



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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9 March 2005

### JOR43377.E

Jordan: Whether a Jordanian woman needs her husband's permission to leave Jordan; whether a Jordanian husband can prevent the departure of his wife from Jordan; whether children who are included on the Jordanian passport of their mother can use their mother's passport to travel without the mother (2003)  
Research Directorate, Immigration and Refugee Board, Ottawa

According to *Country Reports 2003*, "women experienced [in 2003] discrimination in matters of ... ability to travel" (25 Feb. 2004). A woman must obtain her "husband's permission to obtain, but not to renew, a passport" (*Country Reports 2004* 28 Feb. 2005; see also UNDP-POGAR n.d.). *Country Reports 2002* added that the passport law applied to "all women, including foreign women married to [Jordanian] citizens" (*Country Reports 2002* 31 Mar. 2003).

A report of the Euro-Mediterranean Human Rights Network (EMHRN), a Denmark-based network of human rights organizations, states that "[t]he government passed legislation in November 2002 allowing women to obtain a passport without the husband's written permission" (May 2003). A BBC article on 3 November 2002 said that the government had passed a law "allowing women to obtain passports for themselves and their children without the written consent of their husbands." The *Jordan Times* also mentioned such a law, but said that it was "temporary and subject to endorsement by the next Lower House of Parliament" (31 Dec. 2002). No further information on whether the law has been enshrined could be found by the Research Directorate within time constraints.

However, the Personal Status Law, which is based on Sharia, contradicts the amendment to the passport law regarding the right of women to obtain their own passports without their husband's permission (*Jordan Times* 30 Aug. 1998). Thus, the amended passport law does not necessarily mean that women would be able to travel without their husband's permission (*Jordan Times* 30 Aug. 1998).

In 1992, Jordan ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), subject to a reservation against article 15.4, which states that "[s]tates Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile" (Amnesty 3 Nov. 2004). According to the Jordanian government's position, as stated in its second report on its implementation of the CEDAW, the reason behind the reservation was that CEDAW is "contrary to Islamic directives" (UN 26 Oct. 1999). The importance of Sharia is demonstrated in Jordan's "Act on personal status [which] stipulates that

a woman must live in the domicile of her legal husband and follow him everywhere, including outside the country if he guarantees her safety, unless the marriage contract states otherwise" (UN 26 Oct. 1999; see also EMHRN May 2003).

In its Concluding Observations, the Committee on the Elimination of Discrimination Against Women noted that Jordanian law "prohibits women from ... travelling alone and from choosing their place of residence" (UN 2000). The Committee called on Jordan to revoke those laws and to withdraw its reservation to article 15.4 (ibid.).

Article 2 of the Jordanian Constitution states that "Islam is the religion of the State," and in article 6, line (i) that "Jordanians shall be equal before the law. There shall [also] be no discrimination between them as regards to their rights and duties on grounds of race, language or religion" (Jordan 1 Jan. 1952). However, there is no mention in the constitution of the right to equality on the basis of sex (UN 26 Oct. 1999).

## **Children**

Little information was found on whether children who are included on the Jordanian passport of their mother can use their mother's passport to travel without the mother.

*Country Reports 2002* stated that "[i]n the past, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country" (31 Mar. 2003).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

### References

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#### Additional Sources Consulted

**Internet sites, including:** Aman News Center, Amnesty International, BBC, *Christian Science Monitor*, Freedom House, Hieros Gamos, Human Rights Watch, Jordan Ministry of Foreign Affairs, UNIFEM, United Nations.

**Oral source:** Embassy of Jordan in Ottawa.

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