kinds, both verbal and physical, so I had to be sensitive when discussing such unpleasant experiences, especially when participants talked about their private lives. This appeared to be more complicated because the more the relationships developed with the participants; the more I had to decide which role to take, grounded in the research objectives.

2.3.2. Essential Relationship with Participants

The nature of the study demands that special emphasis be placed on issues of safety and confidentiality because harm may occur to the participants. Due to the nature of the topic there was a risk to the respondents' emotional wellbeing, as interviewees were being asked to discuss painful and difficult experiences. The questions asked in the study were designed not to cause any stress to the participants; it was the responsibility of me as

¹⁰⁵ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists: An Introductory Resource with Examples* (n 101) 67.

¹⁰⁶ Arksey (n 101) 67.

¹⁰⁷ De Laine, *Fieldwork, Participation and Practice* (n 122).

researcher to prevent any harm to the participants. I was very clear about my study objectives and required the participants' consent. I also clarified that if the interview process caused any negative effects, the participants would be offered breaks and additionally, they would be given the opportunity to speak to a professional counsellor. I had already contacted a counsellor in my hometown in Amman who was willing to provide this support free of charge. Some participants were not able to read or write, therefore I verbally explained the purposes of the study and obtained a verbal or written agreement from them to participate. Participants were notified at the beginning of the interview that they might withdraw themselves from the process or their data from the study at any time. To ensure the confidentiality of their information I anonymised the participants and didn't mention their hometowns. In a small country like Jordan it would have been fairly easy to identify the participants from their descriptions of what happened to them, which could have had some implication for the interviewees and the study. The meetings were arranged and held in secret, through recognised and trusted agencies and organisations, whose discretion could be counted on. What is more, it was always a goal to arrange meetings at a time when the husband would not be at home, so no suspicion would be aroused, or anything overheard. These are always difficult issues and it remains the case that they can sometimes be extremely dangerous where women can be punished and occasionally killed. I therefore drew up brief notes for each interview and reviewed them with the participants and ensured that they were happy for me to proceed with the information they had provided.

I was fully prepared if any participant asked for my help as a researcher to avoid future violence, I would provide them with information on the nearest 'Battered House' or 'Women's Union'. If it was clear from the interview that the interviewee was experiencing serious psychological and/or social needs, I would provide them with information on how to contact the Family Protection Foundation, the Women's Union, or

the Jordanian River Foundation. Clearly, the women's participation in the research may have put them at risk because of their location in a patriarchal community,¹⁰⁸ and so there was a corresponding responsibility upon me as the researcher to avoid bringing any harm to the participants by following the ethical principles already outlined in this study.¹⁰⁹

In the interviews, I was cautious with my actions and words, I shared their experiences with sorrows and happiness, observing their lives, assisting them through other organization that could provide help. I felt that being from a similar culture helped me to interact with the participants and realize that many victims of violence needed actual help. Having understood their experiences, I started having feelings of depression, which pushed me to talk to a counsellor to release my bottled-up emotions.

2.4 My Strategy Prior the Fieldwork

In view of the purpose of this study and based on previous literature, I conducted an analysis of qualitative methods of data collection. Studying social research methods helped me choose a qualitative method for the nature of this study. For this empirical study, I looked for the latest developments in the women's movements in Jordan. I considered how different agencies and services could improve their approaches and policies to achieve their objectives.¹¹⁰ As part of the process before travelling to the field, I prepared supporting documents such as the Information Sheet, Consent Form, and Permission Letter from Gatekeeper Organization, and Interview Questions. I gained ethical approval from the university. As a researcher, I acknowledge my responsibility to work within guidelines and ethics as agreed with my supervisors and comply with the

¹⁰⁸ De Laine (n 122).

¹⁰⁹ Janet Finch, 'It's Great to Have Someone to Talk To: The Ethics and Politics of Interviewing Women' (n 160).

¹¹⁰ Ayat Al-Atiyat, 'The Women's Movement in Jordan' (Publisher Friedrich Ebert Stiftung 2003).

university regulations. My strategy was first to establish and maintain relationships with NGO representatives and legal professionals who work within the field of VAW, to better enable me to identify and access suitable women for research. Secondly, I used qualitative methods, semi- structured interviews, focus groups and observation to allow me to search for accurate, reliable opinions and information about the wider situation from various viewpoints. For the benefit of the research I adopted a philosophy, which can be summarized as, 'the larger the sample, the greater the confidence when generalizing from it'.¹¹¹ Meeting with the participants required sensitivity because they talked about their private lives, faults, weaknesses and family structures. I aimed to create a participant and researcher relationship of confidentiality that would foster the desire to give more information.¹¹² I worked on the interviewing principle that the participant will express himself or herself when they find a good ear to listen.¹¹³ Therefore, by giving people some space to explain their experience in their own language I hoped to get more information by asking follow-up questions to explore further.¹¹⁴ Basically, as a precise form of qualitative research, the feminist approach toward researcher- participant relationships produces and delivers a more significant relationship especially with female participants.¹¹⁵ These strategies allowed me to gain a better understanding of the reality of women's lives and the actual legal actions taken on behalf of these women who suffered violence in Jordan.

¹¹¹ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists: An Introductory Resource with Examples* (SAGE 1999). P 56-57.

¹¹² A Garrett, *Interviewing Its Principles and Method: Purposes of Interviewing*. Family Service Association of America (1964). P 26

¹¹³ Garrett (n 102) 43.

¹¹⁴ Arksey and Knight, (n 101) 98.

¹¹⁵ Matt Henn, Mark Weinstein and Nick Foard, *A Short Introduction to social research* (n32) 210.

2.5 Data Collection Methods

I used qualitative methods of data collection for this study because of the nature and objectives of this research.¹¹⁶ This research has sought to find women's voices and to get to know their suffering of violence and the reality of their experiences. Moreover, it has sought to analyse the legal systems in dealing with cases of violence and how it assists women's interests and needs in reducing violence in Jordan. I got more insight from attending the 'Workshop' on violence against women with Dr. Amal in Jordan. A qualitative method is a valuable tool to evaluate knowledge and understand the reality of those who are studied.¹¹⁷ I used many social science method resources such as 'Understanding Research Methods' by Adams, the 'Social research Method' for Bryman, 'Research Method in Education' for Cohen, and 'Outing The Researcher: The Provenance, Process, And Practice of Reflexivity' by Finlay. That encouraged within me the decision to use a qualitative method. A qualitative approach gives participants space to be heard and express their feelings and makes it more possible to understand women's experience. The qualitative methods that I have used in my study are as follows: focus group, observation, and semi-structured interviews.¹¹⁸

2.5.1 Participants

Primary participants:

- Women who had dealings with the justice system because they had been exposed to violence
- Women who had experienced violence without entering the justice system.

¹¹⁶ Peter Berger and Thomas Luckmann, *The Social Construction of Reality* (Penguin Books 1967).

¹¹⁷ M Maynard, 'Feminists Knowledge and Knowledge of Feminisms: Epistemology, Theory, Methodology and Method'(n 80).

¹¹⁸ A Bryman, *Social Research Method* (4th edn, Oxford University Press 2001).

Secondary participants:

- NGO representatives who work on issues of violence
- Legal professionals who work in private offices and governmental and nongovernmental organizations with a remit in relation to violence against women
- Police officers specialized in cases of violence against women

2.5.2 Semi-Structured Interviews

Each interview was semi-structured in nature and I felt that was the best method to adopt given the subject matter¹¹⁹. Flexibility is stressed in semi-structured interviews, which may feature a discussion, informal conversations and several types of social interaction. I planned the questions to be open, so that knowledge and information could be contributed more readily. I planned also for informal conversation to encourage the participants to talk about some relevant issues or relevant to the research topic. The participants' discussions were about applicable topics.¹²⁰ The main objective for using the semi-structured interview was to understand the participants' experience, made possible by creating an acceptable relationship between the participants and me.¹²¹

Each interview took a different amount of time depending on the participant. Some interviews took half an hour, others took one hour, and some took even longer. In each interview, I asked the participant for their name, which was optional, and sometimes I

¹¹⁹ Bryman (n 108).

¹²⁰ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists* (n 101) 7-8.

¹²¹ I remembered that a lawyer MLP6 I had met and during the interview asked me if I agreed to work with him after I finished my studies. In addition, many of the social workers developed a relationship with me; they took my phone number and we kept in touch. Moreover, one of the social workers asked for help for her daughter, I did not hesitate to help, she was pleased, and women I met took my phone number in case they needed me for any further assistance.

used their initials, and took their educational background, age, work, and marital status into account. After each conversation and interview, it was vital to write notes immediately. The study demonstrates the percentage of each form of violence practiced on the seventy women who were interviewed. The form of violence that had the highest percentage of experiences was physical violence, and this was also described as the least endurable form of violence from the participants' point of view. 8% of the violence recorded was psychological and, accordingly, this was the second worst form. The ratios of sexual, social,¹²² and economic violence were almost the same. This data suggests that women feel that they can endure bad circumstances if their marriage suffers from poverty, as long as mutual respect between partners is maintained. It was not hard to find women who had been exposed to violence. I would like to add that some women who went to report violence on the part of their husbands were shouted at by police officers that branded their act shameful and recommended they go back home.¹²³ So for many reasons, it was hard for some women and difficult for them to talk about their experiences because they did not have faith that they would get the help they needed.

¹²² See, NCFA (n 27) and Awawdeh (n 29).

¹²³ Interview with a close friend told me her story in private. Check Appendix 3

2.6 Recording Information post conversations and interviews

The participants did not allow recording the interviews for fear of their own safety, and therefore written notes were taken. I wrote down the participants' names, ages, marital status and education level, as well as the location in which I met them. The language I used was my native language and I conducted the interviews in Arabic. Therefore, I translated the consent form from English into Arabic, so the participants could read the purpose of my study and so that I could guarantee confidentiality.¹²⁴ I explained the issues of violence in Jordanian society and that I was trying to reduce it as much as possible. Then, I clarified to them that they were free to stop the interviews at any point they wanted, and any participant had the right, and should feel free, to ask for psychological support if they felt they needed it during the interview. It was more secure for them to arrange meetings at the organizations' offices that made them most comfortable. Notes were very important to avoid losing any details during the interviews and conversations.

During the interviews some questions raised more questions from the participants, which gave my research more depth. Some words were used with caution to avoid any inconvenience for the participants.¹²⁵ Many of the police officers did not like the word 'violence'. They blamed the violence on 'misunderstandings', and suggested anger management for most of the abusive men. From their perspective, women had become unsatisfied with their standard of living and demanded many things that their husbands were unable to give them, causing violence in the family. Some police officers mentioned scholars'¹²⁶ opinions and how the CEDAW agreement had empowered women more than men in Jordanian society and caused an increasing number of divorces. One NGO

¹²⁴ See Appendix 5 for the fieldwork procedures.

¹²⁵ P Wood, *Successful Writing for Qualitative Researcher*. (n 6).

¹²⁶ See, Interview took place at FPD with the police officers. Appendix 5

representative considered that not every violent action could be classed as violence, and suggested, by way of example, that a man shouting and slapping his wife is not “violent”. It was apparent that different agents, even among professionals and public officials engaged with this phenomenon, have understood the concept of violence against women differently. My first concern was to find out how they understand VAW. It was noticeable that there is ambiguity about what one can consider as VAW and how the officials of the legal system deal with issue of VAW. My effort was to discover and investigate how VAW is explained and formulated amongst all participants, aiming to inform procedures to eliminate it.

2.7. Methodology in Action

In this section, I would like to discuss my experience in the field. It is clear that the phenomenon of violence may take different forms and is often related to the unequal socioeconomic position between men and women in Jordan. This study highlights the treatment of VAW within the legal system, police officers’ attitudes, and NGOs roles, and argues gender ideologies, supported by the data from the field. I believe that the states, NGOs, and the legal system are not effective enough to protect women from violence. The empirical research followed a pilot plan and a fieldwork period, which included the observation and evaluation of documentary data.

2.7.1 Pilot Plan

The plan started in May 2013, when I went back home to prepare myself to start with my mission of investigating the effects of law on women’s lives. To proceed with the fieldwork a pilot study was managed with two women who live in Amman, Jordan. The pilot study was carried out to test that the questions were properly chosen and easily understood by the interviewees, and whether the questions promoted the discussion of information pertinent to the research interest. I faced problems with recording because potential participants refused to be recorded. The interviews with one woman were held at her home because she felt comfortable and safe there. The other woman’s interviews were held in a public place at a coffee shop because this enabled her to feel free from everything surrounding her life. After I finished the interviews I asked for feedback from

the respondents about whether the questions were clear, and whether they were suitably designed to achieve answers to the research questions. After that I made some improvements to the questions.

2.8 Fieldwork Introduction

When I arrived in Jordan I decided to start with the field observation because there had recently been a Syrian government air strike in which missiles had landed in the north of Jordan.¹²⁷ I was worried about the worsening situation in the north of the country. I wanted the chance to finish what I had to do before any further developments. I contacted my mother-in-law and informed her about the nature of my study and asked her to help me to meet with relatives and friends in Irbid (a city in Jordan). I also stressed to her that no one should know about any of the information that I obtained. I needed to be careful with my actions and words because of the nature of our society and its way of dealing with sexual assaults and victims. She promised to keep it confidential.

After I had finished the field observation in Irbid, I began planning how to begin approaching various institutions. Dr. Amal Awawdeh suggested that I arrange appointments with governmental departments and civil society organizations first because the process of arranging appointments for interviews would take time due to the bureaucracy in the system (something I had already begun to find true). I started with the organization called the Jordanian Women's Union, an organization in which several social workers and legal professionals work.

¹²⁷ 'Syrian Missiles Hit Jordan As Assad Forces Step Up Air Strikes Against Rebels' (2013). <<http://www.haaretz.com/news/middle-easy/Syrian-missiles-hit-jo.Apr28,2013>> accessed 28 April 2013.

After that, I approached many organizations (police units at the Family Protection Department; NGOs such as The Sisterhood is Global Institute “SIGI”, Family Development Associations, The Jordanian National Commission for Women, Law Groups for Human Rights, the *Noor Alhussien* Institute and governmental institutions such as *Dar Alwefaq*, a shelter for battered women called Conquered House, the Justice Centre for Legal Aid, the Jordanian River Foundation and the Family Protection Department). I explained to them the purpose of my study and asked if they were willing to participate. I knew at that time that I had to arrange a meeting schedule with governmental and nongovernmental organizations. I sent all the interview questions to be translated into Arabic to an authorized office for translation and I made many copies so I could give them to the interviewees. All participants were notified that participation was voluntary and anonymous. By doing this I was able to gain access to materials and evidence, which would otherwise be difficult.

I had three focus groups and the remaining participants I met separately. To get a participant’s consent I clarified the purpose of my study. I explained to each participant that there was no remuneration if they participated and that they were guaranteed anonymity.¹²⁸ I assured all participants that no real names would be used. Some lawyers and NGO employees were not opposed to the use of their names. Legal professionals and police participants were more concerned about confidentiality than victim participants. I promised to protect participant’s interests and change their names and any information that could potentially lead to their identity being revealed. Therefore, I used a coding system to refer to each participant, for instance EOF6, the female employees of NGOs and GOs, EOM8, the male employees of NGOs and GOs, MLP5, male legal professionals, FLP4, female legal professionals, PM3, male police, PF1, female police,

¹²⁸ A Bryman, *Social Research Method* (n 108) 220. Also, S Sarantakos and S Sarantakos, *Social Research* (Macmillan Education Australia 1998). P24-25.

F50, female participants. A case story would be discussed, but it would be different from the participants' and an allocated name would also be used.

2.8.1 Observation

I also managed informal observations around women's homes and in public places. Observations were conducted in meetings and women's gatherings and in every place I visited. I used a notebook to write down the important events that related to my study during the fieldwork, starting in April, 2013.¹²⁹ The records I saved in the field were useful and provided me with a lot of knowledge for my data collection as well as documentary data which contained the reports of the international and national NGOs working in areas related to violence and governments reports to the CEDAW committee. I became more knowledgeable about women's status at home and in the community, about police officers' roles, women's actions and behaviours, and women's relations with men at home and in the community. I noted down every incident and anything that was relevant to my study in the fieldwork. I recorded my notes when I had the chance to do so. I would write down some key words to remind me about the incident,¹³⁰ so I could write in detail later. I wrote down my impressions about gender roles, reflections about women's status and feelings about each member's behaviour at home or in public, after the interviews when I got the first opportunity. I wrote the interviews and notes in Arabic

¹²⁹ See, Appendix 5, for more details in how my fieldwork started. I used a notebook because I wasn't allowed to use a recorder.

¹³⁰ Studies such as anthropological methodology work is vital because it examines the role of women in society through a variety of subjects such as economics, education and communications. Also, it helps in analysing the nature of gender inequality. See, M Brabeck, L Brown and L Christian, 'Feminist Theory and Psychological Practice', *Shaping the future of feminist psychology: Education, research, and practice* (1st edn, American Psychological Association 1997). Also, S Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108 *American Anthropologist*.

and after I returned from fieldwork I started to review and analyse them carefully. The next step was to translate everything into English.

I usually commute, but I decided to stay in Irbid for three weeks to coexist with the people of the region during the period of my study. The task required at least four weeks, but because of the security conditions at the time of emergency I could not stay for longer; there was a bombing action at the Jordanian border adjacent to Syria. With Irbid in the north, bordering Syria, there was a large influx of Syrian refugees, which led to a lack of stability and security in the region.

During my stay, including my time with my husband's family, I learned a lot about people's lives and the way in which the people live together. The task was not as difficult as I expected because they counted me as close to them. My husband's cousin, their friend, and a neighbour at the same time welcomed me. I was not an 'outsider' or stranger which made my task easier. Observations helped me to understand women's actions, beliefs, status at home and in their community, which contributed to my data collection,

On the first day I sat there with my mother-in-law and some relatives, the wives of some cousins. There were five women and they were happy to have me stay there and everyone was willing to come and meet me. The atmosphere was comfortable to talk in and have laughter and discussion. I started by addressing several topics and everyone gave their opinion. I could not write what they said, but I was writing some coded words as notes to remind me about the conversation, and when they left I wrote up what had been discussed in the conversation.

A feature of the village was that the men were the focus of the lives of married women. Women's subordination to men prevails in village communities more than in the city, and the man is always in charge of spending, not the woman. The consensus was that the man in the village directed and played the role of the decision maker and had absolute power. This role is socially acceptable, and he is not allowed to play another because he would then be seen to have lost his manhood. However, if a man is satisfied with his wife he will spend money and take charge of his house; and if not satisfied he will not take responsibility for anything. In some families, men feel they must show their authority

over their wives and attempt to prove their manhood in front of their family by shouting and giving orders. Physical violence was clear here where women could not defend themselves to avoid criticism for things that had happened. A further problem was that women often did not recognise the physical and sexual violence because they became used to it, and it had become a normal part of their lives.

I felt uncomfortable and unhappy for these women as they shared their stories and lives. The experience I had while I was staying with them did not take away the risk of ethical dilemmas in the field. I belong to a borough called Salt (a city in Jordan) but I was born and raised in Amman city. The Salt families were famous for their strong characteristics: generosity and assertive attitudes that made some people hesitate to deal with them. The truth is, once you started to deal with them, you became attached and could become a close friend. Men and women in Irbid kept asking me about my family and the people who live in Salt and their manners in dealing with strangers from different places. This caused tension at the beginning. However, I managed to persuade them I am decent, and gained their trust and formed a relationship with them. As a researcher, my method of research and way of relating created and shaped along with the participants, while staying in Irbid with families, were influenced by feminist literature.¹³¹ Regarding the interaction between the participants and me as a researcher, it was designed and developed to be the sort of relationship that built on the objectives of and stimulated curiosity in the research.

It was of notice that there was a role for grandmothers as an addition to the nuclear family in terms of intervention in the matters of sons and daughters-in-law. Everyone listened to her and followed her opinion; in the city this would not be acceptable. This intervention had a positive influence in terms of keeping the family united and it did at least seem that some of the women had a measure of power and were listened to, by both men and women in the family. These women retain their “Golden Jewels”, representing

¹³¹ Diane L Wolf, *Feminist Dilemmas in Fieldwork* (1st edn, Westview Press 1996). P 1-54.

the financial strength of the women. The grandmother used parables for many of the situations that occurred to them. For example, *Tub al-jerreh ale tumha btetla' al bent ale Omha*, (meaning that girls take after their mothers in their behaviour and their attitude). This saying is used especially when men look for marriage; before finding the right woman, they have to look at the mother. On the other hand, the nuclear family structure seemed to have some negative effects on the girls in the family. For example, women's rights are frequently violated when their parents limit their options of study to fields such as teaching.

In the second week, I watched the women as they worked in the field. During the rest periods, we sat under an olive tree to drink coffee, and I offered to make some sweets and tea for them. They were so pleased and wanted me to stay with them much longer and to share with them all the things they have. The women were comfortable in talking about their experiences because they needed an ear to listen and share with them their experiences, which in turn would encourage me to ask follow-up questions.

Women, girls and young men are involved in family projects, such as working in a shop or on a farm, but women and girls are not equal partners in the profits. They must work free of charge and men do not respect women's participation in family projects, even when women have sold their gold to help their husbands. Women are devoted to their husbands; they experience violence, but they do not speak out. When the time comes that women are no longer useful in the field or at home, men start to look for new wives. It seems that women's lives are focused on their men; they think of them and how to sacrifice their own lives for them. However, men think in a different way: women are just a little part in their lives and not their whole life. Therefore, women are not able to fulfil their lives except through their husbands.

I moved from house to house to participate with women in food preparation and in any work they needed doing, so that I became a 'member' of the household. They were glad to have me to stay with them and they felt that I was concerned and cared for them and that I offered some variety and a change from the routine in their lives. We talked about politics, and women's role in voting. I was surprised to learn that they cared so much

about this subject, even more so than the women in the city, where they had valuable information about the role of the House of Representatives and the municipal council.¹³²

There was laughter, and this helped to make more natural and intimate the relationship between us. I hoped that my study would afford them a space where they could confide in me their feelings about the issues related to this subject and express their viewpoints. These relationships developed the issues of power, privacy, and responsibility. Even though ethical considerations are related to all sorts of research, it is empirical research that requires more persistence in the face of ethical dilemmas due to its changeable nature and the close relationships developed between researcher and participants.¹³³

2.8.2 Participant Contemplation

On topics that are more private, I noticed in the influence of the more traditional culture values about relationships between men and women; that sexual relationships were often described as excellent, despite the impression or evidence of failed relationships. Some women exaggerated about how sexual relationships were strong in conversations when I discovered that they had had a failed relationship, and something was not right between them and their husbands. During the conversations, one of them said that she washed her sleepwear every day abroad, and others made up stories that there were problems in their lives. These were clear lies and exaggeration. This storytelling was effectively a way of lying to themselves, and the reason for this is that the women had nothing to do with their emptiness, just compare themselves with other women, and the jealousy was clear and notable. The truth is that compared with women in the city, women in the village give priority to their husbands, their children, and to their family and neglect themselves. These women become knowledgeable about financial enterprises that provide small funds for some projects, and they take loans for the benefit of their families. It often later

¹³² See Appendix 5. For Fieldwork details

¹³³ Marlene de Laine, *Fieldwork, Participation and Practice* (SAGE 2000).

becomes difficult to make their repayments and they may come into conflict with the law. This is a sign of ignorance about the legal information that could protect them. Women become involved with financial issues but if, because of the amounts they owe, they fail to repay the loan, the result is women are imprisoned and their husbands and families blame and turn away from them. It is noticeable that there are large numbers of female respondents to the activities of civil society organizations¹³⁴ in the villages while their husbands are at work, which is a positive indicator that community foundations are needed and useful in villages. There are many posts and great interest in community topics. The girls were confident in dealing with people in the local community, and women especially would cancel other things to be present and have enough time to attend the workshops. A woman mentioned the name of the Princess Basma Association Centre, where lectures are given pamphlets distributed, and those that attended were very pleased to do so, explaining that these lectures made them more aware and stimulated them to think about what to do to improve their situations.

To summarise the situation, I would say that although the women were ostensibly coherent in terms of their family lives, having secure and stable accommodation, nevertheless social disintegration was obvious. This is because women are denigrated in the village community, and a woman must not become involved with issues such as marriage and the distribution of funds. Women only deal with the issues of birth, and 'women's affairs', especially marriage and death. When women have had to accept all kinds of violence and repression, how can they share in development? As a researcher, I explained their rights and gave them some advice as to how to deal with their men by making gradual changes to their behaviour and ways of thinking.

¹³⁴ 'Social Institutions and Gender Index (SIGI) (n 25).

The security situation was quite tense and extreme because of the circumstances surrounding the presence of Syrian refugees. The situation there was not easy to navigate as required.

2.9 Interview steps

The plan was to start with sorting out how, with whom and where to begin the interviews. I began to arrange appointments with government organizations and civil society organizations. First, I decided to go to the Jordanian Women's Union as my friend Dr. Amal Awawdeh recommended I should start there.

The organization was established in 1945 but after a while stopped working. After the government lifted restrictions, it became active again in 1990. I arranged an appointment with a social researcher EOF1 and I was lucky enough to meet her on the same day. After that I arranged to come back to meet the legal professionals at the organization. After finishing the interview with the social researchers at the organization, she helped me to arrange an interview with a woman who had a special violence case and lived and worked in the organization. The questions that were raised were in Arabic to make the interviews as clear as possible. During the interview it became clear the FP1 had suffered from ill treatment by her parents and siblings, and, most importantly, she was suffering from burns on her face and had not completed her education because of a fire when she was ten years old. She did not find a shelter to support her until she reached the age of 20, when the Red Cross donated money to pay the expenses of her treatment and she was placed in the Organization of the Jordanian Women's Union and given the care and attention she needed.

After three days I had an appointment with a legal professional. The interview and discussion lasted for forty minutes. I wrote down all the conversations we had because recording it was not acceptable to the organization. After four days, I went back to the Union to meet with the social worker and thank for her cooperation. Her comments about the real situation of women were very informative. I also met the President of the Centre who told the social researchers to provide me with any help that I wanted. I felt

welcomed and this of course was reflected in the atmosphere of the discussion during the interview.

Next, I conducted several phone calls to arrange a work schedule for the interviews. In some communications, I found what I wanted while other calls were not of interest to me, so I decided to go to the organization to arrange the appointments to speed up the operation rather than keep waiting. I decided to contact *Mizan* (the scale) the Law Group for Human Rights, but it was difficult to reach any one of the lawyers there.¹³⁵ I asked the secretary at the reception to arrange a meeting with Mrs. Eva Abu Halawa, the president of the office, after I introduced myself and gave her my document. I explained the purpose of my study and the reasons why I wanted to meet her. I was unlucky because she was outside the country, and when she returned was difficult to meet her because of her busy schedule. At the beginning, the secretary gave me an appointment in a week's time and I waited for her to confirm it; however, she responded to me with an apology and told me it had to be cancelled. She promised me to arrange other dates with some lawyers, but it took her too long to do so. After that, I realized from this experience that some interviews may happen without arrangement and others need a lot of patience to fix a time and place. At the time I felt vulnerable because the unequal power relationships between the participants and the researcher. Some feminist work argues that powerful participants may offer or refuse their participations in the study if they are in better position to exercise their power.¹³⁶ Five days later, I got an appointment with a legal professional, so I went to meet him in the evening. We sat in a meeting room and I introduced myself and explained the objectives of my study. He was interested in doing the interview, which lasted one and a half hours. In his work, he deliberated about the issues that the centre processed and followed them up in the courts. He was also concerned with the problems they faced daily. We did not notice the time, and his

¹³⁵ See Appendix 5 for more details to view the interview steps. P 302.

¹³⁶ Marlene de Laine, *Fieldwork, Participation and Practice* (n 122).

opinion effectively served the objectives of my study. He said, ‘There are no family courts or women shelters except for one. The law exists but there are breaches according to each case’.¹³⁷

I tried to visit *Dar Alwefaq* to arrange some interviews with social workers, legal professionals, and battered women as well. However, the person in charge refused to introduce me to the existing cases and to the workers at the shelter, claiming there was a risk to their lives, even though I had submitted my university documents. There was security for the personal identities of those who visited the centre, and it was not easy to get inside since the shelter contained women whose lives were at risk. They were under heavy protection against their parents and husbands because they would have been killed. The place itself was more like a prison, with high fences, and there were police and security guards by the doors and entrances of the centre. The place is made up of several buildings that contained many floors, services and emergency provisions, researchers, social and legal counsellors, and psychologists to deal with the cases that come to the shelter. The atmosphere was uncomfortable. She explained about her role at the shelter and how they sometimes ensured they were available even late at night to deal with situations in which they were needed. I couldn’t evaluate her work at the centre and when I left I must admit I was sceptical because I couldn’t find enough evidence to evaluate the effectiveness of this shelter dealing with battered cases.

In the field I continued by approaching various institutions that included both governmental and non-governmental institutions and explaining to them the nature of my study, however, some interviews took place without arrangements as I mentioned before. After the holy month of *Ramadan* (the fasting month for Muslims) had finished, I arranged more interviews at different institutions and met with many legal professional and employees from different organizations. I went to the Justice Centre for Legal Aid,

¹³⁷ Interview with MLP6, *Mizan Law Group* (Mizan,,July,2013) 304.

the Jordanian National Committee for Women's Affairs; Sisterhood is Global Institute, Families Associations Development, police officers and Family Protection Department. I conducted more interviews with battered women. Despite the interventions of the government and many NGOs in violence issue, I have noticed that women still suffer violence because of the application of VAW within the legal system, which considers VAW as a family matter. Women remain vulnerable because of the limited choices of protection, and gender roles and societal norms, which is all supported by data from the fieldwork. During an interview held at the Jordanian National Committee for Women's Affairs with the legal professional FLP1, Ms. Amal Hadaden said that, 'Laws exist but there is a lack of implementation processes and the women do not have enough courage yet to raise a complaint against their husbands or abusers'.¹³⁸

Feminist scholarship had influenced me as a researcher and provided me with more ideas for forging successful relationships with participants,¹³⁹ certainly, my intention was to understand the situation from women's perspectives. Her argument was very useful for my study and we started to talk about different issues that were related to the same subject. She added:

Speaking out about violence against women was responded to with ill treatment, and also that the sociological side was not counted and not mentioned because judges paid no attention to this side of humanity.¹⁴⁰

I was surprised to find out from Mrs. Rana Abu Sondos FLP8, at SIGI that the only solution to protect women from being killed is to send them to the *Jweideh prison* (name of the prison in Jordan) or to shelters, such as the shelter at *Dar Alwefaq* until the

¹³⁸ Interview with Amal Hadaden (FLP1), NCFA (NCFA, July, 2013) 277. Appendix 5.2.

¹³⁹ Matt Henn, Mark Weinstein and Nick Foard, *A Short Introduction to Social Research* (n 32) 208-210.

¹⁴⁰ Hadaden. (n126) 331. Appendix 5.2.

organization can solve their problems.¹⁴¹ Mrs Rana Abu Sondos was working hard to solve the prisoners' problems by finding men to marry them, which was the only practical way to get them out of jail. The work was about coordination between inmates and persons who had committed crimes but pledged to start a new life and not to return to their previous paths. Most of the inmates in the prison feared their parents, as I mentioned during my field observation in Irbid. There were many cases of women who had suffered from violence and been threatened by their parents or even their husbands, so they had to run away to jail to seek protection from being killed. However, when Mrs Rana found a solution for women by presenting a man who wanted to marry their daughters, the parents agreed to have their daughters taken out of prison. I asked to go with her to the prison to meet some of the women, but she said that it would be difficult, and it required many procedures and filling in a large number of documents to get permissions for a visit. She suggested that she could take the interview questions because it was a part of her job, and asked me for ten copies, which she would return within two days. She did the interviews with the prisoners and was delighted that she was able to do this on my behalf.

In October, I went to FPD and met Abed al Salam, the person in charge of this department. I introduced myself and explained my aims of this study and the objectives of this research. I conducted further interviews with battered women.¹⁴² I met several cases; some of them were satisfied with the solution found by the department while others were not. I transcribed and translated each interview daily. I tried to be unbiased, doing my best to be objective and reduce my influence through reflexivity.¹⁴³ As a matter of fact, I found several negative consequences throughout the study supported by data

¹⁴¹ Interview with female lawyer participant (FLP8), SIGI (SIGI, August, 2013). See Appendix 5.3

¹⁴² Interview with Abed al Salam, Family Protection Department (FPD, Oct, 2013). See Appendix 5.3.

¹⁴³ Finlay L, "'Outing" The Researcher: The Provenance, Process, And Practice of Reflexivity' (n 31) 531-545.

from the field, showing that the subordination of women to men socially exists, methodically shaping access to human dignity, resources and power in the community. One of battered women participant FP33 said ‘I cannot go and seek help because my husband will never allow me into his house again and I have no family or relatives to go to’.¹⁴⁴

After I had taken all notes and answered the questions, the discussion and dialogue proved very useful to the study. To offer them financial payment for their cooperation was not something I felt should be done, as they may feel obliged to tell me things they felt I wanted to hear, rather than the truth. Therefore, I decided that I would only reimburse any travel expenses for attending the interview, amounting to 135 Jordanian dinars. I thanked them again for their attendance and contributions to the research. I left the organization for the house and started to rewrite and analyse the obtained information.

More interviews were held at different institutions with social workers, police officers, and legal professionals, where I gathered significant amounts of data. In addition, from the literature in studying response to violence, some stories illustrate that some justice system officers’ attitudes discourage women from seeking help (see appendix 5 for more stories from the fieldwork). There was a lack of understanding the real nature of violence in due to the patriarchal values among police officers. I had an interview with one of the female police officers, PF2, who mentioned that ‘the law protects the rights of the woman and stands by her side, it does not tyrannize her. The issuance of the law means that there is recognition of women’s rights’.¹⁴⁵ She added that there is a need for a female judge in family cases as it illustrated in chapter 6.

¹⁴⁴ Interview with a female participant (FP33), Sister Hood Is a Global Institute (SIGI, Aug 2013) 287. Appendix 2.

¹⁴⁵ Interview with a police female (PF2), Family Protection Department (FPD, Oct 2013) 278. Appendix 2.

Next, I went to the FPD, and there was a case of a battered woman who works as a woman's doctor. She complained that her husband had an anger management problem and he was very sharp and heartless in his action, with the result that he divorced her, and rejected any further communication between them (see appendix 5). More data supplied from the fieldwork when a female lawyer participant, FLP8, at the JNCWA organization, stated that the problem with the Domestic Violence Act (see chapter 5) is the lack of regulation needed to be able to apply this law.¹⁴⁶ Another participant (EOF2) added that it was necessary to 'activate the law, especially the law on the protection against domestic violence in order to apply it thoroughly. The existing laws are the real obstacles that challenge woman'.¹⁴⁷

A legal professional, Mrs Fariezeh FLP 10, who works in the Justice Centre for Legal Aid, said that most of the cases involve complaints where the husband has hit a wife on the head to not leave any visible traces. She said the violence occurs because of economic and psychological situations, especially if the spouse comes from a different environment where there has been disintegration of the family. Also, it has been discussed how SIGI is trying hard to solve women's problems, getting them out of prison, support them financially, and pushing hard on legislators to change the law in areas such as marriage age and law on rape (check chapter 4, section 4.5 and appendix 5.3 and 5.4 for more details). NGO's effectiveness response could contribute to the eradication of VAW; as

¹⁴⁶ Interview with a female lawyer (FLP8), (JNCWA, Nov 2013) Chapter 5.section 5.2.3

¹⁴⁷ Interview with the employee of the organization (EOF2), Sister Hood is a Global Institute (SIGI, Nov 2013) 295. Appendix 2.

Merry suggests, NGO's role in 'intermediaries' can translate human rights ideas into a local context by using knowledge of cultural and social commitments.¹⁴⁸

2.10. Documentary Data

Academic work was very limited; therefore, most data available came from United Nations reports and different organizations such as Shadow NGOs' Reports to CEDAW Committee, Jordan, compiled by a group of NGOs KARAMA; the Arab Women Organization's strategy for combating violence for the years 2011-2020; Jordanian Women's Union report to CEDAW Committee for 2012; National Council for Family Affairs reports; articles; state policies. This was supplemented by my fieldwork, notes, observation and feelings during the interviews, which were also considered as data collection. It was vital to make immediate notes after the conversations to avoid losing any information. The statistical data was gathered from non-governmental institutions because it was difficult to obtain precise data on these issues due to the lack of full information, including the recording of the number of women victims of violence. In many cases the number of women victims was duplicated. The concluding comments of the CEDAW committee for the last report for Jordan they note the lack of data and s26 requires Jordan to collect data more effectively. Moreover, the victims reported the incidents many times at different locations, so each organization considered it as a case when in reality it was the same case but reported more than one. I considered the documentary data as evidence on the issues of violence.

2.10.1 Why Triangulation in Data Collection?

In social research acquiring methods to authenticate data collection is very important. I found that triangulation suggests multiple methods in collecting data.¹⁴⁹ I used

¹⁴⁸ Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) 38-51.

¹⁴⁹ David Silverman, *Interpreting Qualitative Data* (Sage Publications 1993).

triangulation in data collection because it enables a higher degree of completeness and helps confirm results of one method by comparison with another. It is considered a successful approach to overwhelming problems of prejudice and legality.¹⁵⁰ This approach was practical in counterbalancing strengths and weaknesses and meant there was less possibility of forming errors.¹⁵¹ For the researcher it was very useful to get multiple viewpoints; when various data lead to similar ends there can be greater certainty about conclusions reached. Very useful data was obtained from the primary resources as well as the secondary, and other, resources, although it should go without saying that 100% accuracy and breadth of analysis is difficult to achieve.

2.10.2 Data Analysis and Clarification

There were many steps used in the data analysis process starting with examination of data, gathered through interviews and group discussions. This study uses qualitative methods, which relies on the data that was obtained from the other resources such as reports, international and national organizations. While the data was limited and did not provide accurate information, for example the number of complaints on domestic violence registered, calls registered, and women victims' complaints registered, there was no complete picture of what was happening. Therefore, I attempted to examine some academic work and Islamic scholars on the issues of violence against women. Also, I decided to approach relatives, friends and participants through organizations which allowed me to gain more information. After that, work was done on organizing data and assigning meaning to it; this involved the process of explaining the relationships between categories of data according to the themes and concepts of the thesis. Experience from the field pulled out the theme of this study and offered explanations by considering the data and ethical dilemmas encountered.

¹⁵⁰ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists* (n 101) 21.

¹⁵¹ Arksey and Knight (n 101) 21.

To understand the research process, it was essential to do an analysis of the data and write down an explanation regarding the information from each interview, after I translated from Arabic to English. This was in addition to the notes that I wrote down during my fieldwork, observation and interviews, as well as on the behaviour resulting from the focus group and each participant. Therefore, I used two methods to do the analysis: microscopic analysis and statistical techniques. For the first, the microscopic analysis guided me to understand various threads of the data by listening intimately to not only what the participants were saying, but also the manner in which they were saying it.¹⁵² The statistical techniques helped me to make reasonable conclusions around the linked data or differences between the interviewees, and this was a valuable tool in deciding upon objective and conclusive decisions.¹⁵³ In doing so, I read the interviews a number of times in order to extract the raw data, understand the participants' thoughts and use various strategies to enable me to conduct statistical analysis. In fact, to decrease bias I used multiple methods obtained from principal including participants and I endeavoured to minimise subjective influences while analysing the data,¹⁵⁴ trying to be as objective as possible.¹⁵⁵ Methodological thoughts need "a description of characteristics of the research sample through measures of central tendency and dispersion; and the establishment of inferences related to hypotheses based on evidence about the degree of association or differences".¹⁵⁶

¹⁵² A Strauss and J Corbin, *Basic of Qualitative Research: Techniques For Developing Grounded Theory* (SAGE 1998). P 57-65.

¹⁵³ Gerald R Adams and Jay D Schvaneveldt, *Understanding Research Methods* (Longman 1985). P 330.

¹⁵⁴ Celia Hunt and Fiona Sampson, *Writing, Self and Reflexivity* (1st edn, Palgrave Macmillan 2006).

¹⁵⁵ Strauss and Corbin (n 152)58.

¹⁵⁶ Adams and Schvaneveldt (n 153) 336.

I employed many procedures of data analysis, which were engaged in seven main ways: 1) data preparation, which entailed all types of manipulation that arranged the data for additional series of actions; 2) coding and planning for tables was performed manually or electronically; 3) counting, that involved recording the research incidence of particular answers; **4)** grouping and presentation, which entailed putting similar items into groups, leading to data dissemination posed in graphs or table categories; **5)** relating, which called for clarifying occurrences by using statistical tests and cross-tabulations; 6) predicting, which used statistical methods that help to infer known tendencies in the research into the upcoming and 7) statistical testing, the final stage, examining the importance of hypotheses, inference and correlation used throughout the analysis process.¹⁵⁷

I preserved the ethical standard in my research by being very cautious in investigating the data to precisely understand, interpret, and analyse everything belonging to research participants.

2.11 Graphs

There are several ways of presenting the data and the findings, and therefore I thought about using graphs to present the results of this study.¹⁵⁸

Research Finding

Sample size is 70 women between the ages of 19-61

¹⁵⁷ S Sarantakos and S Sarantakos, *Social Research* (n 118) 311-312.

¹⁵⁸ S Sarantakos and S Sarantakos, *Social Research* (n 118) 333-334.

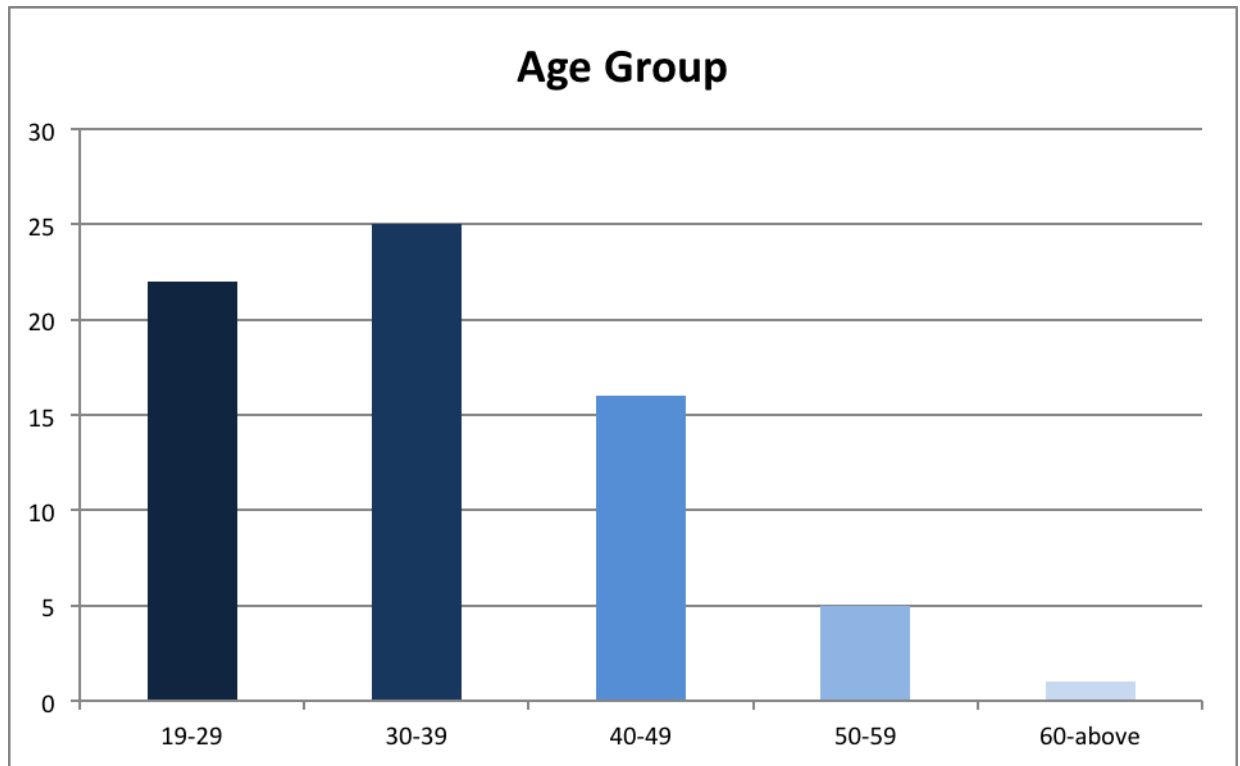


Figure 1- Age distribution of the sample

This bar graph compares age group, demonstrating ages of the participants who were involved in this study.

Marital Status

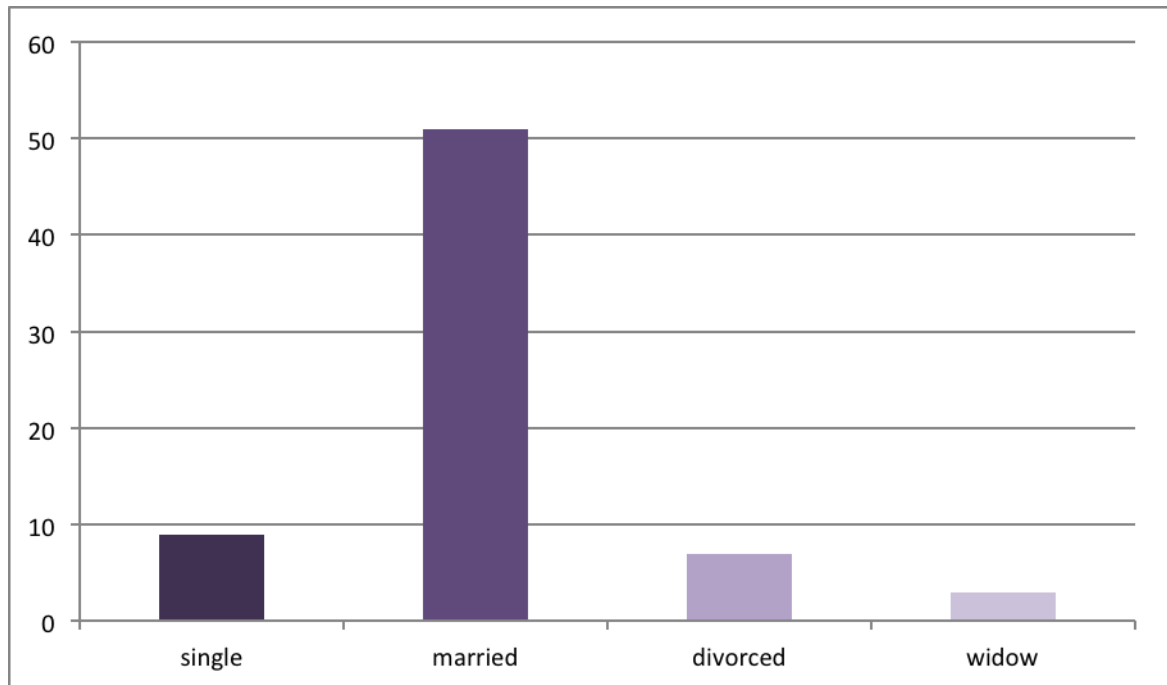


Figure 2- Marital Status

This bar chart shows the sample of participants according to marital status, representing the single, married, divorced and widow women.

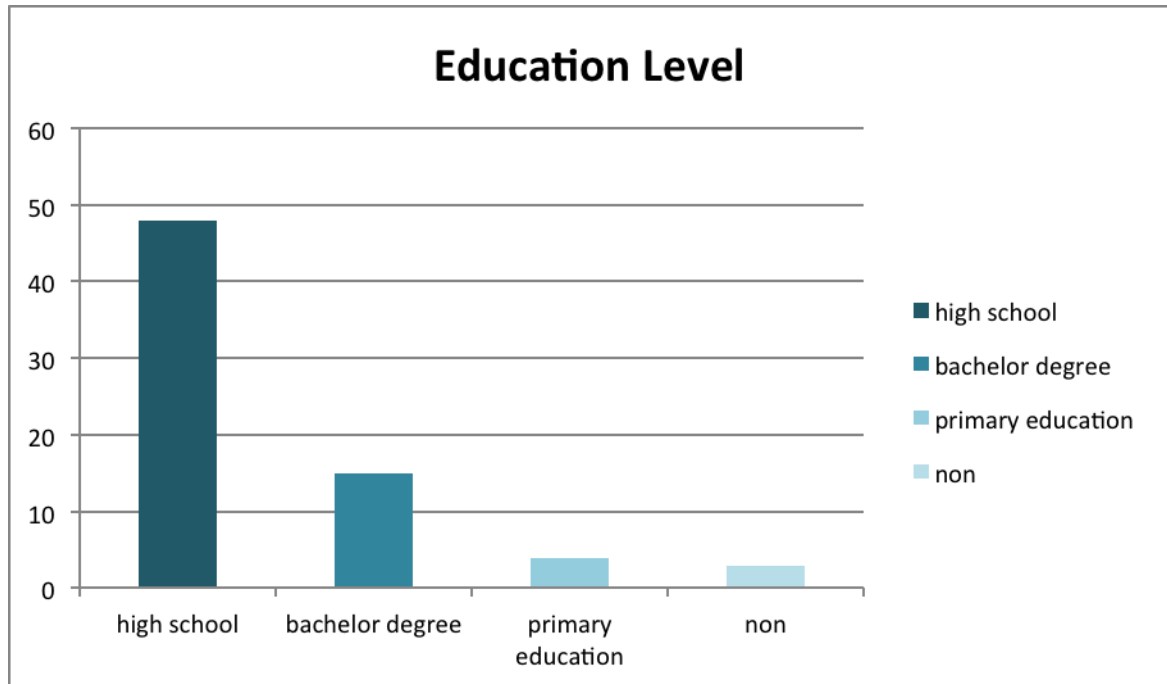


Figure 3- Level of Education

This bar chart shows the education level of these participants. A high school degree is the most common. Next is a bachelor's degree, while a few others have only finished their primary education, and few more received no significant level of education at all.

2.12 Conclusion

This chapter focused on women's understanding and involvement of violence and the system of law. The study adopted qualitative methods of data gathering and a feminist methodology. Therefore, the study employed different methods of data collection during the fieldwork including archival resources, semi-structured interviews, field observation, analysis and clarification of the data. Using the feminist approach enabled me to fill gaps in my own knowledge by the considering the relationship between the researcher, participants, and how to serve the research objectives and interests. The goal of this study was achieved by engaging the feminist approach with empirical research, always considering the impact of the participants on the direction of the research and the study impact on the participants as well. It is the researcher's responsibility to prevent any possible ethical shortcomings, or harm to come to the participants. The following chapter considers the problems of theory in international human rights and the relation between law and feminist theory. The chapter will also discuss the social, economic and political changes that have happened in Jordan in women's movements and review some of the work of the academic scholars in Jordan. In addition, chapter three brings attention to the reports and the functioning of NGOs regarding violence.

Chapter 3 – Theory into Practice

3.1 Introduction

This chapter explores changes in the awareness of how VAW has developed in Jordanian society after intervention by national and international institutions, and social, economic and political changes in the Jordanian context. The United Nations established a Commission on the Status of Women in 1946.¹⁵⁹ It was originally commissioned as a section of Status of Women, Human Rights Division, Department of Social Affairs, later becoming a part of the Economic and Social Council (ECOSOC). Later still, another Convention was adopted by the General Assembly of the UN in 1952, related to the rights of women with respect to politics. It is considered the most primary legislation in the international arena, providing the equal status to women and men for exercising their political rights. Since 1975, the United Nations has organized a succession of world conferences on the different issues related to women's rights. This started with the World Conference of the International Women's Year in 1975 in Mexico City. These conferences helped in the creation of an international forum for the development of women's rights and at the same time highlighted the difficulties in applying these universal principles to women from different cultures, languages, and religions.¹⁶⁰ There have been four international conferences¹⁶¹ held by the UN since then an action plan was adopted by 189 nation states, which included, among other objectives, a commitment to

¹⁵⁹ Background note is based on the United Nations Blue Book Series on The United Nations and the Advancement of Women. 'The United Nations and The Advancement of Women, 1945-1996, And the United Nations CD-ROM Women Go Global: Short History of The Commission on The Status of Women' (*Womanwatch.org*, 2000) <<http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf> accessed September 15, 2012> accessed 15 September 2012.

¹⁶⁰ Nilufer Cagatay, Caren Grown and Aida Santiago, 'The Nairobi Women's Conference: Toward A Global Feminism?' (1986) 12 *Feminist Studies*. P 401–412.

¹⁶¹ UN Women, 'World Conferences on Women' (United Nations).

'gender equality and the empowerment of women'.¹⁶² The main objective of these strategies was to form a new technique and methods of law and policy in regards to gender violence around the world, so government would be able to implement new legislation that addresses the incidents of violence that happen in the family.¹⁶³ In Jordan the issue of VAW was raised by a number of both national and international NGOs¹⁶⁴ in their role of reporting violence in order to promote women's rights and freedom. This chapter highlights the role women have played throughout the history of Jordan and their influence on socio-economic and political changes in society. This study draws on several bodies of literature that explain different definitional problems with regards to the issue of VAW. It examines studies conducted in this regard in the Jordanian context.

3.2 Problems of Theory in International Human Rights

Human rights and women's rights were not acknowledged as a substance of international

¹⁶² 'Fourth World Conference on Women, Beijing 1995' (UN, 1995)
<<http://www.un.org/womenwatch/daw/beijing/plat>>

¹⁶³ L Harne and J Radford, *Tackling Domestic Violence: Theories, Policies and Practice* (Open University Press 2008). P.21.

¹⁶⁴ 'Fourth World Conference on Women, Beijing 1995' (n 178). Also, 'Amnesty International Report 2005' (www.amnesty.org, 2005)
<<https://www.amnesty.org/download/Documents/POL1000012005ENGLISH.PDF>>. Also, 'Ending Violence Against Women: From Words To Action' (www.unwomen.org, 2006)
<<http://www.unwomen.org/.../2006/.../ending-violence-against-wo..>>. accessed 2014. National Council for Family Affairs, 'The Reality of Violence Against Women in Jordan' (n 27).

concern until the end of the First World War. In 1919, positive changes had appeared by the adoption of the Covenant of the League of Nations, were limited principles on human rights started and signified a vital development of the international recognition of women's rights.¹⁶⁵ The Second War helped in the recognition of human rights and freedom that were linked to the maintenance of peace and security in the world. Following the war, a worldwide organizations (UN) was established, which was an important instrument in the protection of human rights and women's rights. This charter provides important general prohibitions of discrimination, specifically with regard to sex, positive statements about the women's position in society and the principles of equality.¹⁶⁶ Establishing the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly, the International Covenant on Civil and Political Rights, and the International Covenant of Economic, Social and Cultural Rights (ICESCR) provided significant interpretations to the notion of human rights.¹⁶⁷ The Commission on the Status of Women (CSW) was founded by ECOSOC and the Article 68 of the UN Charter had the goal of achieve equal rights between men and women throughout the world by preparing recommendations and reports in the field of women's rights to (ECOSOC). The international norm of non-discrimination based on sex has led to the adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Violence (CEDAW) in 1979. It provides supervisor machinery with terms of recommendations for the elimination of all forms of discrimination against women. It is frequently described as the international bill of rights for women. It has a preamble and thirty Articles in total. It describes the acts that represent unfairness and inequity against women and further provides a schema for nationalized actions to

¹⁶⁵ D.P. Myers, *Handbook of The League of Nations, World Peace Foundations* (1st edn, World Peace Foundation Publications 1930). P 367-380.

¹⁶⁶ M Ganji, *International Protection of Human Rights* (1st edn, Minard Press 1962).

¹⁶⁷ J Rahman, *International Human Rights Law: A Practical Approach* (1st edn, Longman Publisher 2003).

terminate such forms of discrimination. Nations that have ratified or consented to this convention are under a duty to comply with its provisions and practice it. Such nations are also obliged to submit national reports at least every four years to explain the actions taken to fulfil the obligations under the treaty.¹⁶⁸

At an international level, many positive laws developed to protect women from discrimination and violence.¹⁶⁹ No country, whether developed or developing, is free of VAW. In Jordan, several UN agencies work for the protection of human rights and especially the rights of women. Some of them are the United Nations Children's Fund (UNICEF), Office of the High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO), United Nations Population Fund (UNFPA) and United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

General Assembly Resolution 63/311 founded UN Women in 2010, after merging the divisions of Advancement of Women, Gender Issues Advancement of Women, International Research and Training Institute for the Advancement of Women and United Nations Development Fund for Women. As far as development at an international level is concerned, CEDAW is a vital provision for all countries, especially Jordan, which has ratified most of the international human rights principles and assumed the responsibility of using these norms nationally. For example, Jordan reacted to the Beijing conference by developing programmes to comply with the obligations under CEDAW and other human rights mechanisms. However, implementing international treaties and human rights concepts and accepting certain norms with regards to violence against women into the legal system is difficult, because these concepts are perceived as being based on

¹⁶⁸ R Cook, 'The International Rights to Non-Discrimination on the Basis of Sex' (1989).

¹⁶⁹ Christine Chinkin, 'Feminist Interventions into International Law' (1997) 19 *Adelaide Law Review*.

‘western’ values.¹⁷⁰ It is also worth noting that the term Third World Feminism is not much used these days and can be viewed as discriminatory, like the term Third world itself. For example, Nadjie Al-Ali who is an Arab feminist activist is involved in gender studies, explaining how many of Egyptian feminists were unwilling to identify themselves as feminist; it is a problem because of the negative image of feminism in society, which is shown to split men and women apart.¹⁷¹ She also stated ‘the relationship of women’s organization to the state is key to the analysis of women’s movements in the region’.¹⁷² Merry suggests that some western feminists have ridden roughshod over other cultures and western feminists at their best engage in trans-national feminist research led by women’s organizations in the country concerned and consciously attempting to avoid western dominance.¹⁷³ Furthermore, Jordanian mentality, culture and custom are different from that in the western, certainly when dealing with the issue of VAW. This has resulted in gaps in the Jordanian legal system. Gill points to the fact that forms of violence should be inflected with a broader understanding of culture, which is used as a synonym for tradition. Acts of discrimination and VAW can be justified by culture, which is frequently employed to illustrate the kind of violence experienced by women, feeling and behaving, customs and traditions that would make violence seem

¹⁷⁰ Jack Donnelly, 'The Relative Universality of Human Rights' (2007) 29 Human Rights Quarterly.

¹⁷¹ Nadjie Al-Ali. Secularism, *'Gender and the State in the Middle East' The Egyptian Women's Movement*. (Cambridge University Press 2000). (n 47).

¹⁷² Nadjie Al-Ali, 'Gender and Civil Society in the Middle East' (2003) 2 International Feminist Journal of Politics. Also see the work of Purna Sen, the UN women's Director of policy Division. She works as an activist, academic, VAW and human rights expert and a politician. Purna Sen. The Guardian 'Women's rights and gender equality Women are uniting against sexual violence- and we won't be stopped' (2015) theguardian.com

¹⁷³ Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) P 61-65.

more eligible.¹⁷⁴ Therefore, giving protection to women, while simultaneously insuring respect for cultural practice, is difficult to achieve.¹⁷⁵ Governments around the world may fail to recognize the criminal nature of VAW, even though the Declaration of UN Conference in Beijing 1995 states that:

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.¹⁷⁶

The Global Platform for Action calls for governments to:

Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society.¹⁷⁷

Surely, those who suffer most from these practices under the patriarchal societies are women. As mentioned earlier, Jordan has already signed and ratified the chief instruments for the protection of human rights. The most important ones are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant of Economic, Social and Culture Rights, the Convention against Torture (CAT), the Child's Rights Convention (CRC) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The conventions (CRC) and (CEDAW) were ratified by the country in 1991 and 1992 respectively. They were thereafter published in the official gazette in 2008. However, the country had stated its reservations on the

¹⁷⁴ Aisha K. Gill, Carolyn Strange and Karl Roberts, eds 'Honour Killing and Violence: Theory, Policy and Practice' (2014) London: Palgrave Macmillan.

¹⁷⁵ *ibid* (n 120) 16-28.

¹⁷⁶ 'United Nations Diagnosis, Violence Against Women, Para 112,' (n 18).

¹⁷⁷ *ibid* (n 18).

application of articles 9 (2), 15 (4) and 16 (1) of the CEDAW convention and articles 14, 20 and 21 of CRC. Furthermore, Jordan until now has not ratified the optional protocol to the CEDAW convention that stands for complaints by individuals. Thereafter, there was a collective third and fourth report regarding the implementation of CEDAW in its full capacity, which was presented and discussed before the committee on CEDAW in August 2007. In its conclusion, the committee stressed the need to unite the efforts to address various issues of violence against women in accordance with the general recommendations of the committee.¹⁷⁸ Jordan must take an important step in recognizing domestic violence as an act of criminal violence, by introducing new legislation aiming to apply the legal system to incidents of violence that mainly happen in the family. It is the government's responsibility to increase awareness of VAW, not only the NGOs duty to challenge it. The existing gender roles have influenced the enforcement of violence against women law; in many cases this law is inadequate in eliminating violence (discussed in detail in chapter 4). Globalization, the process of developing cumulative global relationships, can supplement the objectives of feminism in international politics. The circulation of ideas and popular culture can influence the actions and policies of states, possibly liberalizing certain elements of society. There are good and negative aspects to the process; however, incorporating feminist perspectives and needs would do better to define the practices of governments in the future.¹⁷⁹ The development of the concept of VAW at international level has also influenced the ways in which the concept was articulated and introduced in Jordan. Before exploring the ways in which VAW are

¹⁷⁸ *The Economic Advancement of Women in Jordan: A Country Gender Assessment* (1st edn, World Bank 2005).

<<http://siteresources.worldbank.org/INTMNAREGTOPGENDER/.../JordanCGA>> accessed 2012. P 40

¹⁷⁹ Joan M. Anderson, 'Gender, 'Race', Poverty, Health and Discourses of Health Reform in The Context of Globalization: A Postcolonial Feminist Perspective in Policy Research' (2000) 7 Nursing Inquiry.

perceived in Jordan this chapter will engage in a discussion of the relationship between the law and feminist theory regarding the concept of VAW.

3.3 Law and Feminist Theory

The methodology chapter discussed the connection between feminist perspectives and understanding of VAW. This thesis draws on feminist theory to investigate and critique the way in which the interaction of law and culture shapes expectations, policies, and practices related to gender.¹⁸⁰ It has also specifically pioneered new perspectives and disciplines to advance a social justice framework rooted in the universality of human vulnerability and the need for a responsive state.¹⁸¹ Feminist theory scrutinizes the role of women in society through a multiplicity of subjects, including anthropology, sociology, economics, literary criticism, education, and communication. When looking at international politics from a woman's perspective, one is forced to reconsider his or her personal assumptions about international relations. Feminist theory plays a significant role in the transformation of women's rights all over the world. It constitutes the extension of feminism into the theoretical, or philosophical, domain, analysing and conceptualizing the nature of gender inequality.¹⁸² Feminist-fashioned legal proposals seek to use law to better the position of women, from continued adherence to the equality model to ideas of accommodation and acceptance of 'special' needs.¹⁸³ It is worth considering Islamic feminism and their contribution in improving human rights and democracy; they shared egalitarian principles, not patriarchal thoughts. Margot Badran

¹⁸⁰ 'Feminist Jurisprudence' (*LII / Legal Information Institute*)
<http://www.law.cornell.edu/wex/feminist_jurisprudence> accessed 2015. Also, see, Fineman, 'Feminist Legal Theory' (n 33). In Martha Fineman and Michael Thomson, *Exploring Masculinities: Feminist Legal Theory Reflections* (Ashgate Publishing Group 2013).

¹⁸¹ Patricia Smith, 'Feminist Philosophy of Law' (*Stanford Encyclopaedia of Philosophy*, 2013)
<<http://plato.stanford.edu/entries/feminism-law>>.

¹⁸² Brabeck, Brown and Christian, 'Feminist Theory and Psychological Practice' (n 120).

¹⁸³ Fineman, 'Feminist Theory and Law' (n 33).

explained that there are two major models of feminism, which refers to “secular feminism”, and “Islamic feminists”. The first of which is not religious but does not condemn the pursuit of religion. The second pays attention to deeply analyse the Qur’an.¹⁸⁴ The cultures of Muslim societies in Asia, Africa and communities in the west have linked patriarchy to Islam by imposing the domination of men over women. As matter of fact, patriarchy has controlled Muslim men, the sexual purity of women and family honour. Nonetheless, Islamic feminism helped in understanding of gender equality and identities within Islam. Margot Badran says ‘female scholars have been talking for two decades now about the gender equality they find in Qur’an. Activists use these egalitarian readings to push for new practices within families and societies, and to support reform of Muslim family laws’.¹⁸⁵ This study aims to investigate the responses of the justice system of Jordan to VAW from the women’s perspective, believing that laws are important to eliminate VAW. As a theoretical approach, this study adopts the perspective of Islamic feminism, which focuses on gender equality and the perspective of Carol Smart, a feminist scholar who focuses on feminist legal theory. Smart illustrates the importance of women’s movements in influencing social theory and being a possible ‘contribution to law’.¹⁸⁶ A number of theories have been developed to illuminate VAW after recognizing that domestic violence is a social problem.¹⁸⁷ Elizabeth Schneider defines theory as based on the real daily lives and values of individual’s experiences.¹⁸⁸ Feminist theories explain domestic violence as part of the subordinate position of women

¹⁸⁴ Margot Badran, 'Between Secular and Islamic Feminism/s: Reflection on the Middle East and Beyond'. (2005). Vol.1. No. 1. Journal of Middle East Women’s Studies. Published by Duke University Press.

¹⁸⁵ Margot Badran, 'Islam’s Other Half: What does Islamic feminist have to offer? Where does it come from? Where is it going'. (2008). theguardian.com.

¹⁸⁶ Smart, '*Feminism and The Power of Law*' (n 20).

¹⁸⁷ 'Ending Violence Against Women: From Words to Action' (n 180).

¹⁸⁸ Schneider, '*The Dialectic of Rights and Politics*'. (n 33) 318-332.

in society, and as something that needs addressing in order to achieve gender equality. Some theories are based on different cultural practice, such as psychological theory explaining that abusive men feel insufficient, or jealous¹⁸⁹ and like to control and punish women¹⁹⁰ especially those who are 'financially dependent on the batterer', and that may make them accountable for this violence.¹⁹¹ This perspective offers an insight into why women who are in an abusive relationship often don't decide to leave or tell others.¹⁹² Furthermore, sociological theories propose that violence happens in poor, socially and economically deprived households.¹⁹³ It should also be noted that sociological theories state that the relationships within the family teach children the abusive behaviour and gender norms of their parents or sub-cultures of violence.¹⁹⁴ As a result, boys and girls may accept violence as legitimate, and girls become submissive and boys are conditioned to be violent in relationships and are tolerated as being so.¹⁹⁵ Therefore, it is important to study the relation between law and feminist theory because it analyses the differential impact of the law on women and men. It is also important to consider in this regard any differences that exist or arise between differently situated women. This thesis seeks to continue the discussion on gender equality and understanding of women in Arabic societies under the rule of law and VAW. Feminist explanations demonstrate that women's experience of violence is connected to the unequal position between men and

¹⁸⁹ Erin Pizzey, *Scream Quietly or The Neighbours Will Hear* (Penguin 1974).

¹⁹⁰ 'Ending Violence Against Women: From Words to Action' (n 180).

¹⁹¹ Mahoney, 'Legal Images of Battered Women: Redefining the Issue of Separation' (n14) 202-203.

¹⁹² Pizzey, *Scream Quietly or The Neighbours Will Hear* (n 200) 133-135.

¹⁹³ Stacey B Plichta and Marilyn Falik, 'Prevalence of Violence and Its Implications For Women's Health' (2001) 11 Women's Health Issues. P 237-270.

¹⁹⁴ C Brown, 'The Family and The Subculture of Violence', *Families, Schools, and Delinquency Prevention* (1st edn, Springer-Verlag 1987).

¹⁹⁵ Brown (n 205).

women in the society.¹⁹⁶ In patriarchal Societies State institutions and the criminal justice system fail to sufficiently respond to women's needs.¹⁹⁷ Therefore, feminist work proposes that the state plays an important role in continuing the system of oppression.¹⁹⁸ As a matter of fact, 'law is in a position to regulate and limit our options and choices. It seems clear that feminists need to address the law to reveal and challenge its assumptions and try to modify its effects'.¹⁹⁹ The legal system has already been discussed in chapter four.²⁰⁰

3.3.1. Feminism and Violence

In chapter 2 I indicated that this study is based on a feminist perspective for understanding the legal system, and international and national organizations response to VAW. Psychological and sociological theories do not provide sufficient explanations for the reason why violence happens; yet, they do demonstrate connection between violence and other issues, which helps in discovering the phenomenon of violence.²⁰¹ Therefore, a feminist perspective is well suited to explore the phenomenon. Feminists tend to agree that patriarchy is regarded as the relationship between social structures, which leads to women's oppression, subordination and acceptance of current power structures without question.²⁰² In that respect, Jackson and Scott view patriarchy as a 'highly contentious

¹⁹⁶ S Merry, "The Politics of Gender Violence: Law Reform in Local and Global Places" (2003) 28 *Law and Society Inquiry*. P 931-939.

¹⁹⁷ Buzawa and Buzawa, *Domestic Violence: The Criminal Justice Response* (n 85).

¹⁹⁸ Dobash and Dobash, *Violence Against Wives* (n 68).

¹⁹⁹ Carol Smart, *The Ties That Bind Law, Marriage and The Reproduction of Patriarchal Relation* (Routledge & Kegan Paul 1984). P.221

²⁰⁰ Susan S. M Edwards, *Policing "Domestic" Violence* (Sage Publications 1989).

²⁰¹ Dobash and Dobash (n 68).

²⁰² *ibid.*

concept'.²⁰³ Walby comments that violence is a tool that men use over women.²⁰⁴

However, Buzawa and Buzawa state that female violence against men normally happens in the context of self-defence, as a response to men's domination of a part of women's lives.²⁰⁵ The idea that biological differences and differences in their nature mean that men are stronger than women has been contested by a small number feminists.²⁰⁶

Alternatively, Meriwether and Tucker focus on the subordinate position of women in the Middle East and noted 'the control and subordination of women puts limitations on women's rights and choices'.²⁰⁷ Meanwhile, Lindholm implies that in Middle Eastern societies cultural pressure increasingly separates women in their 'nuclear families', where a woman strives to preserve her own honour and gain her peers' respect.²⁰⁸ Also, Bowman explains how cultural explanation theory of VAW invokes the connection between enforcement of traditional roles and violence where women are treated as passive property in order to keep them in an inferior position to their husbands.²⁰⁹ Cultural explanation theories also suggest a link with feminist theories, where both clarify the unequal position of women in terms of VAW. Thus, feminist theories explore gendered

²⁰³ Maritin Mac An Ghaill and Chris Haywood, *Gender, Culture and Society, Contemporary Femininities and Masculinities* (Palgrave Macmillan 2007). P. 24

²⁰⁴ S Walby, 'Form Private to Public Patriarchy: The Periodization of British History' (1990) 13 Women's Studies International Forum. In Tracy Castelino, 'Making Sense of The Discourses in The Violence Against Women Domain: A Gender Violence Prevention Typology' (2014) 31 Outskirts online journal. P 91-104.

²⁰⁵ Buzawa and Buzawa, *Domestic Violence: The Criminal Justice Response* (n 85)13-14

²⁰⁶ Mahoney, 'Legal Images of Battered Women: Redefining the Issue of Separation' (n 14).

²⁰⁷ Meriwether and Tucker, *Social History of Women and Gender* (n 35) 95.

²⁰⁸ Charles Lindholm, *The Islamic Middle East-An Historical Anthropology*. Blackwell Publisher (Blackwell 1996). P. 234

²⁰⁹ Cynthia Grant Bowman, 'Theories of Domestic Violence in The African Context' (2003) 11 Journal of Gender, Social Policy and The Law <<http://scholarship.law.cornell.edu/facpub/131>> accessed 2015.pp. 847-863.

inequality and roles, additional to power relations.²¹⁰ Gender discussion is global widespread, and it is worth noting that it is influenced by cultural environment, religious and social conditions. In various parts of the Muslim world, a new gender discourse, religious rights, and women's roles.²¹¹ In Jordan, women live in inferior positions to men and this is something that can also be observed in the legal system. A legal system under which polygamy, where a male has multiple female partners, is permitted puts women in even more vulnerable positions. Awawdeh investigates the issue of domestic violence in Jordan and draws on the unequal position of women in the family,²¹² discussed in more detail below.²¹³ Therefore the legal system plays a role in continuing women's oppression²¹⁴ by not just ignoring but actually reinforcing through law 'women's victimization'.²¹⁵ Social resources and cultural structures harm women²¹⁶ where their status becomes low and they become financially dependent, which are the contributions to the reasons why men beat women.²¹⁷

The fieldwork indicates the influence of socio-economic and political changes in Jordan on the position of women at home and society. Hence, both socioeconomic and cultural

²¹⁰ Smart, *Feminism and The Power of Law* (n 20).

²¹¹ Smart, *Feminism and The Power of Law* (n 20). Also see, Margot Badran, 'Islam's Other Half: What does Islamic feminist have to offer? Where does it come from? Where is it going'. (2008). theguardian.com.

²¹² Awawdeh, 'Violence Against the Wife in The Jordanian Society' (n 29).

²¹³ In section 3.5.1. Reports and Studies on VAW

²¹⁴ Dobash and Dobash, *Violence Against Wives* (n 680).

²¹⁵ Mahoney, 'Legal Images of Battered Women: Redefining the Issue of Separation' (n 14).

²¹⁶ Rosemarie Buikema and Anneke Smelik, *Women's Studies and Culture: A Feminist Introduction* (Zed Books 1995). P.3-5

²¹⁷ J Campbell, 'Sanctions and Sanctuary: Wife Battering Within Cultural Contexts', *To Have and To Hit: Cultural Perspectives on Wife Beating* (2nd edn, University of Illinois Press 1999). P 267.

factors²¹⁸ are to some degree responsible for women's vulnerability. In order to give a clear overview of cultural studies that have been incorporated in feminist theories, this thesis discusses the areas of difference such as political and economic rights, equality of employment opportunities, educational equity and women's experience with the law in Jordan. VAW is linked to poverty, unemployment and social inequality and the violence in Jordan is carried out mostly in a physical form. According to feminist theories it is essential to have change in the social order in the societies by seeing violence as one part of a much broader context if we are to eliminate domestic violence.²¹⁹ Hence, this study has adopted the perspectives of feminist scholars as a theoretical approach, particularly Carol Smart's arguments on feminist legal theory. Smart draws attention to the women's movement because it might be the key to touching upon social theory and its possible contribution to law.²²⁰ Therefore, this research draws on women's movements and on a number of bodies of literature that explain different definitional problems regarding the issue of VAW, and it also examines studies conducted in this regard in the Jordanian context.

3.4 The Development of the Women's Movement in Jordan

Women have developed their own movement, which has resulted in improvements to women's status in Jordan in their legal status, their participation in political parties,²²¹ and to redefine gender relations. This movement rotates around the 'nature of culture', 'personal identity' and the 'meaning of modernity'.²²² Because of this movement, women

²¹⁸ Boinne Fox, *Family Patterns, Gender Relation* (Oxford University Press 1993). P. 207

²¹⁹ C Bowman, 'Theories of Domestic Violence in The African Context' (2003) 11 *Journal of Gender, Social Policy and The Law*. P.835. <<http://scholarship.law.cornell.edu/facpub/131>> accessed 2015

²²⁰ Smart, *Feminism and The Power of Law* (n 20).

²²¹ Pratt, *A History of Women's Activism in Jordan: 1946-1989* (n 36).

²²² Meriwether and Tucker, *Social History of Women and Gender* (n 35) 95.

have become more conscious of their rights, therefore many activists are engaged and deeply involved in combating VAW. Members of this movement come from a range of different socio-economic backgrounds and it is made up of a mixture of students, artists and local officials in Jordan.²²³

At an international level, women's movements developed globally with each of the United Nations conferences, which provided women from different societies with an opportunity to come together and create a global movement.²²⁴ The women's movement in Jordan has been affected by developments at an international level. In the early twentieth century women's rights movements began in Jordan in the form of voluntary, charitable and social activities, and in January 1945 the first Women's Union was established. This union was successful in attracting greater 'social and political participation', 'legal and economic rights', and applied pressure to achieve equality in all areas of life and pushed for altering the position of women in Jordanian society generally.²²⁵ Among the remarkable steps that accompanied the women's movement are the number of changes in Jordanian law after the Convention on Elimination of All of Forms of Discrimination Against Women (CEDAW) ratified.²²⁶ The resolution 1991/18 of 30th May 1991 of the Economic and Social Council Resolution welcomed 'the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women'²²⁷ in Jordan. Similarly, another

²²³ L Naffa and others, 'Shadow NGO Report to CEDAW Committee Jordan (n 57).

²²⁴ Bunch and Frost, *Women's Human Rights: An Introduction* (n 95).

²²⁵ Lowrance, 'After Beijing: Political Liberalization and The Women's Movement in Jordan' (n 13) 1-10.

²²⁶ Hussein, 'Women's Rights in the Middle East and North Africa 2010, Jordan' (n 8).

²²⁷ CEDAW, 'Declaration on The Elimination of Violence Against Woman' (UN1993). A/Res/48/104.

key role has been played by the global women's movement in Jordan is highlighted by Lawrence, who said,

The 1995 Beijing Women's Conference brought women's issues to the attention of the world and attempted to put them on the agenda of governments, which pledged, in that conference, to support women's rights and implement the Beijing Plan of Action... [It is] now...time to investigate the effect of the political liberalization trend on women's movement in...Jordan.²²⁸

The discussion below has explained the specific achievement of women's movement in dealing with VAW in Jordan.

3.4.1 The Achievements of Women's Movement in Jordan

In January 2011 the King of Jordan, King Abdullah, established a Royal Commission in response to a women's group demonstration and protest to review the constitution and recommend amendments. Women's activists had the opportunity to present their request to ensure the principle of equality and prevent discrimination against women.²²⁹ As a result of many programs have been developed by international and national NGOs to eliminate VAW by implementing the 'National Framework' on family protection. In addition, there are governmental and non-governmental organizations working to implement the National Framework on Family Protection. It is also essential to investigate the programmes developed by national and international NGOs directed at the eradication of VAW. Governmental organizations working on VAW are the Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development and the Ministry of Awqaf and Religious Affairs (MOARA). The non-governmental organizations are the 'Jordanian National Commission for Women JNCW and National

²²⁸ Lowrance (n 13) 1.

²²⁹ 'The Leadership Conference (WLP) Women's Learning Partnership. Women's Rights and The Arab Spring "Overview on The Middle East and North Africa' (www.demos.org, 2011). <<http://www.demos.org/publication/women's-rights-and-arab-spring>> accessed 2012.

Council for Family Affairs NCFA working in legislation's amendments and developing strategies and national policies'.²³⁰ In addition, there are UN agencies such as UNICEF, UNDP, UNIFEM, WHO, UNFPA and ILO who have a target of increasing women's status and access to justice systems to prevent VAW.²³¹

The women's movement has indeed achieved a certain level of success. Jordan represents a useful case study for exploring the impact of liberalization, which allows for political expression for the 'press and women's movements'.²³² Furthermore, NGOs have developed programs to eradicate women's experiences of inequality and deal with VAW; these NGOs also work in collaboration with government organizations. Regardless of the development of state programs directed at increasing women's status, the Jordanian state still imposes several limitations on the activities of NGOs by putting pressure on their work. NGOs have to be centralized in the city of Amman, which negatively affects their work with women in governorates and villages.²³³ Besides that, some elements of law, which prevails from the previous regime, have also led to restrictions in civil society.²³⁴ Nevertheless, despite these difficulties feminism appears a strong movement and has shown great potential to deal with the issue of violence against women in Jordan.²³⁵

²³⁰ Darwazeh, 'Assessing the Situation in Jordan 2008-2012' (n 63).

²³¹ NCFA and USAID for Health/PSP, 'Violence Against Women in Jordan: Facts and Sheet' (n 59).^[1]_{SEP}

²³² Lowrance (n 13) 1-10.

²³³ Jabiri, 'Jordan Shadow NGO Report' (n 49).

²³⁴ Lowrance (n 13)1-10.

²³⁵Nadje Al-Ali. *Secularism, 'Gender and the State in the Middle East' The Egyptian Women's Movement*. (Cambridge University Press 2000). (n 47). See, Purna Sen, 'Women's rights and gender equality Women are uniting against sexual violence- and we won't be stopped' (2015) theguardian.com. Also, Margot Badran, 'Islam's Other Half: What does Islamic feminist have to offer? Where does it come from? Where is it going'. (2008). theguardian.com.

3.4.2 The Status of Jordanian Women

There is no doubt that the Hashemite Kingdom of Jordan has, since 1992, been seeking to improve the role of woman in society in terms of economic, social, and political reform. In November 2003, King Abdullah II designated the issues of women and children as priorities in the Jordanian Agenda of Action to help the case of human rights. Woman's rights in Jordan suffer violations daily. After many years of living under a patriarchal society, it is difficult to eliminate the idea of inferiority. However, there have been some changes to gender equality over the last decades. Following the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 and the establishment of the Jordanian National Commission for women (JNCW) in the same year, women's rights have reached new levels. Chapter 4 covers these law reforms in full and the Personal Status Law reform progress. However, with regards to the legal progress of women's rights, VAW reform stills lack effectiveness. For example, Civil Society Organizations have pushed for the increase of the legal age of marriage to 18. However, women's agencies still have limitations because of lack of needed provisions of the Jordanian Personal Status Law.²³⁶ There is no evidence to indicate plans to change legislation regarding the minimum age of marriage. Progress where mothers get custody in cases of separation or divorce is improving. As mentioned above, until a mother's children reach puberty they live with the mother and once they do reach puberty, they may decide which parent they want to live with. Woman rights activist criticized the law on violence against women because of its narrow definition of domestic violence as violence that occurs specifically within the victim's home.²³⁷ According to the Special Rapporteur's report, in 2011, 'the Family Protection Department registered 6236 cases of violence against women and children, of which

²³⁶ 'Law 36 Of 2010' (2010) 5061 A-Jarida Al-Rassmiyya
<http://www.farrajlawyer.com/viewTopic.php?topicId=153> accessed 2015

²³⁷ Human Rights Council (2011), p.6, 17.

27.5% were referred to the courts. It is unclear how many of these resulted in a conviction or the imposition of penalties'.²³⁸

Although social awareness of domestic violence has increased, it continues to be a significant problem because incidents are rarely reported, as societal pressure from the family discourages women from seeking legal remedies because of the shame it is expected to bring on the family, and because victims have little faith that the police will deal with the case sufficiently.²³⁹ In rape cases, according to the report of the Special Rapporteur on violence against women in 2010, there were 67 reported cases of rape. It is unclear whether this number reflects accurately the real number of cases, because women were not able to decide whether they were victims of violence or not. It is also uncertain how many of these cases resulted in a conviction.²⁴⁰ Nevertheless, in some regards, the Jordanian courts have continued to strengthen the position of women in society.

Various legal and societal restrictions on female economic participation remain. Gender roles are established in childhood and propagated by families, friends, schools, work places, and the government. The economic situation many families face cannot sustain them on a single salary; and many women do not work. Major developments have encouraged new, progressive principles that will give women more economic freedom. According to Freedom House, the economic transformation in Jordan has not benefited all sectors of society equally, and women continue to suffer from several disadvantages.²⁴¹ Currently, the role of women in the economy is still undermined by cultural elements in Jordanian society. Economic competitiveness is weak among women. According to Rebecca Miles, 'educated women are more likely to be

²³⁸ 'Social Institutions and Gender Index (SIGI) (n 25). 

²³⁹ Hussein, 'Women's Rights in the Middle East and North Africa 2010, Jordan' (n 8) 8.

²⁴⁰ Human Rights Council (n 246) 6.

²⁴¹ Rana Hussein, 'Jordan Country Ratings' (n 58).

unemployed than educated men'.²⁴² Legal frameworks also reinforce traditional financial dependence of women on male relatives, and this affects areas including inheritance and salary. Article 23 of the Jordanian Constitution and Article 69 of the Labour Code state the activities which women are allowed to participate, and the hours they are prohibited from working.²⁴³ The Labour Code requires childcare coverage in establishments of 10 or more married female employees, but this actually drives employers to stop after the ninth female hire.²⁴⁴ However, the initiative New Work Opportunities for Women in 2010 supported young female graduates from eight community colleges in their transition to employment. Furthermore, the project included job vouchers and skills training for the graduates, which acted as short-term financial incentive for firms to hire female graduates lacking work experience. As a result, female employment rose, and 57% of women were expected to keep their jobs once the scheme ended.²⁴⁵ In addition, pregnant women are allowed to be paid maternity leave for up to 10 weeks.²⁴⁶ Recently, various institutions and organizations have developed and expanded micro-finance projects in order to support women, especially those who live in rural areas and who are also able to access loans for agricultural development.²⁴⁷ In 2012, there were also several programmes run

²⁴² Rebecca Miles, 'Employment and Unemployment in Jordan: The Importance of The Gender System' (2002) 30 World Development. P 414.

²⁴³ Miles (n 251) 414.

²⁴⁴ Hussein, 'Jordan Country Ratings'(n 58).

²⁴⁵ 'Middle East and North Africa - Jordan: New Work Opportunities for Women Pilot Project' (*Web.worldbank.org*, 2014).
<<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/0,,contentMDK:22872667~menuPK:3949143~pagePK:146736~piPK:226340~theSitePK:256299,00.html>> accessed October 2014.

²⁴⁶ *Regulatory Framework: The Main Laws Regulating Employment Law* (1st edn, GMB Publishing and contributors) <<http://www.naffalawfirm.com/docs/employment.pdf>> accessed 2014.

²⁴⁷ Japan International Cooperation Agency (JICA 2009). P 25, 29.

by the Ministry of Planning and the Agricultural Loans Institute to support women.²⁴⁸ The available data from the Microfinance Information Exchange indicate that women accounted for 96.75% of recipients of micro-credit.²⁴⁹ The patriarchal attitudes that date far back continue to hinder the ability of women to gain economic resources. However, there are no legal restrictions on the rights of women to enjoy their income and assets independently.²⁵⁰ According to Rebecca Miles, the cultural factors that influence women's low participation in the labour market are: the 'conservative' nature of Islam; the strength of family ties; the definition of the woman's role as that of wife and mother; the segregation of women and men to avoid social problems; cultural restrictions on women's mobility; and the stigma attached to a husband whose wife works outside the home.²⁵¹ Progress is however being made in reducing these obstacles to equality. In recent years, approximately half of the total student population obtaining higher degrees consisted of women. Familial pressures, however, hinder the employment of women, whether through family restrictions or familial acquaintances with the employer. These factors penetrate all Jordanian society, being more pronounced outside of the capital of Amman. The government has drafted various laws, in an attempt to fulfil all the principles listed in the CEDAW.²⁵² However, the ideals of the CEDAW remain hindered by cultural factors in Jordanian society. Gender role expectations remain almost the same. Women continue to take the responsibility for raising the children and looking after the husband, and men continue to be regarded as the main breadwinner and the head of the

²⁴⁸ 'Arab Strategy for Combating VAW' (2012). P 6.
 <<http://www.arabwomen.org/conturVAWGNG.pd...2011-2020>> accessed 2014. Also see, United Nation/ CEDAW, 'The Convention on The Elimination of All Forms of Discrimination Against Women.' (1997).

²⁴⁹ Microfinance Information Exchange (2013) Database.

²⁵⁰ Hussein, 'Jordan Country Ratings' (n 58).

²⁵¹ Miles, 'Employment and Unemployment in Jordan' (n 251) 414.

²⁵² Rana Hussieni, 'Jordan' (n 8).

family or the household even though women also work outside the home. No matter how important their duties were outside the home, women are required be able to accomplish their primary duties in the family.

CEDAW was ratified with reservations on articles Article 9/2 concerning the granting women of the right (held by men) to pass on their citizenship to their children and on Article 16, on marriage and family relations. The Jordanian Nationality and Citizenship²⁵³ Law prohibit Jordanian women from passing on their citizenship to their children, while the Jordanian men can pass on citizenship to their children and foreign spouses. In 2010 saw increasing public demand, and pressure from U.S. Secretary of State John Kerry, to grant civil rights to the children of Jordanian women, including right for treatment in hospitals, education, work, driver's licences and a standard passport to facilitate their travel. By January 2015, around 965 identification cards were delivered to the children of the Jordanian women married to foreigners and 2,148 were still in the process of applying and waiting for their cards.²⁵⁴ This is a discriminatory act that goes against the principles of the CEDAW, yet Jordan continues to uphold the principles of the JNCL. The appliance of sharia law as it has developed in Jordanian society also works against Article 16 of the CEDAW. The current amendments to the Passport Act give women the right to apply for their own passports without having to get permission from their husbands; but fathers still have the right to prevent their children from leaving the country.²⁵⁵ In addition, as of 2012, these amendments were still temporary and had not

²⁵³ United Refugees, 'Refworld | Law No. 6 Of 1954 On Nationality (Last Amended 1987)' (*Refworld*, 2016) <<http://www.refworld.org/docid/3ae6b4ea13.html>> accessed 5 December 2016. Art.3 (4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established.

²⁵⁴ Moussa Barhoumeh, 'Citizenship Debate Resurfaces in Jordan' *Al-Monitor* (2014).

²⁵⁵ Human Rights Watch, 'World Report 2013 Our Annual Review of Human Rights Around the Globe' (2013). <<https://www.hrw.org/world-report/2013>> accessed 2015 P 566.

yet been signed permanently into law.²⁵⁶ Following a legal decree issued in 2009, women have the right to choose their place of residence.²⁵⁷ In practice, the Civil Status Department still stresses that women provide written permission from their husbands or fathers before it will issue a passport.²⁵⁸ Socially, it is unacceptable for women to enter certain public spaces without male accompaniment, including Sharia courts.²⁵⁹ Women are facing ‘gender-based discrimination in family laws, in the provision of pensions and social security benefits, and on a societal level due to deeply entrenched patriarchal norms’.²⁶⁰ Nevertheless, since women were given the right to vote in 1974, the role of women in Jordanian society has seen some improvements. Since 2007, the Constitution allocates a small number of seats in the lower house of Parliament to women. There are no discriminatory clauses in Election laws. A 5% ‘quota’ was assigned for women members of Parliament and since the 2010 Elections Law the quota was raised to 10.8%, which equals 15 out of the 150 seats in Parliament.²⁶¹ However, women’s political participation is still low.²⁶² There is a 25% quota for women at municipal elections, raised from a previous level of 20%.²⁶³ There was no information found regarding the number of women elected in the most recent municipal elections. However, as of August 2013,

²⁵⁶ Jordanian Women’s Union, 'Jordan Shadow NGO Report' (2012). p.41

²⁵⁷ CEDAW: “the withdrawal of Jordan’s reservation to article 15, paragraph 4 of the Convention on the Elimination of All Forms of Discrimination against Women, under which States Parties shall accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile.”

²⁵⁸ Jordanian Women’s (n 265) 40.

²⁵⁹ *ibid* 41.

²⁶⁰ Hussieni, 'Jordan'(n 8).

²⁶¹ Jordanian Women’s (n 265)17.

²⁶² *ibid* 9.

²⁶³ M Pietroboli, 'The Politics of Women’s Rights Promotion in Jordan' (*opendemocracy.net*, 2013). <<https://www.opendemocracy.net/...marta-pietroboli>>

473 women were standing as candidates for the forthcoming municipal elections, compared to 2,333 men.²⁶⁴ There was also a National Committee for Women formed in 1996²⁶⁵ to help formulate policies that protect and improve the position of women in all fields.

3.5 VAW in the Context of Jordan

3.5.1 Reports and Studies on VAW

Traditionally, the abuse of girls and women has been widely accepted in the Jordanian society and is seen, as a family dispute nothing more than a family matter, which must be solved within the family. Understanding the role of women in the family is essential to exploring the issue of VAW in Jordanian society. Therefore, this study sheds light on the dynamics of family relations from different angles, starting with the connection between family values and law. Defining family is very important because the family is the core unit of society.²⁶⁶ Much of the socialization of gender takes place in the family, which prompts major feminists' discussions on family.²⁶⁷ VAW has been ignored historically and traditionally because in most cases VAW occurs within the family.²⁶⁸ The significance of the family for the victim and the ways in which the wider community

²⁶⁴ Asma Khader, 'Only 473 Women Running for Municipal Polls — Khader', The Jordan Times, 20 August 2013, [Http://Jordantimes.Com/Only-473-Women-Running-For-Municipal-Polls----](http://Jordantimes.Com/Only-473-Women-Running-For-Municipal-Polls----Khader) Khader (Accessed 26 August 2013)' *The Jordan Times* (2013).

²⁶⁵ 1996 JNCW is designated by the Cabinet as the authority on women's issues and, in this regard, should be consulted by all official parties before any related actions or decisions are taken. JNCW, along with government organizations and NGO's, drafts Programme of Action detailing specific projects to be taken up in the private and public sector.

<https://arab.org/directory/jordanian-national-committee-for-women>

See, <http://progress.unwomen.org/2011/06/reservations-to-cedaw>

²⁶⁶ Alison Diduck and Felicity Kaganas, *Family Law, Gender and The State* (Hart Publishing 1999).

²⁶⁷ Susan Moller Okin, *Justice, Gender, And the Family* (Basic Books 1989). P 16.

²⁶⁸ Dobash and Dobash, *Violence Against Wives* (n 68).

perceives the family is the main factor in how VAW is regarded. Different terms have been used to explain such violence, including domestic violence, wife-battering and spousal abuse. Framing my questions, I took notes and number of studies already carried in both Jordan and other parts of the world about the family. Traditionally in Jordan, men could punish their wives and children and held the complete right to do so.²⁶⁹ Campbell states that in patriarchal societies inherent factors relating to culture encourage male power and dominance by allowing men to use force when they think it is necessary.²⁷⁰ Goode argues that historically the family operates for the benefit of men and very seldom for women. Husbands enjoy privileges while women or wives have restrictions on their rights and activities. Goode considered it normal and even necessary to use physical force against women in order to maintain the family.²⁷¹ It is important to use Dobash and Dobash's work to understand how VAW was perceived historically in the legal system. As well as raising definitional issues with regards to VAW in Western societies to provide a greater clarity and understanding of the violence phenomenon, it is necessary to focusing on legislation and public policies in order to decide what forms of interventions should be used for victims and offenders as well.²⁷² One can compare the response of the UK justice system to domestic violence with the work of Buzawa and Buzawa regarding how VAW cases are handled and have affected the victims in the past and now. Both writers Ortiz Cofer and Santiago criticize the restrictions that women face in patriarchal societies while maintaining that women have the ability to overcome their oppression by 'conjuring mechanisms' that help them create change.²⁷³

²⁶⁹ Dobash and Dobash (n 68).

²⁷⁰ Campbell, 'Sanctions and Sanctuary: Wife Battering Within Cultural Contexts' (n 227) 261-285.

²⁷¹ Dobash and Dobash (n 68) 21.

²⁷² *ibid* 21.

²⁷³ Barbara Harrison, *Life Story Research, Vol 11* (SAGE 2009). P 40.

Traditionally, domestic violence was equated with physical violence, while more recently definitions include psychological or emotional violence, sexual coercion and threats of violence.²⁷⁴ Worldwide studies show that most of violence cases are mainly directed at women.²⁷⁵ Patriarchal values are the main reason for women's subordination and oppression. This issue has not been addressed because women have not been provided with the necessary implements to deal with their situations and the control exercised over them by men. Okin addresses two fundamental issues, the gender system and the family, in her study of justice in American society. Her view plays a substantial part in this discussion because of the unequal dissection of domestic roles, which preserves male dominance and female subordination.²⁷⁶ She states that the opportunities for girls and women are influenced by the structures and practice of family life.²⁷⁷ This study's findings propose that it is family relationships which decide who is identified as potential perpetrators and who is seen as a victim. To define VAW depends on how the VAW is addressed and formed in a specific context. For instance, in the UK, as Smart suggests, 'common strings give indications to how we should rethink within feminist legal theory and in our practices to change laws and amend legislation in attempt to minimize the harm of violence'.²⁷⁸ Smart's understanding of the role of women in the family is important and this study uses it to explore the issue in Jordan. This thesis examines many studies, considering the relation between law, society and women in Jordan.

²⁷⁴ Sonia Harris-Short and Joanna Miles, *Family Law: Text, Cases, And Materials* (1st edn, Oxford University Press 2007).

²⁷⁵ E Buzawa and C Buzawa, *Domestic Violence: The Criminal Justice Response* (n 85) 21-23.

²⁷⁶ Okin, *Justice, Gender, And the Family* (n 276).

²⁷⁷ *ibid* (n 276) 16.

²⁷⁸ Smart, *The Ties That Bind Law* (n 210) 221.

There are several reports and studies conducted in Jordan that demonstrate the persistence of VAW. Studies show the number of abused women and reveal the attitudes of legal professionals to the prevention and protection programs regarding family violence. However, none of these studies really discusses in depth the problems in legislation and public policies in Jordan. Al Shakatreh and colleagues explore the problem with the definition of VAW and conclude that there is limited understanding of DV in their book 'Family Violence in Jordan, Knowledge, Attitudes and reality'. Their study shows that DV is mainly associated with physical violence, which includes kicking, beating, use of sharp instruments and other forms.²⁷⁹ In addition, DV is recognized only in extreme forms when in reality it happens more frequently at less extreme levels. The respondents identified a wife and children as the most vulnerable to DV and the most common perpetrators as husbands, fathers and older brothers. Al Shakatreh and his colleagues mentioned that the causes of violence are a lack of self-control, rapid escalation of anger, and economic problems. There are many impediments facing Jordanian society in the reporting of DV, and the most important of these reasons relates to the fear of family disintegration, fear for reputation, lack of trust in institutions and the lack of knowledge.²⁸⁰ There were also reasons related to the victims of violence themselves, such as poor self-confidence and shyness and financial reliance on the aggressor. They showed in their results that the majority of women still considered family a central part of their life and that there is no justification for the family to live in fear of DV. However, a substantial proportion of the respondents still accept the beating and cursing of women, and this indicates a degree of legitimacy given to DV.²⁸¹ Accordingly, abuse of a woman

²⁷⁹ F Shakhatreh and others, *The Family Violence in Jordan, The Knowledge, Directions and Reality* (1st edn, The National Council for Family Affairs with Co-operation with British Cultural Council, 2005).

²⁸⁰ Shakhatreh (n 288).

²⁸¹ *ibid* (n 288).

by a husband or family member is justified in the family and as a result it has to be solved internally within the family. It is seen as a scandal if women speak out about it.

Dr. Awawdeh's study on 'Violence Against the Wife in Jordanian Society' aimed to identify the most important types of violence prevailing in Jordanian society by focusing on polygamy. She defines the suffering of wives in Jordanian society as a form of social, sexual, and physical, verbal violence, and a threat to health.²⁸² In addition, she wrote a book in 2009 entitled 'The Pattern of Violence Against Working Women in the Health Sector', and described the lack of data obtainable which made it hard to get full information regarding her research. She discussed the violation of labour laws and discrimination against women who were paid unfair wages and had an unequal chance to work, comparing women with men.²⁸³ It is also important to note the report written by Gavlak for BBC News, 'United Nations Examines Jordan Women's Status' (15th March 2004), which conducted a study in Jordan to see current women's reactions and involvement in economic and political aspects, while also examining violence against women. The study has shown that DV against women still exists in Jordan and it will take stronger actions from governmental and non-governmental organizations to be able to eliminate this issue in Jordan. The study also reveals the unequal treatment of women in the labour market. Some of the findings are that women are discriminated against in the workplace, as their qualifications are not sufficient to compete in the labour market. Unemployment in Jordan has registered at 14% for men compared with 22% for women.²⁸⁴ Awawdeh's study has attempted to show how the existing legislation and the policy roles are too weak to grant women their rights and discriminates against them at the same time.

²⁸² Amal Awawdeh, 'Violence Against the Wife in The Jordanian Society (n 29) 27.

²⁸³ Amal Awawdeh, *Patterns of Violence Against Working Women in Health Sector* (Alyazori Publisher 2009).

²⁸⁴ D Gavlak, BBC News, 'UN Examine Jordan Women's Status' (2004).

The UNFPA 2008 assessment report on Gender Based Violence (GBV) also assessed the situation for women in Jordan. This report has described UN agencies that support the Family Protection Department by providing technical support to train female officers in how to deal with victims of violence. The report concluded that there are still gaps in the law in addressing violence. The law does not deal with ‘felonies’ but with ‘misdemeanours’. For cases to be considered domestic violence, the violence must take place within the private sphere of the household. Moreover, the prosecutor’s role is not identified. From these points, I have investigated and measured the policy impact in Jordanian society. If we say Jordanian policy is responsive to calls for protecting women and combatting violence against women, does that mean it is effective? A strong presence of women is needed to reinforce state institutions to develop and improve the status of women. Violence is inherent in the basic structure of women’s rights;²⁸⁵ it is rooted in the culture, attitude and practice against women. An adequate law is needed to challenge VAW. Legislation needs amending to eliminate unfair laws that maintain discrimination against women. This study has aimed to explain why the procedures in the issue of domestic violence are slow. The study has looked at the process of amending laws and explored whether legal regulations and rights work the way in which Jordanian’s women would want them to.

The JNCW report in 2008, ‘Violence Against Women in Jordan: Facts and Sheet’, also indicates that women and children are most likely to experience violence in the family.²⁸⁶ Clearly, laws have not stopped many people from obstructing the freedom of girls and women. This report has examined the work of different organizations that deal

²⁸⁵ Darwazeh, Violence against Women (n 63).

²⁸⁶ Darwazeh (n 63).

with cases of family violence, some of which are addressed below.²⁸⁷ In 2006, the Family Protection Administration specified that they had 1,764 cases to manage. Out of these cases, there were 794 sexual assaults and 63 physical assault cases referred to the judiciary. The Ministry of Social Development dealt with 1,200 cases regarding VAW. The 2006 Ministry of Education statistical data showed that there were 48 cases of violence against children of both sexes. The Sisterhood Global Institute dealt with 3,148 cases of violence and the statistics show that most of these cases were about multiple legal, social and marital disputes in 2006. The 'Law Group for the Rights of Mankind', *Mizan* handled a large number of cases in year 2007, some that visited the group in person, but the majority by phone. The entire number of women who visited and required *Mizan* services was over 20,000 and of that number around 10% sought help from *Mizan* as 'battered women' for the year 2000.²⁸⁸ From the previous studies and reports it is obvious that there are a high number of women experiencing violence and seeking the help and support of different groups. Therefore, interviews have been made to determine how VAW incidents are handled and what affects victims' decisions to come forward. The views below represented my questions and explored how NGO's actually addressed VAW in Jordan. As seen in the section below, Jordanian NGO's face similar problems.

3.5.2 How NGOs specialize in tackling VAW

Violence can take different forms, for instance: psychological, physical, sexual, emotional, and economic. After analysing and addressing the culture context in which violence occurs, NGO specialists establish a relationship with participants and others such as police officers and legal professionals regarding addressing the issue of VAW and finding out how to deal with it and who deals with women's cases of violence.

²⁸⁷ NCFA and USAID for Health/PSP, 'Violence Against Women in Jordan: Facts and Sheet' (n 59). See National Council for Family Affairs and world Health Organization, 'Health and Violence' (WHO 2005).

This study went through a process starting with arranging appointments with social workers, legal professionals, and police officers. At the 'Family Protection Department', I met Abed al-Salam the head of the investigations unit who made the process easier especially when he called his team for a meeting and asked them to answer whatever questions the study asked. This was the same for Dr. Atef, the general manager of *Noor Al-Hussein* Centre, who acted positively to serve and cooperative with the study. The study found that most NGOs employees, legal professionals and police officers reacted in the same way to the lack of some laws in dealing with women's cases, and to the obstacles that face women and the government in Jordan. A worker at an NGO explained that the legal system suffers from limited resources and lack of awareness about the nature of violence against women.

We need some changes in the law and in the social system. The government must allow changing cultural views by adjusting the legal system. This would be done through media mechanisms, political support, government programs, and initiatives in the home. The work must be comprehensive throughout society supported by government and the curriculum used in schools must develop the values that call for equity, replacing the texts that distort the image of women, and enhance gender equality. Moreover, the government has to form committees to review, modify and develop legislative texts related to women such as the labour law, penal law, and civil service law that discriminate against women.²⁸⁹ Also, she adds: 'Maybe the physical violence against women is decreasing; yet, psychological violence is increasing'.²⁹⁰

²⁸⁸ NCFA, (n 296).

²⁸⁹ Interview with the organization's employee (EOF1), Women's Union Center (Women's Union, July 2013) 284. Appendix 2.

²⁹⁰ Interview (n 297) 284.

Police officers agreed that psychological violence is not addressed in an appropriate way. For instance, the law is ineffective because psychological violence is not included and there are no family courts either.²⁹¹ The police sometimes feel their attempts are hampered because of the limited nature of the laws. One law enforcement professional said, 'the law is weak in terms of penalties. Regrettably, some articles of the law allow the use of physical violence as a way of punishment used by men to discipline women. The penalties are not deterrents for men'.²⁹²

In agreement with other legal professionals, FLP8 said,

The family protection law that was passed, the wording prevented it from proper implementation. Making the family protection law weak and ineffective compared to penal law. Thus, it has to be amended in general, and the weak points and texts related to protection and equalisation of woman specifically. The law has to include psychological health of the woman.²⁹³

It is noticeable that most of the workers in this matter are aware of the violence, but they are confused as to how to categorise a violent act. This is further complicated by the finding that some judges consider beating to be an acceptable act, as EOF3 mentions during their interview, 'Because of loopholes in the law some types of violence against woman is allowed. These loopholes make it permissible for men to commit horrible crimes against women up to and including murder'.²⁹⁴

²⁹¹ Interview with a police male participant (PM6), Family Protection Department (FPD, Nov 2013) 279. Appendix 2.

²⁹² Interview with a police participant PM9, Family Protection Department (FPD, Nov 2013) 279. Appendix 2.

²⁹³ Interview with a female lawyer participant (FLP8), Jordanian National Council for Women (JNCWA, Nov 2013) 293. Appendix 2.

²⁹⁴ Interview with the organization's employee (EOF3) SIGI (SIGI, Aug, 2013) 279. Appendix 2.

These estimations were chosen because this study must clarify the position justice system officers had and contrasting them with others who were more experienced in dealing with forms of VAW. They are also accountable for overseeing the work of their investigators, which includes cases of VAW. There is a different level of ignorance among police officers about the nature of VAW and how to handle it. Some of them have had to deal with this matter because they were asked to do it even if they were not convinced that it was useful or helpful. In fact, some women complained at the police officers' reactions and cooperation to them when they tried to report their husbands. For example, PM8 stated that 'Law enforcement professionals recognize there are activities that go on in Jordan that address practices regarding women's protection. This increased modern and developed behaviour in treating such cases is not consistent with the Arab's cultural mentality where customs and traditions must be considered first'.²⁹⁵

The situation is different in NGOs, where the definition of VAW is influenced by international conventions involved in the abolition of VAW. The study's findings suggest that the views of NGO employees from different organizations do not vary greatly from each other regarding understanding VAW and how to handle it. However, the main difference is the enthusiasm of the workers in different organizations, and that is something which mostly depends on the head of the organization, how they manage their team, and how much cooperation there is between them (discussed further in chapter two). These organizations are similar in that they accept that wives are financially dependent on their husbands under prevailing gender norms. In addition, they request more economic support for these women to reduce violence against them.

EOF5 comments that 'the role of the woman is not counted in society. Accordingly, the CSOs have to work on highlighting the woman's identity, taking her role as an effective

²⁹⁵ Interview with a police participant (PM8), FPD (FPD, Nov 2013) 284. Appendix 2.

part of society into consideration, encouraging the government to find an identity for the woman, and empowering her economically'.²⁹⁶

The following story can be used as an example of NGOs support to empower women economically. A participant F49 from the focus group discussed her experience of violence in her married life. She explained her successful experience dealing with NGOs saying that:

I got married at the age of sixteen years old. I used to live with my mother-in-law and two brothers-in-law with four children in the same house. Life was miserable, especially the interference of the whole family in my life when I spoke or did any act they didn't like. I used to face physical, verbal, and emotional violence, and beating by my in-laws. I remembered one day I was complaining to my husband, he was a nice man, my brother-in-law heard me, and he became mad and slapped me on my face. My husband told me to go to my room, but I was so upset because he couldn't do anything to his brother. After twenty years of marriage, my husband died, so I started thinking that there's no way I could live anymore with his family. I was thinking what should I do? By this time, I had heard about SIGI, therefore, I decided to go and seek help. I asked them to support me financially, and they did. I have had a business idea like a grocery store, so I can earn living for my children. They helped me get financial support and I opened my business and took my kids away from their family. I feel strong despite all the violence I have had in my life, because my husband was a good supporter to me. I raised my kids and they have finished their higher education and my store still exists. I am happy with my life now; no one can or control what I want to do. No more interference, I can feel the taste of freedom. So, I appreciate the efforts of NGOs.²⁹⁷

NGOs provide training and workshops to enhance awareness regarding the issue of violence, which will automatically impact the perceptions of state officers and the legal

²⁹⁶ Interview with the organization's employee (EOF5) FPD (FPD, Oct, 2013) 302. Appendix 2.

²⁹⁷ Interview with a participant from focus group (F49), SIGI (SIGI, Aug, 2013) 317. Appendix 3.

system.²⁹⁸ Participant EOF9 states that: ‘Holding workshops for woman that make them aware of the laws that concern them is important, as is the modifying of school curriculum because children are our promising future’. ²⁹⁹ EOM10 said, ‘By raising the awareness and giving lectures in schools, universities add support and follow up on women’s issues’.³⁰⁰

EOF8 explained her job as being responsible for the programs, projects, and some legislative issues of the committee, as well as being responsible for the distribution of information required for women through modern technology. There are simple questions answered in very simple language that she can understand. In addition, political guidance is provided for the woman if she nominates herself for the House of Representatives. Such guidance may include some election campaigns, media campaigns and writing the electoral statement.³⁰¹

As a result, EOM7 considers that the efforts of the NGOs are having success and gaining ground. Work is also done with the House of Senates to prepare legislation concerning early marriage campaigns, domestic violence, and citizenship for the children of Jordanian women. In 2001, the age for marriage was raised to 18, and in 2008 a law was issued that aimed to protect individuals from domestic violence.³⁰² In addition, EOF2 said

²⁹⁸ Dobash and Dobash (n 68).

²⁹⁹ Interview with the organization’s employee (EOF9) Family Council for Family Affairs (FCFA, Nov 2013) 303. Appendix 2.

³⁰⁰ Interview with the organization’s employee (EOF10), Family Council for Family Affairs (FCFA, Nov 2013) 303. Appendix 2.

³⁰¹ Interview with the organization’s employee (EOF8), Family Council for Family Affairs (FCFA, Nov 2013) 303. Appendix 2.

³⁰² Interview with the organization’s employee (EOF7), SIGI (SIGI, July 2013) 303. Appendix 2.

that women are more aware of their rights, and has started to take actions against her husband, combating the violence that has been in Jordan for ages.³⁰³

As a positive indication for the work, there are the beliefs of some police officers. For example, PM3 talked about deterrent penalties quickly applied to the husband with no delay to prevent him repeating such actions, empowering women and enhances their position in society by giving them better opportunities without violence and allowing for increased decision making.³⁰⁴

These organizations play a significant role in reporting cases that are confined to domestic violence. Therefore, their role in leading the issue of VAW has become more significant, especially in relation to working with community leaders and social activists.³⁰⁵ Merry explains that NGOs face difficulties in that they must remain relevant to the cultural context whilst maintaining good relationships with the international donors. Also, social activists struggle when involved in a particular context especially when they attempt to support human rights and simultaneously accommodate cultural traditions.³⁰⁶ However, many workers from NGOs have mentioned that the various religious heritages, customs and traditions can cause difficulties when doing their work. In Jordanian society EOF3 has explained that ‘The idea of a woman filing a complaint against her husband is not acceptable in terms of the religious heritage and customs and traditions’.³⁰⁷ The nature of the oriental society, customs and traditions reduces such

³⁰³ Interview with the organization’s employee (EOF2), Women’s Union (Women’s Union, July, 2013) 284.

³⁰⁴ Interview with police male participant (PM3), FPD (FPD, Oct 2013) 293. Appendix 2.

³⁰⁵ Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) 38-51.

³⁰⁶ Merry (n 120) 41.

³⁰⁷ Interview with the organization’s employee (EOF3) SIGI (SIGI, Aug, 2013) 280. Appendix 2.

actions. There is no religious awareness either; the woman does not know her rights and her obligations in the course of her religion”.³⁰⁸

Moreover, EOF6 comments that: “Both the religious heritage and social customs reduce the effectiveness of the laws as nepotism plays a major role in the legal actions and it changes its course”.³⁰⁹ In addition, EOM7 has explained ‘the procedures used to deter violence are ineffective as there is apartheid based on the family name and/or the position occupied. The legal procedures are very weak due to social customs and the nature of the oriental society’.³¹⁰

The findings of this study also suggest that it is female members, too, who reinforce and legitimise the persistence of male power and control, even those who are highly educated. They think that marriage is more vital for women than their safety and, hence, women prefer to stay married to violent husbands than to leave (discussed in detail in Chapter 4). Mostly, women are reluctant to apply for divorce because they do not want to be ‘divorced’, or to have ‘separated’ because of the cultural norms that disapprove of divorced women and the socio-economic and demographic changes that make it difficult for young women to decide to end their marriage. Therefore, ‘the procedures are ineffective due to the social and religious heritage. The laws do not act as a deterrent and the woman is unaware of the laws that concern her’³¹¹ as mentioned by EOF1.

Another key element in the issue of VAW are the legal professionals. They identify the most common forms of violence as being physical and psychological, just as NGOs

³⁰⁸ Interview with the organization’s employee (EOF4) SIGI (SIGI, Aug, 2013) 280. Appendix 2.

³⁰⁹ Interview with the organization’s employee (EOF6) SIGI (SIGI, Aug, 2013) 281. Appendix 2.

³¹⁰ Interview with the organization employee (EOF7), FPD (FPD, Oct 2013) 280. Appendix 2.

³¹¹ Interview with the organization’s employee (EOF1), Women’s Union (Women’s Union, July 2013). See Appendix 2.

described women's conditions as humiliating.³¹² FLP10 has criticized the legal system saying that:

Some work has to be done on the legislative and political sides, such as, developing plans and executive strategies in which women's issues are included and gender is considered. For example, empowerment programs...if there is a legislator and law is not applied there is no benefit. The law must be applied and supervised.³¹³

Also, FLP3 stated,

A number of laws need to be amended. The Penal Law contains two penalties: fines and imprisonment and both do not form a solution. The litigation procedures are very slow and time-consuming. Besides, the fines are really high. In order to prove that the abuser is condemned, the law requires their residence in the same home. However, if the abuser lives next to the abused then it is not considered abuse. There are no specialized courts for families (due to its high cost). There is repetitive in procedures and discrimination between men and women.³¹⁴

PF10 added that, 'the law protects the woman, but some family and tribal actions undermine the use of the necessary procedures by the police. The penal law is a deterrent but there is prejudice in taking actions'.³¹⁵

The findings of this study suggest that social gender ideologies and religious heritage still exist and have a negative impact on the effectiveness of the legal system in terms of VAW. From the previous discussion in this study, it can be argued that violence starts in childhood against girls and continues when they become wives. This may bring the study

³¹² Hussieni, 'Jordan', *Women's Rights in the Middle East and North Africa* (n 8).

³¹³ Interview with a lawyer female participant (FLP10), Justice Center for Legal Aid (JCLA, Nov, 2013) 291. Appendix 2.

³¹⁴ Interview with a female lawyer participant (FLP3), SIGI (SIGI, Aug 2013) 288. Appendix 2.

³¹⁵ Interview with participant from the police department (PF10), FPD (FPD, Dec 2013) 289. Appendix 2

into conflict with some, as one of the legal professionals, FLP9, mentions the increasing number of divorce cases, saying that: 'Raising awareness has a negative impact as the number of divorces has increased so it is better if the government just focuses on the appropriate implementation of the law and by-laws'.³¹⁶

Additionally, MLP6 said that:

The social system must be organized in a way that promotes raising the awareness of the concept of women but without empowering the woman against and over her husband. Regarding the legal field, the family protection department has to be restored in the sense that its work has to be within its field. In this regard, I advise that its members have to be distributed into specialised and professional teams.³¹⁷

The argument clarifies that those who are well educated, both academically and in relation to the issue itself, still prevent women's awareness about their rights because this leads many women to report their husbands and end their marriages. They blame women's awareness of their rights for causing more problems. They forget the importance of a woman as a mother and wife; women must comply with the traditional practices, and this keeps them in an inferior position. In explaining women's current situation, Amin states:

The status of women is inseparably tied to the status of nation. When the status of a nation is low, reflecting an uncivilized condition for that nation, the status of women is also low, and when the status of a nation is elevated, reflecting the progress and civilization of that nation, the status of women in that country is also elevated.³¹⁸

Some legal professionals are more in favour of empowering women. One, FLP5, stressed that government must cooperate with civil organizations and change some of the law to

³¹⁶ Interview with a female lawyer participant (FLP9), SIGI (SIGI, Aug 2013) 302. Appendix 2.

³¹⁷ Interview with a lawyer participant (MLP6), *Mizan Law Group (Mizan, Aug 2013)* 303. Appendix 2

³¹⁸ Meriwether and Tucker, *Social History of Women and Gender* (n 35)100.

be more realistic and consistent with the circumstances of women. As well as a call for the economic empowerment of women and the achievement of justice for women in moral and psychological abuse cases.³¹⁹

Meanwhile others, such as FLP3 blame social life and not the law by saying that: ‘Some social amendments have to take place starting in the home by increasing religious influence to teach them how to behave. Raising the children in a wrong way is the reason why the society suffers, and this has nothing to do with the law’.³²⁰ It is very important to define violence within women’s experience. Therefore, ‘the government must establish family courts and they must be confidential. Consideration must be given to the staff dealing with children’³²¹as stated by FLP3.

3.6 Conclusion

Sections 3.5.1 and 3.5.2 show that violence mostly happens within the family because of social and economic responsibilities. In Jordan, much progress has been made in achieving equality among men and women, more than in the majority of Arab countries³²², since the development of women’s rights movements. However, cultural factors continue to limit the success of this process. The cultural norms that derive from

³¹⁹ Interview with Muna Dandef, a female lawyer participant (FLP5), Justice Center for Legal Aid (JCLA, Dec, 2013) 301. Appendix 2.

³²⁰ Interview with Sawsan, a female lawyer participant (FLP3), SIGI (SIGI, Aug 2013) 303. Appendix 2.

³²¹ Interview with Sawsan (n 328) 303.

³²² ‘The Leadership Conference (WLP) Women’s Learning Partnership (n 239).

long-standing patriarchal system continue to restrict the lives of women. However, through increased publicity and research on the issue, the country has taken positive steps towards amending the various gender issues. In Jordan, it is possible that the patriarchal elements of society can slowly disappear through economic and human development if the principles of feminist thought are applied. Fully accepting the CEDAW without any reservations would be a significant step to improving the position of women in Jordanian society, and possibly granting them greater participation, economically, socially, and politically. Amending certain laws that discriminate against women would also benefit society as a whole. Economic independence would not just benefit women, but the entire population of Jordan. If every woman were given the freedom to seek work and provide more for their families, it is not unreasonable to expect that one would see a tremendous jump in consumer spending, benefiting the Jordanian economy greatly.

This chapter identified developments regarding violence against women in Jordan by reviewing the women's movement. Furthermore, it has looked at the women's movement's outcomes, such as socio-political change, as well as the socio-political outcomes of the women's movements in terms of policies towards gender issues, and in what areas the women's movements have been successful in getting equal rights for women. This study highlights the women's movement's stage of emergence and why it has formed. This chapter illustrates the achievements of the women's movements despite several obstacles that have limited their work in certain issues regarding women.³²³ Women's movements have been successful in changing some codes of family law and prompting laws against violence to deal with cases of violence. Obviously, to distinguish between issues on VAW in the family and the studies on VAW when collecting and analysing evidence has been very hard because to most of the information in the reports it appears that violence inflicted on women has been by family members,

³²³ Harris-Short and Miles, *Family Law* (n 283).

mainly fathers, brothers, and uncles.³²⁴ Therefore, women may have been unable to decide whether they are victims of violence or not. Consequently, women may not seek help because they fail to recognize that what is happening is violence. In a study of domestic violence by Radford and Kelly they discuss how what is happening is unacceptable and should be named openly as violent behaviour, especially when a woman is subjected to violence and fails to report it.³²⁵ Note that the main sources for data on violence are NGOs in Jordan, which shows that societal norms continue to view certain actions as acceptable, preventing the victim from calling those actions violent. Hence, the study aims to define the setting of the phenomenon of VAW to understand how violence is perceived in the context of Jordan. The method in which NGOs define VAW could be translated into legislation; hence, it requires them to be aware of how to operate in term of VAW. Therefore, it is vital to take some issues into consideration when studying VAW in this context. However, the following chapters draw on my findings to analyse the legal problem in Jordan (discussed in chapter 4) and present the specific obstacles to women's enjoyment of life there (discussed in chapter 5), which is based on real cases that have been interviewed and studied.

³²⁴ NCFA, 'Jordanian Public Attitudes Toward Family Violence' (n 54).

³²⁵ L Kelly and J Radford, 'Nothing Really Happened: The Invalidation of Women's Experiences of Sexual Violence', *Gender, Violence and the Social Order* (1st edn, Palgrave 2000). P 19-33.

Chapter 4 – The Law and Violence in Jordan

4.1 Introduction

The effectiveness of the legal and judicial system is dependent on the standing of the rule of law in any country. Therefore, this chapter aims to highlight the role of the law in controlling relationships within the household as well as in at state level, investigating whether the legal system, the use of criminal law and the current law on violence against women serve women's needs. It highlights the use of some legal codes as an expression of hierarchical and dominant values in the political system of Jordan.³²⁶ Personal status law is presented as shari'a-based no matter what court system is employed and regardless of the judge's training. It's important to note that sometimes judges fill in the gaps left by legislation and legislatures, effectively asserting a direct authority regarding the role and functions of the judiciary.³²⁷ This chapter is intended as a study of the current law and its problems in relation to violence in practice. The law demonstrates the structure and practices that maintain the material stipulations and tyrannical gender relationships in Jordanian society, for instance³²⁸ the rules on the minimum age of marriage, women's rights on divorce,³²⁹ and rape as well as crimes of 'honour killing'. This study seeks to investigate how laws as well as legal officers' roles constrain women seeking justice.

³²⁶ C Warrick, 'The Vanishing Victim: Criminal Law and Gender in Jordan' (2005) 39 Law & Society Review <<http://www.jstor.org/stable/3557618>> accessed 2014.p.315-348.

³²⁷ Lynn Welchman, *Women and Muslim Family Laws in Arab States* (Amsterdam University Press 2007). p52

³²⁸ Smart, *The Ties That Bind Law* (n 210) 149.

³²⁹ Welchman (n 336) 53.

The National Human Rights Institution (NHRI) was established in Jordan and fully endorsed in 2006,³³⁰ making Jordan the first country in the Middle North East to have a dedicated institutional body for the protection of human rights. Jordan has ratified and signed more than sixteen international Agreements, Treaties, and Declarations on human rights,³³¹ including The Convention on the Prevention and Punishment of the Crime of Genocide (accession, April 3, 1950); The International Convention on the Elimination of All Forms of Racial Discrimination (accession, May 30, 1974); The International Covenant on Economic, Social and Cultural Rights (signed June 30, 1972, acceded May 28, 1975); The International Covenant on Civil and Political Rights (signed June 30, 1972, acceded May 28, 1975); The International Convention on the Suppression and Punishment of the Crime of Apartheid (signed June 5, 1974, acceded July 1, 1992); and The Convention on the Elimination of All Forms of Discrimination against Women (signed December 3, 1980, acceded July 1, 1992). Jordan is also party to the Rome statute for the establishment of the International Criminal Court and was the first Arab country to ratify the ICC Statute.³³²

³³⁰ S Cardenas, *Chains of Justice: The Global Rise of State Institutions for Human Rights* (University of Pennsylvania Press 2014). Also, see Southeast Asia Research Centre, 'The "Protection" Capacity of National Human Rights Institutions in Southeast Asia' (City University of Hong Kong 2016).

³³¹ Human Rights, 'Jordan & Human Rights, Jordan Embassy' (2012).^[1] Your ^[1] ^[SEP] http://www.jordanembassy.at/human_rights.html

³³² In addition to those listed, the following are also International Agreements, Treaties and Declarations on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments (acceded November 13, 1991), the International Convention against Apartheid in Sports (signed May 16, 1986, acceded August 26, 1987), the Convention on the Rights of the Child (signed August 29, 1990, May 24, 1991), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (acceded Apr 13, 1976), the Convention on the Political Rights of Women (acceded July1, 1992), the Convention on the Nationality of Married Women (acceded July1, 1992), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (acceded July1, 1992), the Protocol amending the Slavery Convention (signed in Geneva on 25 September 1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and

The study demonstrates that in the context of Jordan, women's subordination in society remains because the legislation is not effective. Despite this, the law does deliver some procedures that offer protection to women. Thus, I argue that we need to apply Islamic Law based on the principles of human rights in dealing with women's issues.

4.2. Law in Jordan

The legal framework is based on the civil code routed in Europe coupled with Islamic tradition and Shari'a law. The main sources of law in Jordan are government legislation, Islamic Law and custom and constitutional law.³³³ The Jordanian legal system began with the Ottoman Law of Family Rights of 1917 accompanied with 'Shari's' procedure for the Shari's courts.³³⁴ In other words, 'Jordanian legislation and the legal system are influenced by European legal systems as well as by Egyptian and Syrian developments and reforms, particularly in personal status matters'.³³⁵ Hanafi, one of the four Islamic schools of Islam, is considered relatively flexible and liberal in Islamic law in the areas of criminal law, marriage and guardianship, treatment of non-Muslims, ownership and use of property. Hanafi jurisprudence continues³³⁶ the official school of law and drew on rules from Sunni schools, in addition to individual views of prominent jurists. In Jordan, Muslim Personal Status law codes are applied through a system of Shari's courts which differ from the civil court (nizami) system.³³⁷ The legal system consists of civil law,

Practices Similar to Slavery (acceded September 27, 1957), the Convention Against Corruption (signed December 9, 2003, February 24, 2005),

³³³ Jordan Home, 'The Hashemite Kingdom of Jordan - King Hussein' <<http://www.kinghussein.gov.jo/jordan.html>> accessed 2015

³³⁴ Welchman, *Women and Muslim Family Laws in Arab States* (n 336).

³³⁵ 'Abdullahi Ahmad An-Na'im' (*law.emory.edu*, 2004). Also see, <http://www.law.emory.edu/ifl/legal/jordan.htm>>. accessed 2014

³³⁶ Christie Warren, 'The Hanafi School' [2013] Oxford Bibliographies

³³⁷ Welchman (n 336).

providing for equal rights between women and men, and personal status law which is built upon Shari's, Islamic religious – based law.³³⁸ The Qur'an and Sunneh, which come from the words and acts of the Prophet Muhammad, are the source of Shari's law.³³⁹ Shari's courts integrate tribal practices for reconciliation attempts, which involve cases of divorce and *diyya* (blood money) within the family and in marriages to resolve crime cases.³⁴⁰ However, tribal law is informal and it depends on the will of the judge whether it is integrated or not. Moreover, courts do not have juries, so a judge controls the verdict.³⁴¹ Article 99 of the Jordanian Constitution³⁴² generates three courts: the civil court, which is preserved for criminal (Magistrate's courts), courts of appeal and the Supreme Court. There is also the military court, which deals with the national security of the country. Meanwhile, religious courts are maintained for issues of personal status (i.e., marriage, divorce, child custody, and inheritance); the 'special courts' are based on Christianity.³⁴³ In 1951, Jordan became the first independent Arab state to promulgate a code of family law, called the Jordanian Law of Family Rights (JFLR). The law was not comprehensive as it left out certain topics of family law, such as succession, and left others, like the issue of custody, not covered in any detail. In 1976, a new code of family law was issued in Jordan, the 'Jordanian Law of Personal Status' (JLPS), which replaced

³³⁸ The Library of Congress-Federal Research Division, 'Women in Islamic Societies: A Selected Review of Social Scientific Literature.' (The Library of Congress 2005) <<http://www.loc.gov/rr/frd>>. Accessed April 15, 2015.

³³⁹ M Lower, 'Honour Crimes in Jordan: The Politics of Islamic Rhetoric in The Article 340 Debate' (2013) 1 WVOICE, The Publication of Women Voices Now.

³⁴⁰ K Cherland, 'The Development of Personal Status Law in Jordan & Iraq' (CMC Senior Theses/ Paper 865, Claremont Colleges 2014).

³⁴¹ Cherland (n 349) 50.

³⁴² L Welchman, 'The Development Of Islamic Family Law In The Legal System Of Jordan' (1988) 37 International and Comparative Law Quarterly Int Comp Law. pp. 868-886.

³⁴³ Lower (n 348). *See also*: Jordan Home, 'The Hashemite Kingdom Of Jordan - King Hussein' (n 342).

the JFLR. This law provided provisions to meet the needs of Jordanian society, drawn from Islamic jurisprudence and sharia law.³⁴⁴ The general points of this law have invoked the 'public interest', upon which modifications are given their justification, but seemingly without real understanding of the public and its interests.³⁴⁵ In the JLPS, there is a general tendency to aspire to equality between the spouses with regard to the claims they may raise, however in practice the provisions of the law paradoxically benefit the husband rather than the wife.³⁴⁶ Nevertheless, family law reforms led to temporary amendments in 2001. Some laws such as 'crimes of honour' and the personal status law were submitted to both houses for approval, but the elected lower house rejected them twice. This was because of the political alliance between Islamist and tribal deputies, while the appointed senate approved these laws.³⁴⁷ The civil court handles and controls 'honour crimes'.³⁴⁸ Personal status law was amended in 2010 to guarantee equality between men and women in legislation relating to marriage, polygamy, divorce, the custody of children, inheritance and so on. It is important to discuss how law works for the benefit of women in Jordan by discussing each law separately discussed in subsequent sections.

4.2.1. Civil Law

The Jordanian constitution specifies that judicial authorities are independent and responsible for the interpretation and application of Jordan's law as mentioned in Art.102

³⁴⁴ Welchman (n 351) 868-886.

³⁴⁵ Miles, 'Employment And Unemployment In Jordan: The Importance Of The Gender System' (n 251) 414.

³⁴⁶ Miles (n 251) 414.

³⁴⁷ Lynn Welchman, *Women And Muslim Family Laws In Arab States* (n 336).

³⁴⁸ Lower, 'Honour Crimes In Jordan: The Politics Of Islamic Rhetoric In The Article 340 Debate' (n 348).

in the constitution.³⁴⁹ Civil Law is the origin of all branches of private law, and therefore it is one of the most essential forms of law in the state. Traditionally, civil law is made up of a variety of legal doctrines and rules that are primarily linked to patrimonial transactions and legal personality. Civil law in Jordan has been in force since 1976 when it replaced the Ottoman Majallah of 1876.³⁵⁰ The civil court system follows the French model.³⁵¹ Civil courts are divided into the court of appeal, the major felonies court, the magistrate's court, the courts of first instance, and the Supreme Court (court of Cassation).³⁵² However, Jordanian civil law shows many shortcomings that are the result of the way it is' clarified and operates.³⁵³ Current Jordanian civil law contains rules derived from the Egyptian civil code of 1948, derived in turn from the Napoleonic code. In order to ensure public order and legality, civil law sets up general rules that afford individuals the freedom to agree on the details and terms of their transactions in order to achieve their best interests in conformity with imperative rules that operate over them.³⁵⁴ The felonies court hears cases dealing with murder, rape, manslaughter and sexual assaults, and cases that could carry over three years of prison sentence, while the

³⁴⁹ Jordan Judicial Authority, 'Article (102) Jordanian Judicial System' (2011)

Article (102): The Civil Courts in the Hashemite Kingdom of Jordan shall have jurisdiction over all persons in all matters, civil and criminal, including cases brought by or against the Government, except in matters which, by the provisions of the Constitution, or of any Law for the time being in force, fall within the jurisdiction of Religious Courts or Special Courts." Jordanian Judicial System. Retrieved May, 2015. www.jc.jo/en/node/3038

³⁵⁰ A Hayajneh, 'Legal Surgery: The Need To Review Jordanian Civil Law' (2012) 6 British Journal of Humanities and Social Sciences.

³⁵¹ Jordan, Hashemite Kingdom (n 342).

³⁵² 'Jordanian Legal System-U.S. Embassy Amman, Jordan' (*Photius.com*, 2009) <<http://www.photius.com/countries/jordan/national-security-criminal-code.html>> accessed 2014.

³⁵³ Hayajneh (n 359).

³⁵⁴ *ibid*.

cassation court deals with jurisdiction issues and cases with habeas corpus petitions.³⁵⁵

The main functions of civil law rules are to organize principles in civil transactions and to maintain public order and the principle of legality. This differs from criminal law, which warrants the protection of public interest because it is believed that civil liability has no punitive function to prevent or punish offenses.

Attention will now turn to a discussion of the Personal Status Law (religious courts), the Criminal law and new laws against domestic violence within some specific codes and their impact on women's limited freedom in public life in Jordan.³⁵⁶

4.2.1. (A) Religious courts

The four main school of Sharia law are Hanbali which is the most conservative school of Sharia; Hanafi is the most liberal school and open to modern ideas; Maliki that is based on the practices during Mohammad's lifetime; and Shafi' which is a conservative school and highlights on the opinion of the companions of the Prophet Mohammed.³⁵⁷ The Sharia judicial system does not depend on lawyers, a jury system or trials led only by the judge. Sharia considers each case on its own merits, and there is no codification, which can lead to universal statutes. Sharia court relies on Muslim male witness more than the female women Muslim witness, and a Non-Muslim is not considered as a witness in Sharia courts. In Jordan, Religious courts based on Islamic law have jurisdiction over all family matters: marriage, divorce, inheritance, custody, and adoption. In Jordan, civil marriages are not allowed. There is no jury and therefore the judge plays a vital role in making legal

³⁵⁵ 'Jordanian Legal System-U.S. Embassy Amman, Jordan' (n 361).

³⁵⁶ Hayajneh, 'Legal Surgery: The Need To Review Jordanian Civil Law' (n 359).

³⁵⁷ Elizabeth Stewart, Q&A: Sharia Law. (2008), <https://www.theguardian.com/world/uk-news/religion>. See, Etannibi E.O. Alemika, (2005), Human Rights and Shariah Panel code in Northern Nigeria , UN Human Monitor. Also, Mohammed S. El-Awa, Punishment in Islamic Law, American Trust Publications. 1993.

decisions and lawyers play a more passive role. In addition, there is no system for using judicial review.³⁵⁸ The family law in 1951 was replaced by new codification in 1976 which made some changes introducing divorce procedures adapted from Egyptian legislation, raising the age of marriage and putting some regulations on polygamy that were previously absent from Jordanian law.³⁵⁹ This study addresses later amendments that came in 2001, which concern personal status and honour killing and reform continuing in 2010, which aims to generate greater equality between men and women in family matters.

Personal Status Law of 1976

Personal Status Law of 1976: the legal age of marriage, women's rights in marriage contract, and men providing separate dwellings if they have more than one wife is demonstrated...³⁶⁰

³⁵⁸ Jordan, Hashemite Kingdom of, 'Emory Law: More Than Practice' (n 342).

³⁵⁹ Welchman, *Women And Muslim Family Laws In Arab States* (n 336) 4.

³⁶⁰ Personal Status Law of 1976 "The legal age of marriage for males and females is 18 years but the chief justice may permit marriage to anyone who is 15 years old if it is in his or her interest. The shari'a judge determines if the marriage is appropriate even if the woman's guardian opposes it, usually considering financial matters of the prospective husband. The marital guardian must be a Muslim and sane male relative of the future bride. Under Article 19, the bride can request in the marriage contract that her husband not force her to leave country and that he does not take a second wife. She may also request a clause to obtain rights to divorce. In practice, this right is rarely exercised because women are either unaware or afraid of the risks involved in seeking such privileges. Under Article 40 a man who has more than one wife must treat all his wives equitably and provide them with separate dwellings". In Cherland, 'The Development Of Personal Status Law In Jordan & Iraq' (n 349).

Personal Status Law of 1976: Guardianship. A male relative is responsible as a guardian on behalf of a minor's interests such as their children or women under the age of 40.³⁶¹

Personal Status Law of 1976: Divorce adds to Sharia' by requiring state recognition. It demonstrates that divorce must be registered in court, women's legal rights after divorce and explain how, if the husband fails to support his wife financially, she has the right to get divorce.³⁶²

Jordan has amended some articles of personal status law No.60 of 1976. The Provisional Personal Status Law No. 82 for 2001 in Art.5, legalized marriage aged 15-17 under certain circumstances.³⁶³ While in Art.13 the consent of the guardian in the previously

³⁶¹ Personal Status Law of 1976: Guardianship In Jordanian law Welaya (guardianship) is a system that originates from its tribal tradition. Any single woman under the age of 40 no matter her marital status. A male relative by appointment to act on behalf of and in the interests of a minor or any other person of limited legal capacity The Personal Status Law only authorizes men to be legal guardians of their children, giving tribal custom priority. Women may have physical custody of the child until they reach puberty or the age of 15. See Rana Hussieni, 'Jordan', *Women's Rights in the Middle East and North Africa* (n 8).

While, in the pre-modern period, the wali could be the mother or the father, however, under the "marriage," so to speak, of tribal law and shari'a law, the father is the wali. His authority in the deciding the marriage of his daughter is sound in shari'a courts of law. See in Amira El Azhary Sonbol, *Women Of Jordan* (Syracuse University Press 2003).

³⁶²Personal Status Law of 1976: Divorce "The most common divorce is talaq, or when a husband may divorce his wife without legal reason and he may do so orally or in writing. It must eventually be registered by the court. The woman divorced has a right to compensation for at least one year but no more than three years. The amount is determined by the court and based on the husband's financial status. Article 135 enforces iddat, or a waiting period of up to 3 months to ensure that his wife is not pregnant by the husband divorcing her. If the wife wishes to initiate divorce, she must do so with valid reasoning. While domestic abuse is valid reasoning for a woman to divorce her husband, she must have two male witnesses; her testimony alone is not enough. The husband's failure to provide financial maintenance or shelter and absence for more than a year are also valid reasoning for the wife to initiate divorce". In Cherland, 'The Development Of Personal Status Law In Jordan & Iraq' (n 349).

³⁶³Article 5: Capacity for marriage requires that the fiancé and the fiancée are sane. The article increased the minimum marriage age to 18 calendar years, allowing judges to marry girls and boys aged 15-17, with the ages calculated, according to special instructions issued by the Chief

married women is not a stipulation.³⁶⁴ In addition, it has been discussed that a woman has the right to obtain 'Khul'a' if she agrees to give back the dowry and accepts some financial impositions. However, if the husband refuses to divorce, the judge should dissolve the contract when it is clear that reconciliation between them is not achieved.³⁶⁵ While Art. 134 legalizes the husband's right to divorce his wife for no reason, it stipulates that he should pay for maintenance.³⁶⁶ Art.132 states that both partners can seek divorce if it is impossible to live together.³⁶⁷

The latest amendments to the Personal Status Law were made in 2010. However, Personal Status Law No. 61 from 1976 is still applicable, as amended. This law permits and allows polygamy as long as the husband provides a proof of his financial ability to support all his wives and informs his first wife, who is then free to stay or apply for divorce. The new law was made public and published in the daily newspapers (30/9/2010). The most important of the amendments contained in this bill are concern

Justice, in lunar years. See,, *A Study On Early Marriage In Jordan* (1st edn, United Nations Children's Fund (UNICEF) 2014). Accessed 5 May, 2015.

³⁶⁴Article 13: The consent of the guardian is not a condition in the marriage of a previously married woman who is of sound mind and over eighteen years of age Ibid

³⁶⁵Temporary Law no.82/2001 amending the Law of Personal Status, *Official Gazette* No.4524 of 31 December 2001, 5998. In Lynn Welchman, *Women And Muslim Family Laws In Arab States* (n 336).

³⁶⁶ Welchman (n 336).

Article 134: If the husband divorces his wife arbitrarily, such as if he divorces her for no good reason, and she applies to the Qadi for compensation, he shall award her against the man who divorced her compensation (ta'wid) of not less than a year's maintenance and not more than three years' maintenance. In imposing it, the situation of the husband, rich or poor, shall be taken into consideration. It shall be paid in a lump sum if the husband is wealthy and in instalments if he is poor. This shall not affect her other matrimonial rights

³⁶⁷Article 132: either spouse may petition for divorce on the grounds of discord and strife causing harm that makes cohabitation impossible In Cherland, 'The Development Of Personal Status Law In Jordan & Iraq' (n 349).

marriage and divorce.³⁶⁸

Divorce cases are caused by many different, and sometimes contradictory, reasons, and men might even divorce their wives for 'no reason'. Therefore, it is important to provide the real definition of physical, psychological, and economic assault regarding women who have suffered humiliation at the hands of a legal system that provides her husband numerous rights but fails to adequately protect her due to the simple fact that she is a woman. The police and the court also influence women's approach to such cases. Edwards mentions that the application and the process of applying the law can become selective and inconsistent and takes issue with those responsible for implementing and enforcing this law.³⁶⁹

³⁶⁸ 1. Marriage: Article 10 altered the minimum age of eligibility for marriage to eighteen years, with an exception allowing marriage at fifteen in limited cases which are in accordance with the controls and special procedures established by the bill.

2. With respect to the marriage of a married man, the bill obliges the judge before finishing the contract to explain to the fiancée that her fiancé is married to another in order to prevent the occurrence of damage, and necessitated informing the first wife of the marriage contract afterwards so that her unawareness of the marriage would not be the cause of the loss of her rights. 3. Article 38 of the draft law allows women to request a divorce for certain reasons. Article 80 stipulates that a woman is not allowed to get married after her divorce for a specific period of time. Custody of children 5. The age until which a child remains in the custody of his or her mother was raised to fifteen (previously the age had varied depending on the appearance of signs of puberty). For a female, this custody can be extended to the age of eighteen by a judge, if that is seen in her interest. 6. Divorce: husband and wife must decide upon a *khula* divorce, whereby the wife loses her dowry and gives up any right to future financial maintenance, consensually.

Art 126 stipulates as follows: Any spouse may demand separation to resolve dispute and disagreement, if he/she claim that the other party caused him/her harm that prevents the sustainability of marital life, whether the harm is physical, like actual or verbal harm, or moral. Any disgraceful behaviour, or conduct breaching good manners, causing an insult to the other party, considered a moral harm, as well as the insistence of the other party to breach marital duties and rights. In 'Law 36 Of 2010' (2010) 5061 (n345).

³⁶⁹ Edwards, *Policing "Domestic" Violence* (n 211).

The following is an example of a case that demonstrates the ineffectiveness of Jordanian law. The first day I met the women in question was in a private setting at a business class for my daughter. She works as a teacher at a private school and after school hours, she provides additional tutoring. Upon introducing myself, she was pleased to get to know me and tell me her story of suffering within Jordanian law. Regarding an attempt to reform the law, she said:

Jordanian culture is more open than before; where women's participation in work has increased and her role in the family has changed...there is more freedom, a changing life style and increased chances for women of learning. Men are everything in society; dominating our life, while women are in the shadow of men. Women have tried hard to change the dominance and the power of men, but it has been no use. Women have more abilities and skills than being just a wife obeying the rules. The freedom to think and change in terms of mentality has shaped my personality. I worked hard and my husband at that time used to take my salary and the time I refused to give him it, caused disputes and then led to divorce. I have suffered endless pain because of the long court process. Accumulation of stress and the fear of reaching my limit, leading to emotional problems as well as a lack of support from judicial system these have been the main sources of pain. I have four children: three girls and one boy. One of the girls has a fundamental problem and needs surgery. After many disputes, my husband divorced me by just going to the court and saying to the judge that he wanted to divorce me, so I became divorced. Consequently, I had the custody and my ex-husband had the legal guardian. He is a lawyer and knows exactly what to do... he threatened me many times, so I decided to go to the police and make a complaint against him. The police called him to justify his action, but he lied on the holy book, the Qur'an, and therefore there was nothing they could do to him because there was no proof. My daughter needed an operation, so I took her to the hospital, which was a public one. The doctor refused to do the operation without her dad's signature. As her dad refused to sign and my daughter's life was in danger, I thought that I might need to go to the Family Protection Department, and I did so. I filed a complaint against him, they called him, but he refused to go, and they did not press any charges against him. I had no choice; my daughter was dying, and everybody was just watching. Therefore, I took her to a private hospital and the doctor agreed to do the operation without her dad's consent because she was in a very bad condition. The FPD did not

proceed with the case and I can accuse the system of being ineffective... I just hate the hell he showed me...I have never had a life since I met him... suffering alone with no help. I work eighteen hours a day to earn a living. The court could not prove his income, so he pays seventy-five Jordanian Dinar. Can you imagine that I have two at university and I pay their tuition and in the end, they say the father is the guardian?³⁷⁰

By chance, I met another woman at SIGI who was seeking help after she got divorced by her husband. She is thirty-six years old, without a job, with a little boy and a girl. The reason for divorce was that her husband got married to another woman and he no longer wanted to live with his wife. The woman applied for child custody, and the judge approved alimony for her with a house to raise her children with the amount of money of 200 JD monthly. While this amount of money is not enough, especially when you have young children, the court could not prove that the husband could pay more, even though he owned a currency exchange shop. He is a rich man but after his new marriage, he was able to show the court that he did not have enough money. So that was the most that he could pay, she said,

I feel humiliated by the few financial situations and resources where sometimes I have to ask people for help while their father is free, not participating in the work of his children.... There is no justice. Why the court could not prove his circumstances? His children from his new wife enjoy their lives without any pressure while my kids and I live in a bad situation and with humiliation especially when I ask people for help. Do you think that the amount of 200.00 JD is enough to buy clothes, food, and medicine? There is no justice....³⁷¹

In Jordan, under Sharia' law a divorce can be applied for if a woman seeks to break the marriage contract or else she can obtain *Kula*, which is considered to be an equitable resolution to end the marriage. Article 16: Marriage and Family Relations No. 16/1/C gives the full and absolute permission of women to consider the marriage contract as

³⁷⁰ Interview with a Close friends in private, talking about her experience in marriage life. Appendix 3.

³⁷¹ Interview with a participant shared her story at SIGI. Appendix 3.

valid³⁷² as long as this marriage is based on a contract, meaning that both parties should be capable to converse and reflect on their marital matters, *and* what they would like to have in their relationship.³⁷³ However, jurists impose some limitations, such as a woman not being able to accomplish a contract without a guardian present, which damages women rights in this contract.³⁷⁴ A man has the right to divorce his wife without her consent, if she commits any act against his will and not agree with him on some issues under Personal Status Law.³⁷⁵ The reason why this happens is extremely complex. In discussion of the family law, feminist criticism demonstrates that the grounding of family law depends on women's subordinate status in the family, with certain limitations on women's legal rights and privileges, which can result in insufficient economic support for them.³⁷⁶ In the context of Jordan, regarding the official report (paragraph 197) Article 16 of the Convention, illustrates that the man is the one who bears financial responsibility, and a man retains the power of a woman's right to enter any field such as education, employment, or decision-making positions. In addition, the fact that women are not considered financially responsible once they have entered a marriage contract weakens women's status as a partner in this contract. It is clear that the man is in charge of the finances because of his role as a protector of women as long as the marriage contract is valid.³⁷⁷ In matters involving the children, Article 16/1/D is grants the women the right to child custody and the Personal Status Law extend the period of custody depending on the

³⁷² Jordanian Women's Union, 'Jordan Shadow NGO Report' (n 265).

³⁷³ Azizah Al-Hibri, 'Islam, Law And Custom: Redefining Muslim Women's Rights' (1997) 12 International Law Review and Policy. p. 21.

³⁷⁴ Al-Hibri (n 382) 21.

³⁷⁵ Jabiri A, 'Jordan Shadow NGO Report' (n 49).

³⁷⁶ Smart, *The Ties That Bind Law* (n 210) 230.

³⁷⁷ Jabiri, 'Jordan Shadow NGO Report' (n 49).

children's needs (discussed with more details in chapter5).³⁷⁸ More research on vulnerable women, victims of violence and women who experience divorce is vital in the endeavour to change dependency on the husband and help these women to survive after the family breakdown. For this reason, legal scholarship should be able to affirm 'the family' in a normative social order and that requires understanding from disciplines beyond law.³⁷⁹ Smart accused the Family Law of being insufficient as a system for providing women with the economic support and being resistant to the development, public support and benefits for women.³⁸⁰ Freeman argues that Family Law is multifaceted. It must deal with a variety of economic impact, meaning more than just divorce between partners, and meets disputes relating to domestic violence and is a crossing point with medical law, and criminal law.³⁸¹

4.2.2 The Criminal Law

As mentioned above, the courts of First Instance have jurisdiction over civil and criminal cases where the punishment may exceed two years of imprisonment. Two judges hear

³⁷⁸ Jabiri (n 49).

³⁷⁹ Alison Diduck, *Law's Families* (LexisNexis 2003). In her study, she adopts the view that the relationship between law and society that breathes life into it, which it breathes, life is a mutually sustaining and inextricable one, but it aims to explore more than important connection between social context and legal doctrine.

³⁸⁰ Smart, *The Ties That Bind Law* (n 210) 230.

³⁸¹ M Freeman, *Domestic Violence* (Ashgate 2008).

criminal matters³⁸² while a single judge hears civil matters. Decisions may be appealed by either the prosecution or the defendant.³⁸³

I have highlighted some laws as evidence that Criminal law is used to regulate social conflicts for the sake of public order- but not for the benefit of women. I argue that the use of gendered legal systems to serve legitimization claims³⁸⁴ does serious harm to the movement towards ending violence against women. This criminal law reflects the dominant social values, which indicate what interests in a society are most powerful. Criminal law has perhaps greater social power than other elements of politics because it is perhaps based on the same values, which form the foundation of the political system. Crimes like 'Honour Killing' are recognised by law as justifiable homicide. This criminal law is disadvantageous to women because it tolerates legal inequalities and social subordination and undermines inherent rights. The criminal codes reflect sex roles and that is clear in the legal treatment of rape and domestic violence. So, in committing criminal offences such as rape, honour killing and violence, the victim is seen as complicit in the crime. Thus, the victim is no longer seen as a victim, but she appears as

³⁸² B Isaias and F Jennings, 'Overview Of The Hashemite Kingdom Of Jordan Legal System And Research' (*Global Law and Justice*, 2013). <<http://www.nyulawglobal.org/Globalex/Jordan.html>> accessed 1 April 2015.

³⁸³ 'Jordanian Legal System-U.S. Embassy Amman, Jordan' (n 361). <<http://www.photius.com/countries/jordan/national-security-criminal-code.html>> accessed 2014. Also, Jordan Government, 'The Judicial Branch' (2016). For Art. 28 of the Code of Criminal Procedure declares that detainees be brought before a court within 48 hours of arrest, even in special security cases, giving them an opportunity to have full access to legal counsel. This requirement frequently used politically to give legitimacy to the status quo.

³⁸⁴ Warrick, 'The Vanishing Victim: Criminal Law And Gender In Jordan' (n 335) 315-348.

part of a problematic situation that can be resolved to serve the interests of the community.³⁸⁵

Honour Crimes

Carolyn Fluehr-Lobban defines honour killing as an act when any female sexual misconduct upsets the moral order of the culture, and bloodshed is seen as the only way to remove any shame brought by the actions and restore social equilibrium.³⁸⁶ In Jordan, there has been international attention on the honour-killing phenomenon carried out by family members against girls and women who have committed alleged sexual indiscretion that is seen to besmirch the honour of the family. Thus, men have the duty and right to defend this honour, which is not uncommon in legal systems. Therefore, socially, honour killing is justified and understood as a legitimate response to the loss of honour caused by women's behaviour.³⁸⁷ It is worth noting that the source of honour crimes is originally drawn from the 1816 French Penal Code. This can be traced in the Egyptian criminal law Article 324,³⁸⁸ where the Egyptian, Ottoman, has influenced Jordan/French legal heritage which gives the husband the lower penalty for his offence in a felony provoked by adultery. In addition, the Italian Rocco Code, Art.587³⁸⁹ legitimised

³⁸⁵ Warrick (n 335) 315-348.

³⁸⁶ Carolyn Fluehr-Lobban, 'Cultural Relativism And Universal Rights In Islamic Law' (2005) 46 *Anthropology News*.

³⁸⁷ Warrick (n 335) 315-348.

³⁸⁸ Art.324: Paragraph 2 of the French Penal Code of the year 1810, which the Ottomans adopted and practiced, gives the husband a lower penalty if he caught his wife committing adultery in the marital house. The old French law was lenient with crimes committed by husband vs. wife, affected by the Roman laws which considered that the utmost control within families is for the father and husband. ARAJI and CARLSON, 'Family Violence Including Crimes Of Honour In Jordan: Correlates And Perceptions Of Seriousness' (n 23).

³⁸⁹ Art. 587: the Italian Rocco Code enabled consideration of the 'cause of honour' in homicide or physical injuries, providing: 'whoever discovers unlawful sexual relations (i.e. sexual relations outside marriage) on the part of their spouse, daughter, or sister and in the fit of fury occasioned

the 'cause of honour' by imposing the punishment just for seven years, if the crime of honour caused the death of his wife or family members in unlawful sexual relations. This law is foreign in its origin and thus should not be characterized as an element of Islamic law.³⁹⁰ Technically, the religious court has no influence on criminal cases such as rape and honour crime, while the Qur'an discusses adultery and sets the penalties for this offense.³⁹¹ Consequently, Article 340 contradicts the Qur'an by permitting surprise as an explanatory factor for this matter as a religious issue. Islam does not permit a male member to commit punishment to a female relative.³⁹² However, Article 340³⁹³ excused the husband, father or the guardian from any penalty in some cases and reduced the penalty in other cases for their offense in any unlawful sexual relations causing the family dishonour.

The Annual Report to the National Centre for Human Rights demonstrates that, there is no indication that Government intends to amend the Penal Code regarding crimes of honour, while the last amendment stipulated that this should be treated as mitigating circumstances (article 340 of the Penal Code). Regarding the right to life, official

by the offence to their or their family's honour causes their death, shall be punished with a prison term from there to seven years. In The Global Campaign to Stop Violence Against Women in the Name of Culture, 'Crimes Of Honour In Jordan And The Arab World' (2009) <<http://www.wunrn.com>>.

³⁹⁰ Warrick, 'The Vanishing Victim: Criminal Law And Gender In Jordan' (n 335).

³⁹¹ The Qur'an states, "The adulteress and adulterer should be flogged a hundred lashes each." It acknowledges that both men and women are capable of adultery and equally deserving of punishment. Qur'an 24:2

³⁹² Human Rights Watch, 'Interview With Abdul Latif Arabiyat, Secretary-General, Islamic Front Party'(2003).^[1]_{SEP}

³⁹³ Art 340 (a) "stipulates" he who discovers his wife or one of his 'MA harem' (female relatives of such degree of consanguinity as precludes marriage), while committing adultery with another man and kills, wounds, or injures one or both of them, is exempt from any penalty; (b) he who discovers his wife, or any of his sisters, or female relatives with another man in an illegitimate bed, and kills, wounds or injures one or both of them, benefits from a reduction of penalty.

statistics show that in 2009 the crimes of murder or attempted murder under the name of 'protection of honour' or 'blood crimes' had reached 88 and 283 'cases respectively'.³⁹⁴ It is worthy to note that Human Rights Watch stated:

The killing is meant to be a public statement, and in many cases, perpetrators freely confess. They may even act within earshot of the police, as in a case reported to Human Rights Watch by the Jordanian Women's Union (JWU), an independent grassroots organization in December 2001. Police in Amman found a thirty-six-year-old woman who had previously come to the JWU for help; the officers took her home, after her father's promise not to harm her; he shot her while the police were still downstairs.³⁹⁵

Amal Haddadin has argued that the legal system must abolish Article 340, which states that any man who kills or attacks his wife or any of his female relatives in the act of committing adultery or in an 'unlawful bed' benefits from a reduction in penalty. Judges have to be trained on how to work within the national agreements and apply their provisions. Legal provisions must be strengthened and classified. In addition, the provisions of the Penal Code related to the honour crime should be abolished, in particular the provisions on the possible reductions in sentence for such crimes (Articles 98 & 99 of the Criminal Code). It is essential that accurate statistics be recorded, to quantify the number of cases in which international laws have been applied.³⁹⁶ There is further evidence to suggest that there is a need to ban Article 340 from being used in the criminal court, where it allows more killing without effective charges. The Jordan Times reported in December 2002 that an unnamed nineteen-year-old woman, after being held in prison for alleged immoral behaviour, was bailed out on her uncle's promise not to harm her. However, her brother killed her as soon as she arrived home, and relatives were

³⁹⁴ Amman Centre for Human Rights Studies, 'Jordan, NGO Report On The Implementation Of The ICCPR. Periodic Report' (Amman Centre for Human Rights Studies 2010) <<http://CCCR/C/JOR/Q4>>. accessed March 2014

³⁹⁵ Human Rights Watch, 'Honouring The Killers: Justice Denied For Honour Crimes In Jordan' (Human Rights Watch 2004).

³⁹⁶ Interview with lawyer Amal Haddadin (FLP1) NCFA (NCFA, July 2013). Appendix 2.

quoted as thanking God they were 'rid of her'.³⁹⁷ Likewise, in August 2003, The Jordan Times reported the case of a sixteen-year-old girl from an Amman suburb who, released from administrative imprisonment on her father's promise that she would not be harmed, was murdered by her brother just minutes after returning to the family's house.³⁹⁸

Rape

Rape is a crime that carries serious penalties to those convicted. In Jordan the punishment for raping an adult woman is 10 years imprisonment but if the victim of rape is between 15 and 18 years old the punishment is hard labour for 20 years, and if the victim is under 15 years old the punishment is death penalty. A woman becomes an adult at age 18. In some countries rapists can receive the death penalty under certain circumstances such as when the victim is a juvenile or there is also the element of abduction.³⁹⁹ Under legal codes rape is considered a social problem and, therefore, marital rape, which does not raise issues of threat to the social order, persists legally in Jordan and is not regarded as an offence. Jordanian culture and societal norms even defend and support a man's right in demanding his wife to 'do her duty' even if he believes in using force. Patriarchal perceptions of rape have resulted in low reporting of sexual assault. Consequently, rape law has privileged the protection of social order over the provision of individual criminal justice.⁴⁰⁰ However, the civil court considers the punishment under Article 340 as discussed before. Besides, both Art 292⁴⁰¹ and Art. 308⁴⁰² on rape illustrate the penalties

³⁹⁷ "In Jordan: Two Men Arrested in 'Honour' Killing" *Al-Bawaba*, December 19, 2002. http://www.amanjordan.org/english/daily_news/wmview.php?

³⁹⁸ Husseni, 'Brother Kill `Sister In Honour Crime Of The Year"' (n 25).

³⁹⁹ Warrick, 'The Vanishing Victim: Criminal Law And Gender In Jordan' (n 335).

⁴⁰⁰ Warrick (n 335).

⁴⁰¹ Art 292: Whoever has sexual intercourse with a woman, other than his wife, without her consent — whether through coercion, threat, deception, or fraud — punished with hard labour for no less than 15 years. Any person who rapes a girl under 15-years-old punished by death and with hard labour for 20 years if the victim is between the ages of 15 and 18.

for this offence, while the other article considers marriage as a solution in rape cases to avoid shame and humiliation for the victim's family. Abortion is permitted to save a woman's life, to preserve a woman's physical and mental health, and in cases of foetal damage.⁴⁰³

Perpetrators of violence against women do not get sentences that are equal to their offences. Hence, Jordan needs to generate a legal system that respects all victims' privacy and dignity and encourages them to report the crime; for instance, by applying better legal protection to victims of rape by giving anyone who commits rape a prison sentence instead of exemption if the perpetrator marries the victim. Article 308 permits the defendant to evade punishment and can be seen to reward him by allowing him to marry the victim after her honour and future are destroyed. During an interview with one of the legal professionals, FLP1, the lawyer Amal Haddadin said 'We need to amend the penal law, specifically, article no. (308) which states that the rapists go unpunished if they marry their victims'.⁴⁰⁴

It is clear that the marriage loophole stated above exists to cure a social problem. The practice places broader social interests over the interests of the victim herself. In doing so, the rape victim disappears to be replaced by a wife. It is worth noting that rapists who divorce their wives afterwards still avoid criminal charges.⁴⁰⁵ Many studies illustrate that

⁴⁰² Art 308: If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section, and the victim, the prosecution is suspended. If judgment was already passed, the implementation of the punishment upon the sentenced person is suspended.

⁴⁰³ United Nations, Department of Economic and Social Affairs, Population Division, 'Abortion Policies And Reproductive Health Around The World' (UNITED NATIONS PUBLICATION 2014).

⁴⁰⁴ Interview with lawyer Amal Haddadin (FLP1) NCFA (NCFA, July 2013) 300. Appendix 2.

⁴⁰⁵ Warrick, 'The Vanishing Victim: Criminal Law And Gender In Jordan' (n 335) 315-348. See, Report of Special Rapporteur on violence against women. (2006, March). United Nations Human Rights. E/CN.4/2003/75/Add.1, ECOSOC, New York.

patriarchal stereotypes are deeply rooted in influencing society's perception of rape cases that cause problems for victims of rape. The problem exists even in the UK and US where victims of rape face 'real rape stereotypes' that lead to lack of reporting, degradation, and a lack of sufficient response to sexual assault and rape.⁴⁰⁶

One of the participants in this study, F13 shared a story that highlights the lack of protection women have against rape. The case demonstrates how women are vulnerable in Jordanian society. The victim's situation was complicated: she was in love with her cousin, who proposed to marry her, but her family did not approve because of the presence of family disputes between the uncles. The relationship remained secret and developed into a sexual relationship that resulted in pregnancy. The mother found out and told the victim's father, who assaulted her and tried to kill her, but she escaped and went to the police.

The father filed a complaint against his daughter (the victim) and her partner. In Jordanian law, the partner is still regarded as a rapist, even if the relationship is consensual. As a result, the cousin was sentenced to two years imprisonment. The family tried to intervene to solve the problem by marriage, especially since the victim was pregnant. The cousin was accordingly able to avoid prison by virtue of his marriage. However, the victim's family was not satisfied and refused to let her out of prison. She gave birth in the prison and her daughter is now 16 years old. After the death of her father, it became possible to try to have the woman released from jail.⁴⁰⁷ In this case, Article 308 addresses social practice by having the rape victim disappear rather than providing criminal justice for individual women. The rapist is free, and the victim stayed more than 16 years in prison. Thus, her guardian the father controlled the victim's life. Furthermore, the report of the official Convention on the Elimination of All Forms of

⁴⁰⁶ Elisabeth McDonald, 'Temkin & Krahe, Sexual Assault And The Justice Gap: A Question Of Attitude' (2009) 29 Pace Law Review.

⁴⁰⁷ A story gathered from SIGI, the participant (F13) Appendix 3.

Discrimination Against Women (CEDAW), and the Special Rapporteur's note that, most victims agree to marry because they fear violence from their own family.⁴⁰⁸

4.2.3 The Current Law on VAW

Discussion of VAW and the shortfalls of the law persist in Jordanian society. However, research has involved many fields such as Law, Sociology, Politics, and Anthropology to establish a widely acceptable definition of VAW. Most of the discussions seek to ensure that Jordanian law offers protection from DV, considering VAW and the violation of human rights based on CEDAW, which Jordan ratified in 1992. The Protection from Domestic Violence aims to preserve family ties and reduce the effects of the penal procedures followed in cases of crime among family members. It also aims to replace freedom-restricting penalties with less harmful measures in these punishments. This law allows the FPD director and the chairperson of the FPD division to apply preventive measures, including the defendant's promise to refrain from harming the victim or any of his/her family members.⁴⁰⁹

Family Protection Law No. 6 of Jordan (2008)

There were positive changes in 2008 made by the ratification of a new law on domestic violence. 'Law enforcement agencies and PSD⁴¹⁰ officers under Art 9 and 11, shall go to the place where domestic violence happened in the following cases,

- Upon receiving a report that there currently is a situation of domestic violence or that it is about to happen;

⁴⁰⁸ United Nation/ CEDAW (n 257). See, 'Social Institutions And Gender Index (SIGI) (n 25).

⁴⁰⁹ National Center for Human Rights 5 Annual Report, 'State Of Human Rights In The Hashemite Kingdom Of Jordan 2008' (2008) <<http://www.nchr.org.jo>>.

⁴¹⁰ Public Security Department, it works to enhance security in Jordan

- Upon receiving a report that an effective restraining order issued under the provisions of this law has been violated
- Taking a promissory note from the respondent pledging not to assault the injured or any of the family members
- In cases where the injured or any of the family members is at risk, not allowing the respondent to enter the family household for no more than 48 hours
- Placing the respondent at the custody of the Family Protection Department or any of its sections for a period of no more than 24 hours'⁴¹¹

However, violations and the practice of domestic violence continue at a high level because no instructions exist on the application of this law. For the protection of women who live in danger of their families, being held in prison may actually be beneficial to their safety. Therefore, a shelter has been established for victims of violence, mistreatment and sexual abuse.⁴¹² This law seeks to ensure the protection of victims of abuse, while simultaneously maintaining the privacy of family. The law aims to uphold family ties and minimize the effects of criminal procedures to be followed in the case of a crime committed between family members.⁴¹³ Nevertheless, this law creates a narrow definition of DV or VAW and that definition borrows from the Criminal Code. This law does not bring adequate help to female victims of violence because judges have no measures to depend on for guidance. Hence, the legal system requests effective and separate legal provisions to deal with VAW, which should be based on the Declaration on the Elimination of Violence against Women definition under recommendation No.19 of CEDAW, in favour of any act of violence not being decided by a judge's

⁴¹¹ 'Family Protection Law No. 6 Of Jordan (2008) | Open Corpus Of Laws' (*Corpus.learningpartnership.org*, 2008) <<http://corpus.learningpartnership.org/family-protection-law-no-6-of-jordan-2008>>. accessed 2015 Explained in more details in the Appendix 4. P 60

⁴¹² Peratis, 'Honouring The Killers: Justice Denied For Honour Crimes In Jordan' (n 404).

⁴¹³ 'Social Institutions And Gender Index (SIGI) (n 25). [L T T T T T T T T T]
[S E P S E P S E P S E P S E P]

discretion.⁴¹⁴ Furthermore, the justice system's response to VAW was reviewed by western feminist researchers to find out whether this system serves the interest of women victims of violence while they are seeking justice.⁴¹⁵ Western feminism is important to the third world feminism because it contributes to their knowledge and increases communication between women that could lead to a truly global discourse about their problems. This can promote feminist influences in their own society. It would help to narrow the gap and many more voices would be heard, which will bring the world closer together in unity and peace.⁴¹⁶ While there is insufficient support in the current Jordanian legal system, there is an Optional Protocol to CEDAW giving women the opportunity to file their complaints to a CEDAW committee if they can obtain a domestic remedy from the Jordanian court. However, Jordan has not yet ratified this Protocol, which would serve as a legal recommendation for judges in resolving cases and would be in the best interest of victims.⁴¹⁷ Certainly, using western feminism matters in places like Jordan because it highlights the problems and observes whether the law can address the violence experience of these women and women's inequality in the society. Women's lives in Jordan are at risk. Findings prove that women suffer in positions of subordination in Jordanian society because legislation is not effective enough to provide options for the victims. In this study, key informants and participants from different police departments and legal professionals were interviewed to investigate the gap between legal policy and

⁴¹⁴ J Vess and others, 'The Other Side Of Gender Men As Critical Agents Of Change' (United States Institute of Peace 2013) <<http://www.usip.org>> accessed 2015

⁴¹⁵ Barata, 'Abused Women's Perspectives on The Criminal Justice System's Response To Domestic Violence' (n 67) 202-215.

⁴¹⁶ Violet Dixon, 'Western Feminism In A Global Perspective' (2011) 3 Inquiries Journal.

⁴¹⁷ 'IANWGE Standing Committee On Women, Peace And Security' (United Nations 2011) <<http://www.un.org/womenwatch/ianwge/taskforce>>.

practice. The following concepts relating to the violence against women in the Art. 6⁴¹⁸ and a clear definition of VAW in the family were used in Art.3⁴¹⁹ and Art. 16.⁴²⁰ These articles of Law define family as those who live in a household together and acknowledge the equality of treatment for all Jordanians without discrimination, stating that they share the same rights and responsibilities. Hence, this study can be practical in the event of a violence that happens in the family, but the definition of family limits the application of this law.

Existing criminal law in Jordan is not sufficient to deal with victims of violence, rape and different acts of violence or coercion, or even with those affected by suicide. Family Law

⁴¹⁸ Art. 6 The Constitution of the Hashemite Kingdom of Jordan: Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion. (ii) Defending the homeland, its land and people's unity and maintaining social peace are sacred duties of every Jordanian. (iii) The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquillity and equal opportunities to all Jordanians. (iv) Family is the foundation of the society. It is founded on religion, morals and patriotism. The law preserves its legal entity, strengthens its ties and values. (v) The law protects motherhood, childhood and the elderly and cares for youth and the disabled and protects them from offense and exploitation.

⁴¹⁹ Art.3 of The Family Protection Law No.6. for 2008: For purposes of this law family members mean, A wife and husband under a legitimate marriage contract, their children, and grandchildren; Step children, spouse's children from another legitimate marriage; A spouse's parent; Siblings of any of the spouses; A child, under the age of 18 in the custody of a foster family.

⁴²⁰ Art. 16 of the Universal Declaration of Human Rights: The family is the natural and fundamental group unit of society and is entitled to protection by society and state. Art. 16 of CEDAW that related to marriage and family life state that 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; etc..

is in force within the Personal Status Law of 2010, which deals with Marriage and Family Life,⁴²¹ divorce,⁴²² rape⁴²³, and so on. Consequently, this study reflects on some legal changes that need to be applied to penal, criminal laws, family laws, and actions for resolving domestic violence. There is currently a lack of restrictive law, an absence of research into the true number of cases and limited information on the real reasons why there are limited measures to stop the violence.⁴²⁴ The patriarchal standards and values that permit violence against woman bring into question police officers' a belief in what should be done for more appropriate relationships between a husband and wife and men and women.⁴²⁵ For this study a number of police officers were interviewed who stated that they believed that it is better to solve the problem within families rather than escalate the problem and raise it in court. They say the later makes it much harder to solve. Taking up civilized and developed behaviour in treating such cases, where customs and traditions must be considered first, is not consistent with the dangerous nature of the crime.⁴²⁶ Most women also have no faith in police officers because they are men from the same culture and there is a belief that they will not take any serious action to protect them.⁴²⁷ Where VAW is still considered to be a private matter, police interventions have no meaning because such incidents are not considered to be real crimes.⁴²⁸ Many studies

⁴²¹ Appendix 4, Selected Statutes Provisions Art. 87. P 333.

⁴²² Appendix 4, Selected Statutes Provisions Art. 134. P 333

⁴²³ Appendix 4, Selected Statutes Provisions Art. 340. P 333

⁴²⁴ Mizan-Law Group for Human Rights, 'NGO Comments On The Implementation Of CEDAW Stipulations In Jordan. 39Th' (Mizan-Law Group 2016).

⁴²⁵ Dobash and Dobash, *Violence Against Wives: A Case Against The Patriarchy* (n 68). Also, Brownmiller S, *Against Our Will* (Bantam Books 1976). P 212-217.

⁴²⁶ Interview with a police male participant (PM8) FPD (FPD, Nov 2013) 302. Appendix 2.

⁴²⁷ Interview with a female participant (F15) SIGI (SIGI, Sep 2013) 294. Appendix 2.

⁴²⁸ Dobash and Dobash, *Violence Against Wives* (n 68).

in the UK and the USA have shown that this is far from beneficial for victims of violence and that officers do not provide precise figures or information on what is happening between spouses if they involve the police in domestic abuse occurrence, with the police considering it as a family matter.⁴²⁹

Reviewing and investigating the Jordanian Personal Status Law of 2010 is a very important first step because the actual harm against women and the subordinate position women experience stem from the legal regime. The law is biased, and women's vulnerability is not measured in certain groups. Therefore, the deficiencies in the law need to be recognized.⁴³⁰ Recognizing the essential needs of women based on their experience of violence and the effects of the legal executive in weakening women in society will help put pressure on those in authority to change some laws and put some new regulations in place to deal with the abuse.

With this study, evidence was obtained that VAW is understood in Jordan in a very restricted sense. Definition of violence are different from what women experience at home in Jordanian society. For instance, the current definition of violence against women does not include psychological, physical, sexual, emotional or financial abuse between partners or family members.⁴³¹ As FLP5 states, the law is weak and does not incorporate psychological and moral considerations of women.⁴³² While the definition of violence in

⁴²⁹ R. Lewis and others, 'Protection, Prevention, Rehabilitation Or Justice? Women's Use Of The Law To Challenge Domestic Violence' (2000) 7 International Review of Victimology. pp. 179-205. Also see pp.18-21.

⁴³⁰ Ortiz-Barreda, Vives-Cases and Gil-González, 'Worldwide Violence Against Women Legislation: An Equity Approach' (n 21).

⁴³¹ National Council for Family Affairs, 'Status Of Violence Against Women In Jordan: Jordanian Woman In Numbers' (NCFA 2008)

⁴³² Interview with Muna Dandef a female lawyer participant (FLP5) JCLA (JCLA, Dec 2013) 285. Appendix 2.

1992 under General Recommendation No19 states ‘gender-based violence is a form of discrimination that seriously inhabits women’s ability to enjoy rights and freedoms on basis of equality with men’.⁴³³ Also, the definition of violence in the UK, as stated by the Home Office includes ‘any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality’.⁴³⁴ The element of coercive contract is relatively recent as a criminal offence. This study has aimed to show how law, or the legal system deals with cases of violence, and this is reflected in the understanding of the definition and concept of violence against women in Jordan – even though some women were not able to verify that they were victims of violence. This consequently stops them from reporting any incident.⁴³⁵ In Jordan, women’s experiences are disregarded and discounted by some professionals and the community in general because they are blamed for causing the violence. For example, the study by Muhammad M. Haj-Yahia has seen female participants ‘justify wife beating’ and accused women of causing their beating.⁴³⁶ Clearly, many girls experience violence before they become wives. In most Jordanian families, girls experience pressure, physical and psychological abuse from childhood. This study aims to examine ‘how the law fails to take into account the experience and values that seem more typical of women more

⁴³³ CEDAW Committee General Recommendation No 19, 1992 (11th session), <http://www.un.org/womenwatch/draw/cedaw/recommendations/recomm.htm>.

⁴³⁴ ‘Cross- Government Definition Of Domestic Violence A Consultation’ (*Home Office*, 2011) <<http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence>> accessed 5 March 2015

⁴³⁵ Kelly L and Radford J, ‘Nothing Really Happened: The Invalidation Of Women’s Experiences Of Sexual Violence’ (n 334).

⁴³⁶ Haj- Yahia, M. Beliefs of Jordanian Women About wife Beating. *Psychology of Women Quarterly*, 26 (2002), 282-291. Blackwell Publishing

than men, and how existing legal standards and concepts might disadvantage women'.⁴³⁷ Within the analysis, ethical considerations are important⁴³⁸ because law does not act alone and its performances are counted on a social, culture, and political level.⁴³⁹

4.3. Who are the Victims of Violence?

Many women in Jordan believe that as a part of married life, even in their family lives, violence will remain because it is seen to be an acceptable social behaviour. This is a very difficult perception to alter. Victimization of women⁴⁴⁰ continues to be an important discussion among scholars focusing on state law functions within the customary law dealing with family matters, rape and domestic violence.⁴⁴¹ Nazand Begikhani, Aisha K. Gill and Gill Hague discussed honour-based violence in Middle Eastern societies; there living is based on patriarchal values. HBV clearly involves a wide range of actions committed against women including physical violence, killing, poisoning and forced marriage. These actions are harmful to women within patriarchal societies.⁴⁴² Violence initially starts at home with the power of the mother, brother, and father over the girl to make sure that gender norms are in position and continue into married life, where subordination is perpetuated through economic power. Some cultural practices in various societies are harmful for women, such as HBV in these communities. The most common

⁴³⁷ Katharine Barlett, *Gender And Law: Theory, Doctrine, Commentary* (1st edn, Little Brown Publisher 1993).

⁴³⁷ Harne and Radford, *Tackling Domestic Violence: Theories, Policies And Practice* (n 179).

⁴³⁸ R Zitrin and C Longford, *Legal Ethics In The Practice Of Law* (Michie Co 1995).

⁴³⁹ Rene Romkens, 'Law As A Trojan House: Unintended Consequences Of Rights-Based Interventions To Support Battered Women' (2001) 13 Yale Journal of Law & Feminism.

⁴⁴⁰ Dobash and Dobash, (1992).

⁴⁴¹ Merry (2006).

⁴⁴² Nazand Begikhani, Aisha k. Gill, and Gill Hague. '*Honour-Based Violence: Experiences and Counter-Strategies I Iraqi Kurdistan and the UK Kurdish Diaspora*'. (Ashgate, 2015).

offenses are based on the purpose of conceiving children in marriage; romance is bad and is not real, women should not dishonour her family by talking to a male stranger on the street. A sexual action outside of marriage is deemed dishonourable and the family can redeem their honour if they punish the culprits. Women are considered the culprits in these situations and family members are considered victims.⁴⁴³ It is achievable to say that the study of violence against women in the context of Middle Eastern countries has received attention by academic activities, Muslim scholars, Western Scholars, national and international institutions.

Meanwhile, it is important to draw on the accuracies of some women's experiences of violence in Jordan. Different cases show how incidents of violence against women are handled in the Jordanian justice system. Some cases also illustrate how women use the justice system as a last option to seek fair decisions. When a woman feels and believes that there is a threat of actual danger to her and her children and there is no other possibility to continue with her marriage, then a woman may pursue and request an official intervention. Some such women are subject to physical and verbal abuse, divorce, and rape. I presented some stories from the fieldwork to show the potential consequences of reporting their husbands.

During the fieldwork, a participant, F28, shared her story. It reflects and demonstrates the experience of violence in Jordan. The reason she reported her case of her husband and his family abusing her was because of her belief that she could try to find a way to stop her humiliation and stand up for herself, rather than relying on the police or her family. Her case demonstrates the societal authorization of a husband's right to beat his wife.⁴⁴⁴ The

⁴⁴³ *ibid*, (2015).

⁴⁴⁴ Muhammad M. Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case Of Jordanian Men' (n 4).

first time I met her I could see the sadness in her eyes, so I gave her a piece of paper to draw what she thinks about her life. She drew a candle and when I asked her what she meant she said, 'I am just like this candle, which burns to light the way for others'. She is a 30-year-old married woman. She has a BA degree but no job. She has two children. She explained how she lives under pressure from her husband. She has her duties as a wife to fulfil and her work at home where she lives with her mother-in-law, and two brothers and sisters-in-law who are not married. She said:

I feel like I'm going crazy, I stay at home all day long. I do the cooking and cleaning, and I must get everything done on time. It feels like it's never going to end. My mother taught me how to do everything and how to please my husband. My mother-in-law keeps complaining about the cleaning—that it is not good enough and if I answer her back, she tells her son (my brother-in-law) so, he starts to beat me up. And when my husband comes back from work he is verbally abusive and beats me up too. I tried to tell my parents to intervene. They said that your husband is your family now and you have to show respect for his family and don't ever think of divorce, it is not an acceptable action in our family. Where would I go? I earn no money...I won't be able to earn enough for a place on my own. People will blame me that I'm going to find another man and my family will condemn my action. I decided to report that to the police and I thought they would be in solidarity with me...that as a man he would understand my situation...I was scared, and I didn't want anyone to know that I was at the police station... He said that I have to go home, and it brings shame on me to report my husband... also, he asked, if he were to arrest my husband who would spend money on my children...I felt that had no choice.⁴⁴⁵

This story is a sample of a husband beating that is overlooked because of society approval. The police did not question the participant F28 actions against her husband and his family because it is shameful to report her husband. This act is a crime heavily

⁴⁴⁵ Interview with a female participant (F28). Appendix 3.

shamed by law, but this law is usually not enforced by most police officers and there would be no actual action or procedures taken against the husband or family members. The truth of the situation is that the police officer believes that the woman will drop her charges because the insults and abuse are not sufficiently serious to report to the police, and police officers have even less desire to intervene in the case of violence committed by other family members such as a mother-in-law. Moreover, a woman may drop charges against an abuser if she is compelled to share her private marriage life in detail with strangers.⁴⁴⁶

The common belief that a husband has the right to beat his wife if there is a reason is also fostered in the legal system. Islam is blamed because people believe it is encouraged in the Qur'an, so both above cases are perfect examples of societal acceptance and of approval for the husbands' violence. However, the truth is that the Qur'an demonstrates that DV is forbidden and wrong. This will be discussed further in chapter six... The Qur'an states

خُذْ بِيَدِكَ ضِغْثًا فَاضْرِبْ بِهِ وَلَا تَحْنُتْ إِنَّا وَجَدْنَاهُ صَابِرًا نِعْمَ بُدَالِعٌ إِنَّهُ أَوَّابٌ

The meaning of this verse is explained below: (Allah said to Ayyub) Take in your hand a bundle of thin grass and strike (beat) therewith (your wife) and break not your oath. Truly! We found him patient. How excellent a slave! Verily, he was ever oft returning in repentance to us!^[SEP]⁴⁴⁷ [Saad 38:44]

⁴⁴⁶ H Mc Gregor and A Hopkins, 'Working For Change: The Movement Against Domestic Violence', *Domestic Violence Law Reform and Women's Experience in Court* (1st edn, Cambria 2008).

⁴⁴⁷ <http://iknowledge.islamicnature.com/quran/snum/38/vnum/44/lang/english>

Ayyub's, peace be upon him, wife had done something that made him upset with her. That time he was sick and couldn't do anything regarding it. So he swore an oath that he would beat her with one hundred blows, if God healed him. When God healed him, and all the pain in his body disappeared, he didn't know what to do with his oath regarding his wife. She served him for eighteen years with kindness and mercy day and night. God showed him the way out to avoid breaking his oath by taking one hundred stems of thin grass and hit his wife once.⁴⁴⁸

Also, Prophet Muhammad condemned violence against women, saying, '*The best of you is he who is best to his family, and I am the best among you to my Family*'.⁴⁴⁹[Tirmidhi]

While Ms. Bakhtiar, an Iranian-American who worked on translating the Qur'an explained, in the offices of Kazi Publications in Chicago, 'When the prophet had difficulty with his wives, what did he do? He didn't beat anybody, so why would any Muslim do what the prophet did not?'⁴⁵⁰ The former President of the Islamic Society of North America, Dr. Muzammil H. Siddiqi, states that a husband has authority in the house, but he should use it with kindness and respect to his wife. So, he should resolve any problem in a peaceful manner by seeking counsel from the elders in the family or from friends to resolve the differences. However, he might use a disciplinary action in some extreme cases such as moral infraction of his wife, if he is sure that it will improve the situation.⁴⁵¹ Sheikh Dr. Ahman Muhammad Al-Tayyeb, the head of Al-Azhar, Sunni

⁴⁴⁸ Muhammad Saed Abdul-Rahman, *The Meaning And Explanation Of The Glorious Qur'an. Vol 8* (2nd edn, MSA Publication 2009).

⁴⁴⁹ 'Does Domestic Violence Have A Cure?' (*Nour-dv.org.uk*, 2013) <http://nour-dv.org.uk/2013/01> accessed 2014.

⁴⁵⁰ (MacFarquhar, 2007).

⁴⁵¹ Mohammed Abdul Malek, 'Does The Qur'an Allow Beating Of Women?' (1988) 251 *Islamic Research Foundation International, Inc*
<http://www.irfi.org/articles/articles_251_300/does_the_quran_allow> accessed 2014

Islam's most prestigious institution says the 'light beating' and 'punching' are part of a program to 'reform the wife'.⁴⁵² It is argued that the Quran doesn't authorize violence against women because Allah says:

Live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.⁴⁵³ Also, Allah says: 'And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect'.⁴⁵⁴

It is worth noting that there is no law that allows a degree of physical punishment or discipline female member of the family however, law allows parents to use physical force against their children between the ages of 2 and 12.⁴⁵⁵ I drew on my own experience growing up in Jordan. Islam has helped to improve women's status and living conditions towards a level equivalent with men. Islam has prohibited violence against women and required men to treat their spouses with respect, mercy and love. Women are free to seek knowledge, jobs and sign contracts. Men have obligations to set women free in a humane manner in case of divorce (discussed in more details in chapter 3 and 6).⁴⁵⁶

The case above highlights the economic dependency of women on their husbands; and how they become victims of the legal system. For example, the police officer told the

⁴⁵² 'Islam: Can A Husband Beat His Wife?' (*The religion of peace.com*, 2002) <<http://www.thereligionofpeace.com>> accessed 2015.

⁴⁵³ (Quran: An-Nisaa 19)

⁴⁵⁴ (Quran: Ar-Rum 21).

⁴⁵⁵ 'Child Discipline- Ontario Parents' Knowledge, Beliefs and Behaviours'. (Best start Resource Centre 2014). By par health nexus sante'

⁴⁵⁶ Azizah Al-Hibri, 'Islam, Law And Custom: Redefining Muslim Women's Rights' (1997) 12 International Law Review and Policy. See, (Quran: An-Nisaa 19)

woman F28 to go home and not escalate the dispute between her and her husband's family, saying that no harm had been done and advising her to be smart and think how to rebuild her relationships with them. In this case, the police officer asked her to avoid violence and obey the family members, which may have led to an increase in the level of violence.⁴⁵⁷ The police officer's point of view was that, many women, shortly after filing a complaint, come back to withdraw it. Therefore, in his opinion it was better to give the woman more time to calm down and think before taking any action that would lead to a family break up. Independent of any social pressure, economic dependency on a husband makes it difficult for a woman to proceed with her charge; as a result, women choose to withdraw their complaints.⁴⁵⁸ Arresting men, due to the family structure and relations accompanied with the economic and social reliance of women on their partners, may not be considered a workable solution to a woman's problems. In an interview with some legal professionals, FLP5 explained:

There are no programmes that tackle families in place. The country does not draw the attention of its residents to the importance of the family as the main pillar of society. The people in charge of protecting and reforming families are not trained according to the required procedures.⁴⁵⁹

Moreover, one of the participants, F55, confirms that, 'I came to the Family Protection seeking help from my husband because he beats me severely but unfortunately the procedures are not very tough and effective in stopping him from abusing me'.⁴⁶⁰

As a lawyer from *Mizan*, MLP2, has mentioned,

⁴⁵⁷ Catherine Kirkwood, *Leaving Abusive Partners* (Newbury Park, Calif 1993). P 63-73

⁴⁵⁸ Elizabeth Topliffe, 'Why Civil Protection Orders Are Effective Remedies For Domestic Violence But Mutual Protective Orders Are Not' (1991) 67 Indiana Law Journal <<http://www.repository.law.indiana.edu/ilj/vol67/iss4/6>>. P 1041.

⁴⁵⁹ Interview with a female lawyer participant (FLP5) JCLA (JCLA, Nov 2013) 289. Appendix 2.

⁴⁶⁰ Interview with a female participant (F55) FPD (FPD, Sep 2013) 318. Appendix 2.

A national strategy must be approved to fight violence against women. The legislations relating to women's protection from violence must be activated, as well as there being policies to deter social violence developed. Policies have to be amended in line with international agreements and the government has to establish family courts to deal with family problems. The efforts of the CSOs have to be united and the roles related to violence against women have to be divided.⁴⁶¹

During my empirical research I found plenty of evidence that the current law on violence does not offer major contributions to solving the issue of violence against women.

4.4 Police Officers and other Specialists' Perceptions of VAW

A woman's life is in danger if she has done anything to cause social and sexual dishonour to herself and her family's honour. Despite having equality with men under the Jordanian constitution, in reality, some laws deny full legal competence for women, which can threaten women's lives. Many rape cases go unreported. Society condemns this offence but acts in such a way that victims of rape by a stranger or even a relative are subjected to reactions that seem to suspect that it was the woman's fault. Rape cases also remain problematic because of a shortage of data. In addition, in a society like Jordan, the notion of spousal rape is not accepted culturally, and therefore it is not reported. Because marriage allows sexual activity, it is not seen as a social problem.

A case study demonstrates how a woman lives in danger if she is involved in anything that might bring shame to her family. This story began when the woman in her twenties had a relationship with a bus driver that ended with pregnancy. She ran away from her family home during the month of Ramadan in 2006. She did not return to her family's home, so her family started to search for her in hospitals and various places. A phone call came from the police centre to her family and it was reported that the woman had been found and was at the station. Her father refused to accept her coming home, so he made a complaint on charges of adultery against both his daughter and the man. She stayed in

⁴⁶¹ Interview with a lawyer participant (MLP2) *Mizan* (*Mizan*, Aug 2013) 299-300. Appendix 2.

prison for 5 years and had her baby there. Actions were taken by a civil organization to get her out of prison by marrying a 59-year-old man. However, tragically when she left prison to start a new life with a new husband, her brother shot her to restore the honour of the family. She is still under medication and receiving treatment even now.⁴⁶²

Honour killing is not permissible under Jordanian law, and the killer only spends an average of six months to one year in prison. It is tradition that compels the family to kill the woman to erase the shame caused. Therefore, the only way to protect the lives of women or girls who committed a 'shameful act' is by keeping them in prison under protective custody for a period or by changing the harmful tradition as required by CEDAW. The findings of this study suggest that we need better protection for women and actual law enforcement. Female victims of rape must deal with the stereotypes about rape victims and live under family threats of killing them. Because of societal and cultural attitudes towards morality and rape, women are scared to report incidents for fear that they will be treated as liars about the sexual assaults and treated with suspicion for any number of reasons⁴⁶³ and bring dishonour to their families. More examples of honour killings include: 'in 2003, a man fatally stabbed his daughter twenty-five times because she refused to tell him where she had been following a three-week absence. In 2002, a man killed his sister after seeing her talking to a strange man during a wedding party. In 2001, a man killed his sister after seeing a man leave her house. In none of these cases of 'honour' killings in Jordan in recent years, did the perpetrators serve more than six months in prison. Unfortunately, neither the violent killings nor the weak response to these crimes are exceptional'.⁴⁶⁴ I came up with a conclusion to why women's safety and

⁴⁶² A story gathered from SIGI. Appendix 3.

⁴⁶³ C Clarkson, H Keating and S Cunningham, 'Sexual Offences', *Criminal Law: Text and Materials* (1st edn, Sweet and Maxwell 2010).

⁴⁶⁴ Peratis, 'Honouring The Killers: Justice Denied For Honour Crimes In Jordan' (n 404). See, Rana Hussein, 'Father Given 6 Months For Stabbing Daughter 25 Times' *Jordan Times*

women's interests go unnoticed and the existing social behaviour is controlling the society.

One participant (F58) mentioned the weakness of legal procedures, saying, 'This is my third time visit Family Protection but as usual the conclusions are not strict enough to solve this problem and my family refuse the idea of filing a complaint against my husband. Accordingly, Family Protection cannot proceed with any legal procedures'.⁴⁶⁵ I asked the female participants what they thought could be done to help improve their situations. One of them, F27, answered, 'raising awareness in society to respect the rights of the woman and to respect her dignity',⁴⁶⁶ while F9 said, 'looking for aids and procedures that support the woman in her decisions and actions as we need solid support for the woman'.⁴⁶⁷ Furthermore, it is interesting that as in feminist intellectual and political traditions, participants recognize and came up to the same conclusion, namely that law is the main reason for female oppression.⁴⁶⁸ During my empirical research, I interviewed NGO representatives to discover their point of view on whether the Jordanian government is taking effective measures to tackle VAW. Their answers clearly suggested that the current procedures are ineffective. For example, EOF1 said that, 'the procedures are ineffective due to social and religious heritage. The laws don't act as a deterrent and women are unaware of the laws that concern them'.⁴⁶⁹ Likewise, EOF6 added, 'Both the religious heritage and social customs reduce the effectiveness of the

(2003).^[1] Also, Rana Hussein, 'Killer Receives A Reduced Sentence Following Cassation Order' *Jordan Times* (2002) <<https://books.google.com/books?id=da4cLZYOOOAC>> accessed 2014.^[1]

⁴⁶⁵ Interview with a female participant (F58), FPD (FPD Nov, 2013) 322. Appendix 2.

⁴⁶⁶ Interview with a female participant (F27) 305. Appendix 2.

⁴⁶⁷ Interview with a female participant (F9), SIGI (SIGI, Aug 2013) 304. Appendix 2.

⁴⁶⁸ Smart, *The Ties That Bind Law* (n 210).

⁴⁶⁹ Interview with the organization's employee (EOF1), Women's Union (WU, July 2013) 286. Appendix 2

laws as nepotism plays a major role in legal action and it changes its course'.⁴⁷⁰ There is also a need to consider whether the judiciary and legal system are adequately helping women. In this regards the EOF9 stated that 'the psychological aspect is marginalized in the law. Moreover, when it comes to the alimony (financial support) of the woman or children, the applicable law is unfair as it ensures the allocation of a very small amount of money that would never be enough for them to survive. In this regard, the courts must form and assign guiding committees and international laws must be applied alongside Jordanian laws'.⁴⁷¹ Even if all conditions for fairness and justice are met, divorce nonetheless undermines a woman's dignity because the Jordanian culture and societal norms leave women dependent on men.

Changing the law is a problem and would anyway constitute, on its own, an inadequate response to VAW. The fact that some officers who represent the justice system have such negative attitudes strongly influences whether a woman will take the decision to report an offence and seek justice. The police, coming from the same society, culture and family principles, take different approaches to violence against women.

4.5 Evaluation of the Implementation of Law on VAW

The implementation of the legal responses to violence against women continues to be inadequate because there is no compulsory training for law enforcement officials, judges or lawyers on the protocols and guidelines of the application of law. Programmes are needed to develop and strengthen the ability of judges and lawyers in applying VAW cases to international and regional human rights law. In her interview, FLP10 added, 'the signed international agreements must be activated, accelerated, realized and processed as

⁴⁷⁰ Interview with the organization's employee (EOF6), Sister Hood is a Global Institute (SIGI, Aug 2013) 287 Appendix 2.

⁴⁷¹ Interview with the organization's employee (EOF9), Family Council for Family Affairs (FCFA, Nov 2013) 287. Appendix 2.

soon as possible. Also, the slow litigation procedures have to be hastened in order to prevent women from getting bored and to serve them the best abilities of the law'.⁴⁷²

The law's scope of application for some cases is narrow in view of the definition it provides of the 'family home' and 'family members'. According to the law, a 'family home' is the home where members of a family live together, whereas 'family members' are those who reside in the family home. These limited definitions decrease the scope of the appropriate law in many cases of violence. This restricted definition disregards the violence that may happen after separation when the former partners no longer live together. Certainly, working on the definition of VAW is essential to encompassing women's experience of violence. As such, the definition of family members should be 'persons who are related by blood' since it is possible that not all members of a single family are residing together. The definition also excludes other persons residing in the house, such as domestic workers, who are not governed by this law in cases of violence committed against them.

The Law does not provide a definition of 'domestic violence' but does not incorporate the psychological and moral considerations of women. However, it relies on the penal code and judges' discretion in determining what governments do to provide a definition of violence in accordance with the recommendation and the Declaration on the Elimination of Violence against Women.⁴⁷³ Furthermore, the law does not provide an explicit requirement that there should be a court specialized in various domestic violence cases presided over by calm and capable judges trained in this field.⁴⁷⁴ Therefore, it does not

⁴⁷² Interview with (FLP10), (JCLA, NOV 13) 312. Appendix 2.

⁴⁷³ NCHR 5 Annual Report, 'State Of Human Rights In The Hashemite Kingdom Of Jordan 2008' (n 439).

⁴⁷⁴ Most of the participants in this study suggested that we need capable judges to deal with this issue of VAW or send judges to a training session to learn how to apply the international recommendations to eliminate violence. You can find their opinions at Appendix 2,3, and

work in the interests of women, and violates Jordan's obligations under the Convention and the provisions of recommendation No.19.

Increasing the number of programmes and strategies available to women to help them to build up their knowledge about their rights while encouraging them to request these rights is not enough to tackle this issue in Jordan. In addition, monitoring and evaluating laws will guarantee a more effective application of challenges to the notion of gender equality in Jordan. This could also lead to the development of new norms.⁴⁷⁵ As EOF6 mentioned,

There is a need to conducting workshops with the participation of judges, lawyers, prosecutors, and vulnerable women and cooperate with them. In applying international agreements along with Jordanian law, and to help them listen attentively and closely to the women in need of help, EOF6 concluded, we needed a monitoring system to evaluate what is really happening.⁴⁷⁶

Moreover, as FLP10 added,

Some work has to be done on the legislative and political sides, such as; developing plans and executive strategies in which women's issues are included and gender is considered. For example, empowerment programs...if there is a legislator and the law is not applied there is no benefit, the law must be applied and supervised.⁴⁷⁷

The right to divorce exists according to Article 126⁴⁷⁸ of the Personal Status Law No.36

Appendix 5. Look at FLP10 comments and recommendations, EOF6, and others from the fieldwork as well.

⁴⁷⁵ 'Ending Violence Against Women: From Words To Action' (n 180) 103-108.

⁴⁷⁶ Interview with (EOF6) 310. Appendix 2.

⁴⁷⁷ Interview with (FLP10) 299. Appendix 2.

⁴⁷⁸ Art 126: stipulates as follows: (Any spouse may demand separation to resolve dispute and disagreement, if he/she claim that the other party caused him/her harm that prevents the sustainability of marital life, whether the harm is physical, like actual or verbal harm, or moral.

of 2010, according to which it is easy for men to divorce their wives, simply by saying 'you are divorced'. There is currently no legal restriction and limit on this practice, but there is increasing social resistance in Jordan to men's arbitrary right to divorce. This type of divorce is the most significant instance of violence that can ever happen to women because men feel free to divorce their wives when they want to do so. If a woman gets divorced at age fifty or above, she is in trouble when it comes to financial needs and different standards of living before breaking down of her marriage. When I was at the 'Family Protection Department' a female doctor came to report her husband for physical, psychological and verbal assault. Her husband is a very well known; his work carries highly regarded in Jordanian society. After, he received a call from the FPD he went right away to the court and divorced his wife without mercy for her and their three children. The woman was in an unpleasant situation; she did not want to get divorced, but she wanted to stop him from hitting her and using her money to spend it on his family. The main cause of the problem was financial issues. When she refused to give him what he wanted he would beat her. She wanted to teach him a lesson by reporting him, but sadly, he gave her a considerable shock when he divorced her. Thus, she came back to the FPD begging them to fix the problem because she wanted to go back to her husband. She refused to be divorced and subsequently her reputation was ruined. The underlying problem here is that an educated woman with a successful job who is economically independent feels she must accept and tolerate the idea of violence rather than get separated from the assault and live freely. This clearly highlights the problem of men's arbitrary right to divorce, so women have no choice other than become divorced or accept to live in violent relationship.

Any disgraceful behaviour, or conduct breaching good manners, causing an insult to the other party, is considered a moral harm, as well as the insistence of the other party to breach marital duties and rights.

so as long as she returns to him the ‘Dowry’ he gave her’.⁴⁸³ As a result, the rights of women and the implementation of laws against violence has been limited because of the patriarchal values of Jordanian society where a woman’s valid right to divorce is either neglected or not respected. What is clear though is that women are prevented from applying their rights and pursuing productive lives on their own as the result of patriarchal perceptions. Moreover, under Article 19 of the Personal Status Law, many women were not informed of their rights in the marriage contract although it stands to reason that both parties should be able to negotiate the contractual terms, and in order to prepare their marital life women can indeed specify some conditions in this contract. In addition, jurists do not explain women’s rights on the marriage contract, which demonstrate how its patriarchal values cause the destruction of women’s rights.⁴⁸⁴ It is true that, Article 66 of the personal law comes from Islamic Shari’a and forces the husband to be responsible for maintenance such as food, housing, clothing and medical care. However, in practice some women face social adversity and legal policies that diminish their rights to maintenance,⁴⁸⁵ which leads to many gaps in the legal system.⁴⁸⁶

It is evident that the legal system in Jordan is deeply connected with customs, religious beliefs and traditions, as well as relating to the social economy and the political positioning within the country, which explains why the legal system in Jordan is insufficient. According to Diduck and Kaganas opinion, ‘Families nor law can be conceptually or materially separated from the social and economic context which plays a part in shaping them’.⁴⁸⁷ I have written this thesis to show that the civil, criminal, or

⁴⁸³ Al-Hibri (n 382) 25.

⁴⁸⁴ *ibid* 21.

⁴⁸⁵ Nazir and Tomppert, *Women's Rights In The Middle East And North Africa* (n 483).

⁴⁸⁶ *ibid* (n 483).

⁴⁸⁷ Alison Diduck and Felicity Kaganas, *Family Law, Gender And The State* (n 275)18.

current law on VAW is insufficient in protecting women from violence because their legal interventions are far away from women's perspectives and needs. Women's rights to Khul' is useless because it relies on the husband's consent.

4.6 Conclusion

The Personal Status Law in Jordan governs individual status and rights relating to marriage, child custody, maintenance and property for 'kin,' 'missing persons' and 'wills' in Jordan. This law, passed on September 5, 1976 replaced the Jordanian Law of Family Rights No. 92.⁴⁸⁸ Handling spousal violence customarily referred to as family affairs⁴⁸⁹ and it continues to be a major cause for anxiety where being meddlesome in this matter could lead to the breakup of the family.⁴⁹⁰ This tradition still exists and it is noticeable in the work of police officers, lawyers and NGOs in working with spousal violence.⁴⁹¹ In Arab societies, patriarchal principles are deeply entrenched,⁴⁹² where the idea that a man has the right to have control over his wife and children is commonly

⁴⁸⁸ Al-Hibri (n 382) 1-12.

⁴⁸⁹ Dobash and Dobash, *Violence Against Wives* (n 68). Also, Susan Brownmiller, *Against Our Will* (n 433) 208.

⁴⁹⁰ Alan Bourlet, *Police Intervention In Marital Violence* (1st edn, Open University Press 1990). P 14-16.

⁴⁹¹ G Hague and E Malos, *Domestic Violence Action For Change* (2nd edn, New Clarion Press 1998). P 38-41.

⁴⁹² M Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case Of Jordanian Men' (n 4) 545-567. Participants in this study showed a strong tendency to justify wife beating, to believe that women benefit from violence against them, and to blame women for their beating. Furthermore, the participants expressed clear opposition to formal assistance for battered women from governmental agencies. In this vein, they considered wife abuse a personal problem treated within the family.

held.⁴⁹³ Likewise, in Jordan, Muslim wives show respect and compliance for the husband, which is driven by Islamic thought and traditions.⁴⁹⁴ In Jordan, female victims of sexual violence confront frequent social and gender-specific legal obstructions.⁴⁹⁵ Responsibility for harmful private acts of violence against women lies with the state if they fail to prevent, investigate and punish those acts of violence. The state needs to provide more shelters for victims and assure the voluntary residency at the shelters. In Jordan, the lack of data on violence due to the sensitivity of the issue, as well as the lack of understanding of the definition of violence, are the main problems preventing the state and NGOs working together in cooperation. Increased awareness of the problem of violence has only managed to touch a small part of women's experiences. There has been insufficient response from the legal system. Everyone working in this field is affected by what is considered violence against women. Because it is currently based on a form of Sharia law, so there is a need to implement CEDAW and I argue that this will also give a true reflection of Sharia law based on the Quran, to deal with marriage, divorce, Khul'a and adultery cases. Michael Freeman reflects on finding different dispute mechanisms and how new ways of control could change the law⁴⁹⁶ for women to have freedom and safety. From the victims' perspective, civil and criminal law can provide positive improvement if abused women scrutinize the law and legal interference.⁴⁹⁷ Clearly, the police and the courts' approaches, which are based on traditional values being represented in the justice system, negatively affect women. Developing suitable laws to protect women from violence would be a substantial step forward to improve the domestic situation; however,

⁴⁹³ R Dobash and R Dobash, *Violence Against Wives: A Case Against The Patriarchy* (n 68) 22.

⁴⁹⁴ Haj-Yahia (n 4).

⁴⁹⁵ Nazir and Tomppert, *Women's Rights In The Middle East And North Africa* (n 483).

⁴⁹⁶ Freeman M, *Domestic Violence* (Ashgate 2008).

⁴⁹⁷ C Jordan, 'Intimate Partner Violence And The Justice System: An Examination Of The Interface' (2004) 19 JOURNAL OF INTERPERSONAL VIOLENCE. P 121-144.

it would not abolish and end what could be described as a cultural disease.⁴⁹⁸ This study based analysis and reasoning on answering the questions posed in the research to find a solution to the problem of the law, in relation to violence used against women, and to show how the law does not serve women as required as it is discussed in the next chapter.

<<http://jiv.sagepub.com/content/19/12/1412>> accessed 2015

⁴⁹⁸ Edwards, *Policing "Domestic" Violence* (n 211).

Chapter 5 – VAW in Reality

5.1 Introduction

This thesis highlighted the issues surrounding women's subordination in Jordan by studying the laws against violence. My research has some practical implications, one of which is to examine why the Jordanian government's policies seem to be ineffective in tackling violence against women and what the government can do to fulfil its responsibilities to promote the protection of women against violence. Therefore, the main purpose of the thesis is to engage in a discussion of how the justice system in Jordan works for vulnerable women through an examination of the violence against women that is experienced. In addition, the research aims to study how governmental and non-governmental organizations highlight problems and increase knowledge among women within the legal system, including examples of women's individual experiences of violence, in public and private, and how legal institutions create and contribute to the inferiority of women in society. My aim has been to identify where and why insufficient enforcement of the laws takes place and the various confrontations that women encounter when they seek the help of the justice system. Some actions must be taken if we want to reduce violence against women through our understanding the nature of VAW rather than concentrating simply on individual or isolated aspects of the violence. In correspondence, victims were interviewed to evaluate the effectiveness of both the legal system and non-governmental organizations in terms of their responses, and to recognize the inadequacies in their policies and programmes in eliminating VAW in Jordan.

This study suggests that in each hierarchical society women face violence from various family members such as fathers, mothers, brothers, husbands, and so on. Hence, the importance of feminist perspectives on the occurrence of VAW has increased and by addressing the feminists' explanations as well as sociological explanations, which excuse violence, one can gain a better understanding of the issues at hand. Consequently, all those who are concerned by issues of VAW have had to recognize their own place and their involvement in the abolition of VAW.

Five main concerns, listed below, have emerged from this study with reference to the fact that the law is in place, but it lacks effectiveness for a number of reasons, including:

- 1) Litigation procedures are slow and time consuming. The law does not cover or include moral or psychological violence.
- 2) There is a major loophole in the law: the second party is allowed to file what is very often spurious counter-complaint, which undermines the law, and serves to weaken the rights the innocent plaintiff.
- 3) Family protection law is inactive because of family tribal interference influencing the effectiveness of the law, and there are no confidential courts dealing with families.
- 4) People who are in charge of the law need to be trained in the light of international agreements to enable them to work within the framework of international agreements while applying the law.
- 5) There is no equality under the law. All laws and legislations that contain discriminative texts must be reviewed. Also, suitable alternatives must be developed for the legal changes.

5.2. Data Processing and Analysis

As demonstrated by the interviews, the weakness in legal procedures results from those actually responsible for them, as the judges and the employees in this field lack the necessary proficiency and high competence, especially in cases that concern families where the judge works as a family Counsellor rather than a religious judge who must consider the teachings of Islam. Furthermore, judges may stall in legal procedures, with moral, financial, and psychological impact on the plaintiff (the woman) and sometimes leading the woman to end the case and give up on her rights just to obtain her freedom through a divorce.

The judge does not decide on a case straight away and considerable delays often occur. All of this delay serves only to better the situation for the male and disadvantages the complainant. The woman cannot tolerate her social and emotional situation and in some

cases her family plays a role in putting her under pressure and consequently, the woman waives her rights in the face of the delays. This is a significant challenge to the Jordanian legal regime. The justice system had a negative impact on women's decisions to take any formal action. The interview with Attorney Sawsan (FLP3) gave voice to the idea that the law protects women but the pressure on the courts means hearings are often stalled and postponed. She said that the buildings are narrow and small and do not accommodate many judges. In her view, Jordanian society needs to work on social amendments.⁴⁹⁹

5.2.1 Poor Application of the Law

Based on the empirical research that was conducted with women who have suffered violence, this study concludes that the law does not cover all aspects related to the life of a female victim. In examining the dispute, the law neglects to focus on the moral and psychological consequences when issuing a verdict. The ineffectiveness of the law is shown clearly in its inability to protect women's rights appropriately. Women's issues will only be solved if the government and the law consider the woman from a humanitarian perspective and not as a 'case'. This could solve problems in a far more effective manner that ensures wider protection for the family unit as a whole. The context of VAW in Jordan is based on the belief that women are less important than men, which is a deep-rooted sentiment established socially and methodically, further impacting upon ideas of dignity, esteem, trustworthiness, membership of a community, utterances, physical security and authority.⁵⁰⁰ I have listened to many accounts of women's experiences of violence. During the research it became apparent that many of the

⁴⁹⁹ Interview with Sawsan a female lawyer. See Appendix 5.5 and Appendix 2

⁵⁰⁰ Catharine Mackinnon, 'From Practice To Theory, Or What Is A White Women Anyway' (1991) 4 Yale Journal of Law and Feminism. P 15.

participants who were lawyers criticized the poor application of law. For example, FLP5 stated, ‘The Family Protection Law is inactivated on the ground. Whereas, the Penal Code is more comprehensive and rigid, depending on the case type. The Law is weak and does not include the psychological and moral aspects of women’s situations.’⁵⁰¹ Victims are provided with legal and medical assistance but there is an absence of psychosocial counselling.⁵⁰² MLP2 mentioned the international agreements that tackle the political rights of women are not used adequately either⁵⁰³. It is noticeable that the lack processes to implement the law discourages women from raising a complaint against her husband or abuser. In addition, spousal rape is legal, meaning it is not viewed as rape at all.⁵⁰⁴ Similarly, in the UK as Harne and Radford explain in studying responses to domestic violence, sex in some cultures is still seen as a duty for women; therefore, in many communities in the UK women do not name rape in marriage as ‘rape’ and many women who suffer this crime do not recognize it as ‘rape’. These cultural attitudes will lead to the development of domestic violence and it should be addressed because it promotes a ‘woman-blaming’ mentality towards domestic violence that permeates throughout society. Clearly, sexual violence is one facet of domestic violence and is often the hardest aspect for female victims to talk about.⁵⁰⁵ In Jordan, the Family Protection Department investigated 395 cases of sexual assault; however, there was no information considering prosecution for rape in that time. There are many cases where the sentences attached to honour crimes sentences have been reduced by judge if the victim’s family doesn’t press charges and in most instances these cases do not formally come to an end and result a

⁵⁰¹ Interviewee (FLP5), (JCLA, Nov.13) 284. Appendix 2

⁵⁰² *Jordan* (1st edn, PDF version - US Department of State 2016)
<<http://www.state.gov/documents/organization/160464.pdf>>.

⁵⁰³ Interviewee (MLP2), (*Mizan* Aug,13) 283. Appendix 2.

⁵⁰⁴ *Jordan* (n 503).

⁵⁰⁵ Harne and Radford, *Tackling Domestic Violence: Theories, Policies And Practice* (n 179) 4-18.

decision ‘pending’. For example, ‘At year's end the March 2009 case of a man in *Zarqa* (a city in Jordan) who beat to death his 19-year-old daughter with the assistance of two of her brothers remained pending at the criminal court’.⁵⁰⁶ Poor application of law is the reason why the justice system and police officers are not active enough in their response to VAW. Most of the decisions that are made by judges disregard victims’ needs and interests and only truly aim to save the victim’s family name and reputations. This is an assertion supported by the data from the research. There is a need to promote the legal system and develop stronger policies because tribal law norms are still influential on state legislation, especially concerning gender issues and honour killing. The personal status law revised in 2010 was welcomed as a temporary law; however, it was subjected to severe criticism because of the issue of honour killings and a lack of restrictions on polygamy and nationality issues as well.⁵⁰⁷ Mrs. Fariezeh, a lawyer from the fieldwork called for a reconciliation of international agreements with the law so the law would become more effective, which she felt was necessary. It had to take advantage of these agreements invoked during the proceedings and be applied on the ground until the law is stronger and more effective.⁵⁰⁸

One of the most significant findings as evidence of poor application of law is noted by a police officer during the interview saying that, ‘there were women who made complaints against their husbands only to collect money’ as a way of taking advantage of this law to their benefit. He demanded the presence of deterrent penalties for both, whether the wife or the husband, to protect them. He also demanded that the nursery should not be a condition of the mother is because it might lead to child exploitation, and he added that there should also be a law against slander, as he said most issues were defamation,

⁵⁰⁶ *Jordan* (n 503).

⁵⁰⁷ *ibid* (n 503).

⁵⁰⁸ Interview (FLP10) 311. Appendix 2.

reaching up to 50%'.⁵⁰⁹ This study highlights that the poor application of law remains a major issue in dealing with incidents of VAW. Therefore, the state bodies, legislator and NGOs must be aware of the impact of patriarchal values which allow men to have dominance over women, especially using violence against women when they feel it is called for. Social rules and family tribal interference has led to an increase in violence towards women. Jordanian society needs a cultural transformation because social norms discourage women from speaking about their experiences.

5.2.2 The Major loophole in the law

If a woman filed a complaint for being beaten by her husband, he could beat himself and get a medical report and file a complaint in return too. In this case, both will be arrested until someone reconciles their differences or the court issues its verdict. The rights of the woman are diminished because of the absence of proper processes to deal with such a scenario. Chapter four presents evidence of this loophole in the law where many victims face several challenges if they wish to use the law, which discourages many of them to seek formal intervention. As was noted by one of the participants, the law responds to some cases, but, unfortunately, these responses are inadequate because there is a loophole in the law, which is that if the defendant files a counter-claim, the law becomes passive. Another gap is that a police station does not receive any complaint if the place of residence of the complainant is not in the area covered by that station. Therefore, complaints must be raised in the police station of your area or the closest one. Furthermore, judges in Jordan often cooperate to a greater extent with the man. Some amendments have to take place in terms of the officials who are in charges of the law.⁵¹⁰ Chapter four discusses article 292 and 308 sexual relations between a man and woman

⁵⁰⁹ Interview (PM9). Appendix 3.

⁵¹⁰ Interview with FLP8, (NCFA, Nov 13) 284. Appendix 2.

where a judge must try to find best social solution for both sides taking into consideration the opinions of the family. Legal and cultural attitudes give an excuse for marital rape. Article 292 imposed punishments with hard labour for no less than 15 years for whoever has sexual intercourse with a woman without her consent, while this punishment is suspended under article 308 if a valid contract marriage is made between the perpetrator and the victim. Therefore, the judge decides to end the case by jail or social solution rather than destroying families.⁵¹¹ The injustice of the legal system fails to protect women from violence. The lenient response to so-called 'Honour Killing' is the most significant loophole in the Jordanian legal system.⁵¹²

In Jordanian society nepotism plays a major role in hiding the truth, if the accused man is of status. Nepotism is referred to as *wasta*, which means 'connection' or 'favouritism'. Many Jordanians count on *wasta* more than their legal rights to achieve their individual needs.⁵¹³ The common use of *wasta* makes the legal system unfair and inefficient and allows people who have more *wasta* a better service provided by the judiciary and the government and the possibility of influencing legislation to their advantage.⁵¹⁴ This problem is highlighted in the fieldwork, through an example where a file went missing from the FPD. When I went to the FPD and asked them to retrieve the file to look at the case status the file was missing and there was no proof that the claim even exists at the FPD. The victim mentioned that the FPD called the husband for investigation when she

⁵¹¹ 'The Middle East's "Rape- Marriage" Laws' (*selfscholar*, 2012) <<https://selfscholar.wordpress.com>> accessed 2015.

⁵¹² Mitchell Baroody, *The Honour Killings of Women in The Arab World* (Elon University). www.elon.edu. See also, Sara Hossain and Lynn Welchman, *Honour': Crimes, Paradigms and Violence Against Women* (Zed Books 2005).

⁵¹³ Markus Loewe, 'The Impact of Favouritism on The Business Climate: A Study on Wasta In Jordan' [2007] SSRN Electronic Journal <https://www.researchgate.net/.../256047584_The_Impact_of_Favouritism> accessed 2015.

⁵¹⁴ Loewe (n 514).

filed the claim against him he didn't show up and the FPD didn't follow up her cases.⁵¹⁵ The complainant's husband is a lawyer and his wife claim he has his own *wasta*, which was used to delete any evidence against him. In such a circumstance the case record will be closed without any verdicts being issued because of his political and economic position of the defendant in addition to his legal relations.⁵¹⁶ The second major loophole, after that of honour killings, is therefore clearly the issue of *wasta*, which makes the legal system unfair and opaque. According to one of the organization's employees, both, religious heritage and social customs reduce the effectiveness of the law as nepotism plays a major role in legal actions and it diverts its course.⁵¹⁷ In addition, another organization employee states, 'the procedures used to deter violence are ineffective as there is apartheid based on the family name and or the position occupied. The legal procedures are very weak due to social customs and the nature of the oriental society'.⁵¹⁸

This study provides evidence to support such claims that women face problems in different ways. The legal system is a real problem; therefore, laws that contain discriminative texts with regard to rights and obligations must be reviewed and international agreement must be activated. I also agree with the opinion of NGOs representative EOM7, who said that if a new law takes place, lawyers have to be trained on the subject of domestic violence.⁵¹⁹ In addition, the loopholes in the law are a further reason why women are vulnerable to men; inequality between sexes can cultivate environments where men seek to control and abuse women. This study recognises that there have been some changes in women's status and position in Jordanian society, but

⁵¹⁵ See Appendix 3 for more details

⁵¹⁶ See Appendix 3 for more details

⁵¹⁷ Interviewee EOF6, (*Mizan*) 286. Appendix 2.

⁵¹⁸ Interviewee EOM7, (FPD) 286. Appendix 2.

⁵¹⁹ Interview with the employee of the organization (EOF7), Sister Hood is a Global Institute (SIGI Aug 2013) 296. See appendix 2

there is no attempt to change existing gender roles. Women still suffer subordination and no equalization in the legal system. The government does not enforce constitutional law, which states that all citizens are equal under the law and prohibits discrimination effectively; the penal code does not address discrimination, thus discrimination on the basis of gender and social status remains a problem that has limited judicial remedies.⁵²⁰ Women face gender discrimination across society because of this loophole in the law.

5.2.3 Law on VAW is Ineffective

In cases that involve violence, the law is ineffective because if a man beats his wife then he is sentenced to two weeks' imprisonment only. This short period is not adequate to deter him from doing such an act again. After those two weeks, the woman must go back to live with her husband; in reality this is a punishment for her because the consequences of doing so are extremely uncertain. In an interview conducted as part of the empirical research for this study, a female participant stated, 'I cannot go and seek help because my husband will never allow me in his house again and I have no family or relative to go to'.⁵²¹

In this regard the law must be reconsidered because it subjects the woman to risk when she has to go back and live normally with the husband after just two weeks. The woman is a victim and the law does not protect her rights. This is an assertion supported by the data from the research, a female employee participant at one of the organizations stated 'It is necessary to activate the law, especially the law on the protection against domestic violence, in order to apply it thoroughly. The existing laws are the real obstacles that

⁵²⁰ 'Country Reports on Human Rights Practices-Jordan' (n 26).

⁵²¹ Interviewee F33, (FPD) 293.Appendix 2.

challenge woman'.⁵²² In Jordanian society the filing of a complaint by a wife against her husband is not accepted and it puts her in a very bad situation. NGOs have stated that judges prosecute domestic abuses cases as injury or sexual assault cases under the penal code rather than the Family Protection Law because its procedures were unclear.⁵²³ With reference to the interview with lawyer FLP7, it was mentioned that the international agreements that were signed with Jordan must be activated.⁵²⁴ FLP8 added,

The government must cooperate with the CSOs to reveal the social culture of the violence against women and to focus on it. Also, it has to include educational programs in the schools to address the phenomena of violence against women. The executive authority must interfere in developing legislations because the government is delinquent in doing so. Besides, it has to interfere in its issuance and final formulation to enable the legislative authority to apply the law as appropriate.⁵²⁵

In an interview conducted as part of the empirical research for this study, a female lawyer participant at the Jordanian Committee for Women's Affairs stated about the Domestic Violence Act, 'the problem with this law is that it is not enforced in the courts because of a lack of regulations and special instructions needed to be able to apply this law. It must be on the responsibility of the government to do its part properly to modify policies in the application of sanctions and to work with civil society organizations and to include educational programs in schools that deal with violence against women. She said the government is falling short in the development of regulations and final approval to enable the legislative authority to apply the law correctly'.⁵²⁶

⁵²² Interviewee EOF2, (WU)301. Appendix 2.

⁵²³ 'Country Reports on Human Rights Practices-Jordan' (n 26).

⁵²⁴ Interviewee FLP7, (SIGI) see Appendix 3.

⁵²⁵ Interviewee FLP8, (NCFA) 298. Appendix 2.

⁵²⁶ FLP8 (n 524) 284.

To support such ideas, I will refer to the words of Ms. Rana Abu-Alsondos who works as a programs organizer in the SIGI organization and provides legal consultations. Ms. Rana argued that the penalty for the male abuser is not a deterrent and is inadequate. She also talked about the lack of confidentiality in family cases especially in the absence of family courts. Unfortunately, such cases are dealt with in the courts publicly instead of secretly. This poses a burden on the woman who cannot discuss such very private issues in public.

The government did not impose a law against rape effectively; therefore, many incidents went unreported due to societal and familial pressures.⁵²⁷ NGOs reported that many cases of rape and physical abuse investigated by FPD, though there was pressure on families to resolve disputes instead of going to court.⁵²⁸ Dalal the head of operations at the police department confirmed that this administration's FPD was tasked to attempt at repairing as much as they could of the relationship between the husband and wife without taking the matter to court, where the important thing is interest for all parties in the family within the law. Unless the situation involved abuse or felony or when reasons prevent the police from performing a suitable action against the husband they must turn to the judiciary.⁵²⁹ While Rana emphasized the negative heritage that the society suffers from in addition to the economic, social, and political problems that reduce the abilities of women and the strength of legal procedures, which are influenced to a large extent by the traditions, norms, and prevailing customs as discussed in chapter four.

5.2.4 Training Legal Officials

It is worth mentioning that Jordan lacks an adequate follow-up procedure and the necessary skilled staff who would be able to work in the field of domestic violence and

⁵²⁷ 'Country Reports on Human Rights Practices-Jordan' (n 26).

⁵²⁸ *ibid* (n 26).

⁵²⁹ Interview with Dalal the head of operation at the police department, (FPD, Oct 2013). See Appendix 5.5

those who would conduct appropriate supervision of those working in this field. Some cases are disregarded, not followed up, or even left with no verdict. Only a select few cases which are fixed and treated appropriately in terms of follow up and actions.

This is a serious problem in itself because violence against women is a problem that must be confronted by society as a whole and that society must play a proactive role in changing mentalities towards the issue and in establishing a neutral law that serves both parties fairly. Current laws do not seem to assist the officers of the justice system in reacting properly to VAW (See chapter 4). The workers in any place or organisation must be trained to the highest levels in order to perform the tasks required from them particularly in a very sensitive issue like the one in question. There are many statements made by NGO employees who deal directly with VAW issues that reflect the experience of women within the legal system. One of the employee participants (EOF4) said

In the social system, work has to take place on raising the awareness of the specialists and providing them with incentives and motives in order to be able to provide appropriate services to people. In the legal system, there must be more follow up on the cases done by the officer of preventive security. Also, the system should not exhaust the victim by asking her many times the same thing from different workers.⁵³⁰

In an interview conducted as part of the empirical research for this study, a male lawyer participant MLP2 states, ‘The government must develop the persons who are working in the rehabilitation and family protection centers by providing them with the required training on how to deal with such cases. Besides, the government must open communication and cooperation channels with the civil society organizations in terms of offering legal, psychological, and social aids’.⁵³¹

⁵³⁰ Interview with the employee of the organization (EOF4), Family Protection Department (FPD, Oct 2013) 295. See appendix 2

⁵³¹ Interviewee MLP2, (*Mizan*) 297. Appendix 2.

This study highlights the responses of people who are in charge of the law and reveals their efforts at enhancing women's status and eliminating VAW. State organizations and non-governmental organizations are not alone sufficient to empower women to cope with their conditions. The existing programmes and policies are not enough to address women's needs. It appears that the absence of accurate guidelines and deficiencies in appropriate institutional checks create scope for abuse and violence against women in the hands of weak law procedures and soft administration.⁵³² It seems that women are not conscious of the options available to them and are disheartened by numerous difficulties if they choose to pursue justice, so the law does not defend women completely. There is a big responsibility on national and international organizations to implement some programmes dealing with violence in a proper way. This thesis had expected and hoped that these organizations could offer some motivation for change⁵³³ in order to implement effective programmes to confront patriarchal values and address VAW as well. In fact, these institutions were indeed successful in helping a small number of women to stand up for themselves; however, many women do not gain self-esteem nor positively change their lives. For example, women have some limited choices to avoid violence: either they choose to go to a shelter, deal with their situation by being patient and accept their gender roles, or by seeking divorce (demonstrated in chapter 4). The solution of divorce would cause suffering to the women from what would arguably be even worse economic conditions and in a worse situation than before and surrounded by the negative community's impression of her. Moreover, evidence from the fieldwork suggests that NGOs and state institution workers need to be motivated and trained well enough to deal with cases of VAW. Throughout many interviews with lawyers, police officers, and NGO

⁵³² UNDP, 'United Nations Development Programme. Empowered and Equal. UNDP Publication' (UNDP Publication 2008). <http://www.undp.org/women/docs/Gender-Equality-Strategy-2008-2011>. www.wunm.com/news/2009/10-09/10_05.../100509_gender2. Last seen at 1:30 on May 10th, 2014.

⁵³³ Carrillo, 'Overview of International Human Rights Standards and Other Agreements and Responses of The Judicial System to Violence Against Women' (n 12)15-20.

employees, the study found that professionals working with VAW cases are providing justification for violence by considering the perpetrator's cultural backgrounds as the cause of violence when handling these cases, and sometimes they decided not to seek legal justice as a resolution. Professionals' enforcement of laws against violence is also a continuing problem because it is difficult to identify violence while all members of society tolerate it as part of life. Most institutions use 'family violence' to classify the definition of violence and perpetrated violence against women.⁵³⁴ In addition to the Jordanian government, officials implement restrictions on NGOs' internal affairs. For example, the NCHR lacked a legal mandate and government officials were frequently not cooperative and often ignored the NCHR recommendations.⁵³⁵ In Jordan, there is a need to train all staff, professionals and police officers on gender, communication with human rights and urgent attention in law as a policy and practice to the needs and interest of vulnerable women.⁵³⁶ A lawyer at SIGI Mrs. Ola Al-Khasawneh added more evidence that, 'the necessity of activating the agreements within international law, and how Jordan had ratified and signed the agreements but have not worked on the training of judges and lawyers on the use and application of the law regarding the protection of women'.⁵³⁷

This study concludes that the employees had no motivation and there was no adequate incentive to encourage them to work more professionally. There was not enough enthusiasm to deal with situations that involved battered women. I felt that the social workers were doing their job as a duty only and not because of a heartfelt commitment to help and feel the sorrow of the cases they faced. Also, the

⁵³⁴ Human Rights Council, 'Special Rapporteur on Violence Against Women, Its Causes and Consequences, Rashida Manjoo' (2015) <<http://www.ohchr.org>>. accessed 2015 [11 SEP]

⁵³⁵ 'Country Reports on Human Rights Practices-Jordan' (n 26).

⁵³⁶ Jo Baker and Elna Søndergaard, *Women in Detention: Needs, Vulnerabilities and Good Practices* (DIGNITY Publication Series 2015).

⁵³⁷ Interview with Ola Al-Khasawneh a female lawyer FLP4, (SIGI, Sep 13) 310. Appendix 2.

system is exhausting for the battered woman because when they come to the department they are sent first to the reception to tell their problems, then they go to the studies section to talk about their story again, and next the FPD decides whether to send her to either a social researcher or doctor first if she has been beaten by her husband. By the time she reaches the researcher she is tired from repeating her story and has little more to say. There are other factors, such as missing files for some specific cases, and most of the cases are not followed up. The evidence from the field shows that NGOs fail in empowering women to deal with their situations alone. A policeman who had 6 years of experience in the field called for the support and empowerment of women as the only solution to their problems because violence results from economic difficulties within marriage and we need to alleviate this problem.⁵³⁸ As the participant EOF6 added, a woman files a complaint against her husband but they (the states and NGOs) let her go back to him in two weeks.⁵³⁹ Moreover, police female participant PF10, said ‘There must be supervision even after the file is closed. The case must not end in the court and follow up programs must be developed’.⁵⁴⁰

5.3 Victims’ Choices

A female participant explained her limited choices; even though she has a BA in management and a job at a hospital, lives with a violent husband who is well known as a dentist. She has just turned forty years old and has two young daughters and one son aged seven. The husband always comes home drunk and starts with physical and verbal

⁵³⁸ Interview with a police male (PM3). Family Protection Department (FPD, Nov 2013). See Appendix 2.

⁵³⁹ Interview with the employee of the organization (EOF6), Family Protection Department (FPD, Nov 2013) 296. Appendix 2.

⁵⁴⁰ Interview with a police female (PF10), Family Protection Department (FPD, Oct 2013). Appendix 2

assaults against the woman, and against his children too. The woman has low self-esteem, she feels weak and hopeless, and there is no chance for her to leave. She said:

I had to work because my husband doesn't offer me any money, he is so greedy and refused to tell me how much money he makes from his own clinic. He is using my salary to pay for the food and other supplies at home. Even my salary is not enough, where I earn just 250 JD, and if I need any medical treatment he refuses to pay for me. Most of our problems are about the kids. He treats them very badly with no mercy and if I intervene to stop him from beating them, he starts to beat me up. Therefore, I went back to my family where they offered me a house and a monthly gift of money to help me. My husband made a claim against me in the court, so he started to see the children at the police station every Friday despite him not liking them. He started to bring the children toys and taking them to restaurants to stimulate their love. I didn't know that he was trying to get me to go back to the family home again. There were many phone calls to me as well as sending my sisters-in-law to convince me to go back, saying that the children are growing, and they need a father to take care of them while my parents are old, and no one is able to help me to look after them. After many tries, I went back home with him after he gave my dad a promise that he would be a good person and would take care of our family; but that was a lie and I didn't realize it. My parents were mad because I had taken a decision to go back again to him, and therefore my father said to me that I had to stand up for myself and not come back again to my family house because I had chosen to go back to my husband. I was stuck in the middle and I didn't know what to do, but I decided to go back to my husband. One night, as usual, he was very drunk and when he saw the kids jumping and running, he turned crazy and started to scream at them. The kids got scared and ran away to hide from him, but he captured my oldest daughter who is twelve years old and he started to beat her up. So, I ran over to protect her from him, but he hit me on my head with a stool chair and I passed out for several hours. My daughter told me what she saw, where he started to give me some medicine and try to clean up the blood and give me some injections to prevent infection. After I woke up with a bloody dress, I was so scared and started to cry for the fear in my kids' eyes. After two days, when he went to work I decided to go to the police to report him at the Family Protection Department. I was so scared to tell them the story, but I was questioning them to know what would happen if I report him. They said that they could call him to sign a pledge so that he won't hit me again. These measures include denying the defendant entry into the family home for a period not exceeding 48 hours, if there is no other way to provide protection for the victim or one of the family members. At that moment I felt even worse and insecure because I know that my

husband wouldn't hesitate to kill me if I reported him, and even before the police could catch him. Therefore, I decided not to report him and to go home and stay silent about what had happened...Also I can't file for divorce because of my family reputation and I wanted to avoid the court procedure in divorce cases which gives time for reconciliation for the married couples to think some more about it ⁵⁴¹...

Unfortunately, the weaknesses in taking the necessary effective procedures and actions in such cases give men powers and benefits at the expense of the woman.. A legal professional, Mrs Fariezeh FLP 10, who works in the Justice Centre for Legal Aid, said that most of the cases involve complaints where the husband has hit their wife on the head to not leave any visible traces. She said the violence occurs because of economic and psychological situations, especially if the spouse comes from an environment where there has been disintegration of the family. This is particularly true if his mother had been beaten up by his father, which would often lead the husband to see such beating as normal and to taunt his wife for not being better than his mother.⁵⁴²The law appears to be serving the interest of one party over the other, which makes women feel that the law is unable to protect them and therefore they lose their confidence in the law. The government did not achieve its desired goal of establishing the family protection department. The government is indeed trying but they are failing to take effective against the husband. The supposed deterrents in place are inadequate as in most cases the husband repeat offenses.

Another main finding in this regard is related to alimony allocated by the courts under the law to women and children in Jordan. The amount allocated would never be sufficient for

⁵⁴¹ A Close friend told me her story in private. Check Appendix 3.

⁵⁴² Interview with Mrs Fariezeh a female lawyer (FLP 10), Justice Center for Legal Aid (JCLA, Nov 2013) See Appendix 2.

a woman and her children to be able to afford a reasonable living. So, even after divorce, the woman is disadvantaged from the inequality she experiences in favour of the man. Women experience further difficulty when trying to build a family when they try to leave a violent marriage. One female participant pointed out that there are, ‘Strict procedures that prevent the family from interfering between couples in order to control the relations and limit problems’.⁵⁴³ As mentioned above family interference can force a daughter to accept violence rather than divorce and the main concern for her family is their reputation. There are limited choices for women especially after marriage where it often becomes unacceptable for them to go back to their families again.

This study demonstrates in (chapters 2 and 4) that social norms legitimize abuse against women where mothers teach them to comply with gender roles to avoid uncomfortable consequences for the family. One female participant said ‘I went to my family first then to the family protection to raise a complaint against him, but my family put me under pressure to close the file. I refused to do so, I required a regular follow up from the family protection to check on me’.⁵⁴⁴ Another female participant added, ‘This is my third time to visit the family protection but as usual the conclusions are not strict enough to solve this problem and my family refuse the idea of filing a complaint against my husband. Accordingly, the family protection cannot proceed with any legal procedures’.⁵⁴⁵

This study highlights how the choices for women, whether legal or physical, are limited. Women face violence before, during and after the marriage. The violence continues after they express an intention to divorce or separate. This creates a need for more shelters to protect those women who are in need particularly when they are actively trying to leave an abusive relationship. Government officials need to provide help when someone needs

⁵⁴³ Interviewee F60. (Dar Alwefaq) 305. Appendix 2.

⁵⁴⁴ Interviewee F42. ((FPD) 316. Appendix 2.

⁵⁴⁵ Interviewee F58. (FPD) 321. Appendix 2.

it.⁵⁴⁶ If the Jordanian government increases women's choices, more women will ask for help and report violence act against them because they realize that there is indeed help available. State institutions and NGOs should have 'safety planning' which provides women the option to leave the marital home on short notice.⁵⁴⁷ Thus, based on Islamic justice, equity and equality for all men and women, legislators, judges and NGOs have the responsibility to eliminate VAW by using international agreements and its instruments within the law to attain equality and safety in society.

5.4 Government concerns with violence

It would be an over-generalisation to state that the government is inactive or ineffective in terms of women's issues in general. Once the government has issued a domestic violence law this would mean it has committed on addressing violence. However, the interviews have shown that the government is currently inadequately addressing violence. Nevertheless, the participation of the country in the activities and sessions held by civil society means that the government does care about domestic violence problems and that it wants to control it through providing the competent employees with the necessary training. Some battered women participants shared their opinions during the discussion about their experiences of violence, and participant F8 said, 'A financial pledge could be an effective deterrent for the husband when trying to commit violence'.⁵⁴⁸ Another, F9, thinking about future solutions, said that what is most important was, 'looking for aid

⁵⁴⁶ Stan Finger, 'Officials: Violence Level Increasing for Women Seeking Shelter From Abusers' *The Wichita Eagle* (2015) < <http://www.kansas.com/news/local/article> >. accessed 27 December 2015

⁵⁴⁷ Finger (n 541).

⁵⁴⁸ Interview with a female participant (F8), Sister Hood Is a Global Institute (SIGI, Aug2013) 296. Appendix 2

and procedures that support the women in her decisions and actions...I would ask for solid support for the women'.⁵⁴⁹

The general consensus from the interviews conducted with the different official and unofficial bodies of the local society, such as legal teams, social researchers, women involved in the problems, and the policemen of the country appears to be that there is a general assumption that is very effective. One of the female police officers explained to me that this department was associated with the state through attending numerous workshops and courses related to violence. She said 'it was under the spotlight where there is a state interest in cases involving family issues. She said the state had also tried to renew the law in favour of women. Moreover, she explained that there were follow-ups from the state and the law for this administration's achievements regards violence cases'.⁵⁵⁰ But, as demonstrated by the interviews, the offenders are not deterred from doing or repeating misconduct.

However, there are a number of positive elements arising from the work done by CSOs. The government sees the roles of CSOs as essential and in their view CSOs are uniquely placed to put pressure on decision makers to reach justice and equality. The official system and procedures are very slow, and this prevents the woman from obtaining her rights. The government must allocate a budget to protect and support women.

After this analysis, this study concludes that CSOs are effective in dealing with the abused woman by putting public policy into practice but there is a question about to what extent these aids can really be helpful. The problem in Jordan is in its economic situation and the lack of ability to empower those women. As noted by one of the female police participants, 'the penal law is deterrent, but the law of the religious court is not. The family procedures and legal proceedings are very slow. Some of its items prevent the

⁵⁴⁹ Interview female participant (F9) SIGI (SIGI, Aug 2013) 296. Appendix 2.

⁵⁵⁰ Interview with police officer PF7, (FPD) 290. Appendix 2.

police from performing the suitable action against the husband. We must work on raising awareness of the youth, developing and changing the environment, and focusing on the educated youth'.⁵⁵¹ Furthermore, NGOs lack political and economic independence and the government could not support their number. For instance, there are inadequate follow-up procedures and field visits at the family protection because there is a shortage of staff and resources. How can it be expected that the victim would survive without any help? Another major problem is that there is no effective force to monitor and evaluate state institutions programmes. Violence is a social problem and widely spread all over the world; therefore, state institutions and NGOs need to explore solutions developed by other countries considering similar patterns in relation to VAW. These solutions could be modified to the context of Jordan in order to develop actual response to reduce violence. For instance, in the UK the Early Intervention Foundation has been used to enhance understanding in what works by addressing and preventing abuse at early age.⁵⁵² Another solution that could be used in Jordan is a macro-level research that has been used in the US directed at criminal justice system and which is focused on individual offenders and the impact of rape upon the victim.⁵⁵³

5.5 NGOs Responses to VAW

The NGOs responses to VAW focus on gender roles among justice system and raising awareness among women in order to prevent violence. Both state and none state institutions in Jordan have received financial assistance that directed to the eradication of VAW. International organizations contribute, and support organizations involved in

⁵⁵¹ Interviewee with a police officer PF1, (FPD) 300. Appendix 2.

⁵⁵² J Guy, L Feinstein and A Griffiths, *Early Intervention in Domestic Violence and Abuse*. (1st edn, 2014) <<http://www.eif.org.uk/.../Early-Intervention-in-Domestic-Violence-and-Abuse>>. accessed 28 October 2015

⁵⁵³ D. C. Gibbons, 'Forcible Rape and Sexual Violence' (1984) 21 *Journal of Research in Crime and Delinquency*.

fighting VAW in Jordan. The international agendas for recognizing rights of women have been clearly provided for in the Convention Eliminating All Forms of Discrimination Against Women (CEDAW), and in various other documents resulting from the UN process, for example, the Cairo Programme of Action,⁵⁵⁴ the Vienna Human Rights Declaration,⁵⁵⁵ the Beijing Platform for Action,⁵⁵⁶ and the Millennium Development Goals.⁵⁵⁷ It has been observed that women in the international community have effectively demanded the political engagement by the state towards the creation of a significant change, but the willingness to put assurances into practice, and the means to fulfil them, are still not there.

Many NGOs and many governmental organizations have adopted a charitable fund to support women's suffering from a poor domestic situation. Both organizations, the governmental and the NGOs were active since 1990s and their combined efforts resulted in the development of the National Framework for Family Protection in 2005. The main aim of this national framework is to develop a working approach so any kind of stakeholders in a case of active violence in the country can be provided with a support mechanism. This contributed in identifying some other organizations, which work for supporting and rehabilitating the victims of domestic violence, making them aware of their rights and responsibilities, and of those who are engaged in preventing the domestic violence against women in the country. This framework helps those organizations in

⁵⁵⁴ 'Report of The International Conference on Population And Development. Cairo, 5-13 September 1994' (United Nations Publication 1994)
<http://www.unfpa.org/sites/.../icpd_eng_2.pdf> accessed 2014

⁵⁵⁵ Office of the United Nations High Commissioner for Human Rights, 'World Conference on Human Rights, 14-25 June 1993, Vienna, Austria' (1993) <<http://www.ohchr.org/>>. accessed 30 October 2014

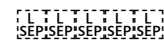
⁵⁵⁶ The Beijing Platform for Action: Inspiration Then and Now' (n 18) identified Human Rights of Women as one of it 12 Critical areas of Concern.

⁵⁵⁷ United Nations, 'Millennium Development Goals (Mdgs) - United Nations' (United Nations 2000).

many possible ways, and trains them to work more efficiently. The setup is trying to coordinate with three major ministries of the country. The Ministry of Social Development sponsored the basic needs of women, such as food and the Ministry of Health sponsored shelter, while the Ministry of Education sponsored the improvement of health care and the improvement of the overall general skills such as education and awareness. This framework aims at improving the present policies of these ministries in respect to the improvement of the conditions of women and simultaneously forming new policies to meet the needs of the present day⁵⁵⁸(discussed in more details in chapter three). To help the country sign and ratify the documents at the international level for the protection and rights of women, many organizations in the form of NGOs worked on the relevant issues for the cause. However, in the background of this assessment were two main organization that worked exclusively on issues relevant to the Violence against Women (VAW), namely Karama and the Private Sector Project for Women's health. Karama being a regional organization, focuses mainly on the issues of VAW and has been working in collaboration with 18 NGOs to scrutinize the effect of violence on women in various fields, for example political, economic, health, cultural, media and law.⁵⁵⁹

These eighteen NGOs can be divided according to their particular area of interest and to the seven themes outlined; each of the groups developed an action plan to address the issue of VAW according to the context of the theme they were working with.⁵⁶⁰ Hence, the main objective of the NGOs was then to help develop proposals and raise funds to work for the implementation of the action plan that they had developed. The programs also aimed at developing social awareness on one side and at encouraging support,

⁵⁵⁸ IRIN, 'Project Launched to Fight Violence Against Women' (n 55).



⁵⁵⁹ Robin West, 'The Difference in Women's Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory' (2000) 15 Wisconsin Women's Law Journal. P 11-53.

⁵⁶⁰ West (n 552) 11-53.

cooperating and collaboration between the various organizations on the other. However, until now the action plans have not been successful in delivering their potential. The Private Sector Project for Women's Health is the other organization that has done significant works for securing rights of women. It is a USAID funded programme that focuses on building partnerships and enhancing the capacity of the private sector to respond to health issues, and works in cooperation with other national NGOs and other governmental organizations to deliver several main objectives: a) to introduce VAW and its relevant concepts to 59,000 women in Jordan; b) to strengthen the health care facilities provided in the private sector and c) to build the capacity of chief organizations working for the prevention, detection and protection from VAW and to support the National Team for Family Protection in their national efforts at the policy and structural levels.⁵⁶¹ At the international level, these NGOs can get involved into the CEDAW Convention and other UN meetings and their reporting process can be of great assistance in collecting new and vital information for the other UN bodies. This can finally help in the policymaking and development of UN programmes and processes. These can also work at the domestic level to discuss with the states important aspects of policies, develop awareness campaigns through media channels, encourage state activism in the field of women rights, and can work in collaboration to help the assessment of the state action and its effectiveness. The work performed by NGOs is counted among many other fundamental institutions such as the European Commission to Jordan as discussed below

5.5.1. The European Union (EU) cooperation in Jordan

The EU supports Jordan's moderate and stabilizing role in the region, paving the way for further political and economic integration and liberalization. Since 2004, as part of the European Neighbourhood Policy (ENP), Jordan was invited to enter strong political, security, economic and cultural relations, and share responsibility in conflict prevention

⁵⁶¹ *ibid* 11-53.

and resolution. Jordan is a partner country within the ENP. A joint ENP Action Plan, endorsed by the EU-Jordan Association Council, sets political framework for the dialogue between EU and Jordan. The Action Plan outlines a set of priorities that support Jordan's National Agenda and focuses on political dialogue and reform, trade, social issues and assisting Jordan to become a substantial stakeholder in the EU's Internal Market. Jordan is also a member of the Union for the Mediterranean. In October 2010, Jordan and the EU reached an agreement on a new EU-Jordan ENP Action Plan. The document gives concrete substance to the “advanced status” relationship between Jordan and the European Union, meaning closer cooperation in many areas, and specific commitments on both sides. Since the European Neighbourhood Policy (ENP) Action Plan was adopted, technical assistance funded by the EC has been provided to the MoJ. It contributed to improving its functioning, training capacities and implementing the Judicial Upgrade Strategy (JUS 2010-2012) leading to the independence of the Judicial Council. Other projects helped "strengthening women's professional capacities to realize Jordan's compliance with international conventions for gender equality". The two partners further enhanced their cooperation in 2012, and Jordan is included in the renewed EU policy with Southern countries. The EU in Jordan works with several partners such as the United Nations International Children’s Emergency Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), the United Nations High Commissioner for Refugees (UNCHR), International Organization for Migration (IOM), the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), and the International Labour Organization (ILO).

The partnership between Jordan and the EU is based on granting a specific amount of money to support a specific sector or to achieve changes in a particular field; the EU has been working in Jordan for years in the fields of governance, democracy, human rights

and support for economic and institutional reforms.⁵⁶² Interestingly, the EU does not release any money until the benchmarks set for the sectors are achieved. In other words, when the EU in Jordan decides to give financial support to a particular sector, it sends a group of experts to study the status of the sector, the areas that need improvement, and the conditions for releasing the grant. After conducting meetings and field visits with the key persons from the sector, the experts prepare a final report that includes a detailed analysis and statistics of the sector. A set of benchmarks are set to the sector, and these benchmarks determine the steps that must be achieved to get the support. In an attempt from the EU to make sure that the sector is working on achieving the benchmarks, tranches of the grant are released in stages. An advanced amount is given, and then the experts reassess the situation on a yearly basis. If they find that the sector is abiding by the benchmarks and achieving the conditions, then the second tranche of money is released and so on. This mechanism emphasizes the achievement of the benchmarks and ascertains that the sector is accomplishing all the conditions or otherwise the tranche will not be released. However, while the partnership of the EU in Jordan is active in many fields, the projects that relate to women are few. Recently, from 2012 to 2013, the EU has been working with the Ministry of Justice on ‘the rule of law’ project. The European Commission has adopted a decision to provide further assistance to ‘Support justice sector reform in Jordan’ and to ‘Support for the security sector in applying the rule of

⁵⁶² 'List of Projects' (*Eeas.europa.eu*)

<http://eeas.europa.eu/delegations/jordan/projects/list_of_projects/projects_ar.htm> accessed 20 December 2013. Different programmes for each sector such as;

[Aqaba Tourism Quality System Development](#); [Development of an Enterprise Resources Planning ERP and Laboratory Information Management System LIMS for ASEZA environment and food laboratories](#); [Empowering Women in Baqaa Basin to Challenge Poverty](#); [EU Communication and Cultural Activities 2010](#); [International Accreditation Body to examine and if satisfactory grant Accreditation to the Environment and Food Laboratory, Aqaba-Jordan](#); [International Food Laboratory Expert/ Food Laboratory Manager](#)

law'. By providing support to reform the justice sector in Jordan, the Commission expects to achieve greater integration amongst key players in the judicial field and greater operational independence of the key institutions. After the reforms, there should be better access to justice for the population and a strengthened juvenile justice system in line with international standards and conventions. The second programme targeting the security sector in Jordan aims to improve understanding of the rule of law and human rights' issues across all departments under the Ministry of Interior and improve dialogue with partners and civil society organizations to ensure a better oversight of security interventions. It should also improve methods and standards of criminal investigation and increase the quality of evidence put before the courts in Jordan.⁵⁶³

Regarding women, the EU conducted two main projects to support them. The domain of the first one is human rights and the initiative is called 'Strengthening women's professional capacities to realize Jordan's compliance with international conventions for gender equality'. The EU contribution for this project is € 200,000.00. This project was implemented with the partnership of the Jordanian Women's Union. This project took place from 12/2008 to 12/2010 and aimed to enhance Jordan's compliance with the international conventions, especially in the matters of gender equity.⁵⁶⁴ The other project is 'Empowering Women in *Baqaa* Basin to Challenge Poverty'. This project addressed one area of Jordan called *Baqaa*. The aim was to empower women of this area to learn a craft and to earn a living from it. The duration was from 01/2010 to 07/2011. Though Jordan has paved the way for human rights organization to perform work in the country, still, no one can say today that the rights of women are completely protected or respected in Jordan.⁵⁶⁵ Weaknesses do exist, though there are changes and improvements against on

⁵⁶³ 'List of Projects' (*Eas.europa.eu*) (n 555).

⁵⁶⁴ *ibid* (n 555).

⁵⁶⁵ Jordan over the past years has witnessed a number of friendly protests, which affected the political conditions in the country. One of the most important agendas of Jordanian policy makers

the ground, and this reflects the real situation of the Jordanian women today, as supported by the analysis of real cases that have been interviewed, and similar studies. Stories from the fieldwork participants contribute more findings that the lack of self-esteem, lack of awareness among women about the legal system options for them and lack of resources and housing prevent women from leaving abusive relationships. Clearly, NGOs are doing something to empower women in order to stop and prevent male control; on the other side, it is hard for the NGOs to change existing gender roles.

5.6. Gender and Family Structure

One of the major findings of this study is the perpetuation of gender ideologies. The family in Jordan has maintained a patriarchal structure, where the male exercises power, privilege and control over his wife and children. Males are considered superior, while women and children are subordinates. Males are taught to be in charge of the house and are expected to protect the honour, reputation and stability of the family from an early age. On the other hand, women are taught to be passive, obedient and polite.⁵⁶⁶ Furthermore, women's financial support, behaviour, and sexuality are controlled under patriarchal structure that rules in the family.⁵⁶⁷ The existing oppressive culture practices are the reason for women's physical and psychological problems. Traditionally, VAW

is that saving human rights. See Jordan Home, 'The Hashemite Kingdom of Jordan - King Hussein' (n 342).

⁵⁶⁶ Al-Badayneh, 'Violence Against Women in Jordan' (n 2).

⁵⁶⁷ S Walsh, *'Engendering Justice: Constructing Institutions to Address Violence Against Women'* (2008) 2 *Studies in Social Justice* (1st edn, Oxford University Press 2013). P 48-63. See, Nalley SEI Saadawi: *The Legacy of Stories'* (2005) 3 ESSAI <<http://dc.cod.edu/essai/vol3/iss1/24>> accessed 28 October 2015. Also, Nawal El Saadawi, 'Domestic Abuse and the Arab Community: Traditions, Patriarchy, and Home Life' (1993). She demonstrates about domestic violence in Egypt and how culture allows violence to be continued.

has been ignored because most cases of violence happen within the family.⁵⁶⁸ This study demonstrates women's subordination to men in all life sectors. The Jordanian society needs cultural transformation in order to reduce violence against women.⁵⁶⁹ Family honour is not only the husband's responsibility; it is the responsibility of all family members. If a woman requests a divorce, she will be accused of not caring for her husband and children and condemned by other families. Moreover, women are blamed for the violence against them and most Jordanian men believe that wife beating is justified, so women should not seek help because it is a family conflict.⁵⁷⁰

A female lawyer participant named Sawsan added her view regards VAW: 'violence increases, even doubles after a woman makes a complaint against her husband'. She argued that many social amendments should begin at home and religious morals should be instilled in the heart of the children'.⁵⁷¹ A police officer participant from the fieldwork, who is the head of operations of VAW, noted that 'we need to fight against ignorance, customs and traditions through the dissemination of knowledge and legal culture to all, and to know the rights and duties of all parties'.⁵⁷² This thesis hopes to encourage gender equality, the equal distribution of power and fight the financial dependence of the wife on her husband and the legal system. There should be an effort to challenge existing gender ideologies and change the position of women in society.

⁵⁶⁸ Dobash and Dobash, *Violence Against Wives* (n 68).

⁵⁶⁹ Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) 25.

⁵⁷⁰ Al-Badayneh, 'Violence Against Women in Jordan' (n 2).

⁵⁷¹ Interview with Sawsan a female lawyer FLP3, 299, 312 and Appendix 5.

⁵⁷² interview with the participant PF1. See Appendix 5.

5.6.1. Family ties

Family ties have changed in recent times with women moving away from their traditional roles. Women's participation in the work force has increased. The culture in Jordan is more open than before with more freedom and changes in lifestyle.

Education, the media and social integration have played a significant role in women's development. Women have tried hard to challenge men's dominance and improve their communication skills, but this has caused an increase in domestic violence, even though, as Cheryl Tomas explains, 'the active participation of women in the overthrowing of oppressive regimes is not enough to guarantee that their status in society will improve'.⁵⁷³ Women are facing violence and their husbands' aggressions because they refuse to be dominated and controlled by their husbands as in previous times. Jordanian women concurred that, 'there is no excuse for a man to beat his wife'.⁵⁷⁴ However, under certain circumstances there are some situations where abuse against women is supposedly justified, for instance when wives are disloyal, fail to respect husbands and their family members and refuse sexual intercourse.⁵⁷⁵ Social progress has nevertheless happened in Jordan, and political changes have influenced the condition of women and their ability to obtain freedom from an abusive relationship. The discussion of the law against violence has generated a basis for wider consideration of the subject of violence in Jordan. The process through which these measures have appeared has generated discussion and provided an opportunity for women and social activists to participate actively in building

⁵⁷³ Cheryl Toman, 'The Link Between Women's Studies Programs and Grassroots Organizations in Lebanon, The Balkans, And the Palestinian Territories. A Comparative Study' (2006) 28 Arab Studies Quarterly (ASQ). P 2.

⁵⁷⁴ Haj-Yahia, 'Beliefs of Jordanian Women About Wife-Beating' (n 444).

⁵⁷⁵ Haj-Yahia (n 444).

legal forms of gender justice.⁵⁷⁶ Women no longer accept unfair cultural attitudes about the relationships between husband and wife.⁵⁷⁷ As mentioned in chapter four, interventions in family matters have become more accepted than before because of increasing number of complaints by women against their husbands. However, the unequal position of women due to gender roles, public policies and old traditions remain the main blight on the lives of women in Jordanian society. This study hopes that the government will form an effective strategy by looking at different countries measures and solutions to eradicate violence. For instance, in El-Salvador, Botswana, and India started with multiple training for health care personnel on VAW and domestic violence and for legal officials as well.⁵⁷⁸ Jordan State institutions and NGOs need to develop different programmes by coordinating with international organizations to be more effective in the issue of VAW.

5.7. Original Scholarly Contribution

This study concludes that family protection laws in Jordan are in general ineffective and the penal code lacks necessary power and support in the fight against VAW. The penalties in place do not act as a sufficient deterrent. Judges must become free from external influences and challenging this includes taking action to fight nepotism in Jordanian society. It is argued that to impose and implement effective laws against violence, it is necessary to focus on the training or retaining of police and judges to effect

⁵⁷⁶ Arab Women Organization, 'Arab Strategy for Combating Violence Against Women, 2011-2020: Arab Women's Right to A Life Free from Violence' (Arab Women Organization 2011). P 12-14.

⁵⁷⁷ R Dobash, *Violence Against Wives; A Case Against the Patriarchy* (1st edn, Free Press 1979).

⁵⁷⁸ R Carrillo, 'Overview of International Human Rights Standards and Other Agreements and Responses of The Judicial System to Violence Against Women' (n 12). S15-S20; See Ann Stewart, 'Debating Gender Justice in India' (1995) 4 Social & Legal Studies. P 253-274. Where she discussed the community responsibility in India has been improved in eradicating violence.

change in Jordanian society and at the same time international initiatives are needed to play a vital role.⁵⁷⁹

This study seeks to advance changes in women's positions at work and to provide a deeper understanding and knowledge of women's lives in all fields of Jordanian life. In doing this, my recommendation for the future governments and NGOs is to act by building on Islamic rules that do not deprive women of their rights. Islam is compatible with the equality of women and men, and we repudiate the concept that Islamic religion is the main cause of women's denigrated status.⁵⁸⁰ I have faith that this study will outline genuine options for effecting change and a meaningful development in response to VAW.

Violence based on gender continues to be a serious and major concern. Women may be ruthlessly beaten or, in certain cases, even put to death if they go against the wishes of the male members of their family or perform any act considered "dishonourable", for instance socializing with a man who is not a relative, without the prior consent and supervision of the males in the family.⁵⁸¹ The study the major areas where the law proves ineffective or weak when it comes to protecting women through its handling of cases of domestic violence against women, and presents and analyses specific cases and real life incidents of VAW in Jordan (discussed in more detail in chapter four section 4.3). The significance of this study is also to recognize the importance of considering real case studies of legal events, and applying the legal system to the facts by means of logical

⁵⁷⁹ R Carrillo, 'Overview of International Human Rights Standards and Other Agreements and Responses of The Judicial System to Violence Against Women' (2002) 78 International Journal of Gynecology & Obstetrics.

⁵⁸⁰ Kubra Gumusay, '*Is Islam Compatible with Gender Equality?*' [online] Ein- Available at <http://fremdwoerterbuch.com>. Jul5 2014 by Kubra Gumusay [Accessed 7Jun. 2018].

⁵⁸¹ Sherry R. Lowrance, 'After Beijing: Political Liberalization and The Women's Movement in Jordan' (1998) 34 Middle Eastern Studies.

reasoning that leads to appropriate conclusions and allows for an objective assessment.⁵⁸² Therefore, appropriate and sufficient data and analysis is needed, and the study highlights the usefulness of identifying and addressing the relevant issues.⁵⁸³ Agell mentioned the importance of giving women and men the same chances in their family life, which implies an alteration to the males' roles.⁵⁸⁴ It is vital to explain the philosophy and development of women's rights and the most important covenants and agreements in the field of international human rights. Two examples are 'CEDAW' the Convention on the Elimination of all forms of Discrimination against Women,⁵⁸⁵ which was ratified by Jordan in 1991 and retrospectively in 1992, and the 'Beijing Platform',⁵⁸⁶ that considers women in development projects. Violence against women is described on a global basis by a series of international conferences as a human rights issue that damages women's contribution to their societies⁵⁸⁷ (the process of human rights in Jordan discussed in chapter three). This study investigates how the women's movement can develop their strategies to achieve their objectives. Smart draws attention to the women's movement because it might be the key to affecting changes in social theory and achieving potential contributions to law.⁵⁸⁸ Discussions of VAW need to address the gaps in the Jordanian

⁵⁸² M Mahoney, 'Legal Images of Battered Women: Redefining the Issue of Separation', *Gender American Law. The Legal Response to Violence Against Women*; 5 (1st edn, Garland ING 1997).

⁵⁸³ Wood, *Successful Writing for Qualitative Researcher* (n 6).

⁵⁸⁴ Agell, 'Should and Can Family Law Influence Social Behaviour?', *The Changing Family International Perspectives on the Family and Family Law* (1st edn, Hart Publisher 1998). P 131.

⁵⁸⁵ UN.org.watch, 'Combined Third and Fourth Reports of States Parties: Jordan' (UN 2006). <http://www.un.org/watch/daw/cedaw/reports.htm>. Accessed October 10, 2012.

⁵⁸⁶ 'The Beijing Platform for Action: Inspiration Then and Now' (*unwomen.org*, 1995) <<http://beijing20.unwomen.org/en/about>> accessed 2013.

⁵⁸⁷ R Carrillo, 'Overview of International Human Rights Standards and Other Agreements and Responses of The Judicial System to Violence Against Women' (n 12).

⁵⁸⁸ Carol Smart, *Feminism and The Power of Law* (Routledge 1998). See also, Stevi Jackson and Sue Scott, *Gender* (Routledge 2001). In this book, they discuss the gender concept plays a basic

legal system regarding the Jordanian law on protection from domestic violence, which considers VAW, and the concept of human rights based on CEDAW.

5.8. Conclusion

The aim of this study has been to establish and develop acceptable opportunities to make alterations in Jordanian society regarding women's subordination and their experience of justice within the legal system. Violence against women exists because of patriarchal traditions and social and economic changes. Women suffer oppression because state actors and NGOs perform roles as the Lebanese scholar Evelyne Accad states, whereby 'each of the group's laws, rites, practices, and psychological and sexual pressures aim at keeping women exclusively for the men of their community'.⁵⁸⁹ The state fails in implementing laws against violence the Jordanian society where there is no real force to check, observe, evaluate and follow-up cases. In order to deal with violence, there needs to be greater promotion of civil society organizations that observe state actions and form and support groups for social action in order to pursue judicial remedies for any individual who suffers social or economic violence. In doing so, it will increase women's participation within the legal system and raise awareness of the difficulties they face when they are involved with their legal system.⁵⁹⁰ State actors and NGOs have to cooperate with international institutions to increase operative programmes.

After conducting the interviews, I observed that there are a number of women who do not know what to do or where to go. However, there is another group of women who know all about the family protection department, but they dare not file a complaint because

role in ascribing meaning to relations of power.

⁵⁸⁹Toman, 'The Link Between Women's Studies Programs and Grassroots Organizations in Lebanon, The Balkans, And the Palestinian Territories. A Comparative Study '(n 566) 3.

⁵⁹⁰Stewart, 'Debating Gender Justice in India' (n 571) 253-274.

they question the ability of the family protection department among other CSOs to help them with their problems, so they prefer to stay as they are instead of embarking on a process they deem useless.

I would like to add here a statement from one of the abused women. A forty-two-year-old violated woman said that the family protection development is ineffective, its solutions are not thorough enough, and its services are very slow, and all of these points do not favour the woman who faces risks that threaten her life. This woman called the family protection department before sunset, but they arrived the next day, while the Jordan River Foundation came directly to her after they received the call because they have faster services. The problem that women have now is if their daughter were to be married and she were to face the same experience of abuse, where would she go for help? The solution that Mrs. Raefeh suggests is that these organizations must work on changing men's attitudes by sending them to educational courses and engaging them in fighting violence.⁵⁹¹ It is the issues surrounding cultural attitudes that pre-determine the outcome of disputes over the provision of greater social rights for women.

It is worth mentioning that some women have received financial, moral, and educational assistance that helped them move on with their lives and be able to face their troubles after separation. But, I would like to add a question here: would a woman's income be sufficient to support her children, move on with her life, and face the struggles of a life alone if it does not ensure economical stability? Her life would certainly be very hard because the law does not force the man to pay any prescribed amount of alimony for his children. The amount allocated is very limited and doesn't cover the child's (or children's) basic needs. The law does not oblige the man to pay a fair amount that gives his children a reasonable life. Some legal procedures are not fair and binding upon the

⁵⁹¹ Interviewee with the female participant Mrs. Raefeh (F36), Jordanian River Foundation (JRF) 294. Appendix 2. This lady goes to JRF and to FPD to get help, for more details check Appendix 5.

man in relation to his children. The man is left free to start a new life or marry another woman without giving any priority to his family or his first wife and children.

The judge calculates the alimony based on the income of the man and in many cases the man doesn't show his real income in order to decrease the alimony. Consequently, this lets him enjoy his life with far more financial freedom, leaving the woman facing a life of challenges alone with her children. By nature, the woman usually makes sacrifices for her children in order to prevent them from vagrancy or becoming dependent on society. Many women cannot continue to raise their children due to financial and social hardships, so they leave their children with their father in order to find a new marriage opportunity. The children are the victims, and this would put them at risk and as a result of an unstable development and childhood they could become a threat to society when they grow up. The solution is to find a fair outcome for both parties and to consider the children and their interest before anything else, because they are supposed to represent future. The judge must not work as a social counsellor, but he has to be fair and just, which is unlikely to happen as long as the people in charge of issuing judgments on women and the formulators of the law are males.

Legal provision must be put into practice and distinguish between various forms of violence, which might provide better implementation of the current law to promote more effective responses. In doing so, a special training program for the legal officers is needed and legal actions and different processes are needed to analyse the strategies and laws dealing with victims of violence and offenders. Multiple methods could be used as a remedy and solution for decreasing VAW such as integrating the community by incorporating community education, awareness, and a harmonized approach with police to deal with violence cases.⁵⁹² Also, women's groups should receive guidance on how to apply the law in order to raise their awareness. An additional way to eradicate VAW is by

⁵⁹² Giustina, 'Violence Against Women in Intimate Partner Relationships: Community Responsibility, Community Justice' (n 7) 357.

men's participation in special programmes that deal with violence because they are, overwhelmingly, the ones who are responsible for it.⁵⁹³ Moreover, at schools and universities education programmes and the media can contribute to prevent the preservation of cruel values. Each member in society has to learn what the meaning of violence is and how to deal with it, and VAW is rooted in society because of male domination, where women might be beaten or put to death if they do shameful acts because social norms permit violence against them. Women remain powerless because of the inequality and oppression they face in the legal system, whereby 'the common practice of focusing primarily on fair access to previously male positions and privileges is based in large part on androcentric value systems that maintain the hierarchy of male over female activities. Since women's value systems are often quite different from those of men, the full participation of women in the process of change may both depend on and encourage a re-ordering of social priorities'.⁵⁹⁴

In conclusion, women in Islamic society in Jordan experience inequitable laws and rules and have to fight to get legal equality in different areas of life because Islam has fixed relationships in marital life between family life and men and women. As Fatima Mernissi argues, '*Quranic* verses which subjugate women to men are negated or at least challenged by *Quranic* blessing of both women and men according to their virtues, without reference to their gender'.⁵⁹⁵ Islamic male jurists partly ignore women's rights

⁵⁹³ Hague and Malos, *Domestic Violence Action for Change* (n 493) 172-174. See, Rahul Roy, 'The Eyes Are Silent...The Heart Desires to Speak: Exploring Masculinities in South Asia' (2001) 44 Development.

⁵⁹⁴ Ann E. Freedman, 'Sex Equality, Sex Differences, And the Supreme Court' (1983) 92 The Yale Law Journal.

⁵⁹⁵ Lindholm, *The Islamic Middle East-An Historical Anthropology* (n 219) 231-232.

and there is a lack of support in the judicial system, so they adjudicate on matters of freedom and living conditions in the face of violence in accordance with Islamic Sharia law. This study analysed the relationship between women's oppression and law and performed an analysis of current political action and the approach of the women's movement. It explained how the government could maintain law and order. Finally, this study aims to encourage change in public policies and the actions of governmental and non- governmental organizations. Women live in constant fear of their lives and sometimes of their children's lives too, which can make women feel unstable and uncertain if they have to make a complaint against her husband. My aim is to reduce the sacrifice of women before marriage and after divorce. There seems to be a gap in the Jordanian society for this type of professional 'mediator' who might work as a facilitator between both parties involved before they begin the divorce process and its legal procedures. I have noticed that women are unable to find any party that has the courage to speak up to men their behalf in order to achieve some mutual understanding.

Chapter 6 – Recommendations

6.1 Introduction

Many studies on spousal abuse in Jordan frequently focus on ‘insider’ perspectives of women’s experiences at home and in the work place (as discussed on chapter three). However, this study differs from other work, being conducted for women in Jordan in the faith that it would guide further research grounded on a feminist approach. It highlights the women’s movements and feminists’ perspective of VAW, understanding that violence and socio-economic factors are connected. This chapter’s objectives are to better understand men’s use of different forms of violence against women and identify factors associated with perpetration by men of these different forms to be able to make recommendations for change. It demonstrates some measures needed if there is to be change the legal system, because good law works to limit any violence.⁵⁹⁶ The major legal problem in this regard is that action against men comes after the violence has already happened.⁵⁹⁷ Government responses to violence are determined by women’s actions, which encourage states institutions to promote the status of women in Jordanian society.⁵⁹⁸ Law on violence against women is weak and remains a problem in dealing with VAW cases. It has been estimated by women’s organizations that around 80% of Jordanian women are victims of violence. The available data is scarce and unreliable making it difficult to estimate accurately the real scale of the problem.⁵⁹⁹ In Jordan, many

⁵⁹⁶ S Weldon, S Laurel and Laurel Weldon, *Protest, Policy and The Problem of Violence Against Women* (University of Pittsburgh Press 2002). P 5.

⁵⁹⁷ Qasim Rashid, 'The Islamic Solution to Stop Violence' (*Huffington Post*, 2013) <<http://www.huffington.post.com>> accessed October 2015.

⁵⁹⁸ Weldon, Laurel and Weldon, *Protest, Policy and The Problem of Violence Against Women* (n 579) 5.

⁵⁹⁹ 'Arab Strategy for Combating VAW' (n 569).

incidents in major cities remain unreported; however, in the rural areas violence is reported more often as indicated by women's rights activists.⁶⁰⁰ Therefore, policies and programmes that prevent violence against women need to be promoted. Clearly, the Jordanian community would need to play a significant role in eradicating VAW as already mentioned in previous chapters, but, increased public awareness is needed to inform the community of the phenomenon of VAW. In addition, increasing public awareness through men's involvement could increase women's safety by increasing male cooperation with women's movements. The response to violence should be geared towards assisting victims and making sure that they are better protected in the future. Giustina focuses on the role of diverse groups within the community to participate in an integrated response, including 'neighbourhood watch' groups, 'neighbourhood support' groups, 'residential shelters for batterers', and 'batterer intervention programs'.⁶⁰¹ Women need society's recognition of their suffering and support. Thus, this chapter will consider better enforcement through the involvement of Islamic Law to implement the necessary measures to eradicate violence. Furthermore, the society should be open to co-operating with researchers using different methods to understand women's experience of violence with considering the sensitivity of this issue.

Four recommendations have emerged from this study that are made in the hope that it will lead to better strategies being developed to tackle VAW:

- Changes in the legal system
- Increasing public awareness and men's involvement in the fight against VAW
- Better enforcement through the involvement of Islamic Law

⁶⁰⁰Adas, 'Article 98 Of the Penal Code' (n 56).

⁶⁰¹Giustina, 'Violence Against Women in Intimate Partner Relationships: Community Responsibility, Community Justice' (n 7) 331-361.

- Further research

Below I look at these recommendations individually and discuss them in more detail. These recommendations hoped to develop strong and better strategies to eradicate violence against women.

6.2 Changes in the Legal System

One-report states, 'Legislation does not change a cultural reality, but it is an important step'.⁶⁰² Changes in attitudes could enhance better enforcement of the legal system in relation to VAW; therefore, women need the legal system as a tool to work with towards ending the authorization that perpetrators of VAW have controlled for too long. Good laws are fundamental to eliminating violence. Therefore, we need to frame an appropriate legal policy to end violence and define political measures and strategies needed to explain the various responsibilities that the government must take in limiting violence.⁶⁰³ A good legal system helps society to maintain high levels of freedom benefiting the society as a whole.⁶⁰⁴ However, the strength of these laws in protecting women from violence is important. There are obstacles that affect the implementation and enforcement of robust laws against violence and the quality of the response to it.

As discussed in Chapter 4, which considered the law and introduced real accounts from the empirical research, the current legal regime is not effective and police officers unduly take into consideration the good name of the victim's family. The problem of rape has not been solved because weak laws have not been able to provide a complete remedy either

⁶⁰² Carrillo (n12) 15-S 20.

⁶⁰³ Carol White- Tagemann and S Bohn, 'Protecting Women Against Violence: Analytical Study on The Effective Implementation of Recommendation on The Protection of Women Against Violence in Councils of Europe Member States' (University of Osnabruck, Germany. www.coe.int/.../violence-against-women/CDEG (2007)).

⁶⁰⁴ David Feldman, *Civil Liberties and Human Rights in England And Wales* (Clarendon Press 1993). P 4-23.

to this problem or to violence against women. In addition, the second chapter mentioned the lack of proper guidelines and soft administration, which does little to curtail VAW. Chapter 3 demonstrated how women's movements have managed to change some laws for the benefit of women and changed women's position in Jordanian society more generally. It demonstrated how women are forced into early marriage to protect their reputations by actually marrying their rapists. Women's movements have brought up different issues, for example, the demand that men and women should have equal rights and job opportunities. Supporting women needs a legal framework, which enforces measures to provide equality. There is a trend for feminist legal academics to make more effort regarding laws relating to violence. Meanwhile, women's NGOs in Jordan have continued managing a variety of programs, which specialise in reducing the influence of violence and preventing cultural pressure.⁶⁰⁵ The lawyer, Mona Dandeeef (FLP5) explained that 'amending laws is vital and considering the right of women and their participation in developing the law and amending it'.⁶⁰⁶ The second chapter explained women's experiences in dealing with violence by referring to the empirical research conducted in Jordan. Interviews to collect data of what women are experiencing and in addition, there were focus groups that gave more descriptive information concerning women's reaction to common experiences.⁶⁰⁷ The fifth chapter began by structuring and drawing together the collected data and preparing it for analysis. Consequently, it considered the findings about how the legal system deals with VAW, based on the subordination of women to men mainly in 'Honour Crimes'.⁶⁰⁸ For instance, the only

⁶⁰⁵ Darwazeh N, 'Assessing the Situation in Jordan 2008-2012' (n 63). Segundo, 'United Nations Development Programme. Empowered and Equal'. (n 530).

⁶⁰⁶ Interviewee with a female lawyer FLP5, Justice Center for Legal Aid (JCLA, Nov 13) 299. Appendix 2.

⁶⁰⁷ D Wilinon and P Birmingham, *Using Research Instruments. A Guide for Researcher* (Routledge Falmer 2003). P 33-63.

⁶⁰⁸ 'Amnesty International Report 2005' (n 180) 25.

solution for girls and women is to stay in a shelter for their own safety. Women's concerns are the poor application of laws that are for their protection. This chapter argued that the current laws are weak in their response to women's needs. Women are aware of what is likely going to happen after their spouse or partner is arrested.⁶⁰⁹ At the same time, men know that women who suffer violence have limited choices and options for protection. The findings of the fifth chapter explain the significant problem of a lack of following-up the law to discover the number of cases and provide better monitoring.

As demonstrated in the second and fourth chapters, women often accept violence rather than seek help. Although women in Jordan have sought different solutions to their situations, some women in the fieldwork did not have any hope of changing their future lives. Consequently, we need to recognize different forms of VAW present in Jordanian society to change intervention strategies and policies. In fact, if women's organizations get a greater role in the political process, they may be able to influence government policy.⁶¹⁰ For example, women's clubs and associations have been successful in encouraging women's political participation and achieving more equality in all areas of life by improving women's position in Jordanian society.⁶¹¹ In order to ensure effective responses we need to increase police officer's awareness of VAW. The legal system requires the effective training of officers on violence like new tactics and legal procedures for approaching perpetrators and victims.⁶¹²

In responding to violence, the Jordanian government needs to do some changes in the legal system. However, the Jordanian community and professionals must also develop an

⁶⁰⁹ Human Rights Council (HRC), 'Trimunc/ The Triangle Model United Nations Conference for Middle School Student' (HRC 2016).

⁶¹⁰ Lowrance, 'After Beijing: Political Liberalization and The Women's Movement in Jordan' (n 13).

⁶¹¹ Lowrance (n 13) 3-5.

⁶¹² Carrillo (n 12).

appropriate definition of VAW and forms of violence to provide direction for those concerned to identify VAW more easily and accurately. One female participant F70 said, ‘I do not trust that the law will solve my problems’.⁶¹³ Therefore, parliament has to take necessary measures in adopting laws that work and make sure they are implemented. One of the female participants F24, asked for more effective legal procedures.⁶¹⁴ The Jordanian government and parliament should provide unambiguous penalties for perpetrators of family violence and abuse. Moreover, it is vital to ensure that women under the law maintain their own safety and their right to make choices. Furthermore, the government should be able to use human rights law as a tool to combat VAW at home.⁶¹⁵ As Mason has suggested, ‘the law should be more directive, setting out a basic contract for all households, rather than allowing arrangements to evolve’.⁶¹⁶ The lawyer Rana Abu Al-Sondous FLP7 asserted that ‘the constitution has to be amended, as the woman equalisation has to be included therein. All the laws and legislations that contain discriminative texts have to be reviewed and alternatives must be provided. Besides, the international agreements have to be activated on the ground, and the appropriate Islamic Law needs to be considered too’.⁶¹⁷

The law should provide protection to all vulnerable members of the household.⁶¹⁸ Therefore, public awareness in the justice system needs to be increased as well as men’s involvement through programmes and through the involvement of Islamic

⁶¹³ Rana Abu Al Sondos, Interview with F70, *Al-Jwedieh Prison* (*Jwedieh Prison*, Sep 13) 306. Appendix 2.

⁶¹⁴ Interviewee F24, *Dar Al Wefaq* (*Dar Al Wefaq*, Sep 13) 304. Appendix 2.

⁶¹⁵ Freeman, *Domestic Violence* (n 498) 321.

⁶¹⁶ Smart, *The Ties That Bind Law* (n 210).

⁶¹⁷ Interviewee FLP7, Sister Hood is Global Institute (SIGI, Aug 13) 299. Appendix 2.

⁶¹⁸ Smart (n 210) 231.

law. As noted by a female lawyer participant FLP9, ‘Activating and accelerating the domestic violence law, the procedures have to be shortened, and the penalties have to be deterrent’.⁶¹⁹ A male participant from one of the organizations argued for ‘activating the legislation related to the woman, protecting the society from violence, and developing policies to deter violence. Moreover, he argued that, establishing family courts and a balance in employment between women and men must happen on equal bases unless the nature of the work requires the opposite’.⁶²⁰ We need a special court to deal with family problems, to operate for familial and domestic relationships rather than ordinary civil or criminal courts.⁶²¹ During the interview, most of the female participants hoped for serious and effective procedures, legal aid and law must be strong enough to be a real threat to men planning violent acts in order to stop them.

6.3 Increasing Public Awareness

But it is important to understand the obstacles that exist to adapting the legal system to address women’s suffering.⁶²² Despite the NGO’ efforts to increase women’s awareness about their rights under the legal system through workshops and training programmes, some women participants are still failing to take legal action against abusive husbands. The lawyer Majdi Azoka during the interview claimed that

The social system must be organized in a way that promotes raising awareness of the rights needs of women but without empowering the woman against and over her husband. Regarding the legal field, the family protection department has to be restored in the sense that its work has to be within its field. In this

⁶¹⁹ Interviewee FLP9, (JCLA) 300. Appendix 2.

⁶²⁰ Interviewee EOM.10, (NCFA) 302. Appendix 2.

⁶²¹ (Family court Law, 1998). <https://www.britannica.com/topic/family-court>

⁶²² West, 'The Difference In Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory' (n 552) 11-53.

regard, I advise that its members have to be distributed into specialised and professional teams.⁶²³

Jordanian community members – in particular activists, local officials, and students – need future guidance to address violence by increasing men's participation in national efforts to combat VAW. It is important to increase awareness among governmental officials, justice officers and non-governmental representatives to stimulate more responses. Jordanian society needs to share other country's experiences to implement a positive change to gender relations. During the focus group interview, a female participant pointed out the need to 'Raise awareness in society of the need to respect the rights of the woman and to respect her dignity'.⁶²⁴ Parliament in Jordan needs to open more channels of communication by building cross-party alliances to end VAW. They must change social roles by encouraging men to campaign for efforts to end VAW. Furthermore, parliament should develop parental education on women's rights by teaching gender equality and boys and men must be engaged by campaigns to raise awareness about women's rights.⁶²⁵ A female employee at the organization wanted 'To add an educational subject in the senior school, junior school, and universities about the family, the environment, and the proper treatment and behaviour'⁶²⁶ of women and girls. One more employee at the organization added, 'we need to conducting workshops with the participation of judges, lawyers, prosecutors, and vulnerable women and cooperate with them in applying the international agreements along with the Jordanian law. We must let them listen attentively and closely to the women in need for help, so we need

⁶²³ Interview MLP6, (Mizan) 299. Appendix 2.

Some participants do not mind of using their names. However, for female participants' safety I didn't use their names unless if I they agree to use it.

⁶²⁴ Interview with F27, (SIGI) 303. Appendix 2.

⁶²⁵ 'How Can We End Violence Against Women?' (*KQED*, 2015). Accessed on March 15. ww2.kqed.org/education/2015/03/13/violence-against-women

⁶²⁶ Interviewee EOF3, (FPD) 300. Appendix 2

monitoring system to evaluate what is really happening.⁶²⁷ That way, we could educate people and raise their moral level. It is also necessary for the government to develop better legislation to protect women's rights as it plays an integral role in protecting women. Furthermore, the government should work on raising awareness about family violence in young people (in education, for example) and, in particular, about the legal protections that are available to women.

6.4 Improving Men's Involvement in Preventing VAW

One useful thing that might be done to reduce VAW is to direct programmes directly to men. Jordanian society needs special programmes for men that will help them understand that what are they doing is wrong and is a crime. Many efforts have been made to cultivate a general approach, which have included all forms of domestic force. However, these approaches do not address the question why men exert physical power against women in the first place. These suggestions explain the vital distinction in the violence taking place between family members. Clearly, forced forms of social control are often concealed in everyday life. As part of the organization, family, males often believe it is necessary to use physical power to gain control.⁶²⁸ Goode explained that it seems crucial and normal for men to use physical force against women to maintain the dominance over the family. Moran added in Dobash's book that all men learn cultural patterns of violence and aggression, and they consider violence as an appropriate method of problem solving and asserting authority over their wives.⁶²⁹ This form of violence supports the belief of

⁶²⁷ Interviewee EOF6, SIGI) 308. Appendix 2.

⁶²⁸ As explained in the second and third chapters.

⁶²⁹ Dobash, *'Violence Against Wives; a Case Against the Patriarchy'* (n 570).

male superiority and inferiority of women, where cultural structures play a vital role in how certain societies legitimized this form of violence. Jordanian women face cultural beliefs that independence and equality might lead to devastation of the family, and this has worked against them getting full economic and social rights.⁶³⁰ Many women have believed that cultural attitudes are inescapable and unchangeable.⁶³¹ Therefore, men's attitudes need to be changed; this may be the best way to reduce VAW. This can be best achieved through men's involvement in women's movements.⁶³² We need to encourage men to be agents of change and end violence by understanding that men are also victims of gender-based violence.⁶³³ Jordan is in fact a good example of increasing community responsibility contributing to decreasing violence. Indeed, Princess Bassma called for changing cultural attitudes and highlighted the status of women in all fields.⁶³⁴ In addition, as I have mentioned in earlier chapters, King Abdullah in response to reviewing the constitution and recommended amendments established a Royal commission that gave activists an opportunity to present their demands on equality and preventing discrimination against women.⁶³⁵ Moreover, the UN has been working in Jordan with other partners at both a national and international level to secure universal human rights by stopping violence against women and girls.⁶³⁶ In fact, 164 countries have participated in a 16-day campaign whose objectives were raising awareness of many issues such as

⁶³⁰ Adas, 'Article 98 Of the Penal Code' (n 56). Ms. Widad Adas, a human development expert based in Amman, contributed to the social science research aspect of this report.

⁶³¹ Rana Hussieni, 'Jordan', *Women's Rights in the Middle East and North Africa* (n 8).

⁶³² Hague and Malos, *Domestic Violence* (n 493).

⁶³³ Vess and others, 'The Other Side of Gender Men as Critical Agents of Change' (n 422).

⁶³⁴ Knopp and Kronner 'The Dynamic of Women's Movement in The Arab World' (n 49).

⁶³⁵ The Leadership Conference (WLP) Women's Learning Partnership. Women's Rights and The Arab Spring "Overview on The Middle East and North Africa' (n 239)

⁶³⁶ Hussieni, 'Jordan', *Women's Rights in the Middle East and North Africa* (n 8).

gender-based violence and strengthening local work about VAW.⁶³⁷ In Jordan, many organizations are involved in protecting women's legal rights, designing programs and providing different services such as implementing the 'National Framework on Family Protection', but their implementation of the 'National Framework' is slow moving.⁶³⁸ In the early 1980s, the United States and the United Kingdom developed training programmes designed to educate men not use violence against their spouses. The United States programmes use feminist theories and focus on gender equality, anger management and violence control.⁶³⁹ In contrast, in Boston and Duluth the Domestic Abuse Intervention Program is best known for learning new behaviour and directly tackling the abuse of women using social dimensions in this field. This programme provides some strategies for abusive men and battered women and safety is central to its success.⁶⁴⁰ It is argued that men's programmes could help to keep men responsible for their actions; for instance, Chinese masculinity models demonstrate that men with strong family leadership have difficulty seeking help. They hesitate to participate in this voluntary program because they feel embarrassed to lose face by revealing family secrets and personal weaknesses.⁶⁴¹ Men need to lead in the elimination of injustice against women and remove the roles of domination to build just societies.⁶⁴²

⁶³⁷ Hussieni (n 8).

⁶³⁸ Darwazeh, 'Assessing the Situation in Jordan 2008-2012' (n 63).

⁶³⁹ Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) 44-45.

⁶⁴⁰ Ellen Pence and Michael Paymar, *Education Groups for Men Who Batter* (Springer Pub Co 1993).

⁶⁴¹ Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (n 120) 45.

⁶⁴² Al-Hayat Newspaper, www.alhaya.ps/newsite/newspaper

6.5 Better Enforcement through the Involvement of Islamic Law

Religion is fundamentally important in Jordan⁶⁴³ and consequently, Islam plays an important role in women's and men's lives.⁶⁴⁴ Despite the argument that Islam is often involved with VAW, in this project I have tried to show that the tenets of Islam should be distinguished from harmful cultural practices,⁶⁴⁵ which seek to use the authority of religion without respecting its underlying egalitarian values.⁶⁴⁶ Rather than seeking to exclude religion from the solution to the problems of VAW, I want to suggest that Islam should be incorporated into the solution.

Because of patriarchy, Muslim jurists have often misinterpreted Islamic values and placed limitations on women's rights. For examples, although in Jordan there are sixteen female judges, men continue to control the courts and the interpretations of the law. Male judges tend to, inappropriately, define legal principles in a way that reflects their male perspectives and political authority.⁶⁴⁷ This can be seen especially in the handling of honour crimes and divorce cases. In addition to the ethnic tribal state, gendered attitudes govern women's marriage and family.⁶⁴⁸ But I have argued that Islam gives women more power and protection for their rights than is commonly recognised.⁶⁴⁹ There are many examples of female leadership in the Islamic world, which defy patriarchy (for

⁶⁴³Meriwether and Tucker, *Social History* (n 35) 95.

⁶⁴⁴ Arab Women Organization, 'Arab Strategy for Combating Violence Against Women, 2011-2020: Arab Women's Right to A Life Free from Violence' (n 569).

⁶⁴⁵ Ghaill and Haywood, *Gender, Culture and Society, Contemporary Femininities and Masculinities* (n 214) 13.

⁶⁴⁶Al-Hibri, 'Islam, Law and Custom: Redefining Muslim Women's Rights' (n 382).

⁶⁴⁷Al-Hibri (n 382).

⁶⁴⁸Sonbol, *Women of Jordan* (n 370).

⁶⁴⁹Al-Hibri (n 382) 185.

example, Benazir Bhutto in Pakistan and Sheikh Hasina in Bangladesh).⁶⁵⁰ Islam has often improved the status of women by instituting rights of property ownership, inheritance, education and divorce.⁶⁵¹ This study has shed light on women's rights in Islam and sought to distinguish between the values of religion and particular culture practices in relation to marriage and divorce. I want to recommend using Islamic law as part of the solution to the problems of VAW because of its strength on some key issues dealing with women rights and giving women equality with men.

The main problem that women face in Jordan is their limited understanding of their legal position under Islam. First, in the marriage contract, which I discussed in chapter four, Islam gives women the freedom to put their own conditions in place to protect themselves and to secure financial matters with no interference from anyone. This contract is a practical tool that allows couples to discuss many aspects of their marriage and make binding agreements before they become husband and wife.⁶⁵² They can negotiate their goals and apply conditions for example, their rights to a career, their position in the case of divorce, and their part in decisions to move away from their hometown.⁶⁵³ However, the majority of the female participants in this study lacked knowledge of their power under Islamic law in relation to personal matters. Women in Jordan think they have no right to contract their own marriages independently, without needing the permission of

⁶⁵⁰ Sara Shehabuddin, 'Female Leadership in Islam' 433 Islamic Research Foundation International, Inc <http://www.irfi.org/articles/articles_401.../female_leadership_in_islam.htm> accessed 2015.

⁶⁵¹ William Montgomery Watt cited in John Esposito and Natana DeLong-Bas, *Women in Muslim Family Law, 2nd Edition (Contemporary Issues in The Middle East* (2nd edn, Syracuse University Press 2001). P 4-5

⁶⁵² I Jaafar-Mohammad and C Lechmann, 'Women's Rights in Islam Regarding Marriage and Divorce' (2011) 4 William Mitchell Journal of Law & Practice.

⁶⁵³ Al-Hibri A, 'Islam, Law and Custom: Redefining Muslim Women's Rights' (n 382).

their guardians.⁶⁵⁴ And yet Islam gives women rights over their financial matters without reference to their guardians, so why should they not be able to contract their own marriage? This cultural practice ignores the will of the woman and does not respect her choices or the potential of Islamic Law to assist her. It does not help that the Jordanian code implies a duty of obedience and stipulates domestic violence as a legitimate reason for leaving the home without the husband's permission.⁶⁵⁵ The Qur'an, on the other hand, includes a peaceful resolution to disputes for married couples, without needing to resort to violence. Furthermore, the Qur'an states that men and women are two equal beings created from a single soul and designed to protect one another from 'harm and suffering'. Certainly, Muhammad's dying words were 'Treat women well. You have rights over them and they have rights over you. They are your committed partners'.⁶⁵⁶

Islam was the first religion that stated to certify that women had the right to unilaterally divorce. Islam gives women the right to file for divorce if they fear harm from their husbands;⁶⁵⁷ however, jurists have subsequently required the husband's consent to continue the process of 'Khual'⁶⁵⁸ and the reality is now that women are expected to pay more than their *Maher* to get divorced.⁶⁵⁹ Female activists and organizations should get involved with religious arguments in order to determine whether or not it is helpful for the cause of fighting VAW.⁶⁶⁰ Therefore, Jordan needs an effective Islamic plan with the

⁶⁵⁴ *ibid* (n 382).

⁶⁵⁵ *ibid* 12.

⁶⁵⁶ Qasim Rashid, 'Islam's Way to End Violence Against Women? Civilized Men' (*Huffington.post.com*, 2014) <<http://www.huffington.post.com>> accessed 2015.

⁶⁵⁷ Lindholm, *The Islamic Middle East-An Historical Anthropology* (n 219)231-232.

⁶⁵⁸ Check chapter four for more details.

⁶⁵⁹ Al-Hibri, 'Islam, Law and Custom: Redefining Muslim Women's Rights' (n 382).

⁶⁶⁰ Hussaina Abdullah, 'Religious Revivalism Human Rights Activism and The Struggle for Women's Rights in Nigeria', in Abdullah An-Na'm (ed) *Cultural Transformation and Human*

line of human rights to deal with violence against women with the help of other organizations.⁶⁶¹ This is not to suggest that other practices should not also be part of the solution to the problems of VAW.

6.6. Further Research

Jordanian society needs more efforts to cope with issues of violence and to change its attitude. In order to create a safe environment this study suggests that the law must be activated effectively. It is hoped that this study will generate further studies that can further explore issues of VAW and ultimately providing a solution. It is essential that women's experience of violence, starting at home before marriage, should be studied further with researchers cautious in their selection of the research methods in order to understand how they challenged their oppression. The authorities should assign a suitable person for a suitable position and consider the training of professionals. Also, government has to work and cooperate with the CSOs closely to involve judges, lawyers, and prosecutors in workshops that are organized by NGOs to qualify them with the required training on some topics as how to deal with domestic violence issues and how to apply international agreements in line with the law enforcement (see chapter 4&5). If the legal interventions are examined from the perspective of victims, the law has the power to be a genuinely useful mechanism for abused women.⁶⁶²

Rights in Africa. (n 344); Hozyainova A, 'Sharia and Women's Rights in Afghanistan' (United States Institute of Peace 2014) <https://www.usip.org/.../SR347-Sharia_an> accessed 28 October 2015

⁶⁶¹ Al-Hibri, 'Islam, Law and Custom: Redefining Muslim Women's Rights' (n 382).

⁶⁶² Jordan, 'Intimate Partner Violence and The Justice System: An Examination of The Interface' (n 499).

The government has to give attention to legislative and political aspects in line with developing plans and executing strategies that involve issues of women and that consider gender. For example, the government should conduct 'women empowerment programmes' and supervise the programme throughout its application. I would like to emphasise that the amendment of these policies must be in line with international agreements. The efforts of CSOs must be united and the roles must be divided appropriately along with some campaigns raising awareness in society of women rights and increasing the participation of men. Agencies should consider women's experiences and take their point of view and use it as guidelines for their future performance to provide support and services for victims. Agencies receive international aids so they can make a major contribution in housing and shelters to assist women who are seeking help.

The main pillar of society is the family. This is why I want to call for some social amendments and further research that start from the home by disseminating religious influence and raising children in the best possible way. I want to emphasise the importance of strengthening the personality of a girl prior to marriage in order to better enable her to protect herself. Women and girls should be equipped with skills to deal with their situations and strengthen them to stop male dominance. This is the real change that must happen because it is consistent with modern pressures of culture in a global context. Thus, the government has to work on forming committees that participate in its administration in a manner that achieves goals in the public interest. Additionally, we must avoid customs and traditions by spreading legal knowledge and education for all citizens to let them recognize their rights and obligations and fight illiteracy. Incorporating the values that call for equity between men and women must develop the curriculum of the schools. The government has to invest in technologies such as the Internet to allow proliferation of positive cultural ideas. It has to monitor the media in a way that puts sensitive issues relating to families at the forefront in a way that makes women's issues an issue that concerns the whole society and does not leave it as an issue that concerns women alone. Furthermore, Jordanian society needs more research on gender ideologies, and how states and civil institutions can promote these ideologies in

order to create a proper response for continuing violence. Men at a marriage age must be trained in how to treat and raise their children to understand that violence is wrong even if a family's economic situation is bad. Training workshops should be conducted as well as lectures with the participation of men to reduce the frequency of violence. The man has to be a partner in this process because he is the cause of the domestic violence.

Finally, I wish to echo the opinions of lawyer Mrs. Rana Abu Sondos who believes that the constitution has to be amended in order to achieve equality between genders in the centre ground. All laws and legislation that contains discriminative texts have to be reviewed and alternatives have to be developed. International agreements must be enacted into Jordanian law. Furthermore, applying women's rights under Islamic law that gives women more freedom and provides them with numerous opportunities in their personal lives is essential. Islamic law gives women social, economic and political rights as men have, however, many Muslim jurists have placed limitations on women's rights and that requires more research on women's rights in Islam and its use in the current law.

I request the government to form committees to participate in its administration in order to serve the public interest. I call for judges who specialise in family cases instead of seeing a referral of sensitive cases to criminal judges. One of the female police officers PF2 in the fieldwork mentioned that, 'Family courts must be established, and I prefer having a female judge to look into family cases instead of males'.⁶⁶³ I request that legislation be developed relating to women. Finally, I call for an instant penalty for any husband that abuses his wife and one, which is sufficient to deter him from re-offending. Jordan needs to look to other countries research that illustrates violence and its negative impact on women that is unnoticeable in Jordan.

⁶⁶³ Interview PF2, (FPD) 283. Appendix2.

6.7. Conclusion

This aim of this study has been directed at changing women's positions in the family first, then in society. The voices of the women quoted in this study reveal a significant challenge. The study has found that most women suffer from physical problems and stress and health issues as well. If we want to make a difference at the local level and even on the world stage, we need to create more opportunities at social, economic and political levels to improve women's status in any society. The Deputy Executive Director of UN Women said, 'We won't get anywhere on poverty eradication, anywhere on economic growth, anywhere on social development or environmental sustainability, without empowering half of humanity'.⁶⁶⁴ Clearly, Jordanian women face socio-economic difficulties that affect their ability to escape. Women's organizations need to reduce the appearance of hierarchy to be effective and plant hope in women that their goals and the demolition 'oppressive hierarchies' can be achieved.⁶⁶⁵ We need to focus on the difference that legal justice and organizations make in everyday life. The government must look at other policy positions and law-making policy to deal with Jordanian social problems. Thus, women's experiences need to be understood, and the involvement of social activists, women's groups and policy makers needs to be increased while preserving law and order. To make more positive steps in the future Jordanian society should encourage more workshops in the press and increase the interaction between social and academic debate through activities. Women need to understand their partner's violence, to perceive it as abuse rather than discipline. Both NGOs and the government should address this issue efficiently. At a practical level, we need more women engaged with the legal system. To achieve social progress, Jordanian society

⁶⁶⁴ 'How Can We End Violence Against Women?' (n 608).

⁶⁶⁵ Toman, 'The Link Between Women's Studies Programs and Grassroots Organizations in Lebanon, The Balkans, And the Palestinian Territories. A Comparative Study' (n 566).

must increase women's privileges in all life sectors. It is a goal that this study sets a foundation for further investigation into VAW in Jordan. Furthermore, the role of some institutions such as schools and universities need observation to determine if gender ideology causes violence against women and girls to develop positive responses. Future research directed towards those that are causing the trouble.

Chapter 7 – Conclusion

Cultural and social norms support violence as a kind of discipline and means for men to practice power over women and children.⁶⁶⁶ Violence against women (VAW) is accepted and is a widespread phenomenon in Jordan because of the existence of culture and social norms, which devalue women and support the idea that male should have dominant roles.⁶⁶⁷ This study explored the issues of violence against women in Jordan through studying the Jordanian legal system and making comparisons with other countries and different time in history. Women are subject to violence if they disobey their husbands and behave in a way the husband dislikes.⁶⁶⁸ Speaking to others about violence is a shame and devastation of family dignity.⁶⁶⁹

This study highlights the use of some legal codes as an expression of hierarchical and dominant values in the political system of Jordan.⁶⁷⁰ The research has witnessed the publication of various studies on the pervasiveness of violence in Jordan. In the first chapter, the study of National Council for Family Affairs (NCFA) titled 'Domestic Violence in Jordan: Knowledge, Attitudes and Reality' was highlighted. This was published in the year 2008, and is grounded on an investigation, which was conducted in collaboration with the World Health Organization (WHO) in the year 2005. The WHO

⁶⁶⁶Al-Badayneh, 'Violence Against Women in Jordan' (n 2).

⁶⁶⁷ Ibid (n2).

⁶⁶⁸A Oweis and others, 'Violence Against Women: Unveiling the Suffering of Women With A Low Income in Jordan' (n 3). See, Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case of Jordanian Men' (n 4) 545-567.

⁶⁶⁹ Khawaja, 'Domestic Violence in Refugee Camps in Jordan' (n 24). See, ARAJI and CARLSON, 'Family Violence Including Crimes of Honour in Jordan: Correlates and Perceptions of Seriousness' (n 23). Also, Haj-Yahia (n 4) 545-567.

⁶⁷⁰Warrick, 'The Vanishing Victim: Criminal Law and Gender in Jordan' (n 335) 315-348.

reported that 79.3% of women in the rural area and 53.3% in the urban area believed beating a wife or children under circumstances is a discipline and tool for men to use if the wife disobeys the husband, is unfaithful or refuses sex.⁶⁷¹ Many academic studies by Dobash & Dobash, Badayneh, Awawdeh, Haj-Yahia and others reveal family members see violence against women as a private matter; making it difficult to measure the seriousness and rate of recurrence of violence against the spouses.⁶⁷²

Therefore, in the fieldwork chapter 2 was based on the previous literature, the semi structure interview⁶⁷³ was carried out by me, the researcher and supervised by professionals from different organizations. The semi-structure was divided into two parts: first section contained the gender, age, marital status, and level of education.⁶⁷⁴ The second part contained the questions discussed the acceptance of violence, effect of violence and the frequency and effectiveness of officials' interventions. The data collection method was to select the sample randomly from different organizations.

This data was collected between 2012-2013 and the consent had been obtained from the participant after I informed them about the purpose and objective of this study. The semi-structure interview was a successful method because the response was high – sign that the - to face interviews.⁶⁷⁵

⁶⁷¹ Tabet, 'Women in Personal Laws: Iraq, Jordan, Lebanon, Palestine, Syria' (n 25). NCFA, 'The Reality of Violence Against Women in Jordan' (n 27).

⁶⁷² Dobash and Dobash, *Violence Against Wives* (n 68). Also, Brownmiller, *Against Our Will* (n 83) 212-217. See, Awawdeh, 'Violence Against the Wife in The Jordanian Society, "Social Study of a Sample of Households in the Province of Amman' (n 29). Also, Al-Badayneh, 'Violence Against Women in Jordan' (n 2). And, Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case Of Jordanian Men' (n 4) 545-567.

⁶⁷³ Bryman, *Social Research Method* (n 108).

⁶⁷⁴ Sarantakos and Sarantakos, *Social Research* (n 118) 24-25. See, Henn, Weinstein and Foard, *A Short Introduction To Social Research* (n 32) 208-210.

⁶⁷⁵ Marlene de Laine, *Fieldwork, Participation And Practice* (n 122). Also, Silverman,

I addressed the specific problems and the major points of the effectiveness and shortfalls of the law, which protects women by examining how cases of domestic violence against women are handled in the Jordanian legal system. To do so, this research involved feminist dialogue with women in private and in public, and examination of the negative impact of law on women's lives resulting in physical problems and stress, discussed in chapter 3.⁶⁷⁶ I seek to advance changes in women's positions at work to provide understanding and knowledge of women's lives in all fields. This thesis drew on the feminist theories to investigate and critique the way in which the interaction of law and culture, shapes expectations, policies, and practices related to gender.⁶⁷⁷ Chapter 3 identified developments regarding violence against women in Jordan by reviewing the women's movement. This chapter illustrated the achievements of the women's movements despite several obstacles that have limited their work in certain issues regarding women. Women's movements have been successful in changing some codes of family law and promoting laws to deal with cases of violence. Obviously, to distinguish between issues on VAW in the family and the studies on VAW when collecting and analysing evidence has been very hard, because in most of the information on the reports it appears that violence inflicted on women has been by family members, mainly fathers, brothers, and uncles.⁶⁷⁸ Women justify normalized violence and often blame abuse on themselves.⁶⁷⁹

Interpreting Qualitative Data (n 149).

⁶⁷⁶This study involved with many studies such as, Martha Fineman, 'Feminist Theory And Law' (1995) 18 Harvard Journal of Law & Public Policy. Also, Mahoney, 'Legal Images Of Battered Women: Redefining The Issue Of Separation' (n 14)). Schneider, *The Dialectic Of Rights And Politics* (n 33).

⁶⁷⁷'Feminist Jurisprudence' (n 193). Also, see, Martha Fineman, 'Feminist Legal Theory' (2005) 13 American University Journal of Gender, Social, Policy and the Law. In Martha Fineman and Michael Thomson, *Exploring Masculinities: Feminist Legal Theory Reflections* (Ashgate Publishing Group 2013).

⁶⁷⁸NCFA, 'Jordanian Public Attitudes Toward Family Violence' (n 54).

Chapter 4 drew on my analysis of the legal problem in Jordan and presents the specific obstacles to women's enjoyment and life experienced in Jordan (discussed in chapter5), which is based on real cases that have been interviewed and studied. The lack of awareness, justice and help means most women have no faith in the legal system and this causes women to become unsure of what to do and so incidents of violence go unreported. This study concluded that the family protection law is passive, and the penal code used for family cases lacks the necessary specificity to be effective in the fight against VAW.⁶⁸⁰ The penalties in place do not act as a deterrent; two weeks of imprisonment for an abusing man is not enough to deter him from doing the same act again. There might be an urgent need to dissolve the belief and practice in the Jordanian society that violence against women is a private affair.⁶⁸¹

This research doesn't claim to be a study of the incident of violence that happens in the Jordanian society. Though, it is notable during the fieldwork that every woman has experienced violence before and after marriage from different family members, mother, or father. Thus, this study sees the importance of feminist perspectives and analysis of law and the influence of patriarchal that cause women's subordination. Below I discuss some issues have arisen and captured through this empirical study:

- Law in Jordan is women problems
- The continuance of gender principles
- NGOs and state strategies

⁶⁷⁹Oweis and others, 'Violence Against Women: Unveiling The Suffering Of Women With A Low Income In Jordan' (n 3). See, Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse?' (n 4) 567.

⁶⁸⁰'Ending Violence Against Women: From Words To Action' (n 180) 103-108. See, Adas, 'Article 98 Of The Penal Code' (n 56).

7.1. Law in Jordan as a source of women's problems

The legal system demonstrates the structure and practices that maintain the material stipulations and tyrannical gender relationships in Jordanian society: for instance,⁶⁸² the rules on the minimum age of marriage, women's rights on divorce,⁶⁸³ and rape as well as crimes of 'honour killing'. So, in committing criminal offences such as rape, honour killing and violence, the victim is seen as complicit in the crime, moving the view away from 'victim' towards 'part of a problematic situation, which can be resolved to serve the interests of the community'.⁶⁸⁴ Perpetrators of violence against women do not get sentences that are equal to their offences. For example, Article 308 permits the defendant accused of rape to evade punishment and rewards him through allowing him to marry the victim. Within the analysis, ethical considerations are important because the legal system does not act alone and its performances count on a social, cultural, and political level. The existing stories offered a clear picture of the justice system; judges and officers had a harmful impact on women's decisions to report or take any action against their abusive husbands, they were blamed for causing violence too. Chapter 6 considers the treatment of VAW within the Islamic law. It is clear that the marriage loophole stated above is to cure a social problem. The practice privileges broader social interests over the interests of the victim herself (discussed in chapter 4). Therefore, this study aimed to investigate how laws as well as legal officers' roles constrain women seeking justice.

On the other hand, Islamic law is being violated by the criminal code of Art.340, which

⁶⁸¹ Khawaja, 'Domestic Violence In Refugee Camps In Jordan' (n 24).

⁶⁸² Smart, *The Ties that Bind Law* (n 210).

⁶⁸³ Welchman, *Women and Muslim* (n 336) 53.

⁶⁸⁴ Welchman (n 336) 53.

deals with 'Honour' crimes that excuse the husband, father, brother or guardian from any penalty in the event that the crime was committed because of any unlawful sexual relations, on the part of the woman, which causes the family dishonour. While the Qur'an discusses adultery and sets the solution for this offense, the religious courts have no influence on criminal cases such as honour and rape crime. In addition, Islam gives women the right to or file for divorce if they fear harm from their husbands; however, jurists have made the husband's consent important to continue the process of *Khual* (see chapter 4&6) and women are expected to pay more than their *Maher* to get divorce.⁶⁸⁵ These types of law come together to form a vicious cycle. It has become clear that women cannot find solutions for their problems within the legal system. This study claims that most judges are men and laws made by men, and it's an important matter to have women judges in family cases.

As explained in chapter 3&4 there were positive changes in 2008 made by the ratification of a new law on domestic violence. However, violations and the practice of domestic violence continue at a high level because no instructions have been provided on the application of this law. For the protection of women who live in danger of their families, being held in prison may actually be beneficial to their safety. Therefore, a shelter has been established for victims of violence, mistreatment and sexual abuse.⁶⁸⁶ Smart criticized the Family Law of being insufficient as a system for providing women with the economic support and being resistant to development, to public support and to benefits for women.⁶⁸⁷ Furthermore, chapter 3 demonstrates that the law on violence against women has been criticized by women's right activists because of its narrow definition of domestic violence (as violence that occurs specifically within the victim's home). According to the Special Rapporteur's report, in 2011, 'the Family Protection

⁶⁸⁵ Al-Hibri, 'Islam, Law And Custom: Redefining Muslim Women's Rights' (n 382).

⁶⁸⁶ Peratis, *Honouring the Killers: Justice Denied for Honour Crimes in Jordan*. (n 404).

Department registered 6236 cases of violence against women and children, of which 27.5% were referred to the courts. It is unclear how many of these resulted in a conviction or the imposition of penalties'.⁶⁸⁸

7.2 The continuance of gender principles

Social attitudes and male dominance affect women's lives, which has been highlighted throughout the thesis. The aim was to view the subordination of women to men, which is socially established and accepted in Jordanian society, with the continuance of VAW. The established gender ideologies in Jordan contribute to the perpetuation of VAW. Therefore, I used feminist perspective because it lays emphasis on the experience of individuals as discussed on chapter 2, where I viewed women's subordination by hearing their stories and sharing their experiences of violence at different levels. Culture practice is the main reason for women's physical and psychological problems⁶⁸⁹ because women are taught to be passive and obedient where the idea that a man has the right to have control over his wife and his children is commonly held (discussed in chapter 4&5). This thesis argues that a large percentage of women still accepted the beating and cursing by a family member, and it is seen as a scandal if women speak out. Okin notes two fundamental issues, the gender system and the family, in her studying justice in an American society that unequal dissection of domestic roles, which preserve male dominance and female subordination.⁶⁹⁰ Chapter 2&3 focus and examine many studies and reports, which have been written in this regard, considering the relation between law, society and women in Jordan. There is no doubt that some progress has been made

⁶⁸⁷Smart, *The Ties that Bind Law* (n 210).

⁶⁸⁸Social Institutions And Gender Index (SIGI) (n 25).

⁶⁸⁹ Pizzey, *Scream Quietly Or The Neighbours Will Hear* (n 200).

⁶⁹⁰Susan Moller Okin, *Justice, Gender, And The Family* (n 276) 16.

regarding women's issues, as explained in chapter 3, such as the increase of the legal age of marriage to eighteen in some cases and custody issues where mothers are granted custody for their children until they reach puberty. Moreover, the Women's movement has achieved a certain level of freedom and women's activists had the opportunity to present their request to ensure the principle of equality. Thus, many programs have been developed by international and national NGOs⁶⁹¹ (such as 'National Framework' on Family Protection) and other UN agencies, which are discussed with more details in chapter 3. Although social awareness of domestic violence has increased, it continues to be a significant problem because incidents are rarely reported, as societal pressure from the family discourages women from seeking legal remedies. Chapter four considers the law in Jordan and how it has dealt with cases of violence. However, there are many obstacles facing Jordanian society, and discouraging them from reporting and taking action against their violent husbands. The most important reasons relate to the fear of losing reputation, lack of awareness, family disintegration, and lack of trust in institution, all of which lead to negative results.⁶⁹² One of the key findings of this study law is ineffective because psychological violence is not considered to come under the law's domain and there is no family court to deal with the family cases. Chapter 5 analysis the data where and why insufficient enforcement of the laws takes place and the various confrontations that women encounter when they seek the help of justice system. Moreover, the government does not effectively enforce constitutional law, which states that all citizens are equal, and penal code does not address discrimination; thus, discrimination on the basis of gender and social status remains a problem that has limited judicial remedies. A police officer participant from the fieldwork, who is the head of operations of VAW noted that, 'we need to fight against ignorance, customs and traditions through the dissemination of knowledge and legal culture to all, and to know

⁶⁹¹Interview With Leila Hammarneh, Projects Director, Arab Women Organization, Jordan: "Women's Rights Are Now On The Table" (n 25).

⁶⁹² Warrick, 'The Vanishing Victim: Criminal Law And Gender In Jordan' (n 335) 315-348. See,

the rights and duties of all parties'.⁶⁹³ This thesis hopes to challenge gender inequality, the distribution of power and the financial dependence of the wife on her husband and the legal system. There should be an effort to challenge existing gender ideologies and change the position of women in society. Therefore, I have chapter 6 the recommendation to establish a positive guidance for women's safety and eradicating violence and how society should interfere to stop violence and give women more choices. Chapter 6 considers better enforcement through the involvement of Islamic Law along with human rights to implement the necessary measures to eradicate violence. It also recommends increased public awareness through men's involvement and participation in women's movements. This thesis stresses that the society should be open to co-operating with researchers using different methods in order to understand women's experience of violence, while taking into account the sensitivity of these issues.

7.3 NGOs and state strategies

Chapter 5 analysed the response of governmental and non-governmental organizations efforts in eliminating VAW and improving the condition of women at different level. Clearly, the police and the courts' approaches, which are based on traditional values being represented in the justice system, negatively affect many women. The societal norms accept physical violence against women when it is considered necessary or useful. In Jordan, the lack of data on violence, due to the sensitivity of the issue, as well as the lack of understanding of the definition of violence,⁶⁹⁴ are the main problems preventing the state and NGOs working together in co-operation. Increased awareness of the

Report of Special Rapporteur on violence against women. (n 414).

⁶⁹³ Interview with police female participant PF1. Appendix 5.

⁶⁹⁴ Al-Badayneh, 'Violence Against Women In Jordan' (n 2). Also, Walsh, '*Engendering Justice: Constructing Institutions To Address Violence Against Women*' (n 560) 48-63. See, Nalley S, 'Nawal El Saadawi: The Legacy Of Stories' (n 560). Also, Nawal El Saadawi, '*Domestic Abuse and the Arab Community: Traditions, Patriarchy, and Home Life*' (1993). She demonstrates about domestic violence in Egypt and how culture allows violence to be continued

problem of violence has only managed to touch a small part of women's experiences. Women need to understand their partner's violence, and to perceive it as abuse rather than discipline. Both NGOs and the government should address this issue efficiently. At a practical level we need more women to be engaged with the legal system. Many project, financial assistance, technical support and effective programmes have been provided by international organizations to empower women. However, these organizations do not provide women with the essential and required tools because in most cases women still suffer from low self-esteem, limited choices, and pressure. Some stories from fieldwork proved that some of NGOs funding programs are not operating professionally where they need technical support. Many women got financial assistance to open small businesses, but they ended up in jail because they couldn't cope with the debt and they lack the main tools and experience to empower them. Merry explains that NGOs face difficulties in that they must remain relevant to the cultural context whilst maintain good relationships with the international donors.⁶⁹⁵ Also, social activists struggle when involved in a particular context especially when they support human rights and accommodate cultural traditions. This study sees the significant on designing NGOs role, and their participation remains problematic, as discussed in chapter 3.5. They put women in the shelter and sometimes, if there is no place for them, they end up in jail to protect them from being killed -despite laws of violence. NGOs need to empower women and respond effectively if they are to help women to deal with their situations. Still most of women suffer from limited choices, and equality and integrity issues in Jordan. Weaknesses do exist, though there are changes and improvements in some areas concerning women's rights in Jordan on the ground. This paper reflects the real situation of the Jordanian women today, as the analysis is based on real cases that have been interviewed and studies. Many workers from NGOs have mentioned that the various religious heritages, customs and traditions can cause difficulties during their work (see chapter 3). The problem that faces NGOs is the legal system lacks awareness of the nature of violence against women. Therefore, the

⁶⁹⁵ Merry, 'Transnational Human Rights And Local Activism: Mapping the Middle' (n 120) 38-

recommendation in chapter 6 discusses some strategies to tackle VAW, such as making changes to the legal system, increasing public awareness and encouraging men's involvement in women's movements. Furthermore, the better application of Islamic Law along with international law can help to reduce violence, and further research and studies that can provide solutions for VAW and challenge women's oppression.

In Jordan there is a difficulty in determining the concept of violence because there is no specific and clear vision of violence against women. The findings illustrate that there is an extensive acceptance of violence against women in the Jordanian society because of the dominant thinking and mentality among both men and women that accept the violence as a part of culture.⁶⁹⁶ Violence takes place and arises within the family because of the lack of religion, which I discussed in chapter 6, the lack of commitment, and the lack of communications and education. It appears that reporting the husband to officials will lead to divorce, and to avoid this outcome, women must obey these social and cultural rules and accept them. Despite all the efforts of United Nations⁶⁹⁷ in providing peace and security for women, violence still exists. Jordanian society needs a comprehensive response in changing the societies behaviour and cultural rules by teaching religion. Clearly, during my empirical research I found many ideas and facts from the people I interviewed, articles, and newspapers to serve my own argument that the current law on violence does not offer major transformations and qualifications to the issue of violence to protect women. It is hoped that this study serves as a substance for further investigation and exploration of VAW in Jordan. I suggest that further research should focus on women's lack of knowledge and understanding, and men's lack of self-

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⁶⁹⁶ Haj-Yahia, 'Can People's Patriarchal Ideology Predict Their Beliefs About Wife Abuse? The Case Of Jordanian Men' (n 4) 545-567. See, Khawaja, 'Domestic Violence In Refugee Camps In Jordan' (n 24).

⁶⁹⁷ CEDAW, 'Declaration On The Elimination Of Violence Against Woman' (UN 1993) 'The United Nations And The Advancement Of Women, 1945-1996, And The United Nations CD-ROM Women Go Global: Short History Of The Commission On The Status Of Women'(n 175). Also, Human Rights Council (n 246) 6, 17.

control. In addition, Jordan needs to enact the international agreement, which will restrict the future government action.

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Appendix 1 – Interview Questions

Interview Questions 1: Female Participants

Name:

Age:

Educational background:

Do you work? If yes, what is your position?

Marital status (how long):

Do you have children? How many?

1. How often do you face violence?
2. What is the violence you face?
3. Who is the perpetrator of the violence you face?
4. What do you do when you experienced violence? How do you manage to do what you do?
5. Do you ask for help? If so, who do you ask? How do you know who to ask?
6. Do you think you should involve the police? Why? If so, what was their response?
7. What do other people think of your responses to the violence?
8. Do you think you have the support you need to deal with violence (shelter, protection, legal aid)?
9. What do you think can be done to help you better?

10. Do you have any other issues you would like to discuss?

Interview Questions 2: The Employees of NGOs

Name:

Gender:

Educational background:

Name of the organization:

Year of establishment:

1. What is your experience of working in the context of violence against women?
2. What expertise of working with victims of violence is available within your organization (educational background, work experience, capacity building programs, etc.)?
3. How effective is your organization at helping victims of violence? What role does victim experience play in the work you do?
4. Do you think violence against women is changing in Jordan? Why do you think that is so?
5. If the context of violence against women is changing, what do you see as your role in relation to those changes? what is your role in the context of the cha
6. Do you think that the Jordanian government is taking effective action to address violence? If so how and why?
7. What obstacles, if any, do you think impede government action?
8. What, if any, changes do you think might be made to the current system for the protection of women against violence?

9. Do you have any other issues you would like to discuss?

Interview Questions 3: legal professionals

Name:

Gender:

Educational background:

Area of work:

What is your title?

1. What is your experience with cases of violence against women and how do you deal with them?
2. Do you think other lawyers think about this work in the way you do?
3. Do you think that your clients complain about some kinds of violence to you more than other kinds of violence? If so, why do you think that is?
4. To what extent would you say your cases also involve the police/ the authorities?
5. What do you think should be the criminal law's response to domestic violence against women?
6. With which, if any, state programs addressing violence against women are you familiar?
7. Should anyone else be involved in the protection of women against violence?
8. What, if any, changes do you think might be made to the current system?
9. Do you have any other issues you would like to discuss?

Interview Questions 4: The Police

Name:

Gender:

Educational background:

Area of work:

What is your title?

1. What is your experience with cases of violence against women and how do you deal with them?
2. Do you think that some kinds of violence are more reported than others? If so, why do you think that is?
3. Who reports violence to the police? Why do you think that is so?
4. Do you have any sense of how much of the violence against women is being reported to the police?
5. What do you think should be the criminal law's response to domestic violence against women?
6. Are you aware of any other state concern with the issue of violence against women? If so, what else does the state do to protect women from violence?
7. Should anyone else be involved in the protection of women against violence?
8. What, if any, changes do you think might be made to the current system?
9. Do you have any other issues you would like to discuss?

Appendix 2 – Research Questions

Research question:

Why are Jordanian government policies on violence against women (which use criminal and civil strategies to protect women) ineffective?

Sub:

1.1 What are the obstacles that inhibit the law's effectiveness in protecting women against violence?

Interview questions that answer the first question are:

1. A. What do you think should be the criminal law's response to domestic violence against women? (Legal professionals)

1. B. What do you think should be the Criminal law's response to domestic violence against women? (Police)

1. C. Do you think that the Jordanian government is taking effective actions to address violence? If so, how and why? (NGOs)

1. D. What obstacles, if any, do you think impede the governmental actions? (NGOs)

Question: 1.A. What do you think should be the criminal law's response to domestic violence against women? (Legal professionals)

FLP1. The law exists but there is a lack of implementation processes and the woman does not have enough courage yet to raise a complaint against her husband or abusers.

MLP2. The law exists, but the international agreements that tackle the political rights of women are not adequately activated.

FLP3. A number of laws need to be amended. The Penal Law contains two penalties: fines and imprisonment and both do not form a solution. The litigation procedures are very slow and time-consuming. Besides, the fines are really high. In order to prove that the abuser is condemned, the law requires their residence in the same home. However, if the abuser lives next to the abused then it is not considered abuse. There are no specialized courts for families (due to its high cost). There is routine in procedures and discrimination between men and women.

FLP4. The law is weak. Some items of it related to women need to be amended, especially those related to the psychological and moral aspects.

FLP5. The Family Protection Law is inactivated on the ground. Whereas, the Penal Code is more comprehensive and rigid depending on the case type. The Law is weak and does not include the psychological and moral aspects of women.

MLP6. There are no family courts or women shelters except of one. The law exists but there are breaches according to the case.

FLP7. The law did not address the women in specific, but it covered the issue of abuse and tackled a large number of cases. There are no family courts or specialised courts for women.

FLP8. The law responds to some cases, but, unfortunately, these responses are inadequate because there is a loophole in the law which is filing a complaint against another one. Another gap is that the police station does not receive any complaint if the residence place of the complainant is not in the same area of the station in the sense that the

complaint must be raised in the police station of your area or the closest one. Besides, the judges in Jordan usually cooperate more with the man. Some amendments have to take place in terms of the officials who are in charge of the law.

FLP9. The judge performs the work of the family counsellor. There is no confidentiality in family cases.

FLP10. People who are in charge of the law need to be developed. The agreements must work hand in hand with the law to make it effective.

Question: 1.B. What do you think should be the Criminal law's response to domestic violence against women? (Police)

PF1. It depends on the woman's complaint whether she wants to raise one or not. The law looks into the case according to the circumstances. But there is procrastination. The penalty must be deterrent.

PF2. The law protects the rights of the woman and stands by her side, it does not tyrannize her. The issuance of the law means that there is recognition of women's rights. Family courts must be established, and I prefer having a female judge to look in family cases instead of males.

PM3. The law is effective in taking procedures against violence, but the problem is in the people who do not deter.

PF4. The law does not need any amendments.

PM5. Formalities need to be changed in order to achieve the best interest.

PM6. The law is ineffective because the psychological violence is not included therein and there are no family courts as well.

PF7. The lack of an effective law to deter the commission of the same act. The law is weak. There must be a defamation law as there are some women who use the law to file a complaint against her husband for some financial purposes.

PM8. The law is effective because the cases are divided on courts as appropriate.

PM9. The law is weak in terms of penalties. Regrettably, some items of the law allow the use of physical violence as a way of punishment used by men to discipline women. The penalties are not deterrent for men.

PF10. The law protects the woman, but some family and tribal actions undermine the use of the necessary procedures by the police. The penal law is deterrent but there is prejudice in taking actions.

Question: 1.C. Do you think that the Jordanian government is taking effective actions to address violence? If so, how and why? (NGOs)

EOF1. The procedures are ineffective as a reason of the social and religious heritage. The laws are not deterrent, and the woman is unaware of the laws that concern her.

EOF2. The legal side has loopholes. When the woman files a complaint against her husband and he's arrested, they let her return to her life with him in the same home after two weeks where there is no one to protect her. The law is not deterring in an adequate manner.

EOF3. There is a rooted gap between the man and the woman in some items of the law. Some types of violence are justified and permitted by the law, in other words, the law gives excuses for some cases of murders done by men against women.

EOF4. Work must be conducted to develop the people in charge of the law. There is discrimination in the penal law and the civil service law as well. Besides, both laws do not abide by the international agreements.

EOF5. The active laws hinder the abilities of the woman. So, I call for the activation of the domestic violence protection law to be applied in the courts.

EOF6. Both, the religious heritage and social customs reduce the effectiveness of the laws as nepotism plays a major role in the legal actions and it changes its course.

EOM7. The procedures used to deter violence are ineffective as there is apartheid based on the family name and/or the position occupied. The legal procedures are very weak due to social customs and the nature of the oriental society.

EOF8. The laws are ineffective in protecting the woman and there is an urging need to do the necessary amendments.

EOF9. The psychological aspect is marginalized in the laws. Moreover, when it comes to the alimony of the woman or kids, the applicable law is unfair as it allocates a very small amount of money that would never let them survive. In this regard, the courts must form and assign guiding committees and the international laws must be applied along with the Jordanian laws.

EOM10. Some aspects of the law are dynamic for specific cases. However, it does not give the woman a full protection.

Question: 1.D. What obstacles, if any, do you think impede the governmental actions? (NGOs)

EOF1. The main obstacles are economic, cultural, and legal.

EOF2. The economic and psychological hindrances, which impede the government's actions.

EOF3. The idea of a woman filing a complaint against her husband is not acceptable in terms of the religious heritage and customs and traditions.

EOF4. The nature of the oriental society and the customs and traditions of it reduce such actions. There is no religious awareness as well; the woman does not know her rights and her obligations in the course of her religion.

EOF5. The norms and influence imposed by the clans and tribes affect the laws and reduce its effectiveness.

EOF6. The social and religious heritages hinder such actions.

EOM7. The social and economic circumstances are the major challenge of such poor government.

EOF8. Some external factors influence the government in a society that reveres the man where his word is prevalent over the woman.

EOF9. The global financial crises and the Arab spring affected Jordan in a negative manner. Within such context, the government is shifting all its efforts toward supporting the displaced and refugees and such issues (like the woman's) are out of the table for the time being.

EOM10. There are political, cultural, and social obstacles.

Research question:

Can any of the blame be traced to government activity (or inactivity)?

Interview questions:

2. A. Which of the country's programs, if any, that address violence against women are you familiar with? (Legal professional)
2. B. Are you aware of any other issues of violence against women in place? If so, what does the country do to protect women from violence (i.e. including measures, polices, acts...)? (police)
2. C. Do you think violence against women is changing (decreasing) in Jordan? Why do you think that is so? (NGOs)

2. D. Do you think you have the support required to deal with violence (i.e. shelters, protection, and legal aid)? (Female)

Question: 2.A. Which of the country's programs, if any, that address violence against women are you familiar with? (Legal professionals)

FLP1. Changes are taking place on the nature of violence in the sense that there are specialized programs on the official, civil, and CSOs levels. New laws related to the protection of women are applied which is proved by the development of the Domestic Violence Law.

MLP2. There are distinctive royal initiatives in this regard. Approving the issuance of the law and the establishment of the Family Reconciliation House demonstrates the actions taken by the government to fight against violence.

FLP3. There are no programs in place to protect the woman but the CSOs hold awareness programs to raise and spread awareness in this regard.

FLP4. The country does not prevent the CSOs from practicing their activities that aim to protect the woman, which demonstrates the effectiveness and efficiency of the country.

FLP5. There are no programs that tackle families in place. The country does not attract the attention of its residents to the importance of the family as the main pillar of the society. The people in charge for protecting and reforming the families are not trained according to the required procedures.

MLP6. The programs have defects because the rehabilitation centers do not present any religious, educational, and awareness lectures. The staff in such centers lack the competence required to deal with the existing cases.

FLP7. The laws, national initiatives, and royal guidance express the effectiveness and activeness of the government.

FLP8. There is a public recognition of the programs and laws launched by the government and relatively it is active.

FLP9. The government plays a role in the programs related to the violence against women but not in an effective manner.

FLP10. The CSOs are responsible for arranging and holding programs, sessions, and educational campaigns to fight violence and not the government as its role is limited to holding courses for judges, police, and official bodies.

Question: 2.B. Are you aware of any other issues of violence against women in place? If so, what does the country do to protect women from violence (i.e. including measures, policies, acts...)? (Police)

PF1. Yes, the country focuses on giving us training sessions that prepare us to deal with the cases that include violence. This reflects the role of the country and its practices in the field of violence and protecting women.

PF2. Yes, the country is focusing its attention on such issues. It established the Family Reconciliation House and the Family Protection Department among others.

PM3. The country is keen on participating in all the international conferences concerning the woman and family issues. The country has established a department specialized for violence cases and it monitors its work closely.

PF4. Certainly yes. The county is fulfilling its duties in this regard to the maximum through cooperation and coordination with the public and private institutions. For example, the country has a woman's shelter and care centers.

PM5. The greatest proof on the country's attention on women's issues is the establishment of the Family Protection Department of Jordan. Besides, during our tenure as policemen, we frequently attend awareness sessions and visit centers.

PM6. Yes, the country is active and effective in terms of programs, trainings, attending workshops, and extracurricular activities.

PF7. Yes, there are numerous workshops, courses, and trainings offered for the competent employees in the subjects related to violence and on the way these cases must be treated with.

PM8. Attention and activeness in the practices of the country regarding women protection. But, this extra civilized and developed behaviour in treating such cases is not consistent with the Arab's mentality where the customs and traditions must be considered first.

PM9. The country tries its best to do a change in the issue of women in such society. This attention goes in line with her majesty's Queen Rania initiatives to equalize men and women and raise the level of respect and recognition of women.

PF10. Though Jordan is a small developing country, but it has a strong administration and it follows-up on all the international activities related to the violence against women.

Question: 2.C. Do you think violence against women is changing (decreasing) in Jordan? Why do you think that is so? (NGOs)

EOF1. Change is happening and it's positive. By time, the Jordanian Woman is becoming more aware of her rights against violence. The Jordanian woman is more educated now and the more she's educated the more she's conscious that there are supporting bodies and a shelter other than her abusing husband. Maybe the physical violence against women is decreasing; yet, psychological violence is increasing

EOF2. Violence is there since ages, but the new thing is that the woman is more aware of her rights and on the top of all; she started to take actions against her husband.

EOF3. It is changing in the light of the family protection only.

EOF4. Maybe the physical violence against women is decreasing. Still, the psychological violence is increasing.

EOF5. The woman has become stronger, she knows her rights and aware of the help given to her when necessary.

EOF6. There are varied options for women and she can now compete with the man.

EOM7. On one hand, the awareness has shown the real numbers of violence. On the other hand, the numbers are the same so violence has not changed.

EOF8. This phenomenon still exists. The only difference is that women are braver to break the silence.

EOF9. There is a change on the reality of violence as there are specialized programs to tackle and fight this phenomenon on the formal and informal levels.

EOM10. The woman is capable to express what is happening to her clearly. I see that this is the real precious change.

Question: 2.D. Do you think you have the support required to deal with violence (i.e. shelters, protection, and legal aid)? (Female)

F1. Yes, I have the support from the side of the government, my family, and friends.

F2. I think so.

F3. Yes, they did the necessary investigations with my husband and he signed a pledge there.

F4. The family protection department called my husband and he signed a pledge there.

F5. A joint session has been conducted and the Family Protection Department has followed-up on it.

F6. The Family Protection Department referred me to the forensic doctor and called my husband to sign a pledge.

F7. The Family Protection Department did the investigations with him and conducted field visits afterwards. Then, it filed a complaint against him to the court.

F8. Yes. I heard of the family protection department and my friends benefited from the services provided there.

F9. The Family Protection Department took my husband to the governor, where he was forced to sign a pledge for 10,000 JDs if he puts me under risk again.

F10. I heard about the Family Protection Department from a neighbour, so I went there asking for help and it responded on the spot. They called my husband and referred me to the forensic doctor.

F11. The Family Protection Department filed a complaint against my husband for the alimony and kids' custody.

F12. I had been to the Family Protection Department where my husband was called but there is no hope, as he did not change. He threatened me to divorce me if I do not withdraw the complaint.

F13. I am a divorced woman and I sought help from SIGI Organization where they solved my problem and provided me with the required legal assistance.

F14. I sought help from the Family Protection Dep., but I refused their solution because they wanted to settle the problem between us and I did not want that.

F15. I do not have faith in any authority that it will help me.

F16. The Family Protection Department performed field visits and checks but there is no solution.

F17. The Family Protection Department provided me with advice, and moral and psychological support.

F18. No, because the choice is for the woman if she wants to get her divorce or stay patient and endure her life.

F19. Yes, I heard about such services through some of my friends. They provide aids in cash and kind and I am receiving legal aid as well.

F20. Yes.

F21. I was not aware of such services.

F22. Yes, their response was effective.

F23. Yes, they called the husband and let him sign pledges.

F24. Yes, they called him, but he denied.

F25. Yes, they called him, but he threatened my family by divorcing me, so I sought support from family organizations 'SIGI' and I had provided with financial aid.

F26. I was divorced, and I heard of the SIGI and they helped me in solving the dispute between me and my husband and they helped me financially.

F27. Yes, the SIGI organization provided me with the legal aid.

F28. I do not trust any authority or any help provided by anyone.

F29. Yes, but there is no solution though the Family Protection Dep. is conducting field visits.

F30. Yes, there is psychological and financial aid and they motivated me to go ahead with my life and work.

F31. No, as I have no choice.

F32. The solidarity Org. provided me with the legal aid to pursue the complaint against my husband.

F33. I cannot go and seek help because my husband will never allow me in his house again and I have no family or relative to go to.

F34. Yes.

F35. I did not know what to do but after a while I had been to the solidarity and they provided me with the necessary legal aid.

F36. Yes, but they are not responsive well enough. The FPD is ineffective and the service is very slow. I called the FPD before the sunset; however, they arrived the next day. While, the “Jordan River Foundation” came directly after the call. I am worry about my daughter’s future if she faces the same experience of violence, where would she go for help? I suggest that these organization need to work on changing men’s attitudes by offering them to educational courses to fight violence.

F37. They called my husband and let him sign pledges.

F38. Yes, my husband signed a pledge to never abuse or violates me again.

F39. Yes, they called my husband.

F40. Yes, they called my husband and they conducted a joint session for us.

F41. Yes, they conducted a joint session and he signed pledges to never violate me again.

F42. Yes, the family protection Dep. has called him, but he never showed up.

F43. Yes, they called the husband and tried to solve the problem but that was never possible.

F44. Yes, the family protection department has done the necessary investigation with my husband and they conducted field visit later.

F45. Yes, the solidarity Org. called my father and after investigations they solved the problem

F46. Yes, the solidarity Org. let her family sign a pledge not to abuse her again.

F47. Yes, the family protection department called the wife because her husband filed a complaint against her and they did the necessary investigations.

F48. Yes.

F49. Yes, I got legal aid.

F50. Yes, I got legal aid.

F51. Yes, I got legal aid.

F52. Yes, protection from violence.

F53. Yes, protection from violence.

F54. Yes, protection from violence.

F55. Yes, the husband signed a pledge to never violate her again.

F56. Yes, the family protection provided legal aid and social services.

F57. Yes, legal aid from the solidarity Org.

F58. Yes, there is support at the family protection as they solved the problem between us.

F59. Yes, the police stood by my side.

F60. Yes, there is support and aid from the government as they provided me with a legal consultation.

F61. Yes, they called the husband and made the necessary procedures.

F62. Yes, they took the necessary pledges from the husband.

F63. Yes, legal aid.

F64. Yes.

F65. Yes, they called the husband.

F66. Yes, they referred the husband to the court.

F67. Yes.

F68. No, as there is no serious end to this problem.

F69. Yes, the solidarity Org.

F70. Yes, they called the wife.

Research question No. 3

What can (and must) the government do to fulfill its Responsibility to protect women from violence?

Sub objectives:

- 3.1. How does the law currently work to undermine violence against women?
- 3.2. What legal aid is available for victims?
- 3.3. Should the law or government policy create space for the work of NGOs in protecting women against violence?

Interview questions:

3. A. What do you think should be the criminal law's response to domestic violence? (Legal professionals) + (police)

3. B. What shall the government do to fulfill its responsibilities towards women? (Legal professionals)

3. C. What, if any, changes do you think might be made to the current system? (Legal professionals) + (police) + (NGOs)

3. D. What do you think can be done to help you better? (Women)

Question: 3. A. What do you think should be the criminal law's response to domestic violence? (Legal professionals) + (police)

Please refer to the answers of 1.A and 1.B pages 2-3.

Question: 3.B. What shall the government do to fulfill its responsibilities towards women? (Legal professionals)

FLP1. To put the suitable person in the right place. Somehow, the government is effective in the issues of the women.

MLP2. The government must develop the persons who are working in the rehabilitation and family protection centers by providing them with the required training on how to deal with such cases. Besides, the government must open communication and cooperation channels with the civil society organizations in terms of offering legal, psychological, and social aids.

FLP3. The government must establish family courts provided that they have to be confidential. Consideration must be given to the staff dealing with children.

FLP4. We call for the establishment of rehabilitation centers for children from the same age group.

FLP5. The government has to cooperate with the civil society organizations and amend some texts of the law to make them consistent with the circumstances of the women. We call for economic empowerment of the women and to achieve justice for women from the moral and psychological aspects.

MLP6. To activate the international agreements in the courts especially those related to the civil and political rights and to urge the judges to apply them. In addition, workshops for the judges, lawyers, and prosecutors have to be organized on various topics that concern the family issues.

FLP7. The international agreements that were signed with Jordan must be rapid and activated.

FLP8. The government must cooperate with the CSOs to reveal the social culture of the violence against women and to focus on it. Also, it has to include educational programs in the schools to address the phenomena of violence against women. The executive authority must interfere in developing legislations because the government is delinquent

in doing so. Besides, it has to interfere in its issuance and final formulation to enable the legislative authority to apply the law as appropriate.

FLP9. Awareness had a negative impact as the number of divorces has increased so it is better if the government just focuses on the appropriate implementation of the law and by-laws.

FLP10. Some work has to be done on the legislative and political sides, such as: developing plans and executive strategies in which the woman issues are included and the gender is considered. For example, empowerment programs...if there is a legislator and the law is not applied there is no benefit, the law must be applied and supervised.

Question: 3.C. What, if any, changes do you think might be made to the current system?
(Legal professionals) + (police) + (NGOs)

FLP1. We need to amend the penal law, specifically, article no. (308) which states that the rapists go unpunished if they marry their victims. Abolishing article number (340) of the same law which states that any man who kills or attacks his wife or any of his female relatives in the act of committing adultery or in an “unlawful bed” benefits from a reduction in penalty. The judges have to be trained on how to work within the national agreements and applying their provisions. The legal provisions must be strengthened and classified. Also, statistics that show accurate numbers have to be done to know the number of the cases in which the international laws have been applied, and classifying the criminal law (Lawyer Amal Haddadin)

MLP2. A national strategy must be approved to fight violence against women. The legislations related to women protection from violence must be activated and policies to deter social violence must be developed. The policies have to be amended in line with the international agreements and the government has to establish family courts to deal with family problems. The efforts of the CSOs have to be united and the roles related to violence against women have to be divided.

FLP3. Some social amendments have to take place starting from home by disseminating the religious influence as raising the children in a wrong way is the reason behind the

problems the society suffers from and not the law (cited from Lawyer Sawsan Al Sabbagh)

FLP4. The family protection law has to be activated and the number of shelters has to be increased. Awareness of women's rights has to be maximized and men's participation has to be increased.

FLP5. Amending laws is vital and considering the right of women and their participation in developing the law and amending it (Lawyer Mona Dandeeef).

MLP6. The social system must be organized in a way that promotes raising the awareness of the concept of women but without empowering the woman against and over her husband. Regarding the legal field, the family protection department has to be restored in the sense that its work has to be within its field. In this regard, I advise that its members have to be distributed into specialised and professional teams (Lawyer Majdi Azoka).

FLP7. The constitution has to be amended, as the woman equalisation has to be included therein. All the laws and legislations that contain discriminative texts have to be reviewed and alternatives have to replace legal changes. Besides, the international agreements have to be activated on the ground including the exact Islam Law needs to be considered either. (Lawyer Rana Abu Al Sondos).

FLP8. The family protection law that was never implemented is weak if compared to the penal law. Thus, it has to be amended in general, and the weak points and texts related to the woman protection and equalisation in specific. The law has to address the moral and psychological aspects of the woman.

FLP9. Activating and accelerating the domestic violence law, the procedures have to be shortened, and the penalties have to be deterrent.

FLP10. The international agreements have to be activated in the courts especially the civil and political agreements.

PF1. The penal law is deterrent, but the law of the religious court is not. The family procedures and legal proceeding are very slow. Some of its items prevent the police from

performing the suitable action against the husband. We must work on raising awareness of the youth, developing and changing the environment, and focusing on the educated youth.

PF2. Establishing changes that are consistent with the modern life and raising the awareness of the society.

PM3. We seek deterrent penalties that are applied rapidly. i.e. instant penalty for the husband with no delay in order to deter him from doing such act again. Empowering the woman and enhancing her situation in the society by giving her better options that do not include violence and giving her the opportunity to decide for herself.

PF4. Activating the family protection law by making it a main base in the society and establishing confidential family courts that look in the family cases.

PM5. There must be a specialized judge for the family courts and not a criminal judge. We prefer the assignment of a female judge for the family cases because she would deal with the cases in a justly manner.

PM6. The pending issues must be modernized, and changes must take place on the procedures related to the family.

PF7. Some formalities must be changed through committees that interfere and participate in the administration in order to achieve the public interest.

PM8. Avoiding the customs and traditions through disseminating legal knowledge and education for all citizens to teach them their rights, obligations, and to fight illiteracy.

PM9. Developing a law against defamation and having deterrent penalties for both the woman and the man to protect them all.

PF10. There must be supervision even after the file is closed. The case must not end in the court and follow up programs must be developed.

EOF1. Changes in the law and in the social system. In terms of the government it must work on changing the generalizations of the culture. This would be done through media mechanisms, political decisions, and governmental programs and initiatives. The work must be comprehensive on all levels and the curriculum of the schools have to be developed by enhancing the values that call for equity, abolishing the texts that distort the image of women, and enhancing gender equality. Moreover, the government has to form committees to review and develop legislative texts related to women as the labour law, penal law, and civil service law discriminate woman.

EOF2. Activating the law, specially the law on the protection against domestic violence in order to apply it thoroughly. The existing laws are the real obstacle that challenge woman.

EOF3. To add an educational subject in the senior school, junior school, and universities about the family, the environment, and the proper treatment and behaviour. That way, we could educate people and raise their moral level. Also, the government has to issue more legislations that include woman's rights because the jurisdiction plays an integral and important role in protecting woman, and to work on raising the awareness of the youth and education prior to marriage.

EOF4. In the social system, work has to take place on raising the awareness of the specialists and providing them with incentives and motives in order to be able to provide appropriate services to people. In the legal system, there must be more follow up on the cases done by the officer of preventive security. Also, the system should not exhaust the victim by asking her many times from different workers.

EOF5. Changing the common custom scattered among tribes as it influences the laws and the rule of it.

EOF6. There are loopholes in the law as there are no organizations that protect the woman and her family, because after she files a complaint against her husband they let her go back to him in two weeks!

EOM7. Working on qualifying the lawyers in the sense that some lawyers have to be trained on one subject, for example: domestic violence. If a new law takes place, the first one must be forgotten, and the attention and training must be given to the new one.

EOF8. All the legislations and laws that contain discriminative texts in rights and obligations must be reviewed and the international agreements must be activated.

EOF9. Monitoring the media to highlight the sensitive issues that concern the families and investing in technologies, such as the internet, in a positive way. This way it will become a public case and not a case that concerns the woman solely.

EOM10. Activating the legislations related to the woman, protecting the society from violence, and developing policies to deter violence. Establishing family courts and a balance in employment between women and men must happen on equal bases unless the nature of the work requires the opposite.

Question: 3.D. What do you think can be done to help you better? (Women)

F1. Raising the awareness of the husband on how to treat his wife and children even if his economic situation is bad.

F2. Deterring the husband by using tough laws.

F3. The husband has to sign a guarantee and there must be strict procedures to prevent and seize abuse.

F4. Looking for the reasons of the mental illness and trying to treat it.

F5. I don't know

F6. I don't know what the best options for me are.

F7. The husband signs deterrent pledges.

F8. A financial pledge could be an effective deterrent for the husband when he commits an abuse.

F9. Looking for aids and legal procedures that support the woman in her decisions and actions as I ask for a solid support for the woman.

F10. Threatening the man with the police and the family protection department could deter him.

F11. My mother is the only mean of help to me.

F12. By seeking help from private societies for families.

F13. Going to educational centers.

F14. Working and be independent.

F15. I don't trust anyone except God to help me.

F16. Finding a deterrent punishment for the man that scares him but the problem here is that there are no solutions for the problem.

F17. Providing more aid for the woman.

F18. Nothing

F19. Nothing protects my rights

F20. Only God is capable of helping me

F21. Divorce

F22. My mum is here to help me after God

F23. God can change destinies

F24. Finding more effective legal procedures that stop the man from violence and abuse

F25. Letting the husband sign a pledge is an effective idea

F26. Serious pledges that prevent him from abusing

F27. Raising awareness of the society to respect the rights of the woman and to respect her dignity

F28. I don't know

F29. Providing the opportunity for a decent living.

F30. An independent income and legal protection

F31. The laws have to be amended especially those related to woman rights protection

F32. Providing job opportunities and punishing the abuser

F33. Men in their marriage age must be trained on how to treat and breed their children away of violence

F34. Finding a shelter and a job opportunity

F35. Job opportunities for women

F36. Care centers and social and legal services

F37. Legal procedures that deter the man

F38. Supporting the follow up with field visits

F39. Jurisdiction must be more effective in deterring the husband

F40. More serious procedures in solving the problems and developing rooted solutions for the man

F41. Conducting joint sessions between the disputed parties to solve the problem

F42. Finding serious procedures and making sure that the husband signs the pledge

F43. The parents play a major role in providing support

F44. Using the legal aid to solve the problems

- F45. To seek legal aid which I wish it could be adequately deterrent
- F46. My parents are the only people capable of helping me
- F47. I don't know
- F48. My family directly
- F49. God is the only one who is capable to solve the problems and take my revenge
- F50. Legal aid through letting the husband signs an administrative pledge at the governor's office to prevent him from doing any other abuse.
- F51. The law
- F52. My mom
- F53. The parents are the only people who can provide support in the case of violence
- F54. My parents specially my mum is the only person capable of protecting me
- F55. The country directly
- F56. The law is more protecting for the woman
- F57. We want a powerful pledge that could deter the husband from abuse
- F58. Offering more services to protect the woman
- F59. There must be a legal deterrent
- F60. Strict procedures that prevent the family from interfering between couples in order to control the relations and limit problems
- F61. There must be institutions that work on raising the awareness of the woman and supporting her in order to save her and give her a motive to live so she can get rid of the man

F62. The law must be more threatening to the man in order to prevent him from practicing violence against the woman

F63. I do not know as the law is not adequately deterrent

F64. Some legal and guiding aids to protect the rights of the woman

F65... The law helped me in solving my problem

F66. Financial aids

F67. Everything that supports the woman and she is able to benefit from

F68. Raising the woman in a way that supports her personality and teaching her how to fight for her rights

F69. The woman must be strong and brave in order to protect herself

F70. I do not trust that the law will solve my problems

Research question no. 4

How can the law (and lawyers) assist in the protection of women against violence?

Sub questions

4.1. What roles should activists (and lawyers) play in protecting women?

4.2. How can government policies (and the law) engage NGOs in the protection of women against violence?

Interview questions that answer these questions

4. A. How effective is your organization in helping victims of violence? What role does the victim experience play in the work you do? (NGOs)

4. B. What roles should activists and lawyers play in protecting women? (NGOs + legal professionals)

4. C. Do you think that the government policy and the law engage NGOs in the protection of women against violence? (Legal professionals)

4. D. Do women seek help when they are the victims of violence? 4.E. What factors encourage or discourage the decision to seek help?

Question: 4.A. How effective is your organization in helping victims of violence? What role does the victim experience play in the work you do? (NGOs)

EOF1. When the abused woman comes in, she is referred to a psychiatrist or a forensic doctor. Then guidance session is conducted with her to teach her how to protect herself from violence. At the end, joint sessions for couples are conducted in order to try to settle the problem and provide the legal service as appropriate.

EOF2. We receive the case and examine her by the doctor then we listen to her problem and discuss the available options and solutions. The aid given here is either a shelter or a psychological, social, and legal consultation. We give the woman the opportunity to get free trainings on how to do some jobs such as hairdressing, housekeeping among others, so she can benefit from them when she starts her new life.

EOF3. Social and psychological interference at the same time and the services are free and completely confidential.

EOF4. The whole situation of the family is studied in order to deal with the violence. There is a reconciliation program to solve the problem between the couple by specialists and female lawyers, until their situation is settled down. If there is no hope, the case is referred to a legal body through filing a complaint.

EOF5. I prepare social studies and I conduct field visits in order to follow up on the case on the ground.

EOF6. We serve the abused case through providing programs, training courses, and educational courses to make her able to survive.

EOM7. In some cases, the male refuses the guidance and the attendance of some female specialists. In this case, we try to convince the male of the work we are doing through many ways until he accepts our existence and help. Then, we address the case as required or appropriate.

EOF8. I am responsible for the programs, projects, and some legislative issues of the committee. We spread out the knowledge required for women through modern technology means. There are simple current questions so if the woman asks a question it is answered in a very simple language that she can perceive. In addition, we provide political guidance for the woman if she nominates herself for the House of Representatives. Such guidance may include, some election campaigns, media campaigns and writing the electoral statement.

EOF9. The issue of violence is essential, and we are working in this regard on more than one dimension such as providing legal consultations, social services, administrative supervision, and free legal advocacy for women, and direct services through the website or in person.

EOM10. We provide any type of assistance the woman needs by providing her with the legal aid and the required help until she is integrated in the society as a family and not as a lonely person.

Question: 4.B. what roles should activists and lawyers play in protecting women? (NGOs + legal professionals)

EOF1. They should do some changes and urge the people in charge of the law to do the necessary changes. The CSOs have to be an active partner along with the government through allocating a ratio of the annual budget and revenues to support women. This could be achieved by balancing employment between men and women in the sense that institutions have to employ fifty men and fifty women. Including the school curriculum with activities and theories that promote the knowledge on the equality between genders.

EOF2. The laws have to be activated.

EOF3. They have to work with the government on educating the citizens by holding courses for the employees of the government, jurisdiction, and schools that educate them on woman rights protection.

EOF4. The CSOs in cooperation with the family protection department or any other competent public body have to present services for the woman and her protection. This could be done by following up on the case until we make sure that it is settled or the problem is solved instead of keeping it away for a long time without any solution.

EOF5. The role of the woman is not counted in the society. Accordingly, the CSOs have to work on highlighting the woman's identity, taking her role as an effective part of the society into consideration, encouraging the government to find an identity for the woman, and empowering her economically.

EOF6. Conducting workshops with the participation of judges, lawyers, prosecutors, and vulnerable women and cooperating with them in applying the international agreements along with the Jordanian law, and to let them listen attentively and closely to the women in need for help, so we need monitoring system to evaluate what is really happening.

EOM7. Working with the house of senates and the legislative authority to issue legislations that concern women. For example, in the year 2000 an organization has launched three campaigns: early marriage campaign, a campaign on issuing a law on the protection of domestic violence, and the citizenship for the children of the Jordanian woman. In 2001 the age for marriage was raised to 18 years and in 2008 a law was issued on the protection from domestic violence.

EOF8. . Spreading out knowledge as a method that empowers the woman through the latest technologies. The CSOs have to divide the roles of the civil organizations to organize the work and to prevent the duplication of work between two organizations. Pressure and advocacy campaigns have to be organized to force decision makers and competent bodies in the government to implement the requirements of the CSOs in order

to reach more justice and equity and working with civil society organizations and the inclusion of education programs in the school which deals with violence.

EOF9. Conducting awareness workshops for women on the laws that concern them and working on changing the school curriculum because children are our promising future.

EOM10. By raising the awareness and giving lectures in the schools, universities and follow up on the woman issues.

FLP1. To apply more pressure on the government in order to establish family courts that issue decisions on the family disputes provided that they have to be confidential.

MLP2. Activate and accelerate the domestic violence law and make the procedures faster.

FLP3. The aim of the CSO lawyer is to find solutions for the problems and is never financial.

FLP4. the necessity of activating the agreements within international law, and how Jordan had ratified and signed the agreements but have not worked on the training of judges and lawyers on the use and application of the law regarding the protection of women. We need to add more pressure on the government to activate the domestic violence law.

FLP5. Raising the awareness in which every lawyer accepts to pursue some cases voluntarily for free in order to support the issue of the woman and to serve her. Some awareness workshops for men have to be held because solutions for the problems must be started with men.

MLP6. The role is great, which is how to deal with the abused and how to receive the complaint with its details. There is psychological support, as the ideas of the woman have to be delivered clearly, especially if the case is opened at the police stations or the family protection department. Finally, how would be the law activated, how would the woman

be protected from the abuser, and how can we use the international agreements on human rights related to woman and her rights.

FLP7. The lawyer has to be attending training courses and be convinced of what he is doing.

FLP8. Pressure shall be applied on the Government to issue an equal opportunities law or equity law, and to seize gender discrimination. In addition to issue a law that prohibits discrimination against the woman. Therefore, the signed international agreements must be activated to protect women from the abuser.

FLP9. I'm trying to make the necessary conciliation or to look for the base of the problems in order to facilitate the reconciliation process.

FLP10. The signed international agreements must be activated, accelerated, realized and processed as soon as possible. Also, the slow litigation procedures have to be hastened in order to prevent the boredom of the woman and to serve her to the best of our abilities.

Questions: 4.C. Do you think that government policy and the law engage NGOs in the protection of women against violence? (Legal professionals)

FLP1. Yes, the woman has to be aware of her rights and there must be communication with the organizations and the government.

MLP2. No, because these CSOs have encouraged the woman to dare to put an end to the marriage life. They also have given the woman the ability to be free and do anything, which has resulted in creating disasters in the marriage life.

FLP3. Certainly, NGOs are working within the international agreements. These agreements have to be activated because it works on the concept of the human rights. The CSOs have more knowledge and they work with the woman as a human being so the government has to give the CSOs more power to protect women from violence.

FLP4. Frankly, the NGOs have a very big role in dealing with the woman issues and all their services are for free. The government has to dedicate a specific amount of money

for woman issues and to divide the amount on the competent NGOs. The more financial support these NGOs get the more they can serve the abused woman.

FLP5. Yes, NGOs must be given power, authority and provided by grants as the financial situation of the NGO may hinder it and limit its abilities in supporting women.

MLP6. Yes, the government has to give the CSOs powers and total freedom in order to help them in solving the issues of the woman specially those pending because of laws.

FLP7. The official bodies have to be encouraged to conclude understanding agreements with the CSOs. Because the number of the cases is large, and the family protection department cannot solve them alone. The social researchers working at the government have to cooperate with the CSOs because they provide full free services.

FLP8. Raising awareness and upraising the society through the organizations that work to fight violence. The social movement is wide, and it gave the woman the knowledge required to raise a complaint. Accordingly, those CSOs must be given more powers.

FLP9. The CSOs have to be an active partner with the government. The government may impose taxes on the profitable institutions and collect these taxes either to disseminate them on the CSOs or to put them in programs that protect and support the woman.

FLP10. The national committee and the SIGI should include the loopholes of the Jordanian law in the list of the Jordanian woman requirements. So, work has to be coordinated among CSOs, lawyers, religious leaders and politicians or people in charge of legislations to find the suitable solution.

Question: 4.D. Do you ask for help? If so, who do you ask? How do you manage to do what you do? (Female Participants)

F1. Yes, from the family protection, which I learned about from my neighbours.

F2. Yes, from the family protection specially that I work in the general security.

F3. I do not ask anyone but after some advices from my friends I visited the family protection.

F4. I have been to my family seeking help

F5. I usually seek help from my family that increases the problem between him and me

F6. I came to the family protection to file a complaint about my father and I learned about it from the media

F7. Yes, at first, I thought to raise a complaint to the family protection because there are many ways to reach it through advertisements and through some women. I heard sometimes when people file a complaint at the police office the police office referred it to the family protection.

F8. Yes, to the family protection through advertisement and some flyers.

F9. Yes, to the family protection through some friends.

F10. Yes, to the family protection through my neighbours.

F11. Yes, I am a well-educated woman and I know where to go to, so I approached the family protection.

F12. Yes, at first I told my family about the trouble I am in and then I went with them to the family protection.

F13. I sought help from the SIGI organization and later from my family because I had no one to stand by my side or help me at the beginning of my problem

F14. Only from my family.

F15. Yes, I go to Noor Al Hussein organization because I know the legal consultant there.

F16. Yes, I go to the family protection because my neighbors complained about my husband there.

F17. Yes, I required the help of the family protection and I reached it through media.

F18. I went to my family first then to the family protection because I heard that they do the necessary reconciliation, my neighbours told me about it.

F19. My father refused to let me go and live with him again and at the same time I don't want to go back to my husband, so I went to the police station to seek help and they referred me to the family protection.

F20. Yes, to the family protection through media and TV.

F21. I went to my in-laws to seek help and after their rejection I went to the family protection through some neighbours.

F22. My parents went to the family protection through a friend.

F23. Yes, to the family protection because I already know about it.

F24. Yes, I have gone to the police and they referred me in return to the family protection.

F25. Yes, I went to the family protection by my teachers

F26. My in-laws advised me to go to the family protection

F27. Yes, I went to the family protection with a friend

F28. I can't count on my family or anybody else.

F29. Yes, but I never thought to complain or go to the police

F30. My in-laws told me about the family protection, but I didn't want to raise a complaint against him

F31. Yes, I came to the family protection because I want to get divorced

F32. No, because I don't believe that there is a real support

F33. At first, I went to my family then to the police, and they referred me to the family protection

F34. My sister sent me to the family protection

F35. My family

F36. My family led me to the family protection

F37. I came to the family protection to seek help

F38. Yes, to the family protection because my mother and brothers are against me

F39. Yes, I came to the family protection through the help of my neighbours

F40. I seek protection from my family and then I go back to my husband and I never heard about any place because I have six children in home and I can never leave them alone.

F41. Yes, I usually go to the family protection to protect my children.

F42. I went to my family first then to the family protection to raise a complaint against him, but my family put me under pressure to close the file and I refused to do so, so, I required a regular follow up from the family protection to check on me.

F43. His family but they could not do anything to him, so I went to the solidarity organization that I learned about from the media.

F44. I have no one so I asked his family to protect me, but it was useless, so I had been to the family protection.

F45. I can't ask anyone to protect me because of my family and I am scared that my husband will take my children.

F46. I can't ask anyone help as my husband would never leave me alone, so, I decided to go to the family protection but unfortunately there is no solution with my husband. The family protection is conducting field visits to my house every month.

F47. I used to ask my family to help me, but they always refused to receive me with my kids and I have 6 daughters and 2 sons, in my case I found that the best thing is to be patient and never ask any help from any one, I am living with my kids now and I am enduring all the insults from my husband

F48. I usually seek my family's assistance but not anymore because he keeps on threatening divorce and I don't want to lose my kids.

F49. I never asked any help because I will fall in more trouble if anyone interferes

F50. Yes, I have been to the family protection through my aunt because she works in a public institution

F51. No, because I have no family and I don't know where to go

F52. No, I did not ask anyone to protect me, but my neighbours advised me to go to the family protection and raise a complaint against him.

F53. Yes, the family protection through some neighbours

F54. Yes, the family protection through some neighbours through media

FP55. I came to the family protection seeking help from my husband because he beats me severely but unfortunately the procedures are not very tough and effective to stop him from abusing me.

F56. No

F57. I tried to seek protection but the solutions I had were not very effective

F58. Yes, I tried to seek protection from family protection as I used to run away and go to them

F59. No

F60. No

F61. I asked my family to protect me, but it is useless

F62. I only call for protection from my family or my in-laws

F63. No

F64. I sought protection from the family protection department, which I learned about through media.

F65. No

F66. No

F67. I asked my family to protect me

F68. I don't know where to go

F69. I only complaint to my sister to get some advices

F70. I sought protection from the family protection department, which I learned about through media.

Question: 4.E. Do you think you have the support you need to deal with violence (shelter, protection, legal aid)? (Female participants)

F1. Yes, I received protection and legal aid

F2. Yes, I received legal aid from the family protection

F3. No, and I have no faith in any solution

F4. I received only consultations and not a real solution

F5. Consultations, procedures, and field visits

F6. Yes, the family protection sent me to "Dar Al Wefaq"

F7. Yes, there is a shelter which is “Dar Al Wefaq”

F8. Yes, legal aid

F9. Yes, legal aid

F10. Yes, legal aid

F11. Yes, legal aid, consultations and joint sessions

F12. Yes, I got protection from violence

F13. Yes, legal aid

F14. Yes, legal aid through sending my husband to the governor to sign a pledge.

F15. Yes, legal aid through sending my husband to the governor to sign a pledge to deter him from abusing me.

F16. Yes, I received legal and social services

F17. Yes, legal aid from the family protection

F18. Yes, I got some legal aid

F19. Yes, the legal protection is responsive they called him and made the necessary legal procedures

F20. Yes, there is support and protection from the husband.

F21. Yes, there is financial support.

F22. Yes, there is legal support.

F23. No.

F24. I only receive support from the family and friends.

F25. Yes, there is legal protection and support.

F26. Yes, I was provided with the required legal aid and a shelter for me and my kids.

F27. Yes, I was referred to the Human Rights Solidarity House.

F28. Yes, I wasn't offered by protection, shelter, or legal aid.

F29. Yes, I was offered protection and legal aid as well.

F30. Yes, I was sent to the shelter which is the solidarity house.

F31. Yes, they called my husband and he signed a pledge.

F32. Yes, legal aid.

F33. They are not firm in dealing with the abusing husband.

F34. No.

F35. Kind of through the women solidarity house where they offer job opportunities for women.

F36. No. it is not enough to protect me

F37. No.

F38. I do not trust anything.

F39. No.

F40. The solidarity house offers some aid, but the social customs are above everything here.

F41. No.

F42. Neither shelter nor protection.

F43. No.

F44. I did not know that such services exist or any organization like the family protection or solidarity accordingly I have never gone to anyone to complain.

F45. Yes, the family protection and they called my husband and threatened him by imprisonment or sending him to the governor to sign a pledge to never beat me again. After all, he has never changed, and my family interfered and forced me to withdraw the complaint because he threatened me with divorce. The procedure was not adequately effective to deter violence.

F46. I was divorced and when I went to the solidarity organization they fixed the problem and paid the financial fees, but our problems didn't come to an end and I am still in trouble, so they provided me with the necessary legal aid.

F47. Yes, the support is legal as they helped me to file a complaint to divorce at instance of wife who pays compensation against my husband

F48. No, and I don't trust any responsible body

F49. Yes, they provided me with advice, financial aid, clothes, stationary, school bags, support for my kids, psychological and moral support, and any consultation and advice I needed. Their support was a motif for me to thrive and work to support my children.

F50. No, because my options are limited I either get divorced or stay patient

F51. Yeses, they called my husband and made the necessary procedures but then I waived the complaint.

F52. Yes, they called the husband and talked to them then they let him sign pledges to deter.

F53. Yes, they provided me with the necessary legal aid.

F54. Yes, I felt that it is the only body that can help me but under the law there is no adequate deterrent.

F55. Yes, they called my husband and investigated with him then a joint session was held between us.

F56. Yes, and they referred my husband to the court.

F57. Yes, and my husband was called to sign a pledge in this way my problem was solved.

F58. This is my third time to visit the family protection but as usual the conclusions are not strict enough to solve this problem and my family refuse the idea of filing a complaint against my husband. Accordingly, the family protection cannot proceed with any legal procedures.

F59. Yes, I was examined by a forensic doctor and sent to the court.

F60. Yes, they called the husband and they did the necessary investigations then he signed a pledge to never violate or abuse me again. The support of the family protection was more of consultations

F61. Yes, they provided me with a shelter that is the Dar Al Wefaq then my case was transferred to the court and the divorce was done. The support was legal and effective.

F62. Yes, the referred my husband to the court to find a solution and he has been arrested and signed a pledge to pay 10000JDS as a fine if he abuses me again.

F63. Yes the family protection called my husband and did the necessary investigations then he signed a pledge.

F64. Yes, a joint session was held, and they settled the problem. Now, they are visiting me to follow up regularly.

F65. Yes, the forensic doctor examined me, and my husband signed pledges. Finally, I was sent to "MIZAN" to raise a legal complaint against my husband to get the divorce.

F66. Yes, some field visits and then legally by filing a complaint to the court and now I'm getting my alimony.

F67. Yes, the family protection deterred him by letting him sign a pledge to never abuse me again.

F68. Yes, he was arrested and paid a financial bail of with the amount of 10000JDS if he abuses me again.

F69. Yes, I was examined by the forensic doctor and referred to the “MIZAN” to file a divorce complaint. Besides, they helped me in treating my ill son.

F70. The family protection called him and did the investigations on the phone that was deterred to him.

Appendix 3 – Key Informants Information

Abed al-Salam, is the head of the 'Family Protection Department' and works as the head of investigation unit. He is a very helpful person and offered me the help I need. He gave me the motivation to work with him because of his supportive team. However, there was a missing file when I went to the FPD and asked to retrieve the file to look at the case status. Abed al-Salam apologized and said just give me more time to look for the file. After two weeks I went to check back on the file, but it was missing.

Dr. Atef, the general manager of 'Noor Al-Hussein Centre' who showed all the cooperation with my study. He is a very positive, hard worker, and helpful person. I was so lucky to have met him, which was a positive indicator for the beginning of my research.

F13. This case I would like to present because it showed the lack of law in protecting women from violence. The case proved how women are vulnerable in our society. Her situation was complicated, she was in love with her cousin who proposed to marry her, but her family did not approve because of the presence of family disputes between the uncles. The relationship remained secret and developed this relationship to the existence of a sexual relationship that resulted in pregnancy. The mother found out and told her father, who assaulted her and tried to kill her, but she escaped and turned herself in to the police.

The father filed a complaint against his daughter and her partner and were sentenced to two years imprisonment, The family tried to intervene to solve the problem by marrying case of her cousin and has actually been married by the conservative, especially that she is pregnant. The family of her partner took him (her husband) out of the prison because there is no longer prosecuted because of his marriage, however her family were not satisfied and refused to let her out of prison. She gave birth in the prison and her daughter is now 16 years old. After the death of the father became more opportunities were available to help the situation get out of jail.

Data were gathered from one of the organizations

Case status: a married women from her cousin, a fifteen- year-old, where her husband was forcing her to work in the field of begging and when she refuses to do so were subjected to beatings, imprisonment and abuse and insult. The situation presented a complaint against her husband ill- treated her and forcing her to work in the field of begging, her husband has been known that there was a relationship between his wife and her friend, so he filed a complaint against her and her partner. She was arrested for adultery charges with her lover. Therefore, she asked for dislocation from her husband. After a period of time SIGI organization helped her to get out of prison but her father refused her presence at home, consequently she stayed at Women's Union waiting for her lover to marry her.

Case status: the story began when this woman in her twenties had a relationship with a bus driver that ended with pregnancy. She ran out of her family's home during the month of Ramadan in 2006. She no longer came back to her family's home, so her family started to search for her in the hospitals and different places. A phone call came from the police centre to her family and reported that they have found her and they have her at the station. Her father refused to accept her coming home, so he did the complaint on charges of adultery against both of them. Therefore, she stayed in prison for 5 years and had her baby there. Actions were taken by the civil organization to get her out of prison by marrying a 59-year-old man. Therefore, she went out with a new life and a husband, but unfortunately her brother showed up shooting her as a revenge for the honour of the family. She is still now under medication and treatment.

A participant (F49) told her success story, at the focus group, after suffering from violence experience said that:

I got married at the age of sixteen years old. I used to live with my mother-in-law and two brothers-in-law with four children at the same house. Life was miserable, especially the interference of the whole family in my life when I speak or do any act they didn't like. I used to face physical, verbal, and emotional violence. I remembered one day I was complaining to my husband, he was a nice man, my brother-in-law heard me, and he became mad and slapped me on my face. My husband told me to go to my room, but I

was so upset because he couldn't do anything to his brother. After twenty years of marriage, my husband died, so I started thinking that there's no way I could live anymore with his family. I was thinking what should I do? By this time, I have heard about SIGI, therefore, I decided to go and seek help. I asked them to support me financially, and they did. I have had a project like a grocery store, so I can earn living with my children. They helped me get financial support and I opened my project and took my kids away from their family. I feel strong despite all the violence I had in my life, because my husband was a good supporter to me. I rose up my kids and they finished their higher education and my store still exists. I am the happy with my life now; no one can talk to me or even can control what I want to do. No more interferences, feeling the taste of freedom. So, I appreciate the efforts of NGOs

A participant (F28) shared her story during the focus group at the organization of SIGI said that:

I feel like I'm going crazy, I stay at home all day long. I do the cooking and cleaning, and I must get everything done on time. It feels like it's never going to end. My mother taught me how to do everything and how to please my husband. My mother-in-law keeps complaining about the cleaning that it is not good enough and if I answered her back, she tells her son (my brother-in-law) so, he starts to beat me up. And when my husband comes back from work he uses some verbal words and beats me up too. I tried to tell my parents to interfere, they said that your husband is your family now and you have to show respect for his family and don't ever think of divorce, it is not an acceptable action in our family. Where would I go? I earn no money...I won't be able to earn a place by my own. People will blame me that I' am going to find another man and my family will condemn my action. I decided to report that to the police and I thought he would be in solidarity with me...as a man he will understand my situation...I was scared, and I don't want anyone to know that I am at the police station... He said that I have to go home, and it is shame on me to report my husband...Also, he added that if I arrest your husband who is going to spend money on your children...I felt that have no choice.

I met another woman at SIGI who was seeking for help after she get divorced by her husband for no reason from her side. She is thirty-six years old without job, with a little boy and a girl. The reason for divorce was that her husband gets married from another woman and he is no longer wants to live with his wife. Therefore, she applied for child custody, and the judge approves 'alimony' to her with a house to raise her children with the amount of money 200 JD monthly. While this amount of money is not enough especially when you have little kids and the court couldn't prove that he can pay more, even he own an ex-change currency shop. He is a rich man but after his new marriage he showed the court that he doesn't have enough money so this is the most that he can pay. I feel humiliation with the little financial resources, where sometimes I have to ask people for help while their father is free has no participation in the work of his children.... There is no justice, how the court couldn't prove his premises? His children from the new wife enjoy their lives without any pressure while my kids and I live with bad situations and humiliations especially when I ask people for help. Do you think that with the amount of 200.00 JD is enough to buy clothes, food, and medicine! There is no justice....

Close friends told me their story in private:

Talking about her experience in marriage life:

I had to work because my husband doesn't offer me any money, he is so greedy and refused to tell me how much money he makes from his own clinic. He is using my salary to pay for the food and other supplies for home, even my salary is not enough where I earn just 250 JD, and if I need any medical treatment he refused to pay for me. Most of our problem is about the kids, he treats them very bad with no mercy and if I interfere to stop him from beating them, he starts to beat me up regardless verbal words that he used. Therefore, I went back to my family where they offered me a house and a budget of money monthly to help me. My husband did a claim against me at the court, so he started to see his kids through the police office every Friday despite him not liking them. He started to bring toys and taking them to restaurants to stimulate their love. I didn't know that he was faking and acting to let me go back home again. After many phone calls and

sending his sisters in law to convince me to go back because the kids are growing, and they need a father to take care of them while my parents are old and no one is able to help me to raise them up. After many tries, I went back home with him and after he gave my dad a promise that he will be a good person and will take care of our family but that was a lie I didn't realize. My parents were mad because I took my decision to go back again to him, therefore my father said to me I have to stand up for myself and not come back again to my family house because I choose to go back to my husband. I was in between and didn't know what to do, then I decided to go back to my husband. One night as usual he was very drunk and when he saw the kids jumping and running, he turned crazy and started to scream at them. The kids got scared and ran away to hide from him, but he captured my oldest daughter who is twelve years old and he started to beat her up. So, I run to protect her from him, but he hit me on my head with a stool chair and I was passed out for several hours, I didn't feel myself. My daughter told me what she saw, where he started to put some medicine and try to clean the blood and gave me some injection to prevent the infection. After I woke up with a bloody dress, I was so scared and started to cry for the fear in my kids' eyes. After two days, when he went to work I decided to go to the police to report him at the Family Protection Department. I was so scared to tell them the story, but I was questioning them to know what is going to happen if I report him. They said that they can call him to sign a pledge, so he won't hit me back again. These measures include denying the defendant entry into the family home for a period not exceeding 48 hours, if there is no other way to provide protection for the victim or one of the family members. At that moment I felt even worse and unsecure because my husband won't hesitate to kill me if I report him, even before the police can catch him. Therefore, I decided not to report him and go home and stay silent about what happened...Also I can't field for divorce because my family reputation and I want to avoid the court procedure in divorce cases which gives time for reconciliation for the married couples to think about it...

Talking about her experience with the legal system

The Jordanian culture is more open than before, where women participation in work has increased and her role in the family has been changed... more freedom, changing life style and increasing women chances of learning. Men are everything in the society; dominate our life, while the women are in the shadow of men. Women have tried hard to change the dominancy and the power of men but no use. Women have known more abilities and skills other than being just a wife obeying the rules. The freedom of thinking and change in the mentality has shaped my personality up. I work hard and my husband at that time used to take my salary and the time I refused to give him it, caused disputes and then led to divorce. I have suffered endless pain because of the long court process. Accumulation of stress and the fear to come to point over capacity, which leads to emotional problem and the lack of support of judicial system is the main source of pain. I have four children, three girls and one boy. One of the girls has a serious problem and needs a surgery. After many disputes, he divorced me by just going to the court and saying to the judge that he wanted to divorce me, so I became divorced. Consequently, I have the custody and my ex-husband have the legal guardian He is a lawyer and knows exactly what to do... He threatened me many times, so I decided to go to the police and make a complaint against him. The police called him to justify his action, but he lied on the holy book 'Qur'an,' therefore there was nothing they can do to him because there is no proof. My daughter needed an operation, so I took her to the hospital, which was a public one. The doctor refused to do the operation without her dad's signature. While her dad refused to sign, and my daughter's life was in danger, I thought that

I might need to go to the Family Protection Department, and I did so. I filed a complaint against him, they called him, but he refused to go, and they didn't press any charges against him. I had no choice; my daughter was dying and everybody was just watching. Therefore, I took her to a private hospital and the doctor agreed to do the operation without her dad's consent because she was in very bad condition. The FPD did not proceed with the case and I can accuse that for the ineffectiveness in the system... She added: I just hate the hell he showed me... never had a life since I met him... suffering alone with no help. I work eighteen hours a day to earn living. The court couldn't prove his income, so he pays 'seventy-five' Jordanian Dinar. Can you imagine that I have two at the university and I pay their tuitions and at the end they say, 'the father is the

guardian?’ Moreover, every time I go to check with FPD, the answer that comes back is “we need to look for the file”.

Appendix 4 – Selected Statutes Provisions

Selected Statutes Provisions

83. Art. 16 of CEDAW that related to marriage and family life state that 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, ward-ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration. 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

84. Art. 87: the husband can mandate another person to repudiate his wife. Under certain conditions (art. 113-116, 120, 123, 125, 126, 127, 131, 132), the wife has the right to seek divorce if she can prove that she has suffered damage or ill treatment, the decision remaining with the judge.

Art. 134: in case of divorce without legitimate cause, the judge grants compensation to the wife, not exceeding the equivalent of one year's maintenance.

85. Art.340 (a) "stipulates" he who discovers his wife or one of his 'MA harem (female relatives of such degree of consanguinity as precludes marriage), while committing adultery with another man and kills, wounds, or injures one or both of them, is exempt from any penalty; (b) he who discovers his wife, or any of his sisters, or female relatives with another man in an illegitimate bed, and kills, wounds or injures one or both of them, benefits from a reduction of penalty. Also, Art. 98 of the Jordanian law stipulates: "he who commits crime due to extreme anger caused by an illegal, and to some extent, dangerous act, committed by the victim benefits from reduced penalty."

Family Protection Law No.6 of Jordan (2008)

Article 1

This law shall be called Family Protection Law for the year 2008 and shall enter into effect as of the date of its publication in the Official Gazette.

Article 2

The following terms shall have the following meanings unless the context indicates otherwise:

The Ministry

The Ministry of Social Development

The Minister

The Minister of Social Development

Court

The competent court

Family members

Persons mentioned under article 3 of this law and who live at the family household

Household

The house where family members live together

The injured

The person who is subjected to domestic violence according to the provisions of this law

A safe place

Any place that is safe for the injured person and that is approved by the minister

Officers in charge

The ministry staff assigned by the minister, in addition to the officers and personnel of the family protection department

Family Protection Department

The department established within the Public Security Directorate and who is in charge of protecting family

Police Station

Police stations wherever they are located

Family Reconciliation Committees

A committee for family reconciliation

Article 3

For purposes of this law family members mean,

1. *A wife and husband under a legitimate marriage contract, their children, and grandchildren;*
2. *Step children, spouse's children from another legitimate marriage;*
3. *A spouse's parent;*
4. *Siblings of any of the spouses;*
5. *A child, under the age of 18 in the custody of a foster family.*

Article 4

1. *Notwithstanding the provisions of the Penal Code or any other relevant legislation, the provisions of this law apply to domestic violence cases;*
2. *All procedures and information related to domestic violence heard by any relevant body including courts are dealt with the utmost confidentiality;*
3. *The court may take into consideration the reports related to domestic violence that are submitted to it by formal competent bodies.*

Article 5

Crimes against natural persons are considered domestic violence, except for crimes falling under the jurisdiction of the Criminal Court.

Article 6

1. *1- Committees under the title of Family Reconciliation Committees are formed upon the Minister's decision and in coordination with the Family Protection Department, the Minister's decision shall determine the number of committee members and it shall nominate one of them as a chair.*

2. *Family Reconciliation Committees exert efforts to arrive at reconciliation between family members; it may use the expertise of any relevant entity and from the local community in order to bring about reconciliation.*
3. *The Minister may delegate the power assigned to them under this article item 1 clause a) to the Ministry Secretary General, or any of the directorates heads at the Ministry, or at centres, provinces or governorates, providing that such delegation is specific and in writing.*

Article 7

Preference shall be given to referrals to Family Reconciliation Committees prior to taking any of the protective measure stipulated in this law, providing that the best interests of the family is taken into consideration.

Article 8

1. *Providers of health care, social and education services from both public and private sector shall inform competent authorities once they learn about the incidence of domestic violence or see traces or marks they feel associated with domestic violence.*
2. *Officers in charge shall take appropriate procedures to safeguard the safety of the injured person of the family members once they learn about the incidence of domestic violence.*

Article 9

Law enforcement agencies including PSD officers shall go to the place where domestic violence allegedly happened in the following cases,

1. *Upon receiving a report that there currently is a situation of domestic violence or that it is about to happen;*

2. *Upon receiving a report that an effective restraining order issued under the provisions of this law has been violated.*

Article 10

Officers in charge shall be under the liability of guaranteeing the protection of the reporter and not disclosing their name or identity unless judicial procedures require otherwise.

Article 11

The director of the Family Protection Department or the head of the Family Protection Section may take any of the measures below as a precautionary measure to ensure the safety of the injured and any family member:

1. *Taking a promissory note from the respondent pledging not to assault the injured or any of the family members.*
2. *In cases where the injured or any of the family members is at risk, the following measure may be taken:*

1-Not allowing the respondent to enter the family household for no more than 48 hours if there were no other measures to safeguard the safety of the injured and other family members;

2-Placing the respondent at the custody of the Family Protection Department or any of its sections for a period of no more than 24 hours with a view to ensuring the safety of the injured or any family member if the measure under item 1 was not possible.

Article 12

1. *The director of the Family Protection Department, or the heads of family protection divisions at governorates may, before referring the case to court, refer the injured and the respondent to family reconciliation committees at the preliminary stage if both parties accept.*

2. *If two parties do not arrive at an agreement according to the provisions of clause a) under this article, the case is referred to court; if both parties eventually reach an agreement, the prosecution of the respondent is terminated.*

Article 13

1. *If the court deems the protection of the injured and family members necessary, it shall compel the respondent to do any of the following:*

1-Not to assault the injured or any of the family members or incite that;

2-Not to come to vicinity of the new abode, be it a safe place, a shelter or any other place mentioned under the restraining order;

3-Not to damage the personal belongings of the injured or any of the family members;

4-Enabling the injured or whoever he/she assigns to access the family household with the presence of an assigned officer to collect the belongings of the injured and hand it to them upon a report of receipt.

2. *Claim parties shall not dispose of the funds allocated for the living of the family.*

Article 14

1. *A renewable restraining order for no more than one month shall be issued by court under the provisions of this article;*
2. *In any of the cases below, the restraining order may be renewed, providing that the period of protection does not exceed six months:*

1- If the order is violated by the respondent;

2- If the court is convinced that it is necessary to protect the injured person or any of the family members.

3. *The court shall issue decisions following the restraining order to guarantee the enforcement of the latter and to safeguard the safety of family members.*

Article 15

The court may detain the respondent for no more than a week in any of the following cases:

1. *If the court is convinced that the precautionary protection measure, or the restraining order are not sufficient to protect the injured or any of the family members needing protection;*
2. *If the respondent does not respect, intentionally, the restraining order or the precautionary protective order.*

Article 16

1. *If the restraining order or any of its terms was intentionally violated by the respondent, the court applies the following penalties:*

1-A fine of no more than one hundred JDs, an imprisonment for no more than a month, or both;

2-A fine of no more than two hundred JDs, an imprisonment for no more than three months, or both if the violation was associated with violence used against any of those protected under the order.

2. *If the restraining order is repeatedly violated for more than two times, the respondent shall be punished by an imprisonment of no less than 3 days and no more than six months and with a fine of no more than 200 JDs.*

Article 17

The court hears the compensation claim upon the request of the injured or any party representing them, providing that the following are taken into consideration:

1. *The financial situation of the disputing parties and the extent to which paying the compensation might harm the family;*
2. *The expenses incurred due to implementing precautionary and protective measures.*

Article 18

In case the disputing parties reach an agreement, the court may take the measures below as an alternative to the restraining order or in addition thereto:

1. *referring both the injured and the respondent to the domestic reconciliation committees;*
2. *Referring one or both of the claim parties and the family members to domestic counselling sessions or psychological and social rehabilitation.*

Article 19

The Council of Ministers shall issue the regulations needed for the enforcement of the provisions of this law.

Article 20

The Minister shall issue the instructions needed for the enforcement of the provisions of this law.

Article 21

The Prime-Minister and the Ministers are vested with the duty for enforcing the provisions of this law.

Appendix 5 – Interview Details

The plan was to start with sorting out how, with whom and where to begin the interviews. I started to arrange appointments with government organizations and civil society organizations. First, I decided to go to the Jordanian Women's Union as my friend Dr. 'Amal Awawdeh' recommended to start there.

The organization was established in 1945 and after a while stopped working. After the government lifted restrictions it became active again in 1990. I went to the organization to arrange appointments. At the beginning it was hard to get an appointment with legal professionals because of their busy schedule, therefore

I arranged an appointment with a social researcher and I was lucky enough to meet her on the same day. After that I arranged to come back to meet the legal professionals at the organization. After finishing the interview with the social researchers at the organization, she helped me to arrange an interview with a woman who had a special violence case and lives and works in the organization. The questions that were raised were in Arabic in order to easily understand the people who would be interviewed. During the interview it became clear the FP1 had suffered from ill-treatment on the part of her parents and siblings, and, most importantly, she was suffering from burns on her face and had not completed her education because of a fire which had happened when she was young, about ten years old. She did not find a shelter to go to support her until she reached the age of 20, when the Red Cross donated money to pay the expenses of her treatment and she was placed in the Organization of the Jordanian Women's Union and given the care and attention she needed. The social worker told me that the victim would meet me with her face covered in order to hide the effects of her burns, which had been caused by the fire to her house. When we met, she didn't cover or hide her face and what surprised me was that I was the first one who had seen her face. She explained the situation at her home and how she was suffering from mistreatment and illness and how when she came to the union they took care of her and offered her a job and place to live. I was so proud of her courage to come to see me without hiding her face and I told her how beautiful she looked and offered her any help she needed by giving her my phone number.

After three days I had an appointment with a legal professional. The interview and discussion lasted for forty minutes. I wrote down all the conversation we had as the idea of recording it was not desirable to the organization. After four days I went back to the Union to meet with the social worker and thank for her cooperation. Her expression about the real situation of women was very useful for my study and effective. Also, I met the President of the Centre who told the social researchers to provide me with any help that I wanted. I felt welcomed and this of course was reflected in the atmosphere of the discussion during the interview.

Next, I conducted several phone calls to arrange a work schedule for the interviews. In some communications I found what I wanted while other calls were not of interest to me, so I decided to go to the organization to arrange the appointments to speed up the operation rather than keep waiting. I went to the Justice Centre for the Study of Human Rights where I found out that this Centre does not deal with issues of violence against women, but supports women of other nationalities, not Jordanian, in jobs such as maids, if they are having problems with their employers to find solutions to their cases. I decided to contact Mizan, the Law Group for Human Rights, where it was difficult to reach any one of the lawyers there.⁶⁹⁸ I asked the secretary at the reception to arrange a meeting with Mrs. Eva Abu Halawa, the president of the office, after I introduced myself and gave her my document. I explained the purpose of my study and the reasons why I wanted to meet her. I was unlucky because she was outside the country, and when she returned back it was difficult to meet her because of her busy schedule. At the beginning, the secretary gave me an appointment in a week's time and I waited for her to confirm that appointment. At the time of the appointment the secretary responded to me with an apology about the interview and asked me if I might try again to make another appointment. I felt upset at first and then I said to myself that I must try more to pursue

⁶⁹⁸ See Appendix for more details to view the interview steps.

this matter. She promised me to arrange other dates for me with some lawyers who work at the same office and I said I would wait for a phone call from her. When I had already waited again about another week without hearing anything I called her again and remind her my name, and she again apologized to me, answering that "the lawyers' free time was limited and they were not permitted to do interviews now because they were usually in court in the morning and in the afternoon they were representing some victims of violence", but I insisted on meeting a legal professional in the office. At that time, I felt vulnerable because the unequal power relationships between the participants and the researcher. In other word, as some feminist work argues that interviewing powerful participants may accept or refuse their participations in the study if they are in better position to exercise their power.⁶⁹⁹

Five days later I got an appointment with a legal professional there, so I went to meet him in the evening. When I arrived at the centre, he was busy meeting a woman who had suffered physical violence. We sat in a meeting room and I introduced myself and explained the objectives of my study. He was interested in doing the interview, which lasted one and a half hours. In his work, he deliberated about the issues that the centre processed and followed them up in the courts, and the problems they faced daily. We did not notice the time, and his opinion effectively served the objectives of my study. He said, "There are no family courts or women shelters except for one. The law exists but there are breaches according to each case".⁷⁰⁰ He added that, "The social system must be organized in a way that promotes raising awareness of the rights needs of women but without empowering the woman against and over her husband. Regarding the legal field, the family protection department has to be restored in the sense that its work has to be

⁶⁹⁹ De Laine, M. 2002. *Fieldwork, Participation and Practice: Ethics and Dilemmas in Qualitative Research*, London, Thousand Oaks and New Delhi: SAGE Publications.

⁷⁰⁰ See Appendix interview MLP6. p2

within its field. In this regard, I advise that its members have to be distributed into specialised and professional teams”.⁷⁰¹ The lawyer was Majdi Azoka at Mizan and he gave me his mobile telephone number to contact him at any time I needed.

⁷⁰¹ see Appendix interview MLP6. p 22

Appendix 5.1 – Fieldwork during July and August

July was a bit tricky in terms of arranging dates of interviews through the Ministry of Social Development. This needed to be arranged with the PSD to bring battered women to the ministry, especially if their husbands knew it would be a problem. Therefore, it was easy for me to go to organizations or institutions of civil society to facilitate the interview process. I thought to visit the ‘Dar Alwefaq’. I had an interview with the person in charge for the centre. There was security for the personal identities of those who visited the centre, and it was not easy to get inside this place since the shelter contained women who were at risk of their lives. They were under heavy protection against their parents and husbands because they would be killed. The place itself was more like a prison, with high fences, and there were police and security guards by the doors and entrances of the centre. The place is made up of several buildings that contained many floors, services and emergency provisions, researchers, social and legal counsellors, and psychologists to deal with the cases that come to the shelter. The atmosphere was uncomfortable, and when you go there you pass through many doors and corridors until you reach the middle of the shelter. The manager there was identified to me, and she explained to me about their role at the shelter and how they sometimes ensured they were available even late at night with situations in which they were needed, as well as sometimes being brought to work at night if there were emergency cases, and frankly this job was very tough. She didn’t show any cooperation and she was weary with allowing me to meet with existing cases, because there was a risk to their lives, even though I had submitted my university documents. Anyway, this month it was very tough to make appointments with women, especially as many of the mothers were busy with their children due to the end of the school year.

I decided to go to the Noor Al Hussein Foundation without making any phone calls, and by accident when I entered the centre I met with Dr. ‘Atef’ who is in charge of the centre. I did not know who he was, and he came and asked me, ‘Is there anything that I can help you with?’ with a smile on his face. Finally, I said to myself, ‘there is someone who cares,’ and the truth was I was so lucky to meet him. I introduced myself to him and told him about the objectives of my study and that I was looking for legal professionals and

social researchers as well. He took me to the social workers and asked them to cooperate with me and arrange appointments for any other things that I needed.

A week later after I finished the interviews I went to the centre. Everybody was cooperative and helpful, which I can't forget. Then Dr. Atef hosted me in his office for a cup of coffee and explained to me in detail the role of the centre. He explained to me how cases that come into the centre were dealt with, and how each case had a file which detailed and explained the mental state of the case, and the steps that were being taken to remedy them, as well as the legal actions to be taken, and also the methods of treatment and follow-up after the case exited the centre. The job of this centre was fantastically integrated. If you read a file, it would allow you to understand all aspects and circumstances that surrounded these battered women.

After I finished my interviews at the centre the hours of working decreased because of the holy month of Ramadan had started, where productivity decreased, and everyone was looking forward to a rest and leaving work on the pretext that there was no energy to speak or work. Therefore, I decided to use this period to order my papers and collect all the information and summarize the findings. Also, I corrected and added some questions to the interview questions that would help in achieving the aims of the research.

I started to write about my field observation in Irbid and summarize the interviews that had been conducted in the Jordanian Women's Union and the Noor Al Hussein Foundation with reasoning and analysis. Also, I planned to make several calls to prepare for appointments and interviews after the holy month of Ramadan and the Eid holiday had finished and I had gone back again to work, and August was about to finish.

I went to the Justice Centre for Legal Aid. This centre is located in eastern Amman, a place far from the centre of Amman. I went there with my driver and it was not easy to get there. I interviewed two female legal professionals who work to raise battered women's issues in the courts and help such women in solving their own affairs. The interview was successful and the lawyers' responses to the questions were very useful

and valuable to the research. One of them answered bravely in the context of the law in Jordan and said that, “The law responds to some cases, but, unfortunately, these responses are inadequate because there is a loophole in the law which is filing a complaint against the one who file a complaint against you at the same time. Another gap is that the police station does not accept a complaint if the place of residency of the complainant is not in the same area as the station in the sense that the complaint must be raised in the police station in one’s own area, or the closest one. Besides, the judges in Jordan usually cooperate more with the man. Some amendments have to take place in terms of the officials who are in charge of the law”⁷⁰².

⁷⁰² See Appendix interview, FLP8. P3

Appendix 5.2 – More Steps in September

In September, I went to the Jordanian National Committee for Women's Affairs to make appointments with employees in charge in cases of violence against women. Mrs. Asma Khader was not present in Jordan; she was abroad on an official mission. However, I met the lawyer Mrs. Amal Haddadin and arranged to meet her one week after this introduction. In the meantime, I worked to arrange more appointments with the Sisterhood is Global Institute. I went there and asked to interview the social researchers and lawyers. The secretary's reply was that I can come at any time and interview them if their time allowed them to do it. The next day I went early in the morning, so I could take the opportunity to meet any one of them. When I entered the secretary met me with a nice and big smile on her face, and she told me to wait until she had given notice to the employees who were in charge of the area of 'battered women'. After that she asked me to go to Mrs. Rana Abu Sondos who works as a legal consultant and programs director of the organization. When we sat down I talked about my study objectives and purposes. She asked me to come back in two days because she had a workshop and I thanked her for welcoming me in her office. Next, I went to another office where there were lawyers who raised legal issues in the courts, and sociologists and social researchers busy with cases of battered women. Therefore, I decided to come back in two days. I returned to the organization in two days and I met Mrs. Rana Abu Sondos. She explained the goals of the institute and their way of dealing with battered women. I did the interview and it was very successful. She was an amazing and active person in this organization. The interview lasted for forty minutes and she said that I can go back to her whenever I needed. Then she led me to the office of the social workers and asked them to give me an appointment for an interview with them as well as the Legal professionals. I conducted the appointment with them four days later.

After a week had passed I had an interview with Ms. Amal Hadaden, a legal professional at the Jordanian National Committee for Women's Affairs, and the meeting lasted for 45

minutes. She said, “laws exist but there is a lack of implementation processes and the women do not have enough courage yet to raise a complaint against their husbands or abusers”.⁷⁰³ Her argument was very useful for my study and we started to talk about different issues that were related to the same subject. She said that speaking out about violence against women was responded to with ill treatment, and also that the sociological side was not counted and not mentioned because judges paid no attention to this side of humanity. Feminist scholarship had influenced me as a researcher and provided me with more space for forging successful relationships with participants⁷⁰⁴, so I felt the power to encourage that women’s voices to be heard.

After that I went for the appointments at the Sisterhood is Global Institute, where I met with a social researcher, Mrs. Amal Adli. I started the interview by asking about the role she played at the organization, and how she dealt with battered cases and how she offered the women what they needed. The discussion was interesting and full of enthusiasm and there was a lawyer at the organization in the same office named Mrs. Ola Al-Khasawneh who was also listening to the conversation, so I asked her if she would also agree to do interviewed. She mentioned an important point for the research-the necessity of activating the agreements within international law, and how Jordan had ratified and signed the agreements but have not worked on the training of judges and lawyers on the use and application of the law regarding the protection of women.⁷⁰⁵ There was also a lawyer who was working for the organization, so I took the opportunity to book a date to interview her later because she had no time that day for the interview.

⁷⁰³ See appendix interview FLP. P2.

⁷⁰⁴ Henn, M., M, Weinstein and N, Foard. 2006. *A Short Introduction to social Research*, London, Thousand Oaks, New Delhi: SAGE Publications, p. 208-210.

⁷⁰⁵ See appendix interview. FLP8. P.40.

After that I went back home to re-read what I had drafted, and re-write interpret and analyse it, and I started working again on contacting the Family Protection Department to work on meeting schedules and interviews with employees working there.

Appendix 5.3 – Additional Selections in October

In October, I went to the FPD in person, and I met the person in charge of this department and introduced myself to him and gave him my university documents, and I reminded him that we had met in the counselling session for the victims of violence. I explained about my aims for this study and the objectives of my research. He offered assistance and expressed his support to take all measures to help me. He asked me to wait and come back in three days until security clearance granted me the permission to deal with and meet with battered women and interview the working staff at the department.

In the meantime, I went back to the SIGI to see Mrs. Rana Abu Sondos where she was doing some work at the prison in Jweideh Prison. There they were working hard to solve the prisoners' problems by finding men to marry them which was the only way to get them out of jail. The work was about coordination between inmates and persons with precursor who had committed crimes but pledged to start a new life, and not to return to their previous paths. Most of the inmates in the prison feared their parents, as I mentioned during my field observation in Irbid. There were many cases of women who had suffered violence and been threatened by their parents or even their husbands, so they had run away to jail to seek protection from being killed. However, when Mrs Rana found a solution for women by the existence of man who wants to marry their daughters, the parents agreed to have their daughters taken out of prison. I asked her to go with her to the prison to meet some of the women but she said this demand was difficult and required many measures and filling some documents to get permissions before the visit. She suggested rather, that she could take the interview questions because it was a part of her job, and she asked me for 10 copies of Interview Questions, which she would return within two days. She did the interviews with and the prisoners. I was so happy that she was able to do this on my behalf.

After that I went to the FPD, when Mr Abdul Salam had got security clearance for me. He asked the social workers to cooperate with me and he facilitated my task and allowed me to have access to some women who had experience physical violence for the purpose

of interviewing them with the social researcher and gave me the time to meet them and ask them questions.

On the first day at the FPD for interviews I met with 7 cases of battered women. This was the biggest achievement for me as I codified everything on my own, and also the women rejected the idea of recording, and there were calm conversations between us in the form of a dialogue not questioning. I wrote some key words to remind me of the important information for the research interests.

On the second day I went early to the FPD where there are a lot of cases that come in the morning, and I was able and encouraged to do more interviews. On this day I met 5 cases, including one case, an exception, where the complainant was a man against his wife. He was separated from his wife and when it was his turn to care for his daughter he discovered the presence of burns on her stomach. He came to the FPD and presented his daughter to the doctor there. The Doctor examined the little girl, aged 3, and found the burns to be caused by someone setting fire to her stomach, not hot soup as her mother had claimed. The FPD called the mother and her parents for interrogation. I met him again where he said he was satisfied with the action that the FPD had taken against his wife⁷⁰⁶

I then asked to interview one of the social researchers there and I did the interview with her. When I finished the interview, I requested one more appointment with another researcher for an interview and it occurred two days later.

I went to Mrs Rana Abu Sondos and thanked her for her assistance and asked if I could go with her to the Families Associations Development, where she was giving lectures and tutorials as guidance for women who had suffered violence in the area of Wadi Alhadadeh in Eastern Amman. I agreed to go to this organization and work on the interviews with the ladies who would be at the session there. The next day I went with

⁷⁰⁶ See Appendix interview MP47. P 16

my driver and took Mrs Rana with me in the car because I did not know the address of this organization. When we reached the place Mrs Rana introduced me and asked me to talk about my study to give the audience some indications about what I was willing to do, what the purpose of the study was and why I had come. I addressed the subject of violence and where to turn to if women were exposed to violence. We gave the women a hot-line phone number and the phone of the FPD, so they could contact the department in the case of violence or any problem. I asked to interview 5 women. As a focus group they answered each question with a discussion and interpretation. It was a wonderful group of educated ladies. Three of them had a BA, and although the other two ladies had not finished secondary education they had worked on their own.

Two days later I went to the FPD and interviewed several women, amounting to 10 cases for a day. In one of these cases a young lady of 19 years of age came to complain about her father. The father was married to another woman, and he threatened to break the door if his first wife and daughters wouldn't allow him and his new wife to live with them at the same place because he couldn't provide the new wife with another house. The young lady was sad, showing this especially when she cried about the injustice of her father and his treatment of her mother and younger brothers. Also, the father asked her to work and give him the money. The only solution for her was to come to the FPD, so they called her father and threatened him that if he didn't show up, they would come to arrest him. After I finished the interview I told the young lady just to deal with the subject quietly without any tension because she had no obligation to give him her money, and that the police officers would be able to offer the help she needed. Then, I went to the office to meet with the social worker to interview her.

After returning home I started doing phone calls to schedule new appointments with the Jordanian National Committee for Women's Affairs to meet with researchers and legal experts who worked there. After four days I met two ladies working in the legal field. They looked up at the problems and sometimes delivered these problems to the court if there was a need. They enjoyed doing their jobs and very active with the cases. I met the psychological worker in the same office, and I had to come back later to meet the social researcher. It was all within a few days.

After that I went to the SIGI and met with Mrs Amal, the social worker. I asked her if she could introduce me to women who had suffered violence and received assistance from the organization. She arranged this by contacting them by phone. There were 5 women. The one condition was that I agree to pay for their transportation cost, which I did. The interviews occurred three days later at Amal's office. The focus group was on a different range of ages and educational levels. During the discussion about their experiences of violence, one of them said, "A financial pledge could be an effective deterrent for the husband when he commits an abuse".⁷⁰⁷ Another one, thinking about future solutions, said that what was most important was 'Looking for aid and procedures that support the woman in her decisions and actions...I would ask for solid support for the woman'⁷⁰⁸. I thanked them for their time and for sharing with me their experience. When the interview had finished I paid for each one their transportation costs according to their distance travelled. The total amount was 115JD.

⁷⁰⁷ See Appendix interview FP8. P25

⁷⁰⁸ See Appendix interview FP9. P26

Appendix 5.4 – Concentrated Interviews in November

In November, I went to the FPD and asked Mr Abdul AL-Salaam to arrange appointments with the police officers who were responsible in any follow-up issues of violence. The police were located in the same building but on the first floor of it. He took me to the head of the division, and he introduced me to him and explained why I was here at the department and what the purpose of my research was. He asked him to facilitate the task of the interviews. He was a positive and cooperative person- the first person at the police department who agreed to do an interview. After we finished the interview we started a discussion in general about violence issues and he was pleased to hear about the research subjects. Therefore, he set up two interviews the next day. In the early morning, I went there, and I was able to interview Mr Shuker and Mr Omar, who work to protect women who suffer violence and following up their situations. They were very understandable police officers that had been trained on how to deal with victims. They explained that when they are emergency calls they go right away to the victim's location and decide whether the victim is in danger from her way of talking. Some calls happen in the middle of night, and they have to make the right decision about action because not doing so could result in the death of the victim. It was a good discussion and useful for my research interest.

After that I went to the top floor to the FPD and there were 5 cases waiting for me. I prepared myself to interview them. The first one was a case which had come from the Dar Alwefaq where a woman had been married to a man for a period of around two years and after that she had run away with another man, when she got raped by him. She was scared to go back to her family or husband; therefore, she went to the FPD and they sent her to the Dar Alwefaq shelter to protect her life. The man who raped her asked her if she would marry him, by which procedure he would be able to get out of jail and at same time she would be able to live with him and get out of the shelter. She agreed, and they called her parents. After five months of marriage her father asked her to divorce him to marry another man who had offered her dad 5000JD, and at the same time she would be

able to get the dowry, which was about 5000JD too. Her father wanted to use her situation. Therefore, she came with her husband to the FPD to request assistance and protection from her father and brother who were both threatening to kill both of them if she refused to divorce him. I was there when her brother came, shouting and threatening to kill her, and he told me to advise her to listen to him rather than losing her life sooner or later. After that the police and Abed As-Salam came and pulled him out of the office and sent him down with the officers to file a procedure against him. There was also another case from the Dar Alwefaq about two sisters from a well-known and respected family who were afraid that their brothers may try to kill them, because of issues with inheritance, where the brothers wanted to get rid of them to take their shares. However, the FPD dealt with the matter in an appropriate way.

The next day I went to the SIGI to interview the lawyer Mrs Wedad who worked at the institute as a petitioner of lawsuits to the court free of charge, to support victims. After the interview with Mrs Widad we talked about the situation in general, policies and laws applicable, and how they do not serve women in an appropriate way, and how the court procedures work in favour of the women of getting their rights. She also said that, 'the judge performs the work of the family counsellor. There is no confidentiality in family cases',⁷⁰⁹.

I next spoke to Mrs Amal Adly again and asked her if she could bring more volunteers like last time. She promised to contact battered women just like last time and I had to pay an amount of money for their travel and said that she would inform me by phone about their appointments. After that I returned to the house and started by reading the

⁷⁰⁹ See Appendix interview FLP9. P3

interviews and the analysis and explanations of the research questions to see to what extent it had answered my questions as required.

The next day I went to the FPD and met two police officers working at this institution, where their job was to investigate the defendant's situation. The interview was good for the research objectives. One female police officer mentioned that, "The law protects the rights of the woman and stands by her side, it does not tyrannize her. The issuance of the law means that there is recognition of women's rights. Family courts must be established, and I prefer having a female judge to look into family cases instead of males".⁷¹⁰ After I thanked them I went to the top floor where there were four cases and I was able to sit with them individually without the social researcher. It was an unusual case where the wife had made a complaint against her husband because he wanted to divorce her, and she did not want to get a divorce. When I had the chance to talk to him individually I asked him several questions in a friendly way. I noticed that his eyebrows were fixed, he had long hair, and long fingernails. He stated to me that he sometimes likes to wear dresses at home and did not want his wife because he loves another one and wants to remarry. It seemed to me the man might be gay, and the wife did not want the divorce because of her economic situation, so it was hard for her to go back to her family house.

I found it strange how the parents had agreed on marriage just like that because of their economic situations, that they did not look at the person to see if he was appropriate or not. Did they want to get rid of their daughter regardless of the suitability of the partner and how it might affect her life? When I finished the interviews, I did an interview with a social worker at the FPD.

Two days later, I received a phone call from Mrs Amal Adly who told me that 7 battered women were coming to meet me at her office in the organization. I went to the appointment and I welcomed the women, thanking them for coming and sharing their life

⁷¹⁰ See Appendix interview PF2. P 3

experiences with me. I talked about the purpose of my study and took their consent to do the interview. The discussion was depressing as they explained how they had suffered in their marriages and the only choice they had had was to lodge a complaint against their husbands, leading to further, never-ending problems. One of them said, "I cannot go and seek help because my husband will never allow me into his house again and I have no family or relatives to go to".⁷¹¹ The only choice they had was to remain, humiliated, or seek a divorce. One woman explained about her life and the struggles she has endured. Another story which was curious to me was of a 65-year-old woman seeking a divorce from her husband, after a marriage that had lasted 50 years. She no longer wanted to stay because of the suffering she had experienced with him. As the age of her children now qualified them to sponsor her, she felt it was the time to punish him and leave him to struggle with life alone. However, the organization helped her financially on the condition that she should stay with her husband and take care of him.⁷¹²

Each one of them women had a story and I felt we were learning a lesson about not leaving a woman dependent on the other party. Independence from the man is very necessary in order not to be controlled and to be free human being. Therefore, women require sufficient resources. After I had taken all notes and answered the questions, the discussion and dialogue proved very useful to the study. I paid them the price of transportation and the amount was 135 Jordanian dinars. I thanked them again for their attendance and contributions to the research. I left the organization for the house and started to re-write and analyse the obtained information.

⁷¹¹ See Appendix interview FP33. P 15

⁷¹² See Appendix interview FP69. P17

Appendix 5.5 – Last Arrangement in December

In December, I went to the FPD to complete the interviews. I met two people from the police department, a policewoman and a policeman, and then I went to the office of Abdel-Salam, but there were no cases or battered women to meet. I sat down with the researchers at the Abed Al-salaam office and discussed the cases that come to the department, and how to deal with them in front of Abdul Salam. After the dialogue concluded the employees were not motivated and there were no adequate incentives to encourage them to work. Looking of some cases cause, meant that there was not enough enthusiasm to deal with situations which arose about battered women. I felt that the researchers were doing their job as a duty only and not as a conscious decision from their heart to help and feel the sorrow of the cases they faced. I spoke with them openly and I asked them how they worked without being conscious of what you are doing. They were waiting for their salaries at the end of the month, working for money and not driven by the desire to and love of helping. They began to complain as their salary was insufficient compared to the harsh work that they do. Moreover, traveling abroad for training courses was for special employees and not recommended for all of them. The employees felt frustrated and there was nothing to encourage them to work I told them this did not feel justified to me if they were present in this area and working this sensitive job one had to be more loyal to one's work. I asked them where their consciences were. When a battered woman asked for help, she had nothing. She only had the ability to ask for help which was supposed to be available for her no matter how she felt. Battered women had nothing to do with the social researchers' work conditions. They came to this department because they had hope they would get help. Therefore, everyone at this department had a duty to be ready to help them regardless of their working conditions.

During the discussion Abdel-Salam replied, "You are right. I agree with you. Honestly, I have tried to send every one of them on a training courses and support them financially, but as you see there isn't enough potential support from the state. We work with two patrol cars. If more than three calls come in, as sometimes happens we would not be able

to cope with all of them because of a lack of resources. He said that he wished to find adequate support to entertain his staff and create a healthy atmosphere of work at the department and send them on training courses whenever they are available. At the end of the conversation I warned them of their responsibility as a researcher for every word and for the conversation between us, and I told them about writing what had happened here in my study.

Two days later, I returned to the FPD and I met 5 battered women, and one of them came along with four children and one of the children also suffered from skin cancer, with no hair on her body or head. I learned in conversation with the mother that she also suffered from the injustices of her husband. She explained that this was not her first visit, she came many times, but it seemed to be useless. There were no solutions to stop her husband from beating her. The department called him three times and every time he had to sign a pledge. However, this was not enough to stop him from being violent to his wife.⁷¹³ The woman had come here with the money as the governor of the region where she lives gave her a small amount of money to go to the FPD. I felt sorrow and sadness for her situation. However, the FPD only asked the husband to come and threatened to send him to the Governor or to pay a fine or imprison him for two weeks. This solution was no longer enough to deter the husband from abusing his wife and his children. I went out of the office and sent the woman an amount of money through the social worker. I went back to the house, and frankly, I felt tired and I felt grief about these situations. If a woman complains against her husband, there is no radical solution to it. The only solution is to divorce, and if she gets a divorce, she will suffer from even worse economic conditions, arguably leaving her in a worse situation than before, and also surrounded by the community impression of her.

⁷¹³ See Appendix interviewFP55. P 44.

The next day I went early in the morning to the FPD and took sweets to the employees as a treat and to thank them for their cooperation with me. I wanted to support them even through talk or smiling and encourage them to work with a new spirit. After that I went to the social researcher's office where we discussed and reviewing 5 cases from Dar Alwefaq, and I met some of them. Four days later I went back to the FPD and I met one of the policemen who was a judicial officer and had more than three years' experience. He worked in various areas of Jordan, and his job was to look after any battered women by giving them peaceful solutions and advice before filling a complaint against their husband. There were many couples that did not accept the idea of filling a complaint. He also tried to solve the problem by parental intervention. He was afraid that women would offend their husbands. He tried to protect the family from breakdown and the couple from ending their marriages because of the complaint. It was obvious that man's physical dominance caused physical violence and bossiness which made them feel as if they had the right to strike and beat up their wives. He mentioned that there were women who made complaints against their husbands only to collecting money as a way of taking advantage of this law to their benefit. Therefore, he demanded the presence of deterrent penalties for both of them, whether the wife or the husband, in order to protect them. He also demanded that the nursery should not be a condition of the mother's because it might lead to child exploitation, and he added that there should also be a law against slander, as he said most issues were defamation, reaching up to 50%.⁷¹⁴

I next tried to get more appointments to interview several police personnel in this field. I had already had a promise that if I come in early the next day I would be able to meet them before they go to work. The next morning at half past eight I went to the police department and interviewed a female police officer. She explained to me that this department was associated with the state through attending numerous workshops and courses related to violence. She said it was under the spotlight where there is a state

⁷¹⁴ See Appendix interview PM9. P23

interest in cases involving family issues. She said the state had also tried to renew the law in favour of women. Moreover, she explained that there were follow-ups from the state and the law for this administration's achievements regards violence cases.⁷¹⁵

The head of operations is called Dalal. She had upwards of 6 years' experience. She mentioned that this administration's task was to attempt to reform as much as they could between husband and wife without taking the matter to court where the important thing is interest for all parties in the family within the law, unless the situation involved abuse or felony must turn to the judiciary, or when reasons prevent the police from performing a suitable action against the husband. Also, she discussed that we need to fight against ignorance, customs and traditions through the dissemination of knowledge and legal culture to all, and to know the rights and duties of all parties.⁷¹⁶

The last interview was with a policeman who also had was also 6 years' experience in the field. He called for the support and empowerment of women as the only solution to their problems because violence results from economic difficulties within marriage and we need to alleviate this problem.⁷¹⁷

Thus, I finished ten interviews with men and women from the police department and thanked them for their cooperation and their efforts in their duties.

After that I went back home and made many of phone calls to arrange new appointments. I spoke with the Attorney Sawsan who has a private office and deals with cases of violence involving families, and after great effort I managed to book an appointment with her. It was difficult to meet her because of her busy schedule: in the morning time she was in court, and in the afternoon, she was with clients. At the time of the appointment I

⁷¹⁵ See Appendix interview PF7. P 11

⁷¹⁶ See Appendix interview PF1. P22

⁷¹⁷ See Appendix interview PM3. P23

went to her office, at 11:30 am and introduced myself and explained the purpose of my study. We talked in general then specifically about cases of violence. During the interview she illustrated that law protects women, but the pressure of the courts works to postpone and stall hearings. She said that the buildings are narrow and small and do not accommodate many judges. In her view, that reassess even, doubles after a woman makes a complaint against her husband. She mentioned many social amendments which begin at home and in still religious morals in the heart of the children.⁷¹⁸ After I finished the interview I thanked her for the interesting time that we had spent together. We hadn't felt the time; the subject was motivating and exciting for both of us. I next went to the FPD, and there was a case of a battered woman who works as a woman's doctor. Her complaint against her husband was due to the controversy between them. Her husband had an anger management problem and he was very sharp and heartless in his action, so he divorced her, and rejected any communication between them. The woman had not wanted the divorce. She had wanted to teach him a lesson because of his treatment of her. However due to his sharp temper and the difficulty dealing with him he prioritised his dignity, did not forgive her and so he divorced her. This was the last battered woman I met as the number of cases which were offset to battered women was 70. I then contacted the Jordan River Foundation in Jabal Alnasser outside the city of Amman. I met the supervisor there and she explained to me how they deal with the situations of violence. If violence has occurred usually neighbours file complaints in fear of battered women's husbands. I also met with Mrs Khold who worked in this institution. She praised its work and how it is active in the service of battered women, as well as the quick actions taken to protect battered women. She made it clear that suggestions and alternatives are not clear for battered women, and here it was the role of the institution to give assistance, information and support with all the available data, and perform work with husbands and maintain it until violence has diminished. I believed her about their services and efforts

⁷¹⁸ See Appendix interview FLP3. P21

because during the women's interview at the SIGI one of the battered women, her name is Mrs. Raefeh mentioned the Jordan River Foundation and its services.⁷¹⁹

Then I went to the FPD and I met Mrs Sherein a social worker who worked on cases of violence, and she suggested that the department needs to change their way of treating battered women because when they come to the department they are sent to the reception to tell their problems, then they go to the studies section to talk about their story again, and then they the FPD decides whether to send her to a social researcher or doctor first if she has been beaten by her husband. By the time she reaches the researcher she is tired from repeating her story and has nothing to say. The system is exhausting for the battered woman before reaching a social worker. Mrs Sherein also demanded that there should be incentives for specialists so that they can serve the battered cases and assist properly.⁷²⁰

Thus, I had finished 10 interviews with social workers in various civil society and governmental organizations.

Two days later I went to the Jordanian National Committee for Women's Affairs. I met the person who is responsible for legal programs in this committee and noted that access to the dissemination of knowledge for women comes through technology, where the dissemination of knowledge should come through asking questions so the woman can ask a question and have it answered in a simple way that they can understand.⁷²¹ When I asked her about the Domestic Violence Act she responded that the problem with this law is that it is not enforced in the courts because of a lack of regulations and special instructions needed to be able to apply this law. She said it must be on the responsibility

⁷¹⁹ see Analysis p51

⁷²⁰ See Appendix interview EOF4. P24

⁷²¹ See Appendix interview EOF8. P34

of the government to do its part properly to modify policies in the application of sanctions and to work with civil society organizations and to include educational programs in schools that deal with violence against women. She said the government is falling short in the development of regulations and final approval to enable the legislative authority to apply the law correctly.⁷²²

On the same day I went to meet the legal professional Mrs Fariezeh who works in the Justice Centre for Legal Aid. She has been a lawyer for 15 years and dealt with issues of violence. She said that most of the cases involve complaints against the husband where the husband has hit a wife on the head to not leave any traces. She said the violence occurs according to economic and psychological situations, especially if the spouse comes from a different environment where there has been disintegration of the family and, also, if his mother was beaten by his father such that for the husband it seems normal to him to taunts his wife for not being better than his mother. She said that another reason refers to violence a difference in education, especially if the couple have different social positions. Mrs Fariezeh was calling for and demanding to place to explain international agreements with the law, so the law would become more effective which, she felt, to achieve. It had to take advantage of these agreements and be invoked during the proceedings and be applied on the ground until the effective.⁷²³ Thus I finished 10 interviews with legal professionals and based my analysis and reasoning on serving the questions posed in the research which serve as the objectives of the search to find a solution to the problem of the law in relation to violence used against women and to show how the law does not serve women as required.

⁷²² See Appendix, 2. Interview FLP8. P25-26

⁷²³ See Appendix 2, interview FLP10.p 11, 16, 26, 28, 40, and 41.

Appendix 6 – Supporting Research

Data were gathered from one of the organizations: The centre was established "Effat" for guidance and legal and social services in 2000 and is considered one of the most prominent projects adopted by the Assembly since that time till now, where the Centre to provide assistance and support to women victims of domestic violence and community through intervention on the basis of advice and assistance actors and quick on various themes of social and economic , legal, health, psychological, and according to judicial mechanisms available in coordination with the relevant authorities, whether official or private or civil society organizations working in similar areas objectives:

Digital indicators and qualitative own cases received by the Centre during the year 2013 in terms of:

Months	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
New cases	8	7	18	13	23	55	21	19	29
Daily Revisions	14	26	22	17	37	40	8	20	58
Daily communications	17	52	65	80	72	150	81	78	202

Oct	Nov	Dec	Total
18	19	8	238
26	24	18	310
110	94	72	1075

First, the total number of cases on the distributor months of the year:

Second, guided by the distribution of cases in terms of age group

Less Than 18	18-23	24-29	30-35	36-41	42-47	48-53	54-59	60 and above
3	38	55	68	28	26	13	4	3

When you read the numbers in the table above notes the following:

Third, the distribution of cases in terms of the level of education:

None	Primary	Elementary	Secondary	Diploma	Bachelor	Graduate
13	60	67	59	16	21	2

Fourth, guided by the distribution of cases in terms of the economic situation:

Work	Does not work
47	191

Fifth, guided by the distribution of cases in terms of the social situation

Single	Married	Divorced	Widow
66	121	45	6

The following table shows the number of cases that have been subjected to a program of harmony during the year 2013, distributed months of the year:

The period of time in months	31	64	97	1210	Total
Numbers	7	27	35	25	94
Cases successfully treated	4	8	25	13	50

The distribution of cases in terms of geographical area;

Regions	East Amman	West Amman	Albelqa	Jerash	Tafila
Number	126	38	17	2	1

Zerqa	Irbid	Madaba	Mafraq	Aqaba	Karak
24	18	3	6	1	2

Legal advice in all its forms, which were submitted for the cases in 2013:

Services- Months	Jan	Feb	Mar	Apr	May	Jun
Electronic Consulting	8	9	9	11	12	10
Daily Communication	100	120	100	100	90	115
Consulting Office	10	25	20	18	40	30

Jul	Aug	Sep	Oct	Nov	Dec	Total
9	8	7	14	15	10	122

60	70	120	110	90	110	1100
19	20	30	15	20	15	262

The following table shows the number of consultations and telephone office, which was introduced in 2013.

Type of consulting issue	Number
Electronic consulting	122
Consulting office	262
Telephone	1100
Telephone consultations	23
Provided consulting project for cases of battered women access to justice	42
Total for all of consulting	1549

Family Development Association

Name	Age	Education	Job	Status
N	50	Secondary	Cloth making	Widow
A	33	Uni	Looking for job	Married
N.I	35	Uni	None	Married
K	51	Secondary	Cloth making	Widow
L	24	College	None	married

Dar Al Wifaq

Name	Age	Education	Job	Status
M	24	Secondary	None	Single
W	37	High school	None	Married
A	19	High school	None	Single
W.I	24	Uni	None	Single
K	44	Secondary	None	Married
W.B	28	High school	None	married
N	49	Secondary	None	married

Sigi

Name	Age	Education	Job	Status
N	37	Secondary	None	Married
A	31	Secondary	Sectary	Married
F	31	High school	None	Married
Gh	53	College	None	Married
A.I	32	High school	None	Divorced
R	42	High school	House keeper	Married
F.I	47	High school	chef	Married
S	37	High school	None	Married
R.I	38	None	None	Married
N.I	46	Secondary	House keeper/cloth making	Divorced
A.I	27	High school	School nurse	Divorced
M	50	None	House keeper	Married

E	40	Secondary	House keeper	married
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Family Protection Department

Name	Age	Education	Job	Status
L	26	High school	None	Married
R	36	Primary	None	Married
L.I	30	Uni	Food nutritionist	Married
N	21	Secondary	None	Married
A	27	High school	none	married
D	32	High school	None	Married
K	55	College	None	Divorced
R.I	21	Secondary	None	Married
L.A	35	Secondary	Hair dresser	Single
M	61	Secondary	None	Married
K.I	42	Primary	None	Married

A.I	19	Secondary	None	Married
S	44	Secondary	None	Married
Kh	37	Secondary	None	Married
A.A	20	High school	Sales	Single
S.I	32	Secondary	None	Married
S.I	40	Secondary	None	Married
M.I	31	Secondary	None	Married
R.I	19	Primary	None	Married
A.B	26	Secondary	None	Divorced
R.I	33	High school	Graphic design	married
D.I	23	High school	Police officer	married

Focus Group

Name	Age	Education	Job	Status
S	24	Collage	None	Married
M	36	Secondary	None	Married
S.I	40	Uni	None	Married
N	40	High school	None	Married
S.A	45	College	Teacher	Married
H	33	High school	None	Married
W	41	None	None	Married
R	22	Secondary	None	Married
M	36	Uni	Doctor	Divorced
E	36	Uni	None	Married
N	39	Secondary	None	Separated
R.I	36	Uni	None	Married

M.I	26	Secondary	None	married
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Glossary

Omha	Mother
Al bent	Girl
Ale	Alike
Tub	Fleb
Al-jerreh	Vase
Ale	on
Tumha	Mouth
SALT	A city name in Jordan
Irbid	A city name in Jordan
Mizan	Scale
Qadi	Judge
Dar Al wefaq	Conquered House
Maher	Amount of money paid to the pride
Wasta	Favouritism or Nepotism
Sunneh	Observed through examples set by Prophet Mohammad and scholarly
Diyya	Blood money
Khul'a	Dissolve a marriage contract by women (divorce)