

## **HONORING THE KILLERS: JUSTICE DENIED FOR “HONOR” CRIMES IN JORDAN**

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## I. SUMMARY

In 2003, a man fatally stabbed his daughter twenty-five times because she refused to tell him where she had been following a three-week absence. In 2002, a man killed his sister after seeing her “talking to a strange man during a wedding party.” In 2001, a man killed his sister “after seeing a man leave her house.” In none of these cases, nor dozens more such “honor” killings in Jordan in recent years, did the perpetrators serve more than six months in prison. Unfortunately, neither the violent killings nor the weak response to these crimes are exceptional.

In Jordan today, as in many other countries in the Mediterranean and Muslim worlds, “honor” killings of girls and women by their male relatives remain among the most prevalent physical threats to women. It is the most extreme form of domestic violence, a crime based in male privilege and prerogative and women’s subordinate social status. Although the absolute number of murders is not high (though the numbers are very likely underreported), the effects are felt throughout society. “Honor” killings are the most tragic consequence and graphic illustration of deeply embedded, society-wide gender discrimination.

In Jordan, a woman’s life is at risk if she engages in “immoral or shameful” acts, such as talking with a man not her husband or a blood relative (even in a public place), or refusing to tell a close male relative where she has been and with whom, or marrying someone of whom her family does not approve: in short for doing or being imputed to have done anything that, in traditional terms, is perceived to bring sexual dishonor on herself and therefore on her family. Male relatives may beat, shoot, stab, or otherwise physically harm an accused woman, with the approval of both her family members and large sections of the general population. Police rarely investigate “honor” killings, seldom take any initiative to deter these crimes, and typically treat the killers as vindicated men. The police also routinely force threatened women to undergo painful and humiliating virginity examinations at the request of their families in order to determine whether their hymens are intact.

Many women who are threatened by family members end up imprisoned for their own safety. The perverse reality is that while many perpetrators of “honor” crimes walk free, many would-be victims end up incarcerated. Human Rights Watch spoke to women who had spent as many as ten years in prison; some were planning to remain in prison until the family members who threatened them died or left the country.

There is no law in the Hashemite Kingdom of Jordan granting a man the right to kill a female relative whom he believes has dishonored the family. However, “honor” killings in Jordan rarely carry a sentence of more than one year of imprisonment. Under article 98 of the penal code, this can be reduced to six months if the victim’s family waives charges against the perpetrator. Indeed, it is common for killers, having freely admitted their crime and served six or more months awaiting trial, to leave the courtroom as free men immediately after being found guilty. While there is some evidence of greater sensitivity in recent years, the courts still routinely accept a killer’s excuse that he acted out of “fury” and diminished capacity—even when the murder occurs weeks after the alleged offensive act—and are willing to consider the slightest gestures of female autonomy as provocations tainting family honor.

Jordanian women’s rights activists have tried to reform laws that protect family members who commit “honor” killings. However, the lower house of Parliament has blocked these efforts, along with other legislative proposals that would begin to equalize women’s status under Jordanian law. At the same time, Jordan’s obligations under international human rights law require that women be treated equally under the law and that women’s physical integrity be protected.

Human Rights Watch visited Jordan in July 2003 and interviewed women under threat of death from their relatives—all were incarcerated in Amman’s Jweideh Women’s Correctional and Rehabilitation Centre, the only refuge available to them—as well as government officials, human rights activists, police officers, judges, and Islamist political figures. We found that although elements of the Jordanian government and the royal family have supported reform, “honor” crimes in Jordan remain unresolved and require urgent action. Already as of March 2004, four women have reportedly been killed in Jordan for reasons of family “honor.”

This report first describes the social context in which “honor” crimes take place, including the second-class status accorded to girls and women in law and custom, systematic underreporting of domestic violence, the lack of shelters or other places of refuge for women who have been threatened, and the deference often accorded men who admit to killing their female relatives. The report then presents four case studies of women under threat from male family members, demonstrating the destructive, paralyzing effect of Jordan’s continued weak responses to “honor” crimes on women’s lives. After a close look at relevant legal provisions, the report concludes with detailed recommendations.

Accountability for perpetrators and protection for women and girls under threat should be immediate priorities for Jordanian officials. Genuine accountability requires that the Jordanian government amend or repeal provisions of the criminal law that have allowed “honor” killers to avoid serious punishment and actively combat continuing discrimination in the prevention, investigation, and prosecution of “honor” crimes and attacks. Those who commit, endorse, or tolerate “honor” crimes and other violence against women or girls should be appropriately penalized by the country’s judicial authorities. Victims of “honor” crimes and those who are at risk of such violence and their dependent children should be provided with adequate shelter. These women should not be forced into “protective custody” and should be explicitly permitted to reside in shelters established for victims of domestic violence. Because much of the discrimination that underlies “honor” killings and the weak government response is deeply engrained within society, an effective response will also include targeted training of police and judges and aggressive public information campaigns.

## II. BACKGROUND

Jordan’s legal system is a fusion of Islamic and tribal laws, European codes, and to a lesser extent, international law, reflecting the country’s diverse historical influences.<sup>1</sup> Although women are nominally granted equality under Jordan’s constitution, some laws directly violate this guarantee by denying women full legal competence. Multiple provisions in the penal, civil, and family law codes subject Jordanian women to an inferior standing before the law despite the existence of these constitutional guarantees. The existence of these discriminatory laws increases Jordanian women's risk for violence.

### ***Women’s Status and Violence against Women***

There are three basic sources of discrimination against women in Jordan: dependency and restrictions based in tradition and custom, conservative interpretations of Islamic law sanctioning women’s inferior standing before the law, and various provisions in the secular law reinforcing women’s low social status and inequality. Among traditional restrictions is the widespread requirement that a woman marry only with the approval of

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<sup>1</sup> Amira El-Azhary Sonbol, *Women of Jordan: Islam, Labor, and the Law* (New York: Syracuse University Press 2003), p. 38, 51.

a male guardian.<sup>2</sup> Due to custom, though no law requires it, the Civil Registry records only men as heads of household; even if a deceased man is survived by his wife, the registry considers his son the household's new head.<sup>3</sup>

According to a leading Jordanian interpretation, Islamic law, *shari'a*, forbids an unrelated man and woman to be alone together in a closed room.<sup>4</sup> Shari'a also defines extra-marital sex or adultery (collectively known as *zina*) as a crime punishable by 100 "medium" lashes for unmarried women or men and stoning for married offenders.<sup>5</sup> But, as many Jordanians pointed out to Human Rights Watch, the *Qu'ran* decries the beating of women by men, including wives by their husbands. The persistent myth in Jordan surrounding domestic violence in general, and "honor" killing in particular, however, is that if a woman is sexually tainted—even if her sexual activity or rape is only suspected or rumored—this humiliation extends to the family and is grounds for her relatives to kill her without violating the Islamic prohibition against taking a life.

In secular law, too, the low status of women is reflected and reinforced, with negative implications for a woman's physical safety in the home and her ability to seek redress. For example, under the Personal Status Law, a woman's testimony is worth half that of a man in court.<sup>6</sup> A woman suspected of sexual indiscretion—but not a man—is subject to interrogation and examination regarding her chastity. A woman does not have secure custody of children born out of wedlock: these children are considered a product of a "crime" and are placed in government care until their lineage is established.<sup>7</sup> A divorced woman loses custody of her legitimate children if she marries a man who is not related to the children.<sup>8</sup> Men married to foreigners can pass on their Jordanian nationality to their children, while Jordanian women married to foreigners cannot.<sup>9</sup> Many more such

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<sup>2</sup> *Ibid.*, p. 19.

<sup>3</sup> Reem M. Abuhassan, "Violence Against Women in Jordan," private paper on file with Human Rights Watch. The author is program coordinator for the Family Empowerment Program of the government-endorsed National Council for Family Affairs. Her research is based on police and other data from the late 1990s.

<sup>4</sup> Yusuf Qardawi, *The Lawful and Prohibited in Islam*, trans. Hammad, (American Trust Publications) p.150, quoted in Ghazi bin Muhammad, "The Tribes of Jordan," a 1999 monograph provided by the Jordanian Embassy (copy on file at Human Rights Watch). The author is a member of the Jordanian royal family.

<sup>5</sup> Fadia Faqir, "Intrafamily Femicide in Defense of Honour: The Case of Jordan," *Third World Quarterly*, vol.22, no.1, (2001), p.74.

<sup>6</sup> Personal Status Law, article 132.

<sup>7</sup> Human Rights Watch telephone interview with Reem M. Abuhassan, child specialist, Amman, January 24, 2004.

<sup>8</sup> *Ibid.*

<sup>9</sup> Human Rights Watch interview with Minister of Justice Farisi Nabulsi, Amman, July 16, 2003. The minister of justice insisted to Human Rights Watch that this provision did not discriminate against women, but rather was a "demographic measure" to address the problem of the large Palestinian population. If this is the purpose of the law, the policy is discriminatory on the basis both of gender and of national origin.

distinctions and inequalities exist. Even when the rights of women or the treatment due them are not explicitly differentiated, the law is often applied more harshly to them than to men when customary attitudes about female sexual conduct and family honor are at stake.

Women's second-class status, in Jordan as in many other countries, puts them at risk for domestic violence.<sup>10</sup> Studies by Jordanian sociologists and social-work professionals make clear that, contrary to myths still widely believed throughout the country, domestic violence cuts across socio-economic lines. Women in abusive relationships seek help from hotlines when available, and many would leave home if they could, but are frightened of reprisals and have no safe place to go.<sup>11</sup>

"Honor" killing is the most extreme form of domestic violence.<sup>12</sup> Murder to "cleanse family honor" is a variant of crimes committed against women, with impunity, in many parts of the world.<sup>13</sup> A family's honor is seen as being dependent on the sexual conformity of its female family members. In part this means the virginity of its unmarried female members and the chastity of its married ones. In this case, it is the family as a whole, rather than an individual husband or partner, which perceives itself as

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<sup>10</sup> See Taqir Wadih al-Mar'a al-Urduniyya: al-Dhimughrafiyya, al-Musharaka al-Iqtisadiyya, al-Musharaka al-Siyasiyya, wa al-Unf dhidh al-Mar'a [Status of Jordanian Women: Demography, Economic Participation, Political Participation and Violence against Women] prepared by UNIFEM in cooperation with the Department of Statistics and the Jordanian National Commission for Women. Chapter 4 on Violence against Women includes statistics on the prevalence of gender-based violence in Jordan based on studies carried out by the Family Protection Unit. The report was released on March 14, 2004.

<sup>11</sup> See, for example, Reem M. Abuhassan, "Violence Against Women in Jordan," private paper on file with Human Rights Watch. The author is program coordinator for the Family Empowerment Program of the government-endorsed National Council for Family Affairs. Her research is based on police and other data from the late 1990s.

<sup>12</sup> The former United Nations Special Rapporteur on Violence against Women, Radhika Coomaraswamy, examined "honor" crimes in 2002 in her report on Cultural Practices in the Family that are Violent towards Women. According to the Special Rapporteur, "By controlling women's sexuality and reproduction, they become the custodians of cultural and ethnic purity...The woman's body is considered to be the 'repository of family honour.' Alarmingly, the number of honour killings is on the rise as the perception of what constitutes honour and what damages it widens." See "Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms. Radhika Coomaraswamy, submitted in accordance with in accordance with Commission on Human Rights resolution 2001/49," (Fifty-eighth session), U.N Document E/CN.4/2002/83, January 31, 2002.

<sup>13</sup> In the late 1990s, "honor" killings accounted for more than two-thirds of all homicides reported among Palestinians in the West Bank and Gaza. In 1997, "roughly four hundred women were killed for honor in Yemen. In 1999, over a thousand Pakistani women were killed for this cause." Iraq and Iran do not keep relevant statistics, though "honor" killings are thought to be frequent in those countries. See Matthew A. Goldstein, "The Biological Roots of Heat of Passion Crimes and Honor Killings," *Politics and the Life Sciences*, September 2002, available at [http://216.239.39.104/search?q=cache:8DuuYyAmfhcJ:www.puaf.umd.edu/faculty/papers/Sprinkle/PUAF\\_650\\_Sprinkle/04a\\_Goldstein.pdf+jordanian+penal+code+article+99&hl=en&ie=UTF-8](http://216.239.39.104/search?q=cache:8DuuYyAmfhcJ:www.puaf.umd.edu/faculty/papers/Sprinkle/PUAF_650_Sprinkle/04a_Goldstein.pdf+jordanian+penal+code+article+99&hl=en&ie=UTF-8) (retrieved April 5, 2004)

injured. Often, the perpetrators and their supportive neighbors conflate the cleansing of family honor with a supposed duty under religious law.

In 2003, seventeen women were reportedly killed in Jordan in the name of “family honor.”<sup>14</sup> As of March 4, 2004 four more women had already been murdered in Jordan by male family members. The fourth woman to die this year, a married mother of two, was shot to death by her older brother who thought she was having an affair.<sup>15</sup> The third woman to die this year was seven-months pregnant. She was allegedly shot five times by her brother because of her “illegitimate pregnancy.”<sup>16</sup>

Violence against women, including “honor” crimes, is a matter of concern to the royal family of Jordan, which has suggested that raising the status of women is key to ending such violence as well as to economic development.<sup>17</sup> The late King Hussein urged Jordanians at the opening of the 13<sup>th</sup> Parliament in 1998 to shun inhumane practices that deprive women of their basic human rights.<sup>18</sup> King Abdullah II has not officially declared himself opposed to “honor” crimes or to the legal provisions that support them, but rather has instructed his government to “pursue [examine] laws that discriminate against women.”<sup>19</sup> The king has also said when asked about “honor” crimes that “there needs to be more public awareness, more dialogue to reach to the grassroots, clarify the issue, and change mindsets and misconceptions regarding women while encouraging their full participation in public life as equal and valuable partners.”<sup>20</sup>

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<sup>14</sup> Rana Hussein, “Brother Confesses to Shooting His Divorced Sister,” *The Jordan Times*, March 4, 2004.

<sup>15</sup> “Jordanian charged with killing sister in “honor crime,” *Agence France-Presse*, March 19, 2004.

<sup>16</sup> *Ibid.*

<sup>17</sup> The UNDP Human Development Report 2000 noted “gender empowerment measure values are lowest in Egypt, Jordan and Niger.” See Francesca Ciriaci, “Jordan in lower half of UNDP’s human development scale,” *The Jordan Times*, June 30 - July 1, 2000. In her keynote speech at the launch of the report, Queen Rania said, “While our progress in the fields of human development is reflected in the report, it does not exempt us from our responsibility to generate more effort in this regard, especially in areas relating to the rights of women and their roles in development.” Available at <http://www.jordanembassyus.org/06302000001.htm> (retrieved March 17, 2004).

<sup>18</sup> Rana Hussein, “New Penal Code to be Tougher on Crimes against Women, Children – Justice Minister,” *The Jordan Times*, February 18, 1998.

<sup>19</sup> Stefanie Eileen Nanes, “Fighting Honor Crimes: Evidence of Civil Society in Jordan,” *Middle East Journal*, vol. 57, no.1 (Winter 2003), p. 4.

<sup>20</sup> Interview with HM King Abdullah with Svenska Dagbladet Newspaper on October 6, 2003. Available at <http://www.jordanembassyus.org/hmka10062003.htm> (retrieved April 5, 2004). The king’s younger brother, Prince Ali, and cousin, Prince Ghazi, led a demonstration calling for harsher punishment for “honor” killers and the repeal of article 340. See “Jordan: The Battle to Punish Honor Crimes Continues,” WIN News, Spring, 2000. Available at [http://www.findarticles.com/cf\\_dls/m2872/2\\_26/62140817/p1/article.jhtml](http://www.findarticles.com/cf_dls/m2872/2_26/62140817/p1/article.jhtml) (retrieved April 5, 2004).

Female members of the royal family have been more outspoken on this issue.<sup>21</sup> Despite these calls, progress in reforming discriminatory laws has been stalled.

### ***The Lack of Reliable Statistics***

Compiling reliable statistics on violence against women in Jordan generally is difficult, because of the “private,” protected nature of the abuse. As one Jordanian women’s group reported in 1999:

A serious constraint to documenting the nature and extent to which women are victims of violence is the absence of data and information on the size of the problem. This data gap is due to the sensitivity of the issue and under-reporting, linked to the fact that most of these cases fall under domestic violence.<sup>22</sup>

Jordan has one of the world’s lowest rates of female homicide. However, a 1998 United Nations study of official figures from the mid-1990s showed that, at that time, murder was the most frequent crime against women and that “honor” crimes (including murder, attempted murder, and “accidental murder”) accounted for the largest category – 55 percent – of all homicides of women.<sup>23</sup> The study found that violence against women was not restricted to any one social class, and that women were generally reluctant to report violence especially if perpetrated by a member of the family, in part due to threats of reprisal, in part because “routine legal procedures...are felt to be embarrassing to women victims,” and in part due to women’s “belief in the futility of reporting to the police.”<sup>24</sup>

As serious as this problem appears from the official statistics used by the United Nations, the actual situation is more acute. Exact, reliable numbers are not available because—as the head of the nation’s Public Security Directorate, which oversees the police, acknowledged freely to Human Rights Watch—crimes against women are under-

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<sup>21</sup> Queen Rania spoke out against “honor” killings on French television in November 1999, and the Jordanian National Commission for Women, headed by Princess Basma, was the first government-appointed body to recommend the cancellation of article 340 of the penal code.

<sup>22</sup> Princess Basma Women’s Resource Centre, “Jordanian Women Past & Present: October 1999, A Reference Booklet,” available online at [http://www.awc.org.jo/english/jordan/jordan\\_present.html](http://www.awc.org.jo/english/jordan/jordan_present.html) (retrieved March 17, 2004).

<sup>23</sup> Nasser, Belbeisi and Atiyat, UNIFEM/WHO, “Violence Against Women in Jordan: Demographic Characteristics of Victims and Perpetrators,” December 1998, p. 18. The study broke down types and proportions of violence nationwide and analyzed three years, 1995-97.

<sup>24</sup> *Ibid.* p. 14.

counted in official statistics.<sup>25</sup> Undoubtedly there are more “honor” killings than the average of fifteen per year that the government has recorded since 1999.<sup>26</sup> However, it is difficult to assess how many more, and therefore not possible to determine what proportion of all killings of women in Jordan are related to family “honor.”

The Ministry of Interior’s official statistics on murders and “honor” killings as recorded by its Criminal Information Department range from six “honor” killings (of a total 93 murders of men and women) in 1998, to thirteen (of a total of 84) in 2001, to fifteen (of a total 125) in 2002.<sup>27</sup> *The Jordan Times*, the newspaper that has tracked “honor” crimes most assiduously, has consistently reported higher numbers than the government—for example, nineteen in 2001 and twenty-two in 2002. The difference is partially due to the newspaper including supposed accidents, suicides with suspicious features, and cases in which the perpetrators originally admit to “honor” killing but later change their stories at trial. Prosecutor General Sabr Yassin Rawashdeh, who reviews all murder trials for error prior to appeal, agrees that some “honor” killers camouflage their crimes as accidents or suicides. In an interview with Human Rights Watch, he added that police investigations into the killings may be too superficial to uncover the truth. The police sometimes investigate cases of theft more seriously than “honor” killings: “[The policeman] looks for security cases rather than social crimes.”<sup>28</sup>

But the magnitude of the problem is not expressed by murder statistics alone. Victims of “honor” crimes also include women—as many as forty at a given time and sometimes far more according to some sources—who are incarcerated for their own protection.<sup>29</sup>

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<sup>25</sup> Human Rights Watch interview with Tahseen H. Shurdom, director general, Public Security, Amman, July 16, 2003.

<sup>26</sup> Human Rights Watch was told that seventeen women were killed in 1999, thirteen in 2000; thirteen in 2001, and fifteen in 2002. Human Rights Watch interview with Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003; see also Report of Criminal Information Department (in Arabic) on file with Human Rights Watch.

<sup>27</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

<sup>28</sup> Human Rights Watch interview with Sabr Yassin Rawashdeh, prosecutor general, Amman, July 15, 2003. Journalist Lima Nabeel told Human Rights Watch of a death recorded as a suicide which she believed was likely a murder. The deceased’s sister said her father and brother had poisoned the deceased but the police refused to reopen the investigation. Human Rights Watch interview with Lima Nabeel, journalist, Amman, July 13, 2003.

<sup>29</sup> Rana Hussein, “Crimes of Honor,” *Al-Raida*, vol. 17, no. 89 (Spring 2000), p. 21. These women are held in “protective custody” in the Jweideh Women’s Correctional and Rehabilitation Centre in Amman, the only female prison in the country. Although they are housed in a separate section of the prison, these women take their meals and participate in vocational training with the other prison inmates.

The following examples illustrate how “honor” crimes permeate the society, potentially affecting all women—rural and poor, professionals, and the well-connected:

- The current minister of state and the official spokesperson for the government, Asma Khader, knows an accomplished woman in her late twenties who held back from marrying despite many suitors. The woman once explained why she had remained single: an uncle had sexually abused her when she was eight-years-old and she therefore was not a virgin and could not marry without risking reprisals from her husband and family. It was suggested to her that she could have her hymen repaired, through a simple surgical procedure that is not quite legal but not uncommon. In the course of the pre-surgical examination, it was discovered that her hymen was intact. She was a “virgin,” so felt free (that is, safe) to marry, and in fact did so.<sup>30</sup>
- The nation’s chief medical examiner, Mu’men S. Hadidi, a few days before an interview with Human Rights Watch, had received for autopsy the body of a young woman whose family he knew. The family, he was aware, had been pressing her to marry a man she did not want. When she ran away with her boyfriend, her relatives found and killed her.<sup>31</sup>

The coordinator of the government’s Family Protection Unit,<sup>32</sup> who is also a colonel in the police, told Human Rights Watch that he wanted to see changes and reforms for the benefit of his own daughters.<sup>33</sup> Other officials, however, have tended to minimize the problem. The secretary-general of the Islamic Action Front party, Abdul Latif Arabiyat, a former speaker of the Parliament, said, “people kill women in the street every night in the United States more than in one year in Jordan.”<sup>34</sup> General Tahseen H. Shurdom of the Public Security Directorate considered that “only” fifteen killings per year, in a

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<sup>30</sup> Human Rights Watch interview with Asma Khader, attorney and human rights activist, Amman, July 11, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>31</sup> Human Rights Watch interview with Mu’men S. Hadidi, chief medical examiner, Amman, July 15, 2003. For further information on the ways in which virginity exams violate women’s’ human rights, see Human Rights Watch, *A Matter of Power: State Control of Women’s Virginity in Turkey* (New York: Human Rights Watch, 1994).

<sup>32</sup> The mandate of the Family Protection Unit is the protection of women and children from domestic violence. Unfortunately, this unit does not deal with “honor” crimes.

<sup>33</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

<sup>34</sup> Human Rights Watch interview with Abdul Latif Arabiyat, secretary-general, Islamic Action Front party, Amman, July 13, 2003.

country of five million, were “negligible in the context of a country of the size and complexity of Jordan.”<sup>35</sup>

*The Jordan Times* reported in December 2002 that an unnamed nineteen-year-old woman, after being held in prison for alleged immoral behavior, was bailed out on her uncle’s promise not to harm her. Her brother killed her as soon as she arrived home, and relatives were quoted as thanking God they were “rid of her.”<sup>36</sup> Similarly, in August 2003, *The Jordan Times* reported the case of a sixteen-year-old girl from an Amman suburb who, released from administrative detention on her father’s promise that she would not be harmed, was murdered by her brother just minutes after returning to the family’s house.<sup>37</sup>

Sophisticated police work and crime-solving expertise are rarely required to solve an “honor” crime. As a counselor at a women’s center told Human Rights Watch, “[The murder] is not an individual decision. It’s the decision of the whole family. [The killer] feels supported.”<sup>38</sup> The killing is meant to be a public statement, and in many cases, perpetrators freely confess. They may even act within earshot of the police, as in a case reported to Human Rights Watch by the Jordanian Women’s Union (JWU), an independent grassroots organization: in December 2001, police in Amman found a thirty-six-year-old woman who had previously come to the JWU for help; the officers took her home, after her father’s promise not to harm her; he shot her while the police were still downstairs.<sup>39</sup>

Occasionally, an “honor” killer attempts to deny responsibility. Relatives may contrive to place the murder weapon in the hands of a minor, sometimes a child as young as eleven or twelve, who is not subject to criminal punishment.<sup>40</sup> Jordan’s prosecutor general, Sabr Yassin Rawashdeh, described a 2003 case in which, after a girl’s murder, her fourteen-year-old younger brother “confessed.” The police and the court accepted the confession, though other evidence indicated that the victim’s elder brother had actually

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<sup>35</sup> Human Rights Watch interview with General Tahseen H. Shurdom, director general, Public Security Directorate, Amman, July 16, 2003.

<sup>36</sup> “In Jordan: Two men arrested in ‘honor’ killings” *Al-Bawaba*, December 19, 2002. Available at [http://www.amanjordan.org/english/daily\\_news/wmview.php?ArtID=546](http://www.amanjordan.org/english/daily_news/wmview.php?ArtID=546) (retrieved April 5, 2004).

<sup>37</sup> The article noted that, according to the autopsy, her hymen was intact. Rana Hussein, “Brother kills sister in 7<sup>th</sup> honour crime of the year,” *The Jordan Times*, August 7, 2003.

<sup>38</sup> Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hindi Center for Counseling and Legal Services, Amman, July 12, 2003.

<sup>39</sup> The father was jailed for one month. Human Rights Watch interview with Nadia Shamroukh, vice president, Jordanian Women’s Union, Amman, July 13, 2003.

<sup>40</sup> Human Rights Watch interview with Rana Hussein, journalist, Amman, July 12, 2003.

committed the murder. The child received the minimum sentence: rehabilitation in a juvenile facility for three-and-a-half years. “When I reviewed the case, I said he didn’t do it, but it could not be appealed; it was a question of fact, not law.”<sup>41</sup>

Or, as Rawashdeh explained, the killer may attempt to make the killing appear to be an accident or suicide. He recounted the 2003 case of a girl from southern Jordan who had pre-marital sex, became pregnant, and with her lover’s help secretly had an abortion. At home afterward, she became ill, and her family took her to a doctor who, not knowing she was unmarried, told her family she had been pregnant. On the way home from the hospital, the family’s car—with only the daughter inside it—went over a cliff into a valley. Her relatives reported her death as an accident, and the police and courts believed them, but prosecutor Rawashdeh did not.<sup>42</sup>

### ***Insufficient Responses to Threats made by Relatives***

There is usually a period before the actual killing when the woman’s male relatives threaten her life verbally. Counselors at women’s hotlines, journalists, and women’s rights activists all speak of this circumstance as typical. Human Rights Watch interviewed four women in protective custody who had sought refuge after being threatened. According to Director General of Public Security Tahseen Shurdom, such threats are illegal and a male relative who utters such threats is subject to prosecution. “If the woman tells us [of the threats], we will do something,” he told Human Rights Watch.<sup>43</sup> Human Rights Watch was unable to confirm any instance in which a male relative had been prosecuted or even detained for threatening to kill a woman in his household over family honor. Rather, women’s rights activists attest that police ask an angry family, at most, to promise not to harm the woman if she is left with them; as is evident from the cases summarized above, such promises may be worthless.

There is a certain sense of inevitability in the attitudes of some officials to the problem. For example, Judge Mohammed Al-Ghazoo told Human Rights Watch, “They [the

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<sup>41</sup> Human Rights Watch interview with Sabr Yassin Rawashdeh, prosecutor general, Amman, July 15, 2003.

<sup>42</sup> The forensic doctor who conducted the autopsy noted that the dead woman had had a recent early birth or abortion. When he learned there was no husband, he concluded it had been an abortion. The abortion doctor was located, prosecuted, and convicted for the illegal procedure. The police never pursued the logic, however, which was clear to the general prosecutor that if she had had an abortion, the woman had probably been murdered by her family.

<sup>43</sup> Human Rights Watch interview with General Tahseen H. Shurdom, director general, Public Security Directorate, Amman, July 16, 2003.

police] cannot arrest a man because of his intentions.”<sup>44</sup> However, it is not intentions that are at issue, but credible threats of physical injury, which is criminal conduct in any jurisdiction. The Director General of Public Security, when asked his opinion on the deterrent value of arresting a threatening male relative, said, “Even if he is imprisoned for threatening her, he will still do it [kill her] when he gets out.”<sup>45</sup>

There are no safe havens for women threatened by their relatives. Women’s groups do not have the resources to offer adequate refuge outside the home for the number of women who face domestic violence. The government, despite years of promises, has yet to create a shelter. In short, most women under threat from their relatives cannot escape danger. Those who are removed from the home for their own protection are placed in prison, and may remain there for punitively long periods. Human Rights Watch is aware of one woman who has remained in prison for her own protection for ten years, and several whose detention has lasted five or six years.

### III. FOUR ILLUSTRATIVE CASES, 2003

Opportunities to interview women under threat of “honor” killing are extremely limited, for obvious reasons. However, Human Rights Watch interviewed four women who lived, for their own protection, in the Jweideh Women’s Correctional and Rehabilitation Centre in Amman, the nation’s sole penitentiary for women.<sup>46</sup> The facility—clean and spacious, though barren—can house about 450 inmates, and its population fluctuates. At the time Human Rights Watch visited, the director, Police Major Hana Afgani, said it held 204 women.<sup>47</sup> Of that number, ninety-seven were administrative detainees.<sup>48</sup> Of those, between ten and sixteen were under threat of “honor” killing, according to women we interviewed. One of them estimated that in recent years there had been as many as forty women at a time in the facility under threat of “honor” killing.<sup>49</sup>

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<sup>44</sup> Human Rights Watch interview with Judge Mohammed al-Ghazoo, Amman, July 16, 2003.

<sup>45</sup> Human Rights Watch interview with General Tahseen H. Shurdom, director general, Public Security Directorate, Amman, July 16, 2003. Human Rights Watch suggested to him that arresting and detaining such a man might change the culture of impunity that exists in Jordan. His response was, “[Jordan] is freer than all of its neighbors,” and “We have big responsibilities. We can’t look at just fifteen crimes.”

<sup>46</sup> These four women’s names have been changed to protect them from reprisals. Human Rights Watch interviewed each woman separately on July 15, 2003. No prison officials were present.

<sup>47</sup> Human Rights Watch interview with Police Major Hana Afgani, the Jweideh Women’s Correctional and Rehabilitation Centre, Amman, July 15, 2003.

<sup>48</sup> *Ibid.*

<sup>49</sup> Human Rights Watch Interview with M. Hassan (not her real name), detainee, Amman, July 15, 2003.

### **N. Khalil**

N. Khalil was twenty-eight-years old at the time Human Rights Watch interviewed her. In 1998, she had secretly married an Egyptian who was “not the same level as me.” When her family found out, her brothers beat her and then her father made a claim against her to the police; she did not know the nature of the claim.

The police summoned N. Khalil to the police station and ordered her to have a virginity exam. She said it was not really possible to refuse, and she was never told the result of the exam. The police then took her to stay for two days with a tribal leader, after which she went to court.

It was her understanding that she had been charged with “illegal marriage,” that is, marriage without her family’s consent. She had been told that her husband had been deported to Egypt. She did not learn what happened to the charge against her. There was no trial. The police sent her to prison to protect her life.

N. Khalil believed that her family would hurt her if she left the prison, but she nevertheless wanted to take a chance, go out and try to find work: “This is not a life,” she said. Shortly before the interview with Human Rights Watch she had written an appeal to the governor of Balka, her administrative district,<sup>50</sup> telling him she did not know why she was being kept in prison. In 2002 he had interviewed her and told her he would arrange for her to leave if she could produce someone to guarantee her safety. She said to him at that time, “I have been in prison five years. How can I find someone?” He would not release her except to her family.

### **M. Hassan**

M. Hassan was twenty-five-years old at the time of the interview, a native of the Zarkha district. She had been in prison since 1996. A Palestinian, she fell in love with a Jordanian man when she was seventeen. After the two had become sexually involved, they turned themselves in to the police because they wanted to get married. The police notified her family and the governor of Zarkha.

When her father came to the police station and refused to consent to their marriage, the police took her to a forensic doctor for a virginity exam. She at first refused the

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<sup>50</sup> Administrative governors have the power to place women in prison for their protection and to authorize their release.

examination, but the police told her it was for her own safety. She felt she could not say no.

After staying at the police station overnight, M. Hassan met with the governor of Zarkha and told him she wanted to get married. Her father still refused to consent. In the presence of the governor her father said, "If you marry him or leave here, I will kill you." The governor tried to convince the father to relent, but when he refused, the governor transferred her to the prison.

Two weeks before her interview with Human Rights Watch, M. Hassan spoke to the governor again and told him she wanted to leave. The governor called her family to see if they had changed their minds, but her father made clear that he had not. She believed her mother felt the same way; no relative had ever come to visit. The governor told M. Hassan that she could not leave unless a male relative came for her. If she left alone, in defiance of the governor, she did not know where she would go. Her father was sixty-four. "If he dies," she said, "I can leave safely."

### **R. Ahmed**

R. Ahmed was twenty-eight-years old at the time of the interview and has been in prison since 1994. When she was eighteen, her family had made her marry a cousin against her will. She then fell in love with a neighbor; they made plans to flee to Syria. Suspicious uncles followed them to a rented house, and when she refused to go home with them, they shot her multiple times and left her for dead. (When we interviewed her, the scars of the bullet wounds were still visible on her shoulders and chest. She had required five months in a hospital to recover.)

In the hospital, guards protected R. Ahmed, and her uncles were not permitted to see her. Nevertheless, through an aunt, they convinced her not to press charges against them. R. Ahmed believed that, if she relented, they would also. But when she recovered and was sent to meet the administrative governor of al-Salt, her home province, her uncles were present, still vowing to kill her. The governor deemed that her only choice was to go to prison. Her lover was later deported to Lebanon.

R. Ahmed had since written several appeals to the governor telling him she wanted to leave the prison in any way possible. Three months before our interview, the most determined of her three uncles died and the other two had subsequently said they would leave her alone. At the time of the interview, R. Ahmed was awaiting her mother's return from a trip to Saudi Arabia and expecting her family to come for her shortly. She did not believe that her family would lure her from prison in order to kill her.

## **N. Hussein**

N. Hussein, originally from the Krak district, was thirty-one at the time of the interview and had been in prison since 1997. She had fallen in love with an older, married man and became intimate with him. The police learned of it, possibly through her brothers, and they came for her. Charged with adultery, she confessed, and the man went to prison for a year. She had appeared in court, and confessed there also, but after six years in prison, she was not sure whether or not she was serving a sentence.

Two months prior to the interview, her family had petitioned the administrative governor of Krak district to have her released. She was refusing to go, however, because one brother had told her that another brother meant to kill her. She said that if she could leave alone, and not return to the family home, she would.

## **IV. HONOR CRIMES UNDER JORDANIAN LAW**

### ***The Campaign against Article 340***

Multiple provisions of the Jordanian penal code can and have been applied by the judiciary to reduce penalties in “honor” crime cases. Article 340 has received the most attention in discussions focused upon legal justification or excuse for crimes of “honor.” Under article 340, any man who kills or attacks his wife or any of his female relatives in the act of committing adultery or in an “unlawful bed” benefits from a reduction in penalty.<sup>51</sup> Prior to its amendment in 2001, article 340 provided complete exemption

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<sup>51</sup> Article 340 as amended by Temporary Law no. 86 of 2001 reads as follows:

1. There shall benefit from the mitigating excuse (*Uthur Mukhafif*) whosoever surprises his wife or one of his ascendants or descendents in the crime of adultery or in an unlawful bed, and kills her immediately or kills the person fornicating with her or kills both of them or attacks her or both of them in an assault that leads to death or wounding or injury or permanent disability.
2. Shall benefit from the same excuse the wife who surprises her husband in the crime of adultery or in an unlawful bed in the marital home and kills him immediately or kills the woman with whom he is fornicating or kills both of them or attacks him or both of them in an assault that leads to death or wounding or injury or permanent disability.
3. The right of lawful defence shall not be permitted in regard to the person who benefits from this excuse nor shall the provisions of "aggravated circumstances" (*Thuruf Mushaddida*) apply.

from penalty in certain circumstances, although it was seldom invoked.<sup>52</sup> In an effort to make this law “gender-neutral,” a second clause was added in 2001 granting female attackers the same reduction in penalty.<sup>53</sup>

Women lawyers in Jordan first began to draw attention to “honor” killings in the 1980s.<sup>54</sup> When the Jordanian government allowed some political liberalization in the early 1990s, women’s groups grew in strength and number. The Jordanian Women’s Union established the first domestic violence hotline in 1994. Rana Hussein, a journalist for *The Jordan Times*, began reporting on crimes that involved “honor” in 1993. Her reporting helped bring further international attention to the issue and, combined with grassroots efforts, increased domestic and international pressure on the government to address the problem.

In 1999, the grassroots Campaign Against So-Called Honor Killings created a movement quite unusual in Jordan: internally democratic, carefully independent of the government or any political group, and directed by women as well as men. Stressing the Jordanian constitution, Islamic law, and international human rights principles, the campaign gathered some 15,000 signatures on a petition for repeal of article 340. The campaign cut across the usual family, tribal, and communal divisions within the society, appealing to the national good. After the campaign was denied official permits to march in support of repeal, organizers were taken by surprise when a member of the royal family announced a march for the cause. Held in February 2000, the march, apparently convened by the Palace, drew 5,000 people in Amman. Most of the participants were men; the women’s organizations were not alerted.<sup>55</sup> Apparently because the Palace had taken control of the issue, the campaign subsequently lost momentum.

In 1999, spurred by local activists and international attention, King Abdullah established a special committee to review and amend gender-discriminatory laws. After the committee recommended the repeal of article 340, and the Council of Ministers, or Cabinet,<sup>56</sup> approved the recommendation, the measure was presented to Parliament

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<sup>52</sup> Rana Hussein, “‘Crimes of Honor’: One Year In, Amendments to Article 340 Appear to Have Made Little Difference,” *The Jordan Times*, December 22, 2002 available at [http://www.amanjordan.org/english/daily\\_news/wmprint.php?ArtID=570](http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=570) (retrieved July 18, 2003). The exemption clause was repealed in 2001.

<sup>53</sup> Article 340, as amended by Temporary Law no. 86 of 2001.

<sup>54</sup> Stefanie Eileen Nanes, “Fighting Honor Crimes: Evidence of Civil Society in Jordan,” *Middle East Journal*, vol. 57, no.1 (Winter 2003), p. 6.

<sup>55</sup> *Ibid.*, p. 15-16.

<sup>56</sup> The Council of Ministers is responsible before the elected House of Deputies. It is the “highest arm of the state” and “presides over and controls the government through ministers, heads of statutory bodies attached to

twice, in November 1999 and January 2000, and in both cases, though approved by the palace-appointed upper house, it failed to pass the elected lower house.<sup>57</sup>

In mid-2001, while the lower house of Parliament was temporarily suspended, the Cabinet passed a number of “temporary” laws, subject to parliamentary ratification once the new legislature convened. Among the “temporary” laws were several granting equal rights to women on issues such as nationality, passports, and retirement.<sup>58</sup> In the case of article 340, the “temporary” law amended rather than repealed: husbands would no longer be exonerated for murdering unfaithful wives, but instead the circumstances would be considered as evidence for mitigating punishment. And, in an apparent effort to mollify proponents of repeal, the mitigation was extended to women as well as men.<sup>59</sup> For some, this resolved the moral dilemma. Judge Ibrahim Abu Taleb, presiding judge of the High Criminal Court, told Human Rights Watch that article 340 “used to be a violation of women’s rights until [it] was amended. Now it is not exoneration but mitigation” and is no longer discriminatory.<sup>60</sup>

In September 2003, Parliament went into session with the amended article 340 on its agenda for ratification. The upper house twice approved the proposals, which were subsequently rejected by the lower house again. As of mid-April 2004, the changes in this law—and all the other “temporary” laws improving women’s status—remain pending.

There is a common understanding that article 340, as it stands, does not conform to Islamic law. Jordanian officials and Islamists, including the minister for Awqaf (religious endowments) and Islamic Affairs and the secretary-general of the Islamic Action Front party, told Human Rights Watch that Islam does not authorize a male family member to mete out punishment to an errant female relative.<sup>61</sup> The provenance of the statute is

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the prime minister, administrative governors and local government councils.” See <http://www.jordanembassyus.org/governme.htm#THE%20CABINET> (retrieved March 17, 2004).

<sup>57</sup> According to the head of the Islamic Action Front party, which boycotted the 1997 elections and consequently was not represented in government at the time, Parliament rejected the change in 1999 because article 340 “wasn’t the problem.” He said the issue was “the social custom to protect honor,” and a legislative campaign was beside the point. Human Rights Watch interview with Abdul Latif Arabiyat, secretary-general, Islamic Action Front party, Amman, July 13, 2003.

<sup>58</sup> “Jordan Amends Legislation to Give Women Equal Rights: Queen Rania,” Agence France-Presse, November 3, 2002.

<sup>59</sup> Article 340, as amended by Temporary Law no. 86 of 2001.

<sup>60</sup> Human Rights Watch interview with Judge Ibrahim Abu Taleb, Amman, July 17, 2003.

<sup>61</sup> Human Rights Watch interview with Abdul Latif Arabiyat, secretary-general, Islamic Front Party, Amman, July 13, 2003.

said to be the Napoleonic Code, brought to Jordan via the Ottoman Empire.<sup>62</sup> Nevertheless, the Islamic Action Front and other religious and cultural conservatives oppose repeal of article 340. They argue that the campaign is motivated by western values of which they do not approve.

### **Effective Exoneration: Article 98**

The section of the penal code most frequently invoked on behalf of perpetrators of “honor” killings is article 98. This statute mandates reduction of penalty for a perpetrator (of either gender) who commits a crime in a “state of great fury [or “fit of fury”] resulting from an unlawful and dangerous act on the part of the victim.”<sup>63</sup> It does not require *in flagrante* discovery or any other standard of evidence of female indiscretion. If the extenuating excuse is established for a crime punishable by death,<sup>64</sup> such as premeditated murder, article 98 provides that the penalty be reduced to a minimum of one year in prison. For other felonies, it is reducible to a minimum of six months and a maximum of two years. Moreover, courts may further halve the sentence if the victim’s family “waives” its right to file a complaint of the crime.<sup>65</sup> In murders for “honor,” given the family’s complicity in the crime, the family nearly always “waives” the right to file a complaint.<sup>66</sup> Thus, “honor” killers may receive sentences of six months—and often do. If a killer has served that much time awaiting trial, the sentence may be commuted to time served and he may walk away a free man.

Though gender-neutral in language, article 98 in practice is applied to benefit only men. “Honor” crimes which are plainly premeditated are commonly considered by the Jordanian courts to have been committed in a “fit of fury” as defined by the statute,<sup>67</sup>

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<sup>62</sup> Ghazi bin Muhammad, “The Tribes of Jordan,” monograph, 1999, p. 443-45. The author is a member of the Jordanian royal family. The monograph was provided by the Jordanian Embassy (copy on file at Human Rights Watch).

<sup>63</sup> The statute may be translated as follows: “He who commits a crime in a state of great fury resulting from an unlawful and dangerous act on the part of the victim shall benefit from the extenuating excuse.” Human Rights Watch interview with Asma Khader, lawyer and human rights activist, Amman, July 12, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>64</sup> Human Rights Watch opposes the infliction of capital punishment in all circumstances because of its inherent cruelty.

<sup>65</sup> Penal Code, article 99. Human Rights Watch interview with Judges Mohammed Al-Ghazoo, Abdul Karim Pharaon, and Yousif Homoud, Amman, July 16, 2003.

<sup>66</sup> Human Rights Watch interview with Rana Hussein, journalist, Amman, July 12, 2003. See also, for example, “Thirty-year old man receives six months for killing sister,” *The Jordan Times*, January 20, 2003.

<sup>67</sup> See, for example, “Father alleged to have strangled daughter to death,” *The Jordan Times*, December 22, 2002. In this case, a father killed his daughter who had reappeared after a five-month absence, claiming he killed her in a “fit of fury.”

and the courts accept as “unlawful and dangerous” even trivial challenges to patriarchal authority. For example, a thirty-year-old man identified as Ziad H. who had murdered his divorced sister for being absent from the family home for one week told authorities, “people started talking about us, so I decided to kill her.” A pathologist’s report indicated that his sister, whom he stabbed thirty times, had not been involved in sexual activity. The father of the victim, who was also the father of the defendant, dropped charges. In January 2003, the murderer was sentenced to six months for the “honor” crime due to the mitigation granted under article 98. Having served the time while awaiting trial, he was freed.<sup>68</sup>

As the above example suggests, it is not necessary that the murder be provoked by any actual proof of sexual indiscretion; in practice, mere suspicion of a woman’s “unlawful and dangerous” act—often called simply “a bad act” for short—may be sufficient proof for the courts. Article 98 was applied, for example, in a 2001 case in which the defendant had killed his sister “after seeing a man leave her house.”<sup>69</sup> It was also applied in the 2002 case of a man who had killed his sister after seeing her “talking to a strange man during a wedding party.”<sup>70</sup> In 2003, a man fatally stabbed his daughter twenty-five times because she refused to tell him where she had been, following a three-week absence. The court, invoking article 98, reduced his sentence on the basis of the act being committed in a “fit of rage.”<sup>71</sup>

News reports also indicate that reacting to perceived stains on family honor with violence will generally be found to have occurred in a “fit of fury” even where substantial time passes between knowledge of the alleged “bad act” and commission of the crime. Where a man killed his unmarried cousin one month after learning she was pregnant, the court found his “losing his temper” was justified because she had “brought shame and disgrace to her family.”<sup>72</sup>

In another reported case, a man heard his sister referred to as a “slut” and confronted her. She told him to “mind his own business.” He went to bed, awoke the next morning and strangled her with a phone cord. The High Criminal Court ruled: “It does not

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<sup>68</sup> Rana Hussein, “30-year-old man receives six months for killing sister,” *The Jordan Times*, January 20, 2003.

<sup>69</sup> Rana Hussein, “Court tribunals invoke Article 98 to set three murderers free,” *The Jordan Times*, April 2, 2001.

<sup>70</sup> Rana Hussein, “Killer receives a reduced sentence following cassation order,” *The Jordan Times*, September 23, 2002.

<sup>71</sup> Rana Hussein, “Father given 6 months for stabbing daughter 25 times,” *The Jordan Times*, January 1, 2003.

<sup>72</sup> Rana Hussein, “Murder charge reduced, court finds victim brought shame to the family,” *The Jordan Times*, May 17, 18, 2002.

matter that the defendant killed his sister hours after [learning of her supposed act]. He was still under the influence of extreme anger, which caused him to lose his ability to think clearly because of the unlawful act committed by his sister.”<sup>73</sup>

In a 2001 case, a brother visited his sister in a hospital—she was being treated for burns—and she admitted to him that she had had an affair and that she was pregnant. He left and bought a gun. Twenty-four hours later he returned and shot her seven times at close range. As the court saw it, “although there were approximately twenty-four hours between the time the defendant learnt of his sister’s illegitimate pregnancy [and the time he killed her], his soul was not at peace... The irritated soul does not know calm thinking. Therefore, he should benefit from a reduction in penalty as stipulated in article 98 of the Jordanian Penal Code.”<sup>74</sup>

The reduction of sentence due to diminished capacity is a common feature of penal codes around the world. But in the case of article 98, the man’s “fit of fury” and the woman’s commission of a “bad act” are routinely assumed on the basis of the defendants’ accounts and their families’ waiving of charges. Article 98 should not reduce sentences for pre-meditated murder, no matter what has provoked it.

## **V. BETRAYING THE VICTIMS: THE OFFICIAL RESPONSE**

### ***The Police: Traditional Sympathies and Virginity Examinations***

Jordanian police are known for mistreating criminal suspects. Prosecutor General Rawashdeh, for example, told Human Rights Watch that the police routinely beat detainees to obtain evidence: “[The] accused are beaten for evidence—I sent them to the forensic doctor—I would not take their confession.”<sup>75</sup> These same police are also known for sympathizing with “honor” killers. As Asma Khader, minister of state and government spokesperson, has said, when “honor” killers turn themselves in to the

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<sup>73</sup> Rana Hussein, “Amman man gets one year for killing sister,” *The Jordan Times*, June 1, 2003.

<sup>74</sup> Rana Hussein, “Court tribunals invoke article 98 to set three murderers free,” *The Jordan Times*, April 2, 2001.

<sup>75</sup> Human Rights Watch interview with Sabr Yassin Rawashdeh, general prosecutor, Amman, July 15, 2003. See also Human Rights Watch, “The Reaction In Jordan” in *Jordan: A Death Knell for Free Expression* (New York: Human Rights Watch, 1997) available at <http://www.hrw.org/reports/1997/jordan/Jordan-02.htm>

police, the police “try to calm them down, give them a cigarette. The culture deals with them as heroes.”<sup>76</sup>

Added to the bias in favor of men who commit “honor” crimes is the virtual absence of training to deal with domestic violence. Currently, only fifteen to twenty police officers per year receive any training on domestic violence, according to Colonel al-Humoud, coordinator of the Family Protection Unit (FPU) within the Directorate of Public Security. The training lasts only a few days, too brief to be serious, and within the program there is no material dealing specifically with “honor” crimes.<sup>77</sup>

Police frequently require threatened women to be examined by a forensic doctor to determine whether their hymens are intact. Virginity exams reflect the presumption that families, communities, and the state have a legitimate interest in a woman’s sexual conduct. They involve pain, humiliation, and intimidation.<sup>78</sup> These exams constitute cruel and inhuman treatment and are a violation of women’s rights to physical integrity, sexual autonomy, and privacy. The practice was common in Jordan through the end of the 1990s when even a hint of suspicion had been aroused. Dr. Mu’men Hadidi, the nation’s chief medical examiner, told Human Rights Watch that police routinely sent girls and women for virginity examinations upon their families’ request without any evidence of sexual indiscretion. As he put it: “The easiest way to answer him [the accusing relative] was to have the exam and show that she did not have sex, to put the issue to rest.”<sup>79</sup>

Now, according to Dr. Hadidi, the protocol has changed and there must be evidence of a crime before a virginity exam can be required. This assertion was echoed by FPU Coordinator Al-Humoud, who spoke of the need for “strong evidence” to trigger the exam.<sup>80</sup>

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<sup>76</sup> Human Rights Watch interview with Asma Khader, attorney and human rights activist, Amman, July 12, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>77</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, Jordan, July 14, 2003.

<sup>78</sup> See Human Rights Watch, *A Matter of Power: State Control of Women's Virginity in Turkey* (New York: Human Rights Watch, 1994).

<sup>79</sup> Human Rights Watch interview with Dr. Mu’men S. Hadidi, chief medical examiner of Jordan and director of the National Institute of Forensic Medicine, Amman, July 14, 2003. See also, Mu’men Hadidi, “A Review of Sixteen Cases of Honour Killings in Jordan in 1995,” *International Journal of Legal Medicine*, (2001), p. 357-359

<sup>80</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, director of Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

Not all officials believe that the practice has changed. Issa Ayoub, legal advisor to the Public Security Directorate, told Human Rights Watch that if a woman is found with a man who is not a close blood relative or her husband—not necessarily in a compromising circumstance, but simply in the man’s company, even in a public place—the presumption continues to be that police “have to send” the woman for a virginity examination, and that “circumstances” would dictate whether such an examination was performed.<sup>81</sup> According to FPU Coordinator Al-Humoud, in circumstances involving an unmarried woman, a virginity exam “will avoid a crime” and therefore “it is good to do it.”<sup>82</sup>

Human Rights Watch met with three police officers assigned to the FPU who had received specialized training on domestic violence.<sup>83</sup> Two of the three officers were women. Asked for their views on virginity examinations in the absence of a complaint of sexual abuse by the woman, one of the female officers said, “she should not be examined.” The male officer said, “it’s a decision for the girl.” The other female officer responded, “we should not open doors to suspicion.”<sup>84</sup>

Their superior, Colonel al-Humoud, was visibly surprised at his three subordinates’ “non-traditional” attitude. His version of what happens when a woman protests being examined was that the police “tell her the positives and the negatives.” He added that, if a father or brother wished to force a girl to have a virginity exam absent any complaint from her, “at a personal level, I would refuse [coercion]. But in our society, it is very complicated.”<sup>85</sup>

### ***The Family Protection Unit: Excluding “Honor” Cases***

The Family Protection Unit was established in 1998 within the Public Security Directorate with the mandate to protect women and children from domestic violence. It was meant to establish a “close working relationship between the police, social services,

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<sup>81</sup> Human Rights Watch interview with Issa Ayoub, legal advisor, public security directorate, Amman, July 16, 2003.

<sup>82</sup> Ibid.

<sup>83</sup> Human Rights Watch interview with police officers, Amman, July 14, 2003. Names withheld and are on file with Human Rights Watch.

<sup>84</sup> Ibid.

<sup>85</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

the judiciary, medical services, schools, NGOs and others.”<sup>86</sup> Although women threatened with death for besmirching family honor were initially expected to be part of the FPU’s mandate, officials decided after only two months of operation to exclude from its purview physical abuse of adult women by a family member. As Colonel al-Humoud explained, the exclusion was based on pragmatism: “There are no shelters in Jordan... We need a safe house to send [threatened women] to, but there aren’t any. [We don’t want] to lose the trust of Jordan [by sending women to an unsafe place].”<sup>87</sup> In other words, there is no point in saying the FPU will protect the women because it cannot do so.

Inam Asha, a full-time counselor at a non-profit women’s center in Amman, Jordan, would agree with the thrust of the director’s argument. She has counseled dozens of threatened women over the last fifteen years. When Human Rights Watch interviewed her she was counseling two women whose relatives had vowed to kill them. Once a woman is threatened by her family, Asha said, “there is a high probability of her murder,” not only because of the culture of impunity, but also due to a lack of protective social services.<sup>88</sup>

### ***The Ministry of Social Development: No Shelter, Little Counseling***

The Jordanian Women’s Union (JWU), an independent grassroots organization, runs a crisis hotline and a small, six-bed shelter in Amman, but it cannot nearly meet the needs of women who are victims of domestic violence, including women threatened to cleanse family honor. Women’s rights activists have lobbied for a safe shelter since their first conference on “honor” crimes in 1998.<sup>89</sup> Despite repeated government promises to establish a shelter imminently, none yet exists. Activists told Human Rights Watch the shelter issue has been political charged; traditional elements in the government and parliament sympathize with the killers and blame the victims, they said. As one activist put it, some officials support the idea of a shelter merely because other countries have them, but are not willing to confront opponents to create one.<sup>90</sup>

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<sup>86</sup> Official pamphlet, Hashemite Kingdom of Jordan, “Public Security Directorate” (copy on file at Human Rights Watch).

<sup>87</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 12, 2003.

<sup>88</sup> Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hindi Center for Counseling and Legal Services, Amman, July 14, 2003.

<sup>89</sup> Human Rights Watch interview with Nadia Shamroukh, vice president, Jordanian Women’s Union, Amman, July 13, 2003.

<sup>90</sup> Ibid.

Legislation to create a center for victims of domestic violence has been pending for many years, but it has been mired in much controversy, including controversy regarding whether “honor” crime victims would be included. The secretary-general of the Islamic Action Front and Jordan’s Minister for Islamic and Awqaf Affairs both denied to Human Rights Watch that they lacked sympathy for the victims of “honor” crimes. Both expressed support for the pending proposal because it will establish a “clean shelter,” one in which the primary solution is understood to be marriage for the woman and her re-acceptance into the extended family and society.<sup>91</sup> “Your nuclear family is not the way here,” said the secretary-general of the Islamic Action Front. “In Jordan, the solutions are in the [extended] family.”<sup>92</sup>

As of mid-April 2004, there is still no shelter in Jordan, either for living victims of honor crimes or for victims of less lethal domestic violence. One reason for the delay is the many changes in the leadership of the Ministry of Social Development over the last several years.<sup>93</sup> Virtually every ministry has had its say in the drafting of the law that will make the first shelter a reality, probably by summer 2004, according to those close to the process. The draft legislation for a shelter was approved by the government and is awaiting the king’s signature.<sup>94</sup> The legislation neither explicitly includes nor explicitly excludes honor crime victims from the population eligible for access to the shelter, but, as a practical matter, they are not expected to be included “for the present.”<sup>95</sup>

The Department of Social Services, which comes under the Ministry of Social Development, offers counseling for family reconciliation. For many this can only mean marriage. If the man linked to the illicit behavior (or any other man) can and will marry the woman, the problem may be regarded as solved.<sup>96</sup> Counselors may also try to find someone in the family to diffuse the threat and work toward a solution short of marriage. But reconciliation is rarely successful. Social attitudes are entrenched and counselors are in short supply in Jordan. The Department of Social Services has few

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<sup>91</sup> Human Rights Watch interviews with Abdul Latif Arabiyat, secretary-general, Islamic Action Front, Amman, July 13, 2003 and Ahmad Hilayel, minister of Islamic and Awqaf Affairs, Amman, July 14, 2003.

<sup>92</sup> Ibid.

<sup>93</sup> Human Rights Watch interview with Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

<sup>94</sup> *Qarar 923: Nitham Dar Himayyat al-'Usra Lisanat 2004* [Decision 923: The Establishment of a Shelter for the Protection of the Family in 2004] on file with Human Rights Watch. Procedurally, the legislation will come into force thirty days after its publication in the Official Gazette.

<sup>95</sup> Human Rights Watch telephone interviews with Reem Abu Hassan, human rights lawyer, and Asma Khader, minister of state and government spokesperson, January 23, 2004.

<sup>96</sup> Human Rights Watch interview with Inam Asha, counselor at Effat Al-Hindi Center for Counseling and Legal Services, Amman, July 12, 2003 and with Abdul Latif Arabiyat, secretary-general, Islamic Action Front, Amman, July 13, 2003.

psychologists;<sup>97</sup> the JWU has only one, and other private groups are similarly understaffed.

Emigration, an extreme option, is hardly realistic, as most women do not have passports and cannot get one in their own names without the written permission of their husbands.<sup>98</sup> Most also lack resources of their own or contacts abroad. Furthermore, as one women's counselor notes, "sending women out of the country or hiding them is not legal, although these things are [sometimes] done."<sup>99</sup> One counselor told Human Rights Watch that she was trying to help a client get a visa to Canada.<sup>100</sup> Human Rights Watch heard no reports of women seeking refuge at foreign embassies in Amman. Another client had rejected the possibility of seeking asylum in Syria because of harsh living and working conditions there.<sup>101</sup>

The reality is that if a woman faces a credible threat, there may be no alternative but to send her to the police for protection, and then ultimately to prison.

### ***Administrative Governors and the Jweideh Women's Correctional and Rehabilitation Centre***

Jordan comprises twelve administrative districts, each headed by a governor who is subject to the Interior Ministry but who exercises wide authority within his district.<sup>102</sup> A governor may, without process or review, detain and imprison any person to protect the public safety.<sup>103</sup> When confronted with a woman who has no safe place to escape her

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<sup>97</sup> Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hindi Center for Counseling and Legal Services, Amman, July 12, 2003.

<sup>98</sup> A "temporary law" passed while Parliament was suspended in 2001-2002, abolished this law but the abolition has not yet been ratified by the new Parliament.

<sup>99</sup> Human Rights Watch interview with Nadia Shamroukh, vice president, Jordanian Women's Union, Amman, July 13, 2003.

<sup>100</sup> The client is a young unmarried Christian woman whose Muslim boyfriend, unlike any other male in her milieu, is willing to marry her despite the fact that she is not a virgin. Her brother says she has so disgraced the family that he cannot find a bride, and he threatens to kill her. She gets some moral support from her mother. The church bishop reportedly has refused to intervene.

<sup>101</sup> Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hindi Center for Counseling and Legal Services, Amman, Jordan, July 12, 2003.

<sup>102</sup> According to an official website: "The governorates are an extension of the central government, and are supervised by the Ministry of the Interior. Governors enjoy wide administrative authority, and in specific cases they exercise the powers of ministers." Available at <http://www.jordanembassyus.org/governme.htm#THE%20EXECUTIVE%20BRANCH> (retrieved March 17, 2004).

<sup>103</sup> The Prevention of Crimes Act of 1954 gives the governors the power to detain "without bond" individuals who constitute a "danger to society." The Royal Commission on Human Rights has called for limitations on the

murderous relatives and who has been sent to him by the police, an administrative governor often exercises his power to send her to prison for her protection.<sup>104</sup> Then-Justice Minister Farisi Nabulsi told Human Rights Watch that governors will send threatened women to prison “only in exceptional cases.”<sup>105</sup> But another official and an experienced human rights advocate stated that, in the “honor” context, governors opt for protective imprisonment as the norm.<sup>106</sup>

There are no accurate statistics on how many women live in prison in Jordan today for their own protection. According to Hana Afgani, the police major in charge of the Jweideh Women’s Correctional and Rehabilitation Centre, ninety-seven inmates were administrative detainees in mid-July 2003, when we visited.<sup>107</sup> Major Afgani could not or would not tell Human Rights Watch how many of those administrative detainees were in the prison in order to protect themselves from family members. Eight were women who, having served a sentence for a crime, were not being released “for their own safety.” Major Afgani acknowledged that the other eighty-nine administrative detainees had not been convicted of any crime. It is unclear whether or not these detainees were ever criminally charged.

According to other sources, most or all of the administrative detainees were women in need of protection from their families, but estimates of those under threat vary widely. Asma Khader, minister of state and government spokesperson, visited prisoners at the Jweideh Women’s Correctional and Rehabilitation Centre four months before Human Rights Watch and said that at that time there were approximately sixty such detainees.<sup>108</sup> One of the incarcerated women told Human Rights Watch that there were now approximately sixteen such women though there had been about forty until recently.<sup>109</sup>

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power of the governors but the government has opposed it. Human Rights Watch interview with Reem Abu Hassan, human rights lawyer, Amman, July 16, 2003.

<sup>104</sup> Human Rights Watch interview with Nadia Shamroukh, vice president, Jordanian Women’s Union, Amman, July 13, 2003.

<sup>105</sup> Human Rights Watch interview with Farisi Nabulsi, minister of justice, Amman, July 16, 2003.

<sup>106</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003; Human Rights Watch interview, Nadia Shamroukh, vice president, Jordanian Women’s Union, Amman, Jordan, July 13, 2003.

<sup>107</sup> An administrative detainee is incarcerated by order of an administrative governor for reasons of public safety, either because he deems her a probable recidivist or a danger to society or for her own protection. Fifty-one of the inmates were awaiting trial, and fifty-six had been sentenced. Human Rights Watch interview with Maj. Han Afgani, the Jweideh Women’s Correctional and Rehabilitation Centre, Amman, July 15, 2003.

<sup>108</sup> Human Rights Watch interview with Asma Khader, attorney and human rights activist, Amman, July 12, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>109</sup> Human Rights Watch interview with Kefah Ali, detainee, Jweideh Women’s Correctional and Rehabilitation Centre, Amman, July 15, 2003.

A woman incarcerated on the order of an administrative governor may be released only with his consent.<sup>110</sup> As a matter of custom and practice, such consent is given only when he deems it safe for her to leave and when a male family member commits himself to be responsible for her. Asma Khader, minister of state and government spokesperson, related that King Hussein himself had signed out a woman prisoner in a particularly egregious 1998 case.<sup>111</sup> Human Rights Watch was told that no law requires a male family member as opposed to a female, but Major Afgani could not remember anyone but a male actually coming for a released detainee.

When asked, most of the officials we interviewed said they had no intention to follow the king's lead and act decisively to support threatened women who are in prison. The president of the Court of First Instance (trial courts), Judge Mohammed Al-Ghazoo, said, "I cannot overthrow the social understanding overnight."<sup>112</sup> Colonel Fadel Al-Humoud of the Family Protection Unit, though saying he would favor allowing adult women detained solely for their own protection to decide for themselves when and whether to leave the prison, said he would do so publicly only "if there is support from other partners such as Parliament and others for such a change."<sup>113</sup>

### ***Ministry of Justice: Elusive Promises***

Minister of Justice Farisi Nabulsi told Human Rights Watch that it was his understanding that the imprisoned women did not want to leave the Jweideh Women's Correctional and Rehabilitation Centre. Human Rights Watch told him that the day before three of the four women interviewed had expressed their wish to leave (if they could do so privately and quietly), without having to be escorted by a male relative. The minister, in response, said he would "send a woman judge" to the prison the next day to verify if any of the women wanted to leave; if they did, he would ensure that they were permitted to do so "privately and quietly."<sup>114</sup>

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<sup>110</sup> Penal Code, article 40.

<sup>111</sup> A woman who had served her prison term refused to leave prison if she could not have custody of her daughter who had been born outside of marriage—which is not permitted in Jordan. The king obtained a stipend for her and escorted the woman and her daughter out of prison. Human Rights Watch interview with Asma Khader, attorney and human rights activist, Amman, July 12, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>112</sup> Human Rights Watch interview with Judge Mohammed Al-Ghazoo, Amman, July 16, 2003.

<sup>113</sup> Human Rights Watch interview with Colonel Fadel Al-Humoud, coordinator, Family Protection Unit, Directorate of Public Security, Amman, July 14, 2003.

<sup>114</sup> Human Rights Watch interview with Farisi Nabulsi, minister of justice, Amman, July 16, 2003.

Human Rights Watch has since attempted repeatedly to verify whether the minister did in fact follow up on this pledge. For six months our inquiries have gone unanswered, both by the minister and by Jordan's ambassador to the United States.<sup>115</sup> We have been told, however, by two sources following these events closely that nothing has been done.<sup>116</sup>

## ***The Judiciary***

Among Jordan's seven Courts of First Instance is the High Criminal Court, where all murder cases are tried. There are twelve judges on the High Criminal Court, sitting in panels of three. The first and only female judge on the High Criminal Court to date, Taghreed Hikmat, served for one year, 2002-2003, before being appointed to the International Criminal Tribunal for Rwanda.<sup>117</sup>

The prosecutor general advises the Court of Cassation, Jordan's highest court, whether there was legal error in the decision of the High Criminal Court. The president of the Court of Cassation is appointed by the king and serves as the country's chief justice.<sup>118</sup> All death penalty cases are automatically appealed to this highest court, and they are reviewed by the full court, which consists of seven judges.

Those who represent women in "honor" situations speak of a systematic bias on the part of trial court judges. "Judges deal with these kinds of crimes in a facilitating way, understanding the man," said human rights lawyer Hani Dahleh.<sup>119</sup> A counselor for women under threat of violence believes that judges need "rehabilitation" in as much as they are "sons of the culture."<sup>120</sup> And even Prosecutor General Rawashdeh believes that judges' thinking is biased and traditional, saying they "don't need training, they need education."<sup>121</sup>

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<sup>115</sup> Human Rights Watch interview with Karim Kwar, Jordanian ambassador to the United States, Washington D.C., October 7, 2003.

<sup>116</sup> Human Rights Watch telephone interviews with Asma Khader, minister of state and government spokesperson, Amman, January 24, 2004 and Rana Hussein, journalist, Amman, February 24, 2004.

<sup>117</sup> Human Rights Watch interview with Taghreed Hikmat, judge, Amman, July 13, 2003.

<sup>118</sup> Most appeals from a Court of First Instance go to the Court of Appeals, but murder cases are an exception; they go directly to the Court of Cassation.

<sup>119</sup> Human Rights Watch interview with Hani M. Dahleh, trustee, Arab Organization for Human Rights, Amman, July 12, 2003.

<sup>120</sup> Human Rights Watch interview with Inam Asha, counselor, Effat Al-Hindi Center for Counseling and Legal Services, Amman, July 12, 2003.

<sup>121</sup> Human Rights Watch interview with Sabr Yassin Rawashdeh, general prosecutor, Amman, July 15, 2003.

Human Rights Watch interviewed four judges who have sat on the High Criminal Court concerning article 98 and their views on “honor” crimes.<sup>122</sup> Judge Mohammed Al-Ghazoo, the current president of the Court of First Instance, stated that suspicion of a “bad act”—that is, the “unlawful and dangerous act” set out in the statute—was not sufficient to invoke protection under article 98; there had to be proof. But he and his colleagues made clear that this did not mean proof of a woman’s actual sexual misconduct. Nor was it necessary that the victim commit an act that violated a law. Rather, the appearance of misconduct, or a violation of religion or custom, is enough to constitute an “unlawful and dangerous act,” to besmirch family honor, in these judges’ opinion.<sup>123</sup> To illustrate a sufficiently provoking act, Judge Ibrahim Abu Taleb, presiding judge of the High Criminal Court, posed the following hypothetical case: a brother hears that his unmarried sister is pregnant; she refuses to tell him if it is true; and he kills her. If his suspicion is correct he benefits from article 98. If his suspicion were incorrect, Judge Taleb said, he could not benefit. However, Judge Taleb considered that if a woman were “in a place where [her family’s] honor is affected,” that is a sufficiently “bad act” to justify the application of article 98.<sup>124</sup> When asked if he was satisfied with the routine application of article 98, Judge Al-Gazoo, said, “no, I am not satisfied.” But, he added, “that is the culture of the Arab world.” And Judge Al-Gazoo himself opined that a woman who stays out all night with a boyfriend has engaged in a provocation.<sup>125</sup>

Government officials and independent lawyers told Human Rights Watch that the courts were beginning to show more sensitivity toward victims. In September 2002, for example, the Court of Cassation overturned the trial court’s application of article 98 in a case where the defendant killed his sister two months after learning of her “wrongdoing.”<sup>126</sup> (She had sexual relations with a man she later married, but the brother did not approve of the marriage.) Referring to this case, Prosecutor General Rawashdeh said, “ten years ago, the Court of Cassation would have accepted the honor excuse in [this] case. Now things have changed. We do not accept that honor excuses any crime.”

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<sup>122</sup> Human Rights Watch interview with Ibrahim Abu Taleb, presiding judge; Mohamad Ibrahim, judge; Najeh Al-Diat, judge; Azam Obeidat, judge; Mohamad Abu Roman, public prosecutor for the High Criminal Court, Amman, July 16, 2003.

<sup>123</sup> Five current and former judges from the High Criminal Court agreed that this was a sufficient “bad act” under Art. 98. Human Rights Watch interview with Ibrahim Abu Taleb, presiding judge; Mohamad Ibrahim, judge; Najeh Al-Diat, judge; Azam Obeidat, judge; Mohamad Abu Roman, public prosecutor for the High Criminal Court, Amman, July 16, 2003.

<sup>124</sup> Human Rights Watch interview with Judge Ibrahim Abu Taleb, Amman, July 16, 2003.

<sup>125</sup> Human Rights Watch interview with Judge Mohammed Al-Ghazoo, Amman, July 16, 2003.

<sup>126</sup> Rana Hussein, “Three-month honour killing sentence overturned, Irbid man to be retried,” *The Jordan Times*, September 9, 2002.

Judge Taleb also told Human Rights Watch that “courts go overboard on the fit of fury defense and they [the Court of Cassation] [now] send cases back.”<sup>127</sup>

A prominent criminal defense attorney, Zahra al-Shourabati, believes that in the past few years, even lower courts have begun to require better proof of “fury” and “bad acts” than they did in the past. She cited a case from 2000 of a boy who killed his sister based upon a letter from a friend impugning her chastity; because of insufficient proof of a “bad act” on the victim’s part, he was not afforded the benefit of article 98. Ten years ago, she said, his sentence would have been reduced.<sup>128</sup> A women’s rights activist also saw some evidence of progress: “When I am in the courtroom, the judge questions the [prosecuting] witness more technically regarding the relationship of the victim and other man.”<sup>129</sup> Judge Hikmat, the only woman to serve on the High Criminal Court, said: “Some of the judges in the past applied [article 98] according to their own beliefs and culture. Now they do not. We started applying it in a new way, a humanitarian way.”<sup>130</sup>

Such observations are hopeful. On the other hand, in a case decided in 2002, a man was given the benefit of article 98 although he acted upon information in an anonymous letter.<sup>131</sup> And in a 2001 case, the Court of Cassation reversed an “honor” killer’s ten-year sentence, considering it too harsh. The man had murdered his pregnant sister as she lay in the hospital following a suicide attempt.<sup>132</sup>

## VI. JORDAN’S OBLIGATIONS UNDER INTERNATIONAL LAW

Jordan is a party to international human rights treaties protecting women and girls from gender-based violence and discrimination.<sup>133</sup> In 1975, Jordan ratified the International Covenant on Civil and Political Rights (ICCPR), which requires governments to ensure

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<sup>127</sup> Human Rights Watch interview with Presiding Judge Ibrahim Abu Taleb, Amman, July 16, 2003.

<sup>128</sup> Human Rights Watch interview with Zahra Al-Shourabati, attorney, Amman, July 12, 2003.

<sup>129</sup> Human Rights Watch interview with Asma Khader, attorney and human rights activist, Amman, July 12, 2003. In October 2003, Asma Khader became minister of state and government spokesperson.

<sup>130</sup> Human Rights Watch interview with Taghreed Hikmat, Amman, Jordan, July 14, 2003.

<sup>131</sup> Rana Hussein, “Man walks free after serving 3 months for murder,” *The Jordan Times*, May 24, 2002.

<sup>132</sup> Rana Hussein, “Court tribunals invoke article 98 to set three murderers free,” *The Jordan Times*, April 2, 2001.

<sup>133</sup> These include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified July 1992; International Covenant on Civil and Political Rights (ICCPR), ratified May 1975; Convention on the Rights of the Child, ratified May 1991; International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified May 1975; Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified November 1991.

the rights to life and security of all individuals in their jurisdiction, without distinction of any kind, including gender.<sup>134</sup> In 1992, Jordan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), specifically assuming the obligation to protect women from discrimination and gender-based violence perpetrated by both state and private actors.

By definition “honor” crimes are committed by private actors. Nonetheless, states parties to CEDAW are still bound to protect women’s lives and physical security. General Recommendation 19, adopted by the CEDAW Committee in 1992, reinforces this principle, noting that “states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of violence.”<sup>135</sup>

Official involvement in the forcible infliction of virginity exams violates guarantees of freedom from discrimination found in CEDAW and the ICCPR.<sup>136</sup> Such exams also violate provisions of the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ensuring the right to bodily integrity.<sup>137</sup> When conducted against the will of the girl or woman and with no medical justification, the examinations are themselves a form of sexual abuse. They are degrading and intimidating, both as a physical violation and for the threatened consequence of loss of family honor.<sup>138</sup>

In the Declaration on the Elimination of Violence against Women, adopted in 1993, the U.N. General Assembly affirmed states’ obligation to protect women from violence. The declaration explicitly provides that “states should condemn violence against women... [and] exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women” and emphasizes that the declaration

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<sup>134</sup> ICCPR, articles 2, 6, and 9.

<sup>135</sup> Committee on the Elimination of Violence against Women (CEDAW Committee), General Recommendation 19, Violence against women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 84 (1994), (contained in document A/47/38), para. 9.

<sup>136</sup> See Convention on the Elimination of All Forms of Discrimination against Women, article 2 and ICCPR, articles 3 and 26. See also Universal Declaration of Human Rights, article 7.

<sup>137</sup> ICCPR, article 7. article 16 of the Convention against Torture requires states parties to prevent cruel, inhuman or degrading treatment, or punishment when committed by or with the acquiescence of a public official. The Convention against Torture further obliges states to take specific steps—education, monitoring, complaint procedures, investigations—to prevent such treatment.

<sup>138</sup> See Human Rights Watch, *“We Want to Live As Humans”: Repression of Women and Girls in Western Afghanistan*, (New York: Human Rights Watch, 2002), pp. 21-24.

applies regardless of whether acts of violence are perpetuated by the state or by private actors.<sup>139</sup>

International law addresses situations in which custom and tradition interfere with the treatment of women as citizens and human beings with the same rights as men. Under CEDAW, the government of Jordan has an obligation to “modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”<sup>140</sup>

Furthermore, international human rights law guarantees women the right to have control over and decide freely and responsibly on matters relating to their sexuality free of coercion, discrimination, and violence.<sup>141</sup> International protections for the right of women to sexual autonomy can also be found in the principle of bodily integrity enumerated in ICCPR provisions on liberty and security of person.<sup>142</sup> Therefore, when a woman is severely punished for pre-marital sex, her right to make free decisions regarding her body is violated.

## VII. RECOMMENDATIONS

### ***To the Government of the Hashemite Kingdom of Jordan***

#### ***Protect the lives and physical integrity of women and girls by:***

- Examining and amending all legislation that in intent or effect discriminates against women and girls to ensure compliance with international human rights

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<sup>139</sup> Declaration on the Elimination of Violence against Women, February 23, 1994 G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993), article 4. This declaration is a non-binding resolution that establishes an international standard.

<sup>140</sup> CEDAW, article 5(a).

<sup>141</sup> United Nations, *Beijing Declaration and Platform for Action* (New York: United Nations Publications, 1995), U.N. Doc. A/CONF.177/20, October 17, 1995, para. 96.

<sup>142</sup> ICCPR, article 9. This right, although traditionally applied to conditions of arrest or detention, has been expanded over time to cover non-custodial situations. For example, CEDAW's Recommendation No. 19 defined sex discrimination to include gender-based violence, regardless of where it takes place, which impairs or nullifies women's rights and freedoms under international law. The committee stated, “These rights and freedoms include, *inter alia* . . . the right to liberty and security of person.”

standards, including gender-neutral statutes related to adultery and premarital sex.;

- Repealing in full penal code article 340 (providing a reduced sentence for a male who kills a female relative engaged in illicit sex);
- Applying penal code article 98 (providing a reduced sentence for someone committing a crime in a “fit of fury”) in a manner that is gender-neutral and that does not presume “fury” or “bad acts” in cases involving alleged “honor” crimes;
- Repealing legal provisions that allow family members to drop charges for “honor” crimes;
- Repealing laws that condition a woman’s release from detention or prison on her being released to a male relative;
- Ensuring that women who are detained or in prison can be released on their own recognizance and that they are fully protected after their release;
- Ensuring that all individuals in positions of de facto authority, including tribal or local leaders who endorse or tolerate “honor” crimes and other violence against women or girls, are penalized in an effective and appropriate manner; and
- Continuing to endorse, through radio, print, and other media, the government’s support for women’s and girls’ rights to equality in all aspects of their public and private lives, including freedom from cruel, inhuman, or degrading treatment.

***Train police to prevent and investigate “honor” crimes more effectively and humanely by:***

- Establishing, from the top down, a commitment to pursue “honor” crimes on a par with all other violent crimes—that is, to eliminate discrimination in the prevention, investigation, and prosecution of “honor” crimes and attacks;
- Collecting and disseminating more reliable data on the number of “honor” crimes committed and attempted each year;
- Investigating and prosecuting persons who threaten to harm female family members for dishonoring the family;
- Recruiting and training female police officers to investigate crimes of domestic violence, including “honor” killings;
- Establishing mandatory police training on crimes of domestic violence, and commissioning experts in this area to modify police attitudes and teach relevant skills;

- Securing the cooperation of state and local authorities to ensure adequate economic and political support for the training and its implications; and
- Prohibiting the police and forensic doctors from conducting or threatening to conduct virginity exams of women without their informed consent (consent given with the full knowledge of the purpose and risks of the procedure and the alternatives).

***Increase judicial responsiveness to the problem of “honor” crimes by:***

- Providing training and instruction to judges on the narrow limits of the “fury” defense;
- Providing specialized training for certain prosecutors in each region to try cases of violence against women, including “honor” crimes. These prosecutors should be responsible for handling cases of violence against women in all the trial courts in their district; and
- Training prosecutors responsible for cases of violence against women to eliminate gender discrimination in the handling of these cases and to recognize the serious and criminal nature of gender-based violence, including “honor” crimes.

***Provide refuge for women threatened with “honor” killing by:***

- Creating adequate and accessible shelters for victims of domestic violence, including for women who have been the victims of “honor” crimes or who are at risk of such violence, and their dependent children;
- Making residence at such shelters a strictly voluntary option for women;
- Ensuring that the shelters do not function as remand homes or serve any custodial, punitive, or reformatory purpose; and
- Ensuring that programs at the shelters provide legal assistance and counseling services for women.

***Increase information services to women at risk by:***

- Helping to establish and widely publicize telephone hotlines for women victims of violence in all major cities, operated by trained staff who can offer basic counseling and refer women to specialized service providers and shelters.

***Enhance overall government response and public education on “honor” crimes by:***

- Maintaining reliable national statistics on the incidence, nature, and circumstances of “honor” killings and other types of violence against women, including rates of prosecution, conviction, and sentencing—specifically the nature of punishment.

***To the United Nations***

- The secretary-general of the United Nations and the United Nations high commissioner for human rights should ensure that all United Nations agencies operating in Jordan pay particular attention to the issue of violence against women and develop programs and strategies designed to curb these abuses and promote accountability; and
- The United Nations Development Program, in conjunction with the Jordanian government and nongovernmental organizations, should design and implement service programs for women victims of sexual and other violence, including legal literacy, legal aid, counseling, shelter, and job training programs.

***To the World Bank, Other International Lending Institutions, and Governments***

Given the high priority that the World Bank has put on addressing human development and social protection in Jordan (as per the recent Country Assistance Strategy), the Bank is particularly well-situated to promote constructive and sustainable reforms, to assist in meeting the needs of women victims of violence, and to improve women’s status in Jordanian society.

- In the next reassessment of its Country Assistance Strategy, the World Bank should give explicit priority to developing an effective policy on sexual and domestic violence. Sustainable development would be enhanced by progress on women’s rights to equality and freedom from sexual and domestic violence are protected. Bilateral donors participating in the next consultative group annual donor meeting convened by the World Bank should also press these concerns;

- The World Bank should explore possibilities for pilot projects in conjunction with existing nongovernmental organizations aimed at assisting and protecting rural and urban women from gender-based violence; and
- International lending institutions should make it a priority to provide financial support to nongovernmental organizations and the Jordanian government for the provision of basic services for women victims of violence, including medical care, counseling, and legal aid.

### ***To the Donor Community***

Bilateral donors, including Japan, the European Union, and the United States, should:

- Use their influence to encourage Jordan to adopt the recommendations outlined above. They should raise the issue of the Jordanian government's inadequate response to the problem of violence against women at high level meetings and through their embassies in Jordan;
- Provide assistance for programs to provide basic services for women victims of violence. These services should include women's shelters, medical care, counseling, and legal aid, which are necessary to encourage and enable women to come forward and seek safety from and justice for domestic violence, including "honor" crimes;
- Support programs that seek to review and reform existing laws to ensure that they are consistent with Jordan's obligations under CEDAW and other international human rights standards, do not discriminate on the basis of sex or gender, and afford women and girls equality of access and opportunity;
- Encourage Jordan to repeal article 340 and to restrict article 98 of the penal code from being used as a defense for crimes of "honor"; and
- Provide funds to the Jordanian government to train police, prosecutors, doctors, and judges to eliminate gender bias in handling cases of violence against women.

## ACKNOWLEDGMENTS

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