



'Women are Equal Partners in the Country, not Half Citizens' - source: My Mother is Jordanian and her Nationality is a Right for me [Facebook Page](#)

Gazans Born to Jordanian Mothers: an added benefit or equally difficult livelihoods?

Jordan has a patrilineal discriminatory nationality law, which renders Jordanian women as 'second class citizens'¹ in the eyes of the law. For Jordanian women married to non-Jordanians, this creates a problem since their children are regarded as foreigners whom are not allowed to access health, education services and are restricted from certain labour rights. While, discriminatory nationality laws only have a subsidiary impact among static populations, they have major significance in countries where sizeable numbers of nationals have intermarried with non-nationals.² Jordan exemplifies this situation given the large number of Palestinian, Syrian and Iraqi refugees, and the mixed national-refugee families that emerged. In fact, in 2014 there were 88,983 Jordanian women married to foreign nationals, 52,660 of which were married to Palestinian men.³ As a result of grassroots activism, the government decided to provide children of Jordanian mothers married to foreigners with a benefit card that allocates them certain rights and privileges. This article thus seeks to question the true value of such a Benefit Card. It begins by tracing the discriminatory Jordanian citizenship law, the grassroots campaign that ensued, and a brief of the privileges provided by the Benefit Card. Afterwards, the paper will relay the experiences of two Gazan refugees whose mothers are Jordanian and who obtained the Benefit Card. It will also seek to explore how and why Palestinian Refugees from Syria are not permitted to obtain these cards given their father's 'lack of citizenship.' The paper will conclude with the notion that the Benefit Card has in reality failed to mitigate the suffering of these communities within the Jordanian population, and will consequently provide a number of recommendations.

¹ Elizabeth Whitman, "Jordan's Second-Class Citizens," Boston Review, October 23, 2013, , accessed March 3, 2018, <http://bostonreview.net/world/whitman-jordan-citizenship>.

² Rebecca J. Cook, "Reservations to the Convention on the Elimination of All Forms of Discrimination against Women," Virginia Journal of International Law 30 (September 3, 1981): , <http://heinonline.org/HOL/LandingPage?handle=hein.journals/vajint30&div=24&id=&page=>

³ "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. P. 19 https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

Citizenship Law

Article 6 of the Jordanian constitution eloquently declares that 'Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race language or religion.'⁴ Nonetheless, when it comes to the simple right of passing on citizenship and nationality to their offspring, Jordanian mothers are unable to do so on account of their marriage to non-Jordanians. Thus, while the constitution calls for no discrimination whatsoever, in practice, the legal provision of nationality is discriminatory according to gender. Women's inability to pass on their citizenship is based on law No.6 of 1954 on Nationality,⁵ last amended in 1987. The provisions of the law clearly indicate that Jordanian nationality is strictly patrilineal.

Article 3:

The following shall be deemed to be Jordanian nationals:

- (1) Any person who has acquired Jordanian nationality or a Jordanian passport under the Jordanian Nationality Law, 1928, as amended, Law No. 6 of 1954 or this Law;
- (2) Any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954;
- (3) Any person whose **father** holds Jordanian nationality;
- (4) Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established
- (5) Any person born in the Hashemite Kingdom of Jordan of unknown parents, as a foundling in the Kingdom shall be considered born in the Kingdom, pending evidence to the contrary
- (6) All members of the Bedouin tribes of the North mentioned in paragraph j of article 25 of the Provisional Election Law, No. 24 of 1960, who were effectively living in the territories annexed to the Kingdom in 1930.

Article 9:

The children of a **Jordanian man** shall be Jordanian wherever they are born.

This law not only contravenes the Jordanian constitution itself which calls for an elimination of all forms of discrimination, but it also goes against Jordan's international human rights obligations. Article 1 within Chapter Two of the National Charter defines Jordan as a State of Law:

'Committed to the principle of the supremacy of the law ... and all authorities within it are committed to providing legal, judicial and administrative guarantees to protect the rights, integrity and basic freedoms of the individual, which rules were laid down by Islam and confirmed by the Universal Declaration of Human Rights and all other international covenants and treaties promulgated by the United Nations in this regard.'⁶

The right to citizenship and nationality is highlighted in a number of international treaties ratified by Jordan including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁷ Article 9:

1. States parties shall grant women *equal rights* with men to acquire, change or retain their nationality
2. States parties shall grant women *equal rights with men with respect to the nationality of their children*.⁸

⁴ *Constitution of the Hashemite Kingdom of Jordan* [Jordan], 1 January 1952, available at: <http://www.refworld.org/docid/3ae6b53310.html> [accessed 31 March 2018]

⁵ *Law No. 6 of 1954 on Nationality (last amended 1987)*, 1 January 1954, available at: <http://www.refworld.org/docid/3ae6b4ea13.html>

⁶ *Jordan National Charter*. [Http://www.kinghussein.gov.jo/charter-national.html](http://www.kinghussein.gov.jo/charter-national.html).

⁷ Ratified by Jordan in 1992

Interestingly, Jordan submitted a declaration to Article 9 Paragraph 2 upon ratification stating that 'Jordan does not consider itself bound by the provision.'⁹ While the Committee on the Elimination of Discrimination Against Women has explicitly stated that Article 2 and 16 are 'core provisions'¹⁰ of the treaty on which no reservation is permissible, no similar comment has been made on Article 9. Yet, the Committee has specifically urged Jordan to ensure 'equality between women and men with regard to the acquisition, change and retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children.'¹¹

Moreover, a number of UN bodies have commented on the discriminatory nature of the law and the importance in amending it.

Committee	Comment
Committee on the Elimination of Discrimination Against Women	'Urges the government to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children' ¹²
Human Rights Council	Resolution 2012 'The Right to a Nationality – Women and Children.' Resolution 2016 'The Right to a Nationality – Women's Equal Nationality Rights in Law and Practice' 'Urges states to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children and regarding the acquisition, change or retention of the nationality' (A/HRC/Res/20/4, ¶¶ 5-6) ¹³
Committee on the Elimination of Racial Discrimination	'The Committee recommends that the State party bring its legislation into line with the Convention and, to this end, amend the Jordanian Nationality Act (law No. 6 of 1954) to eliminate provisions that discriminate against non-Arab spouses of Jordanian citizens and to include provisions allowing all Jordanian women to transmit their citizenship to their children from birth, without discrimination.' ¹⁴
Committee on the Rights of the Child	'The Committee reiterates its recommendation that the State party review and amend the Jordanian Nationality Act (Law No. 6 of 1954) in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to confer her nationality to her children equally and without discrimination.' ¹⁵

⁸ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at:

<http://www.refworld.org/docid/3ae6b3970.html> [accessed 1 March 2018]

⁹ "Reservations and Objections to CEDAW." UN WOMEN. Accessed March 1, 2018.

<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

¹⁰ *Report of the Committee on the Elimination of Discrimination against Women*. General Assembly Official Records Fifty-third session Supplement No. 38 (A/53/38/Rev.1),

<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>.

¹¹ UN Committee on the Elimination of Discrimination against Women, "Concluding observations of the Committee on the Elimination of Discrimination against Women, Jordan," CEDAW/C/JOR/CO/5, March 23, 2012, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJOR%2fCO%2f5&Lang=en

¹² Ibid

¹³ UN Human Rights Council, *The right to a nationality: women and children*, 16 July 2012, A/HRC/RES/20/4, available at: <http://www.refworld.org/docid/503dd5422.html> [accessed 31 March 2018]

¹⁴ UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined eighteenth to twentieth periodic reports of Jordan*, 26 December 2017, CERD/C/JOR/CO/18-20, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJOR%2fCO%2f18-20&Lang=en [accessed 1 March 2018]

¹⁵ UN Committee on the Rights of the Child (CRC), *Concluding observations on the consolidated fourth and fifth periodic reports of Jordan*, 13 June 2014, CRC/C/JOR/CO/4-5, available at: <http://www.refworld.org/docid/541bf99a4.html> [accessed 1 March 2018]



Jordan is my country just as much as it is yours' | 'It is my right to live safely with my children in my country'- source: [Jordan Times](#)

'My Mother is Jordanian, and her Nationality is a Right for Me'

In response to Jordan's discriminatory laws on passing on nationality, Nima Habashna a Jordanian woman married to a non-Jordanian man, founded the campaign 'My mother is Jordanian, and her nationality is a right for me' in collaboration with the Arab Women Organisation. The Campaign aimed to lobby for a change in legislation regarding nationality in order to enable women to pass it on nationality to their foreign spouses and children. While a number of protests took place, and multiple reports were submitted to the Committee on the Elimination of Discrimination Against Women, the campaign did not succeed in achieving its main objective.

Children of Jordanian Mothers' Benefit Card

Instead, in 2014 the Prime Minister announced that:

'Today we meet to fulfil our pledge to the children of our Jordanian daughters by ... facilitating numerous official matters for their children from a foreign marriage.'¹⁶

'Official matters' here were to be in the form of a card issued by the Civil Status and Passports Department outlining the identity of the child as a foreigner whose mother is a Jordanian national. One side of the card contains the child's own identification details, while the other includes his mother's national ID-number. The purpose of this card was to provide for its holders rights and benefits that are similar to those enjoyed by Jordanian nationals. These benefits include: the right to own, the right to invest, the right to attend public schools and universities for the national fees, the right to access healthcare services, the right to obtain a service driving license, as well as the right to join the civil service.¹⁷ As for labour rights, the Interior Minister clarified that these individuals 'will be given second priority after Jordanian citizens in all professions, including ones they were not allowed to work in the past, and they will be exempted of any work permit fees.'¹⁸

Despite the 2014 announcement the decision was never published in the official gazette, and the Civil Status and Passports Department did not distribute such ID cards until late 2015 and early 2016, following protests of non-citizen children in front of the Prime Ministry.¹⁹

However, based on submissions by different NGOs to the Committee on the Elimination of Discrimination against Women's discussion on Jordan at its 66th session from 13 February – 3 March 2017,²⁰ many of the rights promised were never actualised. Consequently, the PRC team conducted long interviews with two Gazan refugees whose mothers are Jordanian citizens, and one Jordanian mother whose children are Palestinian Refugees from Syria, which confirmed that the announced privileges of the card have actually never been followed through.

¹⁶ Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners." Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners - Jordan Vista. November 4, 2014. Accessed March 4, 2018. <http://www.vista.sahafi.io/art.php?id=65dcc35987d5f466ab6bb9721209876600ea8f7a>

¹⁷ Maher Shawabkeh. "Rights of Children of Jordanian Mothers from Foreign Fathers Are Still Restricted." *Al Hayat*, May 1, 2017. Accessed March 2, 2018. <http://www.alhayat.com/Articles/21604888/عن-الاردن-يات-ابناء-من-قوصة-تزال-ل-امزاي-ام-اجانب-آباء>

¹⁸ Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners." Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners - Jordan Vista. November 4, 2014. Accessed March 4, 2018. <http://www.vista.sahafi.io/art.php?id=65dcc35987d5f466ab6bb9721209876600ea8f7a>

¹⁹ *Human Rights Watch Submission to the CEDAW Committee of Jordan's Periodic Report, 66th Session*. January 2017. http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/JOR/INT_CEDAW_NGO_JOR_26376_E.pdf.

²⁰ Ibid | *Submission by Equality Now, SIGI, My Mother Is Jordanian and Her Nationality Is a Right to Me, Equal Nationality Rights and AWO to the Committee on the Elimination of Discrimination against Women*. January 22, 2017. http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/JOR/INT_CEDAW_NGO_JOR_26323_E.pdf. | *CEDAW Shadow Report*. January 2017. Submitted by Arab Women Organization (AWO) Mosawa Network, http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/JOR/INT_CEDAW_NGO_JOR_26477_E.pdf.

'The Card is Useless'

The general overview regarding the benefit card is that they have no added value to a foreigner's life. In an interview with Mohammad, a 21 year-old Gazan refugee living in the Jerash camp, he said: 'the card is useless, no one recognises it as official documentation.' When Mohammad provided the card to police officers, they disregarded its validity and demanded that he provide them with another proof of identity. 'I don't understand what was the point then if I can't use it. I will always be regarded as a foreigner, even though I've lived and grown up here, even though my mother is Jordanian.' For Mohammad, it would have been better for his mother not to waste so much money and so much time in order to issue the card for her children, as ultimately it is a 'useless document.'

Similarly, 25 year-old Omar who works as an architect at a firm in Amman exclaimed that the card is 'useless.' 'This card hasn't helped me in any way, to the extent that I don't even know where the card is. No one recognises it anyway.'²¹ When Omar, went to set up a new bank account, he provided his Benefit card assuming that it might quicken the procedure, to his dismay it was rejected. 'They didn't accept the card, and asked for my temporary two year passport. So even if the law states that the Card should suffice as a proof of documentation, this has not been confirmed by the Central Bank and so the Card can't be used for your dealings.'²²

In terms of the provision of health and education benefits, research has shown that the services have been adequately provided, but not in an entirely uniform or inclusive manner. However, in terms of higher education, children of Jordanian mothers still face obstacles accessing and utilising these services as most cannot afford the foreign student international fee they are obliged to pay. The recently published Human Rights Watch Report: "I Just Want Him to Live Like Other Jordanians" also demonstrated that the 2017 announcement of the Ministry of Higher Education to reserve 150 seats for children of Jordanian mothers in public university is not quite accessible to the majority as it is restricted to those who have achieved exceptionally high grades, and who managed to issue the Benefit Card.²³

As for the labour benefits that the Card allocates individuals, most of them have not been realised. In a 2016 Ministerial decision, foreigners including Gazan refugees were required to obtain work permits in order to engage in a number of professions. The law specifically exempted refugees and other foreigners whose mothers are Jordanian from work permit fees. However, in practice this was not applied, as Omar stated: 'for six months the new law applied to Gazans whose mothers are Jordanian and then they exempted us. My sister was one of the victims of this new law. She couldn't find any job and was only able to do so when they cancelled the requirement for those whose mothers are Jordanians.'²⁴ For Mohammad on the other hand, he still has to issue a work permit, which costs a fee he cannot afford.²⁵

²¹ Omar. "Children of Jordanian Mothers Benefit Card." Interview by authors. March 2, 2018. Amman - Jordan.

²² Omar. "Children of Jordanian Mothers Benefit Card." Interview by authors. March 2, 2018. Amman - Jordan.

²³ "I Just Want Him to Live Like Other Jordanians" Treatment of Non-Citizen Children of Jordanian Mothers. Report. April 2018. Accessed April 2018. P. 9

https://www.hrw.org/sites/default/files/report_pdf/jordan0418_web.pdf

²⁴ Omar. "Children of Jordanian Mothers Benefit Card." Interview by authors. March 2, 2018. Amman - Jordan.

²⁵ Mohammad. "Children of Jordanian Mothers Benefit Card." Interview by authors. January 8, 2018. Gaza Camp, Jerash - Jordan.

Difficulties in Obtaining Benefit Card for Palestinian Refugee Children from Syria Born to Jordanian Mothers

In addition to the fact that most of the rights provided by the card have not been realised, it is important to indicate that not all children of Jordanian mothers have been able to obtain the card. Haneen, who escaped Syria in 2012, with her five Syrian-registered Palestinian refugees, attempted to issue the document after residing in Jordan for 6 years, in line with the five year residency policy. Haneen sought to obtain the benefit card in order to be able to register her daughters in the nearby public school as opposed to the UNRWA school which is a 30 minute walk away from her house, a journey which sometimes proves to be too dangerous for her daughters. Furthermore, given her youngest daughter's disability, and UNRWA's basic healthcare services, Haneen believed that the benefit card could allow her to access better services that would address her daughter's needs and permit her enrolment in the Ministry of Social Development's Al-Manar Schools for persons with disabilities and learning difficulties.



Syrian travel document for Palestinian Refugees. Photograph taken in Haneen's home in Jordan: Pietro Stefanini and Maya Hammad | PRC October 2017

Haneen received a rejection from the Civil Status and Passports Department, on her application to issue the cards for her daughters. After inquiring about the reason for the rejection from the Ministry of Interior, Haneen was informed that such a benefit card does not extend to children whose fathers are stateless and holders of travel documentation obtained from other countries.²⁶ Such a restriction means that many Jordanian women married to Palestinian refugees from Syria, or Palestinian refugees from Lebanon will not be able to confer the rights of the card to their offspring. This restriction is problematic given the number of Palestinian refugees from Syria in Jordan, as well as the mixed families, which have ensued following the influx as a result of the conflict in 2011.

²⁶ Haneen. "Children of Jordanian Mothers Benefit Card." Interview by authors. October 24, 2017. Zarqa Governorate – Jordan.

Conclusion and Recommendations

In conclusion, lifting the reservation on Article 9 (2) of CEDAW is key to achieving gender equality in Jordan.²⁷ Granting citizenship to the Gazan refugees, even those whose mothers are Jordanian seems to be highly unlikely as the government's position on the matter is predicated on the fact that citizenship 'might affect the demographic balance in Jordan and might lead to empty Palestine from its people.'²⁸ Nonetheless, this enforced statelessness on the children of Jordanian mothers whose fathers are 'foreigners' has lasting social, economic, and psychological repercussions. 'I was born with this identity; I have inherited this from my father like I have inherited my surname. And for everyday of the rest of my life, I am being punished for it.'²⁹

As a result of these hardships facing Gazan refugees and other Palestinian refugees whose mothers are Jordanian, the PRC presents the following recommendations to the Jordanian government:

- Calls for all government directorates and affiliated institutions to regard the benefit card as a sufficient identification card, and efficiently provide the associated benefits provided by the card
- Urges the government to ensure that institutions within the private sector regard the benefit card as a sufficient identification card
- Calls upon the government to reconsider its allocation of the cards to include Palestinian refugee children from Syria and Lebanon whose mothers are Jordanian citizens

²⁷ CEDAW Shadow Report. January 2017. Submitted by Arab Women Organization (AWO) Mosawa Network, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared Documents/JOR/INT_CEDAW_NGO_JOR_26477_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_26477_E.pdf).

²⁸ Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners." Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners - Jordan Vista. November 4, 2014. Accessed March 4, 2018. <http://www.vista.sahafi.jo/art.php?id=65dcc35987d5f466ab6bb9721209876600ea8f7a>

²⁹ Omar. "Children of Jordanian Mothers Benefit Card." Interview by authors. March 2, 2018. Amman - Jordan.

Women. January 22, 2017. http://tbinternet.ohchr.org/Treaties/CEDAW/SharedDocuments/JOR/INT_CEDAW_NGO_JOR_26323_E.pdf.

UN Committee on the Elimination of Discrimination against Women, "Concluding observations of the Committee on the Elimination of Discrimination against Women, Jordan," CEDAW/C/JOR/CO/5, March 23, 2012, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJOR%2fCO%2f5&Lang=en

UN Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined eighteenth to twentieth periodic reports of Jordan, 26 December 2017, CERD/C/JOR/CO/18-20, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJOR%2fCO%2f18-20&Lang=en [accessed 1 March 2018]

UN Committee on the Rights of the Child (CRC), Concluding observations on the consolidated fourth and fifth periodic reports of Jordan, 13 June 2014, CRC/C/JOR/CO/4-5, available at: <http://www.refworld.org/docid/541bf99a4.html> [accessed 1 March 2018]

UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> [accessed 1 March 2018]

UN Human Rights Council, *The right to a nationality: women and children*, 16 July 2012, A/HRC/RES/20/4, available at: <http://www.refworld.org/docid/503dd5422.html> [accessed 31 March 2018]

Whitman, Elizabeth. "Jordan's Second-Class Citizens." *Boston Review*. October 23, 2013. Accessed March 3, 2018. <http://bostonreview.net/world/whitman-jordan-citizenship>.