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THE JUSTICE DEFICIT FOR WOMEN IN JORDAN:
**A CASE STUDY OF VIOLENCE AND
HARASSMENT IN THE WORKPLACE**



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“There are flaws in implementation at every level. From accepting the complaint at the police station to what happens after that. And this long process of investigation until it’s classified. And the case load of the courts. And the protection [of the survivor] in between. That’s a lot. So, we need to enhance implementation in order to encourage women to use the legal system. Because, the second thing you will hear from a survivor, she will say, ‘after two years I will see a verdict and he will be released from jail after a pardon... it’s useless’. You see, they lack trust in the system itself.”

Head of Aid Department, Arab Renaissance for Democracy and Development (ARDD)

EXECUTIVE SUMMARY

Violence against women and girls (VAWG) is one of the world’s most widespread human rights violations and affects one in three women in her lifetime. Yet, globally, the large majority of survivors of VAWG are not able to access justice. The state has primary responsibility for action on VAWG: governments should protect women and girls’ rights and bodily integrity. However, widespread impunity for VAWG exists and survivors face barriers at every turn. This VAWG justice deficit must be addressed, so that women and girls can live free from violence and access all their rights.

In 2019, ActionAid UK launched a three-year, multi-country campaign on the VAWG justice deficit. This evidence-based campaign explores the justice deficit in each country through research and then develops recommendations based on collective analysis with a range of key stakeholders. This report by ActionAid Arab Region and ActionAid UK focusses on Jordan, a country undergoing a social and economic transformation, and presents opportunities to improve women’s protection, access to justice and access to other basic rights, such as decent work.

The report describes the overarching barriers to justice faced by women and girls in Jordan, as well as focusses in on a case study of VAWG in the workplace. This is based on research with 2,423 women and men (over 80% of which were women), plus 11 key stakeholders across lawyers, legal aid organisations, trade unions, women’s rights organisations and frontline VAWG workers. The findings were analysed through participatory processes to develop key recommendations with broad based support.

The research highlights that the justice deficit stems from a certain configuration of social norms, policies, laws and their implementation. Access to justice is not just about ensuring VAWG is sufficiently recognised

in law, it’s also about how VAWG laws are perceived and how women and girls experience their application first-hand. In the context of Jordan, the legal framework has progressed towards providing justice for women and girls affected by VAWG. Still, there remain areas for improvement in terms of clarifying the legal framework to society and even justice sector professionals. Further, there remains a lack of clarity in several terminologies in the law and the articles that can be used in cases of VAWG. These contribute to a significant implementation gap. This research finds that it is the women’s rights movement in Jordan that has been critical to highlighting this gap and to driving legal and normative change in support of justice for women and girls.

The research uncovers three categories of barriers to justice in VAWG:

- i) **social barriers**, stemming from traditional social norms that dictate how women should behave;
- ii) **institutional barriers**, which are related to the legal framework and the implementation of the laws;
- iii) **material barriers**, which concern documentation and economic issues that prevent women and girls from accessing justice.

Overall, the research highlighted that all categories are pervasive and affect access to justice, but that social barriers – such as traditional social norms that blame, stigmatise and shame women for experiencing VAWG – are particularly prevalent and impact the other categories. For example, across the institutional barriers is the implementation gap, which is driven in part by the conscious and subconscious impact of traditional social norms on the law and how justice sector professionals implement it.

Our survey research with workers in Jordan indicated that violence and harassment at work is a prevalent

issue for all workers, but especially women. Much more needs to be done to recognise the issue, to develop policies and procedures, and to provide the link to justice for survivors. Specifically, the research illustrated the following key insights around VAWG at work.

1. **One in five women experienced one or more forms of VAWG in the workplace**, including: i) unwanted staring (20%); ii) verbal sexual harassment (17%); iii) unwanted messages (16%); iv) unwanted touching (15%); v) unwanted gestures (15%); vi) stalking (10%) and vii) unwanted invitations of a sexual or romantic nature (10%).
2. **The more precarious the work, the higher the risk of violence and harassment.** The groups facing the highest rates of VAWG were interns (25%) and daily wage workers (21%).
3. **Arab migrant women** were particularly exposed: one in three reported experiencing VAWG in the workplace.
4. There is a serious **risk of VAWG outside the official place of work**. Forty percent of the time, violence and harassment occurred on the way to and from work.
5. **The usual place of work remains a significant risk area for women** – it was reported as the second most prevalent location of VAWG (22%) followed by locations outside of the usual workplace (12%).
6. **Nearly a third (29%) of women kept silent about the violence and harassment they experienced** and only 14% of women survivors resigned after experiencing VAWG.

The recommendations are grounded in the research and analysis, as well as ActionAid’s theory of change on tackling VAWG. Detailed recommendations to key stakeholder groups can be found on page 29. In summary, they call on the government, civil society actors and corporations to:

1. **Ensure a reduction in VAWG and an increase in survivors’ access to justice** through a well-resourced National Action Plan that engages actively with the women’s rights movement.
2. **Ensure that all workers enjoy a violence-free working environment through the realisation of rights in the workplace** – especially through ratifying and implementing the new International Labour Organisation Convention number 190 on Violence and Harassment in the Workplace.

Part 1 INTRODUCTION

One in three women will experience violence in her lifetime, most likely at the hands of someone she knows.¹ Violence affects women and girls of all backgrounds, but the risk is higher for those experiencing oppression and discrimination, such as poverty, racism, ableism, and cis-heteronormativity. Violence Against Women and Girls (VAWG) reflects and reinforces patriarchy. It is used for the social control of women and girls, defining their behaviour, restricting their freedoms, preventing their participation in public life or decision-making and ensuring that men retain power and control over their lives.²

VAWG is pervasive all over the world, as is the justice deficit in response.³ Women and girls experience VAWG in all spheres of life, including public and private spaces like homes, streets, schools, universities hospitals, workplaces and even police stations. For most women and girl survivors, justice is out of reach. Governments are responsible for protecting their rights and bodily integrity through legislation, policy and services. But, in reality, there is widespread impunity and survivors face barriers at every turn. From legislation that explicitly or implicitly permits violence such as rape in marriage, to shaming by police officers, judges and lawyers, to stigma and destitution, the barriers faced by survivors can seem insurmountable. Reporting VAWG can be risky: the backlash can expose them to further violence, sometimes fatally. Poverty, illiteracy and physical restrictions on getting to police stations or courts further limit their access to justice.

ActionAid's theory of change on tackling VAWG calls for: i) empowering women and girls to claim their rights through knowledge, resources and support; ii) addressing gendered social norms; iii) building political will, legal and institutional capacity to prevent and respond to VAWG, and, iv) providing comprehensive services to protect women and girls and support survivors.⁴ Upholding survivors' rights through access to justice requires a holistic, multi-sectoral and structural approach that addresses the failure of the justice system and cultural dynamics within the context of global political, economic and social structures.⁵ The theory of change, combined with participatory reflection, are what have guided this report's recommendations.

In 2019, the United Nations High Commissioner for Human Rights pointed out that violence against women in the world of work is a widespread and major impediment to their enjoyment of their fundamental rights.⁶ Violence at work and the

impunity that often accompanies it is not exclusive to formal workplaces. Women working in the informal sector are equally exposed. The widespread culture of impunity needs to be urgently addressed. This report comes at a time of global momentum behind an ILO convention on Violence and Harassment (no. 190). Adopted in June 2019 and yet to be ratified by any state, it recognises *all* forms of VAWG in the workplace and offers a definition which includes all workers, irrespective of contractual status, and all places related to 'the workplace'. The convention is unprecedented and creates momentum for collective action to illustrate the various forms of workplace violence and call on governments to ratify and meaningfully adopt the convention.

In 2019, ActionAid UK launched a three-year, multi-country campaign on the VAWG justice deficit, by exploring ground realities and opportunities for change. Our research shows that the justice deficit in each country stems from a particular configuration of social norms, policies, laws and their implementation. In some countries, laws are lacking, while in others good laws exist but implementation is flawed. Elsewhere, laws are weak and so is implementation. Access to justice is not only about ensuring VAWG is sufficiently recognised in the law, but it's also about how the law is perceived and how women and girls experience its application first-hand. The research illustrates the critical role of the women's rights movement in pushing forward legal and normative change in support of justice for women and girls. This report uses a case study of VAWG in the workplace to demonstrate how the justice deficit materialises.

This report looks at the case of Jordan. This year, 2019, onwards, is a critical time for women's rights in Jordan, as it undergoes a social and economic transformation. With a frontline position in the Syrian refugee crisis, Jordan has recently become host to 664,330 registered Syrian refugees and 100,000 from Iraq, Yemen and Sudan. There are concerns about economic stability and public sector service delivery for all, including law enforcement and the courts. Legal caseloads have significantly increased in northern urban centres and legal aid providers are more overstretched than ever in supporting justice for women. This has impacted the likelihood of a survivor visiting a lawyer or lodging a complaint, as well as ensuring fair trials. Under international treaty obligations,⁷ Jordan should ensure the protection of basic rights and civil liberties, including due process and an effective and independent judiciary. The government has expressed its commitment to improve access to justice through various mechanisms including legal reforms.

As Jordan embarks on a journey to increase women's participation in the workforce, the full realisation of their rights, including their bodily integrity and protection from violence should be the ultimate aim. In 2017, the UK Prime Minister and King Abdullah II of Jordan launched a partnership to support Jordan to develop its economy on a sustainable growth trajectory, to bring greater inclusivity and openness – ensuring paths for women into work – and to create a better business environment for trade and investment. Known as the London Initiative, this partnership has struggled to achieve its target of supporting more women into the workforce. This is unsurprising given that the economy is part and parcel of a patriarchal system that fails to recognise, reduce and redistribute women's unpaid care and domestic work or challenge the numerous barriers against the full realisation of women and girls' economic rights.

Despite relative gender equality in educational attainment, only 15.8% of women in Jordan enter the workforce. They face unique barriers including poor, unsafe public transport; gender norms, like expectations to stay at home or the type of work women can/should do; and anxieties about women's safety at work. The London Initiative and Jordan's 'Vision 2025' plan recognise the need to overcome this gap to achieve stable and sustainable economic growth. They aim to increase women's labour force participation to from 15.8% to 24%.

ActionAid UK and ActionAid Arab Region conducted research to explore the realities of access to justice for women and girls in Jordan. It investigated the legal framework and system, as well as the lived experiences of those who have used it. This report shares the findings, including a case study, and focussed analysis of VAWG in the workplace.

The process included five stages of research and analysis between November 2018 and July 2019. A detailed explanation of the methodology can be found in **Annex 1: Methodological Note (p: 34)**. In summary, the research and analysis included:

- i) **A desk-based literature review, exploring relevant law, policy, research, mobilisation and advocacy**
- ii) **Focus group discussions (FGDs) with 100 Jordanian residents (80% women), including Syrian refugees in two regions of Jordan: Karak and Zarqa**
- iii) **Key informant interviews (KIIs) and follow up conversations with 10 stakeholders across lawyers, legal aid organisations, trade unions, women's rights activists and frontline VAWG workers**

- iv) **A survey, in partnership with five trade unions and the Ma'al Centre, of 2323 workers (85% women), as well as migrant workers in eight industrial zones: Karak, Zarqa, Amman, Aqaba, Irbid, Dlail, Madaba and Sahab**
- v) **Participatory analysis of the findings – consulting key stakeholders – to develop recommendations.**

This report is laid out in four sections. The second section focusses on the evolution of the governance and policy framework in terms of justice for women. The third section describes the justice deficit that still exists despite these shifts. It illustrates the key findings of our research on justice for women affected by violence in Jordan. The fourth section draws out the conclusions of the research and the fifth provides recommendations to promote access to justice for women in Jordan.

Part 2 JUSTICE FOR WOMEN IN JORDAN

The Kingdom of Jordan has focussed, somewhat, on the issue of VAWG over the past two decades. It has instituted procedural, administrative, judicial and legislative measures. Still, there is space for strengthening the approach by working closely with the women's rights movement to ensure that some women and girls don't continue to fall through the cracks due to social, institutional and material barriers. The role of international conventions and obligations is significant. In the lead up to the agreement of the ILO Convention in 2019, there was much speculation about whether Jordan would agree to it in principle. The minister was unable to attend the plenary when the convention was passed and there are currently no clear signals about whether the government plans to ratify it.

Jordan did ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 and continues to submit periodic reports, the latest being the sixth in 2015. These discuss the progresses and challenges in implementing the committee's recommendations. Notable in the sixth report is the emphasis on the government's work to tackle VAWG in refugee populations, but less attention is paid to addressing the problem in broader Jordanian society. Key Civil Society actors responded in 2016/7, raising concerns about the legislative framework and its implementation leading to discrimination against women in multiple ways.⁸ In terms of VAWG, a CEDAW 'shadow report' prepared by over 93 women's rights organisations argued that despite improvements in the laws with regards to protection from violence, that implementation has been weak, and that the laws still need to be strengthened to prevent and provide justice for sexual harassment.⁹ The committee therefore called on Jordan to ensure legislation was fully updated to remove all forms of discrimination against women. Further, it called on Jordan to deliver capacity building of all justice sector stakeholders on the application of international legal norms and standards relating to women's rights, and to make information on the laws, services and rights available in Arabic to all women and girls.¹⁰

2.1 Jordanian legal framework on violence against women

History shows that collective action is key to advancing women's rights.¹¹ Jordan's legal system

is evolving towards justice for women and girls affected by VAWG, largely due to the collective efforts of the women's rights movement and legal aid professionals. But there are still significant gaps.

Currently, VAWG matters are largely mandated to the civil courts under the **Penal Code, Protection from Domestic Violence Law, Labour Law, Cyber-Crime Law and Telecommunications Act**. To understand how these laws work and what leads to a justice deficit for survivors, it is first important to clarify the different legal systems, which are mapped in Figure 1. Jordan has two formal systems – i) **the state legal system** and ii) the **Shari'ah** (Family/Personal Status Law) system. Under the legal framework, most VAWG cases should be referred to the state legal system (civil and criminal courts). This may not always happen in practice as some may be referred to Shari'ah courts since they are deemed 'family matters'. Jordan historically had **traditional legal systems, rooted in 'Wasta' and the practises of al Ashira**. While traditional systems are no longer a formal part of Jordanian society, the culture, values and norms still are, which directly and indirectly impacts the formal legal systems.¹² Sometimes, in the most traditional parts of Jordanian Society, VAWG cases are dealt with by a traditional council of al Ashira (Wisata or Jaha), who determine what justice will look like in an informal way. Positive shifts have happened in the legal framework, but there are still challenges for access to justice in terms of the relevant laws, which are made more complex due to the interaction of the legal systems and the penetration of the systems by traditional justice culture and norms.

State legal	Personal Status Law
<ul style="list-style-type: none"> • Formal • Civil law • Criminal law • Constitutional law 	<ul style="list-style-type: none"> • Formal • Personal Status Law as it applies to Muslims (Shar'iah) and Christians e.g. marriage, divorce, inheritance, custody; al diyeh (compensation paid to the family of a murdered/ manslaughtered person) and Islamic waqf (religious endowment)
Responsible institutions	Responsible institutions
<ul style="list-style-type: none"> • Civil courts • Criminal courts • Constitutional courts • Courts of Special Jurisdiction 	<ul style="list-style-type: none"> • Shari'ah courts

Figure 1: The formal legal systems in Jordan

Legal reforms have demonstrated some commitment from the state to advancing gender equality and responding to the concerns of the women's movement. Jordan's new **Protection from Domestic Violence Law (2017)** was adopted after critique of its 'Protection from Family Violence Law' from the Kingdom's first Protection from Family Violence Act in 2008. In this framework, the VAWG concept was primarily understood through the lens of family relations and the primary authority was the Family Protection Department (under the Public Security Directorate). While the law was a step forward for protecting some women from violence, the women's rights movement and legal analysts called for amendments to ensure it fully captured the scope of VAWG and those affected.¹³

Firstly, the law emphasised the maintenance of the family unit rather than the survivor's needs. Its priorities were "to maintain family ties and reduce the effects of penal procedures to be followed on commission of a crime among family members".¹⁴ While steps were taken to protect survivors from further short-term violence (e.g. a protection order for a maximum of one month), the focus remained on reconciliation: "preference shall be given to referrals to 'family reconciliation committees' prior to taking any protective measure stipulated in this Act".¹⁵ More concerningly, it granted the Family Protection Department, rather than a prosecutor or judge, authority to halt prosecution of domestic violence suspects if a settlement is reached by a committee.¹⁶

Secondly, women's rights activists and legal experts noted the absence of a clear definition of domestic violence.¹⁷ The law considered domestic violence as only that which occurs 'at home'. By default, this excluded those who were un-married and/or those subject to VAWG at the hands of those outside the family home. While the law importantly stipulated referral responsibilities for frontline service providers (e.g. healthcare), it was still dependent on the survivors to know their rights and to report themselves.

In response to sustained campaigning by the women's rights movement, the law was amended in 2017. Renamed the **Protection from Domestic Violence Law**, amendments included: abolishing family reconciliation committees, expanding the definition of family members and calling for courts to deal with domestic violence cases as high priority.¹⁸ A further amendment introduced mandatory reporting of violence known to health, education and social service providers. However, it does not protect unmarried women or former spouses. Nor does it (or any law) protect women from rape by their husbands. Furthermore, it still does not define

domestic violence clearly. It defines it as the 'crimes' that have happened within the domestic sphere, without mentioning the kinds of violence that are considered domestic violence. The law in fact then refers lawmakers to the crimes listed under the Penal Code. Since there are many forms of VAWG that are still not considered as crimes under the Penal Code, this leaves women and girls without protection and justice for a range of forms of VAWG, undermining their human rights.

In addition to the Protection from Domestic Violence Law, other legal frameworks include articles that are relevant to the protection of survivors of VAWG and their access to justice.

1. The Jordan Penal Code:

- Rape of a woman or girl (article 292);
- Rape of a vulnerable woman or girl (article 293);
- Attacking, with or without violence or intimidation, the 'honour' of a person (articles 296/7);
- Sexual contact with someone under 18 years or a person over 18 without consent (article 305);
- Exposing a child under 18 years, or a woman over 18, to 'indecent' acts and words (article 306).

The Penal Code covers capital crimes: those classified as against the state. Physical forms of VAWG are largely captured. Non-physical forms of VAWG, including coercive control, psychological violence and (non-physical) sexual harassment, are barely covered and the concept of 'indecent' and 'honour' remain open to individual interpretation. Sexual harassment is loosely referred to in article 306 but it is not named, and it needs to be named clearly in order for it to be penalised under the law. According to women's rights advocates, some articles within the penal code reinforce gendered social norms around family honour.¹⁹ Thanks to pressure from the women's rights movement, the Penal Code was amended for the 27th time in 2017 to toughen sentences on some perpetrators of VAWG: for example, they increased sentences for article 306 and included prison sentences for anyone over the age of six who perpetrates indecent acts – directly or indirectly – through words, phrases and gestures. However, despite tougher sentences, this has not necessarily translated into justice for survivors of violence.

Where gaps have emerged with the digitisation of society, the law has also evolved. Although it is certainly not clear enough to wider society, aspects of VAWG can be captured within the

Telecommunications Act (1997) and the Cyber Crime Law (2015).

2. The Telecommunications Act:

- sharing private messages is forbidden (article 71);
- sending or forwarding threatening or abusive messages or messages 'contrary to public morals' (article 75.a.);
- and intercepting others' communications (article 80).

3. The Cyber Crime Law:

- interfering, intercepting, altering someone's communications or creating a false identity of someone online (article 4);
- publishing pornographic materials or the sexual exploitations of someone under 18 years or someone vulnerable, or using technology to exploit them sexually (article 8 A, B, C);
- defaming a person/organisation through cursing or talking about them in negative ways that can affect their reputation (article 11)
- or using cyber technology to commit illegalities as per other laws (article 14).

According to the Sisterhood is Global Institute (SIGI), **around 90% of the survivors of cybercrime are women and girls.**²⁰

4. The Crime Prevention Law (1954, CPL) gives considerable powers to governors, allowing them to put people who are perceived as a threat to national security in 'administrative detention'. Article 3 of the law mentions that the governor has the right to put in detention:

- Any person who is found in a public or private place in circumstances that convince the District Governor that he is about to commit, or help in committing, crime.
- Any person who is involved in banditry, theft or the possession of stolen money, is involved in protecting or harbouring thieves, or helps hide or dispose of stolen money.
- Any person whose release without bail might be dangerous to people.

Although the article does not mention threatened women and/or survivors of VAWG, there has been a trend of governors putting them in what they call 'protective custody', justifying it as a measure to keep them safe from violence. This practise in fact goes

against the law, which does not provide any legal basis under which women may be detained for their own protection.²¹

5. The Labour Law (1996) is a critical area of legislation for VAWG. The issue of sexual harassment in the workplace is limited to Article (29/A/6): *"the employee may quit work without notice and still retain their legal rights for the termination of service as well as the damage compensation accruing in any of the following cases: 6) If the employer or his representative assaults them during or because of his work by beating, degradation or any form of sexual assault punishable under the provisions of the legislation."*

It provides some compensation to workers facing certain types of harassment and assault. Some assault cases can then be pursued through the Penal Code, Cyber Crime and Telecommunication laws. The law does not prohibit all types of sexual harassment (see section 4 for more discussion on the Labour Law).

Article 29/A is problematic in three key ways: firstly, it indirectly places the responsibility on the survivor because it 'allows' them to leave the workplace without notice under the law, rather than enforcing penalties on the perpetrator or organisation. It does not use the term 'sexual harassment'. Secondly, while some cases reported to employers can then be pursued under other laws (e.g. the Penal Code, Telecommunications Act or Cyber Crime laws), not all sexual harassment behaviours are accounted for under those and the term 'degradation', that is used in article 29, remains ambiguous and open to interpretation. Non-physical forms of harassment are not fully covered under any law, some examples being: quid pro quo offers of sex in return for career advancement, gendered and sexual jokes and innuendos and unwelcome advances and hostile treatment after they are turned down.²² Finally, the Labour Law just talks about degradation and violence when committed by the employer and whoever represents the organisation. This does not cover the range of potential perpetrators, including other employees or clients and affiliates of the organisation. This is a significant blind spot.

The International Labour Organisation (ILO), women's rights organisations and labour rights movements have called for amendments to the Labour Law for years, to promote decent work overall and to ensure that VAWG – and particularly sexual harassment – is properly accounted for.²³ Reflecting broader debates on VAWG in Jordanian society, VAWG at work has become a contested topic.

2.1.1 The ILO Convention on Violence and Harassment in the Workplace

As mentioned in section 1, the women's rights movement has been successful in advocating for amendments in the Labour Law. These cover a broad spectrum of issues related to women's rights and gender justice, but they have not focussed on amendments relating to sexual harassment at work. **The convention defines violence and harassment in the broadest sense**, including "a range of unacceptable behaviours and practices" that "aim at, result in, or are likely to result in physical, psychological, sexual or economic harm". This definition allows for incorporation of the more 'contested' forms of VAWG including non-physical forms of sexual harassment, emotional abuse and coercion. It also recognises that there is a link between work and domestic violence and the Convention commits to measures that can contribute to ending domestic violence. The convention also uses other key concepts in the widest sense, firstly the 'workplace', broadening it out to include the commute to and from work. Secondly, it uses a wide definition of 'worker' – referring to **all engaged in work** (including third parties) irrespective of contractual status. The convention was adopted on 21 June 2019 and is due to be ratified by June 2020.

The convention puts responsibility on governments and organisations to take reasonable steps to:

- protect workers and mitigate violence and harassment through policies and procedures;
- ensure strong monitoring and evaluation mechanisms;
- create safe environments for survivors to report;
- provide access to remedies and to justice for survivors;
- build awareness within the workplace through tools, guidance, education and training.

2.2 Mobilisation and collective action

Longitudinal, multi-country research shows that the single most effective measure in the reduction of violence against women is the mobilisation of women's movements in feminist action.²⁴ As discussed earlier, in Jordan, the collective action of women's rights organisations and activists has been critical to shifting the policy, legislative and normative environment. In addition to influencing the creation of the **Protection from Domestic Violence Law**, the women's movement has achieved:

- **The abolishment of Article 308** of the Penal Code, which allowed rapists to avoid prosecution if they married their survivors. This article is a good example of how traditional norms have influenced the formal legal system, since the article is in a chapter of the penal code that is focussed on "offences against honour and public morality". Defenders of the article argue that it is there to defend the reputation and lrd of the survivor, to ensure she will be able to marry and to discourage people from pursuing sexual relations outside of marriage. Organisations like (SIGI) contributed considerably through efforts like their three-year campaign, 'Najat'.²⁵ Led by research which raised survivors' voices, it engaged stakeholders on the rationale and assumptions underpinning the article. A coalition of 100 CSOs used this to call for the article's abolishment, complementing the recommendations of the UN's 2013 Universal Periodic Review. In 2017, the article was abolished by the Parliament's Lower House. Article 98, which allowed reduced penalties in some cases of femicide, was also amended. However, mitigated sentences are still allowed for those who murder spouses discovered committing adultery. The coalition formed a committee to address legal loopholes in the absence of Article 308.
- **The amendment of the legal age of marriage in "exceptional cases"**. The minimum marriage age is 18, however this could be lowered to 15 years old by a judge in "exceptional cases". A coalition of 60 women's rights organisations produced a position paper on rape-related issues in Jordan.²⁶ They argued that the exception rule amounts to child marriage and accounts for about 14% of registered marriages, meaning it was not being practised exceptionally. They called for a minimum age of 16. Activists like Hala Ahed, a lawyer and representative of the Jordan Women's Union, and Salma Nims, from the Jordanian National Commission on Women, engaged the media and parliament to share concerns. Eventually Parliament voted to raise the minimum age to 16 in 2018, a move approved by the Senate and the House of Representatives. Attempts to raise the minimum age further have failed in 2019.
- **Amendments to the Labour Law to reduce gender discrimination**. Recently, women's rights activists, through several organisations (e.g. SADAQA) and coalitions (e.g. 'Coalition Rights'), lobbied the government to reform various aspects of the Labour Law. This includes: pay equity; making it mandatory for employers to provide childcare services to mothers and fathers alike, introducing flexible work opportunities, endorsing codes of conducts to ensure the safety of the

workplace and public transportation. The coalition proposed these amendments to Parliament in 2013 and continued to put pressure on lawmakers to institute them over seven years. Eventually, in early 2019, Parliament passed the amendments.

Despite the above wins and improvements realised through collective action, successful implementation and enforcement of legal reforms remains a challenge. Social norms, institutional practices and the lack of adequate budgets are still common obstacles to justice for survivors.

“Women’s rights organisations are operating in a very difficult environment. We are always attacked for our work to promote women’s rights and the process we must undergo to have successes is really difficult and harsh. Despite these challenges, we see that it’s still the women’s movement who have been able to achieve the improvements in the situation of human rights and the rights of women and girls.”

Hala Ahed, legal expert and women’s rights activist

2.3 A complex legal system that fails women and girls

While Jordan transitions towards providing justice for women, an overarching challenge lies in the complexity of the system. Two legal systems and multiple laws can be mobilised to respond to VAWG – and they can overlap and influence each other. Also, because they are all shaped by patriarchal norms and beliefs, they struggle to uphold women’s rights.

In terms of the legal systems, as laid out in Figure 1 (p.5), there are **two formal legal systems**:

- i) the **Civil and Criminal laws** – outlined in the previous section; and
- ii) **Personal Status Law** – these are exceptions to the civil/criminal laws and only concern specific matters of ‘Personal Status’ for Muslims (Shari’ah) and Christians, including marriage, divorce, inheritance, custody, etc. Since most Jordanians identify as Muslim, the Shari’ah courts are more prevalent. Currently, Jordan’s Christian leaders are undergoing a review of the Personal Status Law for Christians.

Women’s rights activists have noted a tension between these systems, which can have negative

implications for women’s rights. While VAWG is covered under the civil/criminal law, it is not widely known in society, and even among lawyers, that VAWG should be dealt with by criminal courts – even if the law is named ‘Protection from Domestic Violence’ – and not the Personal Status Law courts.

This tension contributes to a broader lack of clarity about VAWG and the law amongst the public. For example, a recent study found that 88% of survivors and 84% of perpetrators know what sexual harassment is, but only 70% and 68%, respectively, know that the law penalises it.²⁷ Further, the laws themselves suffer gaps which prevent access to justice. In a 2015 survey of judges, prosecutors and lawyers (JSP), 66% reported that there are penal code gaps that prevent them from successfully prosecuting VAWG.²⁸

In Personal Status courts (Shari’ah) the patriarchy is explicit, since the Personal Status Law is premised on the subordination of women to male decision-making in several spheres of life.²⁹ Even when the Personal Status Law upholds the rights of women, the traditional cultural norms influence how the lawmakers implement it. In some cases, they even move away from the law in favour of a ruling that upholds traditional norms (for example, in some custody cases). However, the patriarchal tendencies in civil/criminal law become clear in the discourse and practise of lawmakers. For example, the passing of the Protection from Domestic Violence Law faced substantial backlash by male politicians who argued it was *“unfit for our society”*. They questioned the relevance for Jordan, because *“So what if the husband struck his wife once or twice?”* and that *“legislators forgot that we are in Jordan, not in Sweden, and we copy and paste laws without being mindful of our identity”*.³⁰

An additional layer of complexity to the workings of the legal systems is the **Traditional justice culture**, rooted in historical norms around how societies and large family networks (‘al Ashira’) operated. This can impact whether a woman or girl even reports VAWG. Historically, society was organised in family or kinship networks, whether from Bedouin, settled Jordanian or Palestinian societies. These networks, called ‘al Ashira’, remain critical to Jordan’s social structures. Al Ashira is organised around a patriarchal concept called ‘Wasta’ – a way of managing relations between groups. It is ultimately a form of social capital, or currency, that mediates how society works and facilitates social networks.³¹ It affects socio-economic, political and family life in myriad ways. One element

of this traditional system is designed specifically for arbitration – ‘sulha’ – and is supposed to steer (male) parties towards a compromise; although it has evolved to be about survival, so those with the highest social standing tend to triumph.³² Another central concept is Wisata, which is a mediator, or mediating group, that is supposed to rule over a case. Both Sulha and Wisata are still utilised in all corners of Jordanian society.³³ Overall, this traditional culture drives gendered social norms and guides the way in which formal laws have been developed and are implemented today.³⁴ This has serious impacts for women’s access to justice.

Underpinning **traditional justice culture** are several concepts which are mostly premised around patriarchal ideas:

- “Assabiya” – ‘solidarity’ and collective responsibility
- “Sharaf” – honour and social standing
- “Sulha” – reconciliation and settlement
- “Jalwa” – removal of an offender and his extended family from an area to keep the peace
- “Atweh” – a payment or truce agreement
- “Wisata” – a mediator
- “Jaha” – a council or delegation of ‘esteemed’ men to judge a dispute.
- “Ird” - a concept held in extremely high regard, with special implications for women’s access to justice. ***“Ird means honour, but specifically in relation to women and most often to their reproductive and sexual lives”. Ird demands a woman’s virginity before marriage and faithfulness after. It demands she uphold a good reputation and be modest in her actions and clothes.***

For more detailed exploration of traditional justice culture and women’s rights, please see WANA Institute (2014) report: *Tribal Dispute Resolution and Women’s Access to Justice in Jordan*

The concept of Ird blames women’s ‘lack of modesty’ if they experience unwanted advances. Not only is the loss of Ird irredeemable, but male relatives are also shamed and called weak and ‘effeminate’. **So, the family Sharaf (honour and social standing) is dependent on Ird – pinning heavy responsibility**

on women, despite her limited decision-making power or control over her life. As one woman in Zarqa commented when discussing why she would not report sexual violence, *“a woman has to know how to behave”*, which demonstrates how deeply embedded and normalised these concepts are in society, despite leading to the infringement of women’s human rights. Women are excluded from almost all traditional cultural processes, even in matters regarding them. At best, their influence is mild and indirect.

Both traditional justice culture and the state legal systems have embedded gendered and patriarchal bias. They do not operate as exclusive systems and the traditional culture informally impacts the legal systems in myriad ways, to the disadvantage of justice for women. As one (male) lawyer we spoke to pointed out, *“The only barrier preventing justice is the patriarchal, the fatherhood, community, which means that it relates to the tribe and the name of the family”*. This demonstrates a major institutional barrier – that **traditional social norms and positionalities bleed into the workings of the legal system**, meaning it is not upholding its own standards as well as its international treaty obligations. Some ways this may manifest are: in preventing women and girls from reporting VAWG, for fear of the implications in terms of shame, stigma and harm; in first responders and police acting with bias regarding the woman’s Ird and Wasta (e.g. convincing a woman not to record a case because of potential implications for her family or al Ashira); even in the way judges and lawyers evaluate the merits of a case. For example, in the prior mentioned survey of Justice Sector Professionals, it emerged that they do not regard VAWG as a systematic issue, despite all the statistical evidence available. The language used within the articles, such as ‘honour’, ‘degradation’ and even ‘assault’, is ambiguous and easily interpreted within the patriarchal frame of traditional culture, Wasta and Ird. As one (female) legal aid representative noted:

“ [The police] will advise her or sometimes push her not to make any claim against [a perpetrator]. Most of the time if there is enough evidence, the man’s family will have a group of people they send to her family asking for forgiveness and... d, this is a tribe’s law actually, this is common in Jordan.”

About 60% of the Justice Sector Professionals interviewed by UN-Women admitted to applying varying degrees of pressure to advising women to withdraw

their case. This was particularly acknowledged by lawyers. This kind of socially normative behaviour is bolstered by the low representation of women in senior legal positions and their complete absence in the Shari'ah system (despite being permitted), since women are not around to challenge the patriarchal mindset that underlies it.

The complexity of the system and the impact of patriarchy and traditional culture on its operation has been recognised by lawmakers. They have addressed it implicitly, due to political sensitivities. For example, the Council of Ministers launched a National Strategy for Jordanian Women for 2013-2017.³⁵ A follow-on element of the strategy is 'JONAP', the National Action Plan for the Implementation of UN Security Council resolution 1325 on Women, Peace and Security. Developed with women's rights organisations, it expresses the intention to "continuously review legislation to eliminate any discriminatory references to women... [and] incorporate further positive measures to protect women against all forms of discrimination and violence".³⁶ In a recent UN review of Gender Justice and the Law in Jordan, covering all areas of legislation, it was concluded that several areas of law "do not provide for gender equality and/or there is no or minimal protection from gender-based violence".³⁷

2.4 VAWG in Jordan

The challenges identified above have impacted the ability of the Jordanian legal system to promote access to justice concerning VAWG. Women's rights organisations have been leading the charge in documenting the prevalence and experiences of VAWG across Jordanian society in order to challenge widely-held resistance to a public recognition and discussion on the issue. The widespread nature of VAWG is evident in the latest statistics, which are briefly reviewed next.

While there is no single figure that can be confidently classified as the prevalence rate for each type of VAWG, studies collectively suggest that:

- approximately **20-27% of Jordanian women and girls have experienced physical violence**;
- somewhere **between 47-88% have experienced one or more forms of sexual harassment**;
- between **20-52% have experienced some form of psychological abuse**;
- at least **5-11% have experienced coercive control** or denial of resources, and;
- around **10% have reported child marriage**.³⁸

Since the majority of VAWG goes unreported, even this triangulation cannot capture the scale of the problem. Nonetheless, the figures are clear that women and girls in Jordan are subject to various forms of VAWG, including physical, sexual and psychological violence, coercive control, denial of resources and sexual harassment. In our focus group discussions with 80 women in Karak and Zarqa, almost every woman expressed having experienced sexual harassment. The majority of them had experienced verbal and digital harassment. A small number of women anxiously shared experiences of physical incidents. Young women explained how they avoid going to public spaces for fear of harassment:

"Market, café, shop, bus station, transportations and the girls avoid buses more than taxis. In the bus, the young men harass girls who feel shy to talk about that. One time, a young man harassed a girl in an Amman bus and the girl told her friends after she left the bus, and I told her why didn't you kick him? Young men harassed her and she kept silent." (Woman, Zarqa)

2.5 VAWG in the workplace

Ensuring that women can work in safe and secure environments is a hot topic of debate. Even before ILO Convention no.190 was adopted, the Jordan Compact (2016), the government's Vision 2025 strategy (2017) and the London Initiative (2017) all put a spotlight on increasing the percentage of women at work. Despite various initiatives to get women into work, minimal progress has been made. So, there is a need to understand and address the root causes of the workplace gender gap. Currently, evidence shows that most women in work are either from female-headed households, which suggests that women tend to work out of financial necessity or when they have the freedom to exercise their own choice about work.³⁹

Our research suggests that VAWG, or fear of VAWG at work, might be a key factor in preventing women from joining the workplace in a sustainable way. This of course is additional to barriers such as the burden of unpaid care and domestic work, as well as discrimination that women and girls all over the world face simply because of their gender.

Firstly, the workplace proves to be just as dangerous for women as other public or private spaces. In our survey with workers, we found that **one in five women have experienced one or more forms of VAWG in the workplace** (see figure 2). This supports the findings of VAWG's prevalence in wider society.

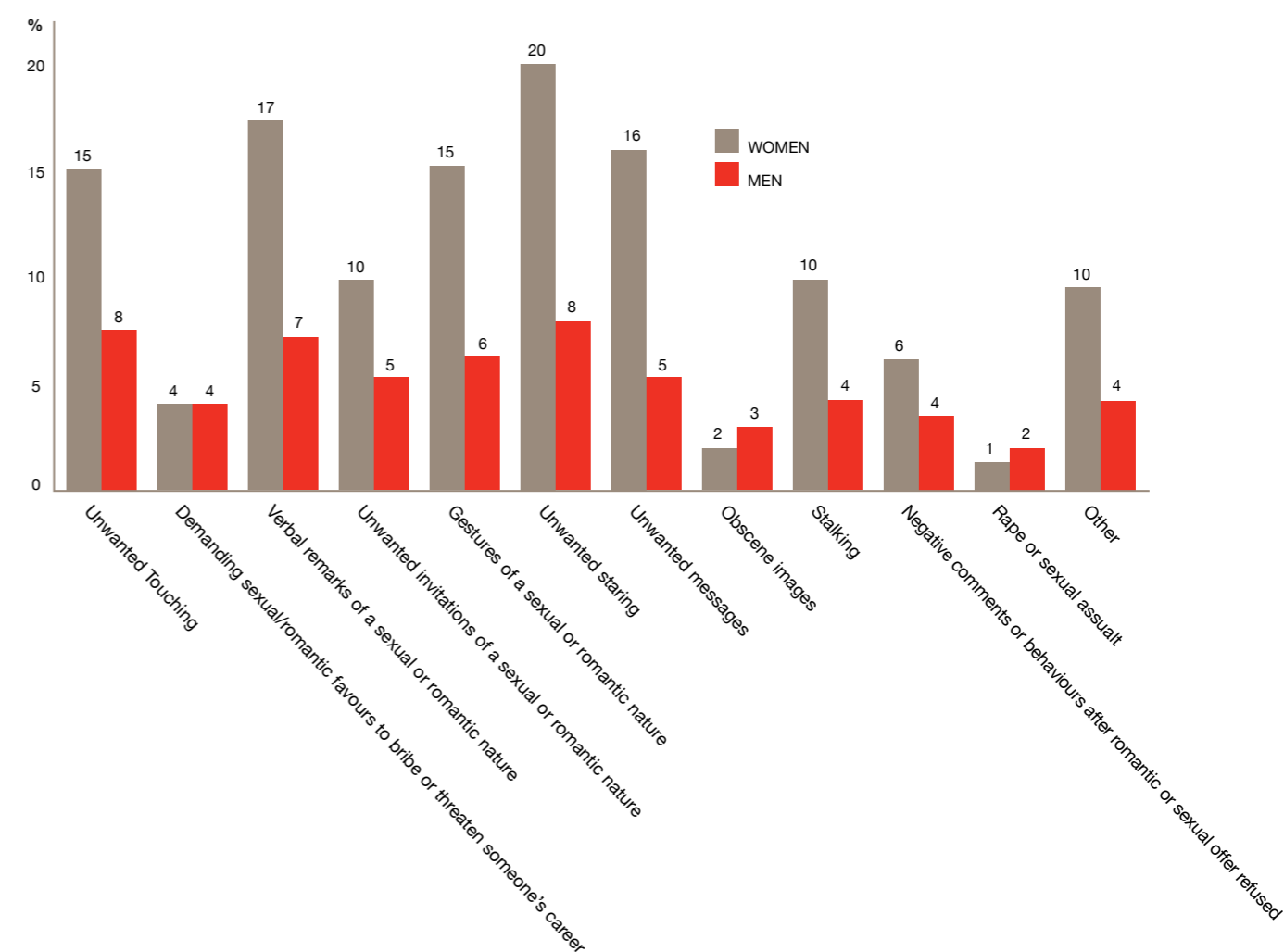


Figure 2: Experiences of violence and harassment in the workplace in a sample of 2001 women and 322 men across Jordan (%).

We learned that women have to face a wide range of violence at work, particularly i) unwanted staring (20%); ii) verbal sexual harassment (17%); iii) unwanted messages (16%); iv) unwanted touching (15%); v) unwanted gestures (15%); vi) stalking (10%) and vii) unwanted invitations of a sexual or romantic nature (10%). Even in the lowest percentage categories, the figures are deeply worrying. For example, twenty women shared that they had experienced rape in the workplace. Given the deep sensitivities and hesitations around reporting, the actual number is likely to be higher.

A clear trend emerged that **the more informal the work,¹ the higher the risk of violence and harassment**. The groups facing the biggest rates of violence at work were interns (25%) and daily wage workers (21%) (see Figure 3). It is important to underscore that most working women in Jordan, especially from poor and marginalised groups, tend

to be found in such informal roles. Further, according to the latest UN calculations, in 2011 (even before the largest influx of Syrian refugees), approximately 44% of the Jordanian economy was comprised of informal work (almost 500,000 people). This highlights the significant scale of women and girls at risk. This research found that – in the largest pool of women at work in Jordan – 21-25% have experienced one or more forms of violence. On the other hand, where women were found in more formal roles, such as those with permanent contracts and in management, only 3-4% reported experiencing violence at work. Ultimately, the causes and consequences of violence and harassment in the workplace need to be understood through an intersectional lens. This recognises that different axes of oppression and discrimination (e.g. inflicted by racism, poverty, exclusion on the basis of citizenship, patriarchy, classism, ableism, etc.) overlap to create unique vulnerabilities.

1. Informal work is that which is not formalised by contracts or agreements, meaning the employee has no protection under the labour law. This can include a range of 'daily-wage work', for example factory work, service work (i.e. in restaurants, hotels) and domestic work that is paid cash-in-hand.

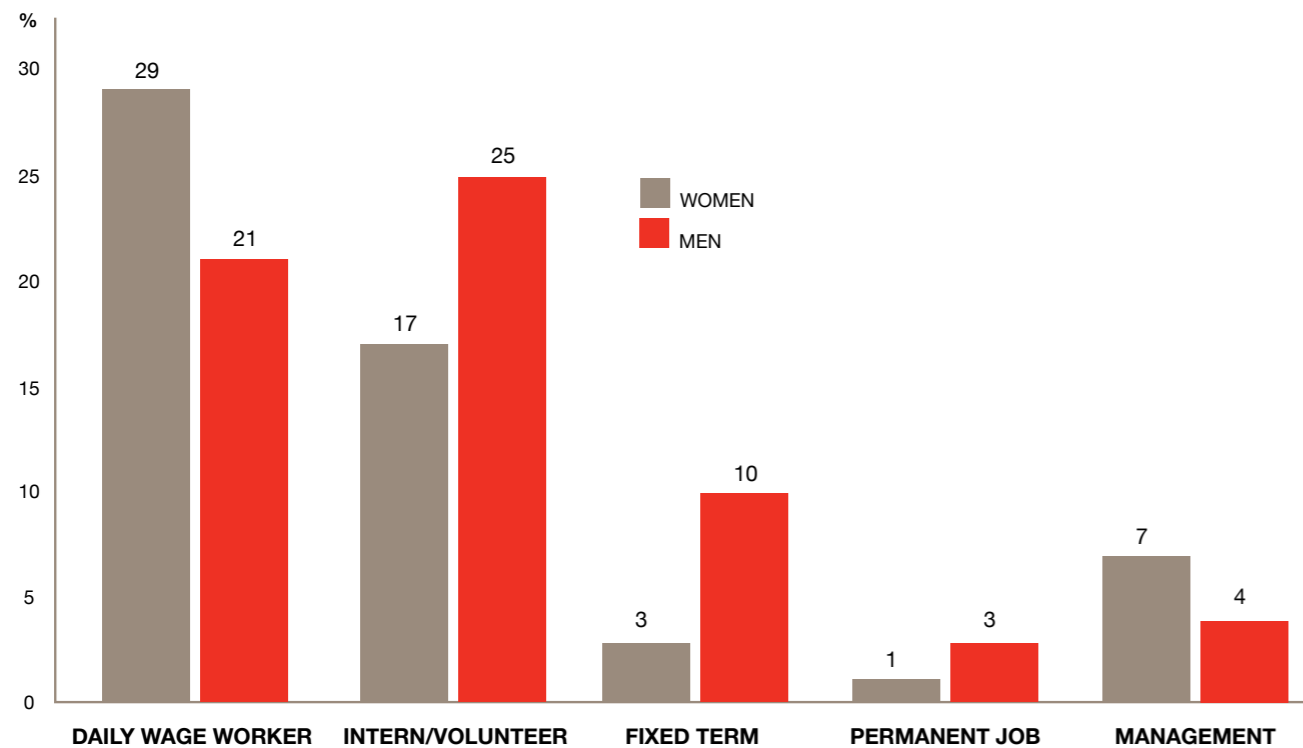


Figure 3: Experience of violence and harassment by work security/precarity (%)

This intersectionality is also demonstrated by the fact that experience of violence at work was most reported in the age category of **25-39 year olds** and the nationality category of **Arab migrants**. One in three Arab migrant women reported experiencing violence in the workplace. These results tell us that any initiatives to increase safety and security at work should be developed with an intersectional approach to ensure that risks that are unique to specific groups of women are mitigated.

A further key finding is that there is a serious **risk of VAWG outside of the official place of work**. Women answered that 40% of the time, violence and harassment occurred on the way to and from work. This finding is relevant to the ILO Convention, which emphasises that governments and organisations should take steps to ensure protection from VAWG on the commute. It is supported by a previous study, by SADAQA (a women's rights organisation focussed on labour rights), which found that 47% of Jordanian women have turned down jobs due to lack of viable public transport.⁴⁰ It is further supported by ActionAid research on women's safety in 10 cities across Asia and Africa, which found that transport is a major concern for women and that gender-responsive public transport would have innumerable benefits for women's access to services, decent work and ultimately their rights.⁴¹ The impacts of unsafe transport emerged as massive; for example, in Sao Paulo, 97% of women reported always or

sometimes changing their transport route to avoid harassment and violence. The anxieties around using both public and private transport came out strongly in our FGDs, where women repeatedly expressed concerns about safety from harassment and violence. As one woman in Karak described, they have to take careful precautions when taking transport: *"if we had no choice but minibus, we have to choose the suitable minibus... the driver should be an old man, and the windows shouldn't be covered with curtains"*. If the government of Jordan and employers are serious about increasing the numbers of women in sustainable work, they will need to make significant investments to ensure public and/or private transport is safe for women.

The usual place of work remains a significant risk area for women – it was reported to be the second most prevalent location of VAWG (22%) followed by locations outside of the usual workplace (12%). Further, we learned that violence in the workplace is perpetrated by men at all levels of the hierarchy. These means that even if steps are taken on the issue of transport, this should not take any focus off addressing violence within the institutions themselves.

The need to address violence within all levels of institutions is illustrated by the finding that **29% of women kept silent about the violence and harassment they experienced**. When we explored this gap, we learned that **17% feared that revenge would be taken against them**. Women were also

worried about having to remember and recount their experiences; the social consequences of reporting, like stigma and shame, not knowing exactly what to do and deciding that the consequences of reporting are not worth it. While no men who told us that they had experienced violence at work resigned as a result of the experience, 14% of women survivors told us that they did resign. This corresponds with the findings of a Jordan Women's Union study (see Box A) and shows how violence and harassment are directly causing women to leave the workforce. Even if policies and procedures are in place to respond to violence and harassment, there is a gap in trust in them. Through qualitative exploration, we learned anecdotes where women reported violence and were then blamed by their employer and about cases where women were dismissed from their jobs as a result of reporting.

The above results are echoed in recent studies on the gender gap at work. There are various theories around why the percentage of women at work is not increasing. REACH and UN-Women, in a study of 609 Jordanian and Syrian women, found that most Syrian women chose not to possess work permits for various reasons, including their perception

about poor work conditions.⁴² This is also reflected somewhat in the Jordanian population, since 51% respondents were dissatisfied or very dissatisfied with women's work opportunities. Research on workplace practises from Arab Renaissance for Democracy and Development (ARDD) found women employees are subject to multiple discriminations including: discrimination based on the belief that they are less able than men to perform jobs, their suitability only for certain jobs and discrimination based on irrational gendered prejudices. As a result, most companies were far less likely to employ women than men.⁴³

Women's rights organisations and INGOs have brought the issue of VAWG to the forefront. ARDD, a leading legal aid provider, argues that: *"the prevalence of sexual harassment cannot be understood without considering gender inequality and the negative perceptions of female employees in the workplace that such inequality engenders, since sexual harassment often occurs alongside other forms of discrimination"*. Recently, some key reports have emerged which start to build a picture of the prevalence of VAWG in Jordanian workplaces. The key findings are summarised in Box A.

BOX A

VAWG AT WORK: THE STATS

Three key reports were released by civil society in 2018-2019 on women's experience of sexual harassment in the workplace.

Arab Renaissance for Democracy and Development (ARDD) published a **report called *Silent Women*** (2018), which engaged 13 companies and 3,077 Jordanian and Syrian women on sexual harassment. They found that 52% Jordanian and 73% of Syrian women who sought legal consultations for workplace issues **informally reported** that they had experienced sexual harassment. Further, that **those working in the informal labour market are at particular risk** of harassment and exploitation.

International Media Support's (IMC) report on the **Status of Women Journalists at Jordan's Media Institutions** found discrimination and harassment towards women to be widespread; **42% of women journalists surveyed had been physically or verbally harassed** in their workplaces at least once.

Finally, the Jordan Women's Union's (JWU) 2019 study on sexual harassment and work found that 82.4% of Jordanian women had been subjected to one or more forms of sexual harassment in the workplace.

Despite high rates of sexual harassment at work in all three studies, there was a huge reporting gap also highlighted. In ARDD's and IMC's studies, respectively, 77% and 64% did not report their experiences of VAWG because they did not trust the processes of reporting and were concerned about negative consequences in terms of their social standing, careers or safety. **No woman** who reported sexual harassment to ARDD lawyers wanted **to pursue cases of sexual harassment legally**.

The JWU study also demonstrated the **links between experience of VAWG and withdrawal from work**: where 10% of women who had withdrawn from work attributing VAWG as the direct cause, and 80% of those who had withdrawn having experienced VAWG at work.

VAWG – in all its forms – is a **widespread issue that permeates all areas of Jordanian society**. Whether in the workplace, other public spaces, at home or a combination – the evidence is clear. Moreover, there is a significant justice deficit for women and girls who have experienced VAWG. A comparison between the numbers above and the number of prosecutions in the Jordanian courts clearly demonstrates this. For example, up until the end of 2017, only 14 cases of sexual harassment had led to prosecution.⁴⁴ Over half of the Justice Sector Professionals surveyed by UN-Women did not think that current government efforts to tackle VAWG were enough. To promote better justice for women, there needs to be a clear understanding of survivors’ lived experiences and intersectionalities in the broader landscape of ‘justice’. The next section looks at the barriers faced by women when accessing justice.

Part 3 THE JUSTICE DEFICIT IN JORDAN

In Jordan, justice is out of reach for most women and girls because of a series of social, institutional and material barriers that stem from patriarchal norms, legal and institutional complexity (as discussed) and the fact that most women do not have an independent income. Our research has helped build a clearer picture of the impunity and the barriers to justice.

3.1 Facing the problem

Despite clear evidence that VAWG is a widespread issue in Jordan, there is an ongoing societal debate about whether or not that is really the case. In a famous TV exchange, a former Member of Parliament condemned a young woman for sharing her experience of sexual harassment, shouting, *“Jordanian girls don’t act like this... I have the right to defend my country... you are tarnishing the image of Jordanian women, the Jordanian woman is honourable. This experience is not true”*.⁴⁵ Women and girls face deeply embedded (and normative) resistance to sharing their experiences of VAWG.

Women’s rights activists have repeatedly raised concerns about silence and denial across Jordanian government and society. The National Commission for Women (JNCW), Sisterhood is Global Institute (SIGI) and UN-Women research on sexual harassment in Jordan was launched with the expressed aims to start a public discussion on an issue which has faced *“resistance, denial and underestimation of its presence as a social*

phenomenon, and victims still face a culture of blame and bear the burden of proof. This has led to decades of ‘silence on the gravity of harassment’”.⁴⁶ They argue that the culture of denial, silence and shaming has serious social, economic and political repercussions that force women into seclusion and hold them back from participating in political and economic life.

The majority of survivors refrain from reporting. Many in society deny the problem and blame survivors. As a result, there are still significant gaps in ensuring access to justice for women and girls. The following sections demonstrate the lived experience of these gaps from our research.

3.2 The social barriers

Social barriers are norms, expectations, relations and social institutions that prevent women and girls’ access to justice. They are widespread and deeply entrenched globally. For instance, UN Women followed the legal journeys of eight survivors in Jordan and found, without exception, strong social barriers including opposition by their families and social circles when they expressed intent to file a report.⁴⁷ One survivor was disowned by her family for proceeding.

Our research confirmed social barriers as paramount and identified the following key issues:

	Issue	Consequence
Social barriers	Men downplay the presence and impacts of VAWG in Jordan	Scale of the problem is not accepted in the society
	VAWG is normalised	Lack of recognition and reporting
	Society stigmatises and shames survivors	Fear and resistance to report
	Traditional culture and its norms take precedence	Highly gendered, patriarchal analysis of the problem, prevents reporting
	Women lack confidence in protection and legal services	Fear and resistance to report; lack of trust in authorities

i) Men downplay the presence and impacts of VAWG in Jordan

Before women and girls are acknowledged as survivors, they often face denial of the problem by the most powerful people in society. Almost all the

men we spoke to downplayed the impacts of harassment on women’s safety. Women were deeply concerned about the safety of women and girls, as well as their attainment of wider rights (e.g. education) and quality of life. Men tended to minimise their role as perpetrators of violence by blaming ‘outsiders’, ‘unemployed’ or ‘unmarried’ men. But, as demonstrated in prior research as well as the survey and FGDs, the perpetrators are men from all parts of society.

Even if men acknowledge sexual harassment as a phenomenon, women then face challenges about what that means in practise. Women told us about the wide range of behaviours they have to face in their daily lives. They spend their lives making calculations about how to avoid verbal harassment, hand gestures, staring, unwanted texts and calls, physical abuse and more. They told us that this calculation often leads them to avoid work: *“the employer takes advantage of his female employees and he harasses them, giving them money to make sure that they will not make any troubles”* (Zarqa). In contrast, men who took part in our FGDs (especially in Karak), said that harassment instances are rare, largely verbal and digital, not that serious and mostly perpetrated by outsiders. Men evidently minimise the issue.

Male lawyers and trade unionists did acknowledge the existence of sexual harassment but expressed concerns that some women may lack awareness of this from a legal standpoint.

“The woman doesn’t know if this is sexual harassment or not. In some cases, the boss says to the girl: oh, you look very beautiful today, or your body or something like that. Sometimes she doesn’t know, sometimes she is afraid. It’s also different if it happened once or if it was repeated. So, before the law, we have to raise awareness, the cultural issues, study and research as you do now” (Trade unionist)

Social norms and beliefs allow men to downplay instances of VAWG. Their consequences force women and girls to **deal with problems silently**, to avoid bringing disrepute to their families or the broader image of Jordanian society. This has inevitable knock-on impacts on justice for women. For example, research from Arab Renaissance for Democracy and Development (ARDD) and The Hague Institute for Innovation of Law (HiIL) on justice

with 6,000 Jordanians found that, while 71% women displayed high trust in the courts, both women and men agreed that ‘self-help’ is the most effective strategy for dealing with VAWG.⁴⁸

ii) VAWG is normalised

Despite there being robust evidence on VAWG as an endemic issue in Jordan, the women and men we spoke to as part of this research minimised instances of all forms of violence, including physical violence. Most participants went as far as to state that physical violence was rare. Yet, at the same time, they referred to examples of domestic violence. Two women in Zarqa recounted a domestic violence incident where a neighbour was thrown from a second story window: *“Thank God that nothing serious happened to the woman... some kind people carried her in the night... she had some fractures[and hurt her skull]... I mean that it was mild”*.

Academic research asserts that this normalising of VAWG is one impact of deep patriarchal, heteronormative and misogynistic ideas about men’s sexual needs and compulsory heterosexuality.⁴⁹ Women may attempt to minimise the problem in the knowledge that the wider, patriarchal context does not promote justice and may not be safe for them to report in. Until VAWG, in all its forms, is acknowledged as a problem and a gross violation of a woman’s rights, women and girls will never feel safe to report it. One (female) legal aid representative emphasised this as *the* major barrier to accessing justice:

“[VAWG is] extremely under-reported. To give you an example, we interviewed 100 women [accessing legal aid and] in 80% of cases there was some kind of abuse. You know. And it wouldn’t be reported. It is very normalised somehow. The breaking point was not that her husband was beating her... it was when other factors came in to play. For example, ‘when he refused to take my son to the hospital, that’s when I decided to take legal action’.”

iii) Society stigmatises and shames survivors

Women and girls are prevented from reporting VAWG because of the normative consequences of patriarchy and Wasta. Men and boys revert to denial of and ignoring the problem because they argue that women will ultimately be the loser if any action is taken. This demonstrates the culture of promoting reconciliation

and protecting the girl's lrd, to shield the girl and her family from societal backlash. If a woman experiences VAWG in Karak – a more rural and traditional society than Zarqa – her community is likely to solve the dispute through traditional justice practises (such as Sulha and Wisata). Men use peace and security concerns to justify this: *“If the issue happened one time, she doesn't make a big deal of it, since she will fear that the issue can lead to very big troubles or even murders, so she ends the issue immediately”*.

For women, the stigma around even mentioning an experience of VAWG, let alone reporting it to authorities, is deeply troubling. They fear social consequences, even 'scandals', in terms of their standing in society and their relationship with their family. One participant dropped a legal case when she felt the stigma was too much to bear. Those in work or education also have the fear of dismissal – especially if the perpetrator is senior to them. Family and friends most often encourage them to stay silent.

Other women are fearful of the potential backlash in terms of their physical safety and bodily integrity. This might come at the hands of their husbands or another male if she reported VAWG. One woman from Karak recalled an example of a vulnerable survivor facing further violence: *“There was this girl who had some mental health issues and used to walk far distances. People said she was being subjected to harassment. Her family locked her up and beat her up. They didn't go to court but kept her locked up and beat her”*.

Government and civil society-led reports found similar trends: the DHS Survey reported that only 7.8% of women who had experienced sexual violence by a spouse, and 17.4% who had experienced physical violence by anyone, stated that they would seek help.⁵⁰ The JNCW/SIGI study found that only 18% of survivors reported and **25% were afraid to report**. Even when women and girls do seek help from civil society, **they tend to decline referrals** to other service providers, especially security and legal ones. The GBV-IMS data shows that 66% declined referrals in 2018.⁵¹

These findings, though troubling, are unsurprising in a context where women and girls are blamed for experiencing violence against them. Most men in the FGDs blamed women survivors for the way they dress and conduct themselves in public space and held their belief despite being confronted with evidence to the contrary. As one man conjectured:

“The woman should respect the freedom of others, so she should take into account her clothes, her behaviours, or her way of talking. All of that should be proper and decent. We should blame the young men, but at the same time if the woman did not open the door to him, he will avoid her. There are many women in the street, why would the young man choose a certain woman? He chooses her because she does something wrong.”

iv) Traditional culture and its norms take precedence

Even if there were adequate formal systems in place for women and girls to access justice, traditional norms divert survivors away from them. The impacts are severe because al Ashira and its organising concepts are deeply patriarchal and put men and their communities' needs before women's. Women and men articulated several ways that the impacts of traditional culture prevent access to justice. Firstly, since women are expected to be silent and uphold their family's honour and social standing, women are highly unlikely to report VAWG anywhere. Secondly, if a survivor did choose to report, in Karak at least (the most traditional and ethnically homogenous community that we studied), she would be much more likely to mobilise the traditional justice culture because she (or her close confidants) would be terrified to be the subject of local gossip. Women and men in Karak underscored that the decision to utilise traditional justice culture practises – such as Sulha and Wisata – enters her into a process where she will have no voice, where men will speak on her behalf and where her needs will be considered last.

In traditional justice culture, a survivor must tell her male family members (which can be incredibly difficult), and, on the condition that they agree to take a step towards 'justice', they would take it to a (male) council of elders. This group of men would discuss the issue with the explicit aim of peace and reconciliation rather than justice for her and punishment for the perpetrator. Throughout the process the survivor remains excluded and subject to highly patriarchal, normative discussion about her experiences and possibly her character. Respondents told us that the 'rulings' can include: forcing the survivor to marry her rapist (which is now outlawed in formal law but not in cultural practise), expelling the male (and possibly his family) from the region, 'forcing' the families of the survivor and perpetrator

to reconcile, no punishment for the perpetrator and a backlash against the woman in terms of or her social standing and even in terms of abuse and violence (e.g. restricting her mobility). Despite this, men in Karak asserted that traditional justice is much more effective for women than the state's legal systems.

From a women's rights perspective, traditional justice culture does not protect women or provide justice. It exposes them to discrimination and potentially further violence. The women who were interviewed were hesitant to express an opinion on whether the traditional culture meets their needs. This may be due to fear of repercussions of expressing a critical view. Still, civil society organisations have repeatedly underscored that the traditional justice culture prevents women and girls from accessing their rights.⁵²

v) Women lack confidence in protection and legal services

Women in Zarqa and Karak told us that they lack confidence in protection and legal services. In Karak, where there is more ethnic homogeneity and influence of al Ashira, lack of confidence was widespread. In Zarqa, the social reality is more nuanced because the population is more heterogenous; there is a much larger population of refugees and migrants, rapid urbanisation and more interface with civil society organisations. In Zarqa, traditional culture is more dispersed and there is more exposure to women's rights programming. This brings glimmers of hope in terms of pathways to 'formal' justice.

While women and girls displayed more confidence in the legal system in Zarqa, intention to report

VAWG still remained very low. One way to encourage reporting is through supporting new institutions like the community police. Women in Zarqa told us that the Community Police have interacted with women and men in positive ways that have broken down barriers between women and the police. Several women perceived the community police to be more sensitised to women and girl's concerns around reporting, for example: *“We used to be afraid to go to the police station, but now there is the community police. They go to charities and inform them that the girl or the woman can go and submit a complaint to them and the issue will be treated internally, and no one will know about it. These kinds of courses provided by the community police were very useful for women.”* Strengthening mechanisms and institutions that build women's confidence in the system is a necessary step to overcome one of the most prevalent social barriers to justice.

3.3 The institutional barriers

The second most prevalent category of barriers to justice were institutional. Even where there are formal justice institutions such as the law, security departments and frontline services in place to support women and girls, there are implementation gaps that affect if and how they can be used to pursue justice. This section describes the institutional barriers highlighted through the research. They must be addressed as a matter of priority, since they affect Jordan's ability to fulfil its obligations under international conventions like CEDAW. The barriers that women shared in our research are:

	Issue	Consequence
Institutional barriers	Lack of clarity on legal framework	Lack of awareness on rights and how to litigate effectively
	Implementation gaps	Lack of capacity, awareness and the impact of embedded patriarchy in legal institutions and gender discrimination in legal processes
	Burden of 'intent' and proof	Difficulty in proving a case
	The system re-traumatises survivors and this prevents others from reporting	Withdrawal of a case; Fear and resistance to report; lack of trust in authorities
	Risk of backlash	Cases where women are threatened with perjury if they don't prove their case. Examples where they are in fact convicted with perjury puts others off reporting out of fear
	Gaps in legal aid	Very few women have independent finances, so this prevents access to a lawyer for significant numbers of women
	Insufficient policy emphasis on VAWG in the workplace and link to broader justice system	Prevents women in work from accessing justice and deters others from entering the workforce

i) Lack of clarity on legal framework

The legal framework under which VAWG can be addressed is unclear to women and girls, as well as to broader society, civil society and the legal professions. Only a small number of participants were fully aware of the legal framework and there were broad misconceptions about its accessibility. For example, when asked whether a woman should go to a lawyer to discuss VAWG, one woman in Karak confidently told us that women simply cannot go to a lawyer, except in the case of divorce. No woman in the group challenged this view. This suggests a widely-held belief amongst women that only the (patriarchal) Personal Status Law is accessible to them. As outlined in section 2.3, the complexity of the legal systems and the framework of VAWG-related laws is a significant issue that must be addressed to ensure justice for women. This

barrier was raised by human rights lawyers, as well as the UN-Women study which followed the legal journey of eight survivors.⁵³

For a woman to be protected by the Labour Law, there needs to be amendments and clarification to the general public, according to lawyers. They noted a key weakness in the lack of clarity around harassment and how it links to other laws which cover VAWG. Currently there is only one article that could address VAWG and, even then, the terminology is very vague.

Another area which is largely unclear to the public is the journey a survivor should take towards justice. Even among lawyers and legal aid professionals, there were different ideas about the survivor journey. After deeper investigation and clarification, we mapped the ‘formal’ journey to justice in figure 4:

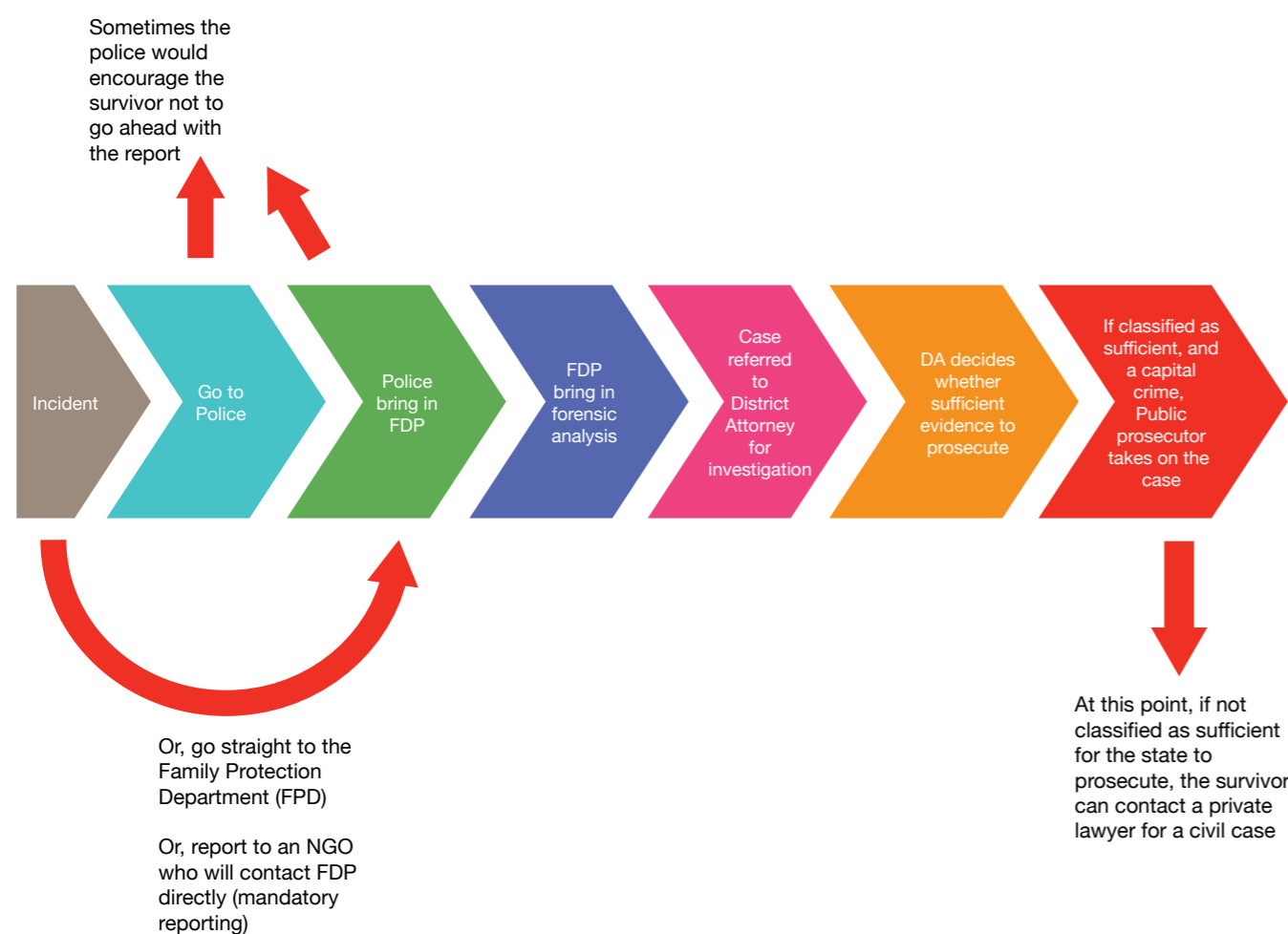


Figure 4: The formal journey to justice for survivors of VAWG

The reality is that there are a multiplicity of informal journeys to justice for survivors of VAWG, which more often than not are taken in lieu of the graph (left). And these journeys tend to be traumatising for women, can reinforce patriarchy and can compound their reasons to withdraw their case and stay silent in future. At all stages of the survivor journeys we discussed with women and men, gendered social norms intervened in the formal legal process and ultimately hindered women’s decision to report or proceed with a case.

ii) Implementation gaps

Women’s rights activists and legal practitioners also expressed deep concerns about the implementation of existing laws relevant to VAWG. While it’s important that laws are ambitious and aim for best practise, they argued that implementation needs resources and political will. Several key informants pointed to the failure to implement other laws which were perceived to be strong. For example, the Juvenile Justice Law – seen to be the most advanced in the world – was “issued perfectly: too perfectly to be implemented, that’s the joke” (female legal aid provider).

The implementation gaps that need to be addressed urgently to ensure access to justice in VAWG include: 1. Legal awareness and the capacity of frontline providers such as police and the family protection department, as well as legal actors, 2. Failure to learn from experience of implementation of other laws or by other organisations, 3. The lack of resource capacity in over-stretched protection and legal service, 4. The lack of checks and balances to prevent social norms influencing the behaviour of protection and legal actors. These gaps emerge at all levels and at each one, survivors are at risk of being re-traumatised and/or withdrawing their case.

One of the key reasons for the implementation gaps is embedded patriarchy – where traditional social norms subconsciously or consciously affect how actors within institutions deal with survivors. As one male lawyer outlined:

“The woman’s clothes have no relation with the harassment! This [thinking] is a disease in the community. There are many laws about harassment, but they only consider it a harassment if physical touching happened and civil society cannot state that there is harassment, because they do not want to upset the tribes; they make the people shut up.”

Women’s rights organisations affirmed that patriarchal mindsets deeply infiltrate the system at all levels, even at the level of judges. These mindsets seriously erode the confidence of women and girls in the system. This was affirmed in the UN-Women survey, where 60% of Justice Sector Professionals admitted to having advised women to withdraw their cases.

Despite endemic patriarchy and discrimination in the judicial system, women’s rights organisations and legal practitioners strongly advocate that women and girls should be continuously encouraged to use the law. Since the law is evolving in response to their advocacy, there is hope that it will continue to evolve to address such barriers to justice. Simultaneously, the state needs to address implementation gaps through a holistic and multi-sectoral approach, as advocated in our theory of change to tackle VAWG.

iii) Burden of ‘intent’ and proof

Lawyers emphasise that, in practise, a case needs to fulfil two components to prove a crime: 1) the material aspect (*the action itself*) and 2) the symbolic aspect (*the intent to do it*). Proving intent and providing evidence emerged as particular challenges. Across the world, this remains a significant barrier in cases, especially with non-physical forms of VAWG. Young women in the FGDs were very anxious about being able to prove their experiences. They explained that they have tried various means to record harassment but doing so has caused more fear about the potential backlash.

A common concern was if the perpetrator had contacts in the police and could use his patronage to have her arrested instead, for example for recording him without consent. As a woman in Zarqa anxiously explained: “The problem most of the girls suffer from is how to prove verbal harassment... The people can either believe her or not. If the girl records the call, he can complain that she recorded his call without his permission, so the case will turn against her. There is no awareness... she has to have evidence.”

iv) Risk of backlash against women seeking justice

An emergent concern shared by women was the potential backlash that comes with pursuing justice. They were especially worried about the legal consequences they might face after reporting VAWG. These concerns were founded on anecdotes that they had heard, where women who reported violence against them were then charged with perjury and even jailed. These concerns were echoed by the experiences of legal aid providers. One gave the example of a survivor who experienced violence as a five-year-old child She reported it at the time and the

perpetrator escaped the country. When he returned during her teens, he was arrested and put on trial. When she was summoned to give evidence, she was confused and said she could not remember exactly what happened. Consequently, the man was released and she was sentenced to three years imprisonment for perjury. One (female) legal aid provider summarised: *“When some women approach the family department with an issue, sometimes they get intimidated or threatened by staff that if anything is wrong or inconsistent in their statement then they can be imprisoned for perjury. This scares women and girls off. The system is not helping vulnerable women.”*

Another example of institutional backlash is related to the **Crime Prevention Law**. In practise, women seen to not complying with gender norms (such as a woman who engages in survival sex or a woman in an extra-marital relationship) have been detained.⁵⁴ In addition, instead of jail terms for potential perpetrators of honour killing, law enforcement authorities place women at risk in detention centres for their own ‘protection’.⁵⁵ Women can only be released after a male guardian signs a monetary guarantee stating that he will not harm her. Still, many women are harmed after their release.⁵⁶ In 2015, women’s rights organisation Mizan Law held a workshop where they stressed that over half of the women stuck in detention were under protective custody. Instead, the perpetrator should be the one who is detained. Participants stressed this is a clear violation of the equality principles under Jordan’s constitution and wider legal framework.⁵⁷

v) The system re-traumatises survivors and this prevents others from reporting

The institutional framework in charge of supporting survivors through the process of reporting a case and ultimately accessing justice is flawed in many ways. Survivors are not adequately supported throughout the case management process and often re-live the trauma over and over again. Only a small number of protection organisations are trained to provide specialised gender-based violence case management and prevent this kind of re-traumatisation. Women told us that they felt best going directly to a female lawyer, as they could trust them and would only need to tell their story once: *“You can tell a female lawyer everything and she will easily be able to understand”* (Zarqa).

But only one woman knew how to access a female lawyer, pointing to a need of awareness-raising among women on how to find the right help. And while 44% of law students in Jordan are women, this drops to 27% who are practising lawyers.⁵⁸ So, there is a need to facilitate women into the legal

profession and to build awareness amongst women and girls around how to locate female lawyers.⁵⁹ Women lawyers should still, like male lawyers, be trained to be gender responsive and to make full use of the VAWG legislation.

vi) Gaps in legal aid

Legal aid is chronically underfunded across the globe, despite being a critical component of ensuring access to justice for all.⁶⁰ This is no different in Jordan, where laws do not guarantee the right to legal counsel or representation for most legal matters.⁶¹ The Bar Association is mandated by the Ministry of Justice to provide legal aid to the poor. The Ministry has a legal aid department that is supposed to oversee procedures for granting legal aid. But free legal services are limited to legal advice and representation in cases deemed as capital crimes. In practice, access to legal aid remains a challenge for women and girls. This presents a major barrier to justice because more than 85% of women in Jordan do not have an independent income.⁶² Not one woman interviewed by us was aware that legal aid was an option for them.

Civil society actors have tried to fill the gap by providing legal aid to some of Jordan’s most vulnerable residents. As a result, unhelpful tensions have arisen, affecting such civil society actors’ ability to deliver on a larger scale.⁶³ Legal aid providers are struggling to support women under a huge caseload and are simultaneously facing harsh criticism from the Bar Association. The Bar Association has raised reservations with other providers stepping in, since the service is under their mandate. Yet legal aid providers support thousands of women and girls each year who would not be able to access justice otherwise. Jordan, like many other states, fails to meet its obligations to women’s rights by underfunding legal aid. There is a dire need for more funding, more public support for legal aid and more incentives for official providers to fulfil their mandate.

vi) Insufficient policy emphasis on VAWG in the workplace and the link to the broader justice system.

Women and key informants described VAWG as a particular area of concern. Anecdotes about violence in the workplace are widespread, which puts many women off the idea of employment. Several key informants commented that a lack of policy focus and a gap in empirical evidence makes it hard to draw conclusions. Trade unionists noted that despite being aware of rumours, no woman had ever reported VAWG to them. They stated that they needed empirical evidence to support them to do advocacy for anti-violence policies and procedures.

Furthermore, they mentioned that despite hearing about studies on sexual harassment, none of them nor the organisations within their unions were ever contacted to take part in these studies. This provided a rationale for ActionAid to partner with five trade unions on the survey research.

Legal aid providers referred to recent studies, with interest, which retrospectively examined legal aid cases and found a prevalence of (unreported) sexual harassment at (e.g. ARDD’s *Silent Women* report – see Box B). However, trade unionists argued that retrospective analysis would not be enough to convince the employers affiliated to their unions to listen. Indeed, the reporting gap compounds the justice gap; for example, there is a widely-held perception that a survivor must first report the incident at work before a complaint can be lodged with the police.

In our survey of 2,323 workers, we tried to determine what infrastructure currently existed in the workplaces to protect women against violence. Overall there was average awareness about the existence of a sexual harassment policy, with more awareness among women (58%), than men (38%). However, around 55% of women and 65% of men said that their employer had never held any meetings about violence and harassment policies and procedures. Further, only 54% of women and 40% of men felt that complaint procedures existed. This means that there is more work to do to build awareness of existing policies and procedures, as well as to develop ones where they don’t already exist. When women were aware of complaints, only a quarter of respondents felt that their management dealt with the complaints satisfactorily.

Interestingly, 89% of men but **only 29% of women thought that new complaints procedures would be beneficial to them**. This shows that the trust gap which women have in terms of legal institutions discriminating against them extends to work institutions. Just like with the formal legal system, a policy is insufficient without proper implementation that would protect and uphold the rights of the survivor.

3.4 The material barriers

The informalities of women’s lives, as enforced by patriarchal norms and institutions, can become a significant barrier to accessing justice. These material barriers are related to finances – since the large majority of women in Jordan are not in employment – but also to formal documentation, which is needed for them to access their rights.

	Issue	Consequence
Material barriers	Documentation issues	Prevents or severely delays refugees from accessing justice
	Economic marginalisation of women	Prevents most women from affording justice; prevents women who are economically dependent on the perpetrators from accessing justice

i) Documentation issues

Since Jordan hosts a significant number of refugees and migrant workers, representing some of the most vulnerable people in society, issues around documentation are inevitable. Several studies from actors working directly with refugees have outlined unique constraints around access to their documentation.⁶⁴ Indeed, our research found, consistent with the literature, that such issues are: *“inextricably linked to protection outcomes at the individual and community level. The failure to issue one document can begin a cascade of consequences, creating barriers to issuing other documents and heightening vulnerability to an array of legal and social protection concerns.”*⁶⁵

One legal aid provider noted that the majority of Syrians that they work with have some kind of documentation issue which affects their access to justice. This tends to be more pronounced for women and can have devastating consequences. One recalled a case where a baby was taken into state custody. This was justified because the parents were migrant workers and the mother had escaped an employer who was holding her documents. Since they did not have proof of her identity, they could not prove that they were married when they conceived the child. The child was held in an orphanage for six years until they were able to acquire the documentation and prove their marriage in court. It became evident through our conversations that these cases take years and a dedicated legal aid provider to resolve.

ii) Economic marginalisation of women

Since only a small percentage of women in Jordan work, the majority do not have an independent income. Even those who do work are much more likely to be in precarious work, where salaries tend to be extremely low and never guaranteed. Women must navigate precarious work extremely carefully, not only in terms of protection from VAWG, but also to maintain an income. **They are marginalised by their informal status and those most likely to be in**

precarious work are also the most marginalised in society.

They may be refugees with severe livelihood insecurities, or they may also be facing reputational damage for transgressing social norms by working in the first place. Therefore, the cost-benefit for them to try to access justice is strongly weighed towards the costs in the current system. This becomes even worse if the perpetrator is a powerful person in the community, or an employer. As a woman in Karak explained: *“If [violence] happens at the workplace, he can increase her work hours and reduce her salary. To pressure her [to keep silent].”*

For most women in Jordan, especially the most vulnerable, economic marginalisation is an undeniable barrier to justice.⁶⁶ The majority of the women we spoke to could not even imagine being able to fund a lawyer; they considered it an impossible feat. They could not ask family members for financial support because of the potential repercussions at the family and community level for even filing a case. Many told us that if they were to lodge a complaint, they would do it in secret. In their assessments, this all makes the costs of doing so more and more weighty, compared to the benefits.

Even in VAWG cases which are classified as state crimes, where the state takes on the formal legal costs, there remain indirect costs to justice. And some of these costs cannot be provided by legal aid services. For example, one legal aid provider noted that transportation costs for women are not allowed to be covered under their budgets and since most of their clients are on zero income, this becomes a barrier. Sometimes the court is particularly far away from where the client lives and they must attend many sessions, so even if their family were covering the costs it could become expensive very quickly. Lawyers added that even before a case reaches court, there are many steps taken by the District Attorney to classify whether or not this is a case to be referred to court. Sometimes the woman is required to be present for these pre-court steps.

Part 4

RESEARCH CONCLUSIONS

The Kingdom of Jordan has pursued a series of legal and institutional reforms towards women's rights. However, there remains a significant prevalence of VAWG – a gross human rights violation – in public and private spaces, including the workplace. Thanks to the tireless and coordinated work of the women's rights movement, legal aid practitioners and a listening government, there has been a gradual shift in discourse and amendments have been made to the law which are beneficial to women and girls' rights. However, there is still more work to be done to ensure that the social, institutional and material barriers to justice for women and girls highlighted in this report are overcome.

Social barriers include gendered, patriarchal, social norms which blame women and girls for violence against them and pressure to stay silent. These pose threats to women and girls for reporting violence and add trauma to survivors. These norms are cascaded through all levels of society and are reinforced by individuals and institutions. The women's rights movement argues that the media and politicians, in particular, have been responsible for reinforcing such norms and a culture of silence, shame and denial. Traditional cultural norms place the family honour and standing, as well as community peace and security, on the heads of women and girls, meaning the social consequences of reporting violence can be severe and long lasting.

Institutional barriers include a complicated legal framework for VAWG and parallel legal systems that are confusing not only to the general public, but even to highly experienced lawyers and legal aid organisations. The use of the laws for VAWG cases is rare and nascent, which reinforces this challenge. Women's rights organisations encourage more use of the laws, to strengthen the practise and associated precedents, to ensure justice. Even so, the social norms that prevent women and girls from reporting also bleed into the workings of the legal systems and institutions. Unconscious – and sometimes conscious – bias leads justice sector professionals such as the police, lawyers and judges to pressure women and girls not to pursue VAWG cases.

In other examples, there has been a severe backlash against the woman or girl, leading not only to severe social consequences but also to their prosecution and imprisonment. In the world of work, VAWG prevalence appears to be at least as high an occurrence as in the broader public and private space in Jordan, yet there has been very little emphasis on women's protection and access to justice for workplace incidences. There are a lack of policies and procedures overall, and survivors lack the trust that they will actually benefit from them. There is currently a disconnect between the workplace and the justice system when it comes to VAWG. All of the above reinforces women and girls' fear of reporting violence against them.

Finally, material barriers are severe due to Jordan's unique circumstances socio-politically. Firstly, there are large numbers of refugees and migrants who have documentation issues which prevent them from being able to utilise the justice system.⁶⁷ Even with documentation, over 85% of women in Jordan do not have an independent income and those who do work are more likely than not to be in precarious work. This compounds existing marginality, livelihood insecurities and social norms, making it very difficult, if not impossible, for the majority of women to afford access to justice.

These multiple and overlapping barriers should be addressed in a holistic way in order for Jordan to promote justice for women, to encourage and support women in work and to uphold their constitutional and international rights. Access to justice requires economic, legal, social and psychosocial reforms and mechanisms in a holistic framework. All areas need to be addressed simultaneously, otherwise the barriers to justice emerge. More resources need to be invested in women's rights organisations, who have championed the positive change to date are trusted by women and girls. These organisations can continue to work with the government and society to address harmful social norms, plug implementation gaps and provide material support to women and girls hoping to access justice for crimes against them.

Part 5 RECOMMENDATIONS⁷⁷

These recommendations have been developed based on the report's findings and collective analysis with a wide range of stakeholders in Jordan. They also draw from ActionAid's deep knowledge of ending violence against women in girls both in Jordan and internationally. Jordan has the opportunity to be a regional leader in ending violence against women. ActionAid Jordan and our partners stand ready to support the government and work in partnership to implement these recommendations for a Jordan free of violence against women and girls.

1. Ensure a reduction in VAWG and an increase in survivors' access to justice through a well-resourced National Action Plan

To the Jordanian government:

i. Policies and plans

- A fully costed and funded National Action Plan to address the social, institutional and material barriers
- Review and, where appropriate, apply best practise on delivering National Action Plans in other contexts
- Work in active partnership with women's rights organisations, including by funding them to be actively involved in creating, implementing and monitoring the National Action Plan
- Develop a public document, in partnership with women's rights organisations, which clarifies the different laws and frameworks that can be mobilised to bring justice in cases of VAWG
- Hold the Bar Association accountable to their commitments in legal aid and fund other legal aid providers to ensure justice is accessible for women with no independent income
- Increase funding for the community police (to broaden out their regional coverage) and for the recruitment of trained female police officers to facilitate reporting
- Invest in public services, including education, protection, legal services and transport, to ensure they are safe and responsive to women and girls' needs.

ii. Legislative

- Address the ambiguity of terms in the penal code that contribute to the justice deficit. Change terms used in the articles related to VAWG – for example 'indecent' and 'honour' – into clear adjectives/descriptors that are not rooted in traditional norms about women and men's roles in society

- Ensure rape within marriage becomes a capital crime
- Ensure that the practise of putting women survivors in detention is ceased and that perpetrators are charged and processed through the criminal courts
- Revise and amend laws to protect women and girls from violence in an effective way, especially the Protection from Domestic Violence Law, Penal Code, Labour Law, Cyber Crime Law and Telecommunications Act. Review all other laws to ensure protection and justice for women and girls affected by VAWG.

iii. Reporting, monitoring and evaluation

- Develop innovative reporting mechanisms, in partnership with the community police, the UN-coordinated Gender Based Violence sub-working group and women's rights organisations
- Broaden out measurement of VAWG to include unmarried women and girls and to include spaces outside the home, including public transport and work
- Measure attitudes towards VAWG, women's rights and protection and legal services, to assess progress on addressing the social and institutional barriers related to traditional norms
- Monitor the rate, content and outcomes of VAWG cases that are registered and processed through the courts and review the findings with women's rights lawyers and/or organisations, to keep track of the use of the legal framework and any progress or bottlenecks on addressing the barriers to justice.

iii. Education and training

- Deliver public campaigns on VAWG in the law, key services and on acknowledging VAWG as a prevalent issue globally, including in Jordan. Emphasise shifting traditional norms that permit and promote VAWG
- Implement mandatory training of frontline services providers (especially police, health and education) and judicial (including lawyers, judges and the

Bar Association) staff on the law, social norms, unconscious bias and VAWG case management.

To civil society:

- ii. In partnership with the government, or in coalition as Civil Society Organisations, develop a public document which clarifies the different laws and frameworks that can be mobilised to bring justice in cases of VAWG
- iii. Build awareness across society, especially among women and girls, on reporting mechanisms and how to access them, especially those that women and girls are more confident in, e.g. community police or female lawyers
- iii. Continue to lobby and work actively with the government to amend laws and to ensure they are implemented appropriately.

2. Ensure that all workers enjoy a violence-free working environment through the realisation of rights in the workplace

To the Jordanian government:

- i. Ratify and adopt ILO Convention 190 to ensure that all workers are protected from violence and harassment in the workplace
- ii. Develop national action plans to support the implementation of ILO Convention 190 and its relationship to Jordanian laws. Ensure adequate national budgets for implementation and rigorous monitoring mechanisms.
- iii. Adopt anti sexual-harassment policies and encourage organisations to adopt them
- iv. Review existing labour laws and regulations and bring them in line with ILO Convention 190
- v. Support women's rights organisations, trade unions and labour organisations to develop codes of conduct, monitor progress of implementation, conduct strategic litigation and provide expert advice
- vi. Put in place rigorous internal measures to facilitate justice for survivors of workplace violence – including access to key services, for example medical, psychosocial and economic support.

To civil society:

- i. Engage in dialogue to ensure that ILO Convention 190 is ratified. This can include:

- Mapping and reviewing what needs to be changed in labour laws and regulations
 - Establishing a platform for key stakeholders to drive the ratification process
 - Enabling dialogue between government, labour and workers' representatives through tripartite and stakeholder consultations, and regular strategic meetings with the parliamentary committee responsible for ratification.
- ii. Engage in the awareness-raising and movement-building of workers' organisations, trade unions, NGOs and women's rights organisations through:
- Strategic engagement on the content of the Convention 190
 - Consultations with organised labour to propose the ratification and adoption process
 - Establish a cross-sectoral working group to drive the process of ratification and adoption
 - Develop a multi-pronged campaign strategy, drawing on the successes of the women's rights movement.

To corporations

- i. Develop and publish a business and human rights policy as part of their responsibility to respect human rights, as defined in the UN Guiding Principles on Business and Human Rights.
- ii. Engage proactively with civil society, government and the ILO on implementing Convention 190.
- iii. Develop violence and harassment policies and procedures in line with the recommendations of ILO Convention 190. Work with the women's rights movement to ensure the policy and procedures raise awareness about VAWG and women's rights, are safe for women and girls and link effectively to the justice system.
- iv. Monitor and evaluate VAWG in the workplace on an annual basis, in partnership with external organisations, particularly trade unions, the women's rights movement and civil society organisations.
- v. Leverage influence to positive ends by publicly calling on governments to respect women's rights and address gender inequalities, and by providing an enabling environment for the ILO Convention to be ratified.

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ANNEX 1: METHODOLOGICAL NOTE

Background and rationale

The overarching aim of the research was to explore the justice deficit related to VAWG in Jordan. This would provide recent evidence, grounded in the voices of women and in the experiences of women's rights organisations in advocating for their rights.

Through an initial literature review and scoping study with 100 people in Jordan (80% of whom were women), it emerged that an area of interest and concern for many stakeholders was the experience of violence and harassment in the workplace. Women raised concerns about their safety at and on the way to the workplace and noted that the risk of violence and harassment was a significant barrier to work. The risk of VAWG compounded men's views and behaviours that prevented women from accessing work. Trade unionists called on ActionAid to work in partnership with them to engage directly with workers at the grassroots level and explore the prevalence of VAWG and the barriers workers face in accessing justice.

The request emerged at a critical time for Jordan in terms of its plans to promote economic growth in partnership with the UK under the London Initiative. One of the initiative's aims is to increase the percentage of women in the workplace in Jordan. However, a lack of progress has led to questions about what the barriers are to women entering the workforce sustainably. Some initial investigations by the women's rights movement, as well as anecdotal examples raised by key informants, pointed to violence at work as a potential barrier. Further, in 2019 an unprecedented International Labour Organisation Convention was launched (number 190), on Violence and Harassment in the Workplace. The convention catalysed broad public, civil society and political interest in the topic of violence and harassment at work. In this context, our research presented an opportunity to explore the issue in more detail and across multiple sites in Jordan.

ActionAid Arab Region and ActionAid UK decided to use VAWG in the workplace as a case study through which to pilot a research method to explore the issue and how organisations respond to it. This would provide a basis for policy discussions, recommendations and further research on the issue.

Methods

1. **A literature review** which included policy documents, reports and advocacy materials from academic journals, civil society and legal professionals in English and Arabic. Documents were sourced by internet searches, academic and legal databases and word-of-mouth. (October - December 2018)
2. **Focus Group Discussions (FGDs)** with 100 Jordanian residents (80% women), including Syrian refugees in two regions of Jordan: Karak and Zarqa. (November - December 2018)

The sampling process for the FGDs was convenience – participants were visitors to community centres in Zarqa and Karak, where ActionAid Arab Region conducts programmes.

3. **Key Informant Interviews (KIIs)** and follow-up conversations with 11 stakeholders across lawyers, legal aid organisations, trade unions, women's rights activists and frontline VAWG workers. (November 2018 – January 2019)

Semi-structured interviews were employed. Most participants were then approached again at a later date, to explore some of the key issues in more detail.

4. **A survey, in partnership with five trade unions and the Ma'al Centre, of 2,323 workers** (including 85% - or 2,000 - women, as well as migrant workers) in eight industrial zones: Karak, Zarqa, Amman, Aqaba, Irbid, Dlail, Madaba, and Sahab. (March-July 2019)

A range of geographical locations were chosen in order to reach a wide variety of workers. Consent from the business owners was necessary in order to conduct the research, so a convenience approach was employed. The locations comprised 20 factories across the regions. Participant recruitment was conducted via snowball sampling because that was the most appropriate way to ensure that all participants consented and felt comfortable to participate.

5. **Participatory analysis of the findings** – consulting key stakeholders – to develop recommendations (July-November 2019)

Two participatory analysis workshops were conducted in March and July 2019. This brought key participants, the Ma'al center, ActionAid UK and ActionAid Arab Region staff together to collectively go through and analyse the data.

Power dynamics between the participants were considered in advance and mitigated, to ensure that participants with less power in the societal and institutional setting had the safe space to share their views.

Data was shared in advance and participants were given time to go through it. Then, at the workshop, established participatory analysis techniques were employed to draw out key findings and recommendations.

Further, an event was held in November 2019 to share the findings and discuss them and potential recommendations. This included 62 stakeholders across the following categories: women's rights organisations and activists, lawyers and legal aid professionals, trade unions, labour rights organisations, government representatives, academics and the media. This provided a critical opportunity to explore the findings and develop recommendations.

ANNEX 1: METHODOLOGICAL NOTE

Ethical considerations

An important requirement for this study was to ensure that all data was collected in an ethical manner which upheld the rights of everyone involved. Ethical considerations started at the inception phase and continued through to analysis and report-writing. All data collection tools and processes followed ActionAid's Research Signature and met international standards for researching gender-based violence and women's rights. The tools were all tested through roleplay methodologies and training that ensured that there were no risks to participants in terms of the tools or the researchers involved. Ongoing training and mentoring was conducted to ensure these research standards were upheld throughout.

All participants gave informed consent. This was obtained through the combination of a written and verbal briefing in Arabic, which explained the aims and methods of the study, the fact that all participants would be anonymous unless they requested otherwise, their right not to participate, their right to withdraw data after participating and details about an independent person who they could contact with any concerns. FGD participants signed written consent forms and key informants gave verbal consent.

The FGDs were led by ActionAid UK staff who have training and significant experience in conducting

research on gender-based violence. The survey with workers was conducted by Ma'al Center researchers who had previous experience in delivering surveys on workplace issues and who had been trained by ActionAid in ethical research methods and international best practise on research around gender-based violence.

All FGDs, interviews and surveys were conducted in quiet spaces, to ensure no one outside the room could hear and all their views were kept confidential and would be reported anonymously. The interviews were conducted at the location of the key informants' choice, whereas the FGDs were conducted in community centres which operate as safe spaces for women and girls. The FGDs and the survey were gender segregated.

Additional measures were taken during the survey to ensure the safety of participants, since this was conducted within the buildings of their workplace. These measures included a more detailed briefing on their safety and anonymity, as well as information on their rights in the workplace and key trade union contacts and services available to them.

All participants were offered the opportunity to ask any questions about the research going forward, as well as information about any key services in protection and justice.

Survey Sample

	Full sample	Aljoun	Amman	Aqaba	Irbid	Jerash	Karak	Madaba	Zarqa
TOTAL	2,323	51	943	162	412	51	151	157	396
FEMALE	2,001	47	728	144	381	46	147	146	362
MALE	322	4	215	18	31	5	4	11	34

If you have any questions about this report's methodology or findings, feel free to contact Dr. Amiera Sawas at: amiera.sawas@actionaid.org



This report was written by Dr. Amiera Sawas, in partnership with Khawlah Yaseen and Caroline McCausland of ActionAid Arab Region. With special recognition to: the partnership of the Ma'al Center for Consulting, Training and Human Development represented by Dr. Randa Al Khaldi, Fakhri Ajarmeh and Mahmoud Samhan, and legal expert Hala Ahed, without whom this report would not be possible. With added thanks to the significant contributions to this report of Dr. Lila Caballero-Sosa, Farah Nazeer, Jean McLean, Saranel Benjamin, Lee Webster, Clare Nubel, Osama Shamleh, Hugh Mouser, Maria Saidy, Nadia Hasan, Orayb Aburaideh, Jillian Popkins, Orla Fee, Marie Morrison, Sarah MacGuire, Girish Menon, Neelanjana Mukhia and Fadi Al-Qadi.

With special recognition of the 2423 participants in the study who took their time to share their experiences with us. Further, we are sincerely grateful to the key informants: Lawyers Without Borders, including Muath Momani, Legal Advisor, and Saddam Abu Azzam, Executive Director; Justice Center for Legal Aid (JCLA) including Annalisa Bezzi, Senior Monitoring and Evaluation Specialist; Head of Aid Department, Arab Renaissance for Democracy and Development (ARDD); Dima Karadsheh, Independent Gender and Protection Specialist; and others who chose to participate confidentially.