



HUMAN
RIGHTS
WATCH

“I Just Want Him to Live Like Other Jordanians”

Treatment of Non-Citizen Children of Jordanian Mothers



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Treatment of Non-Citizen Children of Jordanian Mothers

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Summary

“The Quran says that heaven is beneath the feet of our mothers. God has given her heaven and Jordan isn’t even willing to give her the right to pass on citizenship.”

- “Ashraf,” 40-year-old non-citizen son of a Jordanian mother, August 6, 2017

In Jordan, a child born to a Jordanian mother and a non-Jordanian father is considered a non-citizen in the eyes of the state. In violation of international human rights law, which obliges Jordan not to discriminate against women, Jordanian law allows only fathers to pass citizenship to their children. It does not allow Jordanian women to even confer automatic long-term residency on their children. Despite government promises to grant these individuals key economic and social rights, non-citizen children of Jordanian women continue to face legal restrictions that trap many of them at the margins of Jordanian society.

“Help me understand, I am Jordanian. I give my country everything I am asked to give it. I invest in it, I work in it, I am lawful, I pay my bills. I do everything just like any other citizen. Just like any man,” said “Samira,” divorced mother to four non-citizen children. “So why won't the country give me my rights? My dignity? We just want to live. Because right now we are not living. We are at risk. When it comes to food, to [healthcare] treatment, to work, to shelter, we are at risk.”

In 2014, the Jordanian Ministry of Interior stated that there were over 355,000 non-citizen children of Jordanian women. Popularly referred to in Jordan as “*abna’ al-urduniyat*,” or the “children of Jordanian women,” these non-citizens’ access to basic rights and services are severely limited. Authorities restrict their rights to work, own property, travel from and return to Jordan (where many were born and live), access public education and health care, and even their ability to acquire a driver’s license.

“The government is creating a permanent underclass,” said Mustafa Hamarneh, a former member of parliament and current head of the Economic and Social Council, a national advisory body to the government, pointing to the fact that Jordan’s legal restrictions can limit access to livelihoods and cause affected families to become destitute.

While many women's rights activists attribute successive governments' unyielding stance on the issue to a deep-seated patriarchal culture, Jordan's stated justifications for denying women the right to be treated equally to men with respect to the ability to pass citizenship to their children include political, demographic, and economic considerations.

Given that Jordan is home to one of the largest populations of Palestinian refugees and that the majority of Jordanian women married to foreign nationals are married to non-citizen Palestinian men who hold various legal statuses in Jordan, local politicians and officials' chief argument against repealing this discriminatory policy is the claim that it would both undermine the effort to secure Palestinian statehood and alter Jordan's demographic balance.

These stated justifications are clearly discriminatory, as they are not applied to Jordanian men who choose to marry foreign nationals, the majority of whom are also married to Palestinians. The law permits a Jordanian man to marry as many as four women, foreign or Jordanian, and to pass on citizenship to his wives and children. While the children of Jordanian men are considered citizens at birth, their wives must wait three to five years before applying for citizenship.

International human rights bodies, including the United Nations Committee on the Rights of the Child (CRC), the UN Committee on the Elimination of Discrimination against Women (CEDAW), and the UN Committee on Economic, Social and Cultural Rights (CESCR), have all found Jordan's nationality law to be discriminatory in nature. In 2014, the CRC called on Jordan to review and amend the law "in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to transmit her nationality to her children equally and without discrimination."

Rather than lead as a regional model, Jordan lags behind a number of other states in the Middle East and North Africa region, including Algeria, Egypt, Morocco, Tunisia, and Yemen, which all provide equal rights to women and men to confer nationality to their children. Where the father is foreign, Iraq and Mauritania allow women to confer nationality only to children born within their borders.



A Jordanian woman married to a foreign national carrying her daughter, one of her four children without Jordanian citizenship, on February 9, 2018 in Amman, Jordan.

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Hope for Change

In 2014, following negotiations with a parliamentary legislative bloc that was headed by then-Member of Parliament Mustafa Hamarneh and was demanding civil rights for *abna' al-urduniyat*, the authorities appeared ready to recognize non-citizen children of Jordanian women as a specific class of individuals entitled to benefits not available to other non-Jordanians. The cabinet issued a decision purporting to ease restrictions on the access of non-citizen children of Jordanian women to six areas: employment opportunities, public education, government health care, property ownership, investment, and acquiring a driver's license. The cabinet decision also established a special Jordanian ID card for non-citizen children of Jordanian women. The decision labeled the promised reforms – which, even when applied fully, still leave in place a clearly discriminatory system – *tasheelat*, or an easing of restrictions.

In the years following the announcement, government officials, local and international media outlets, as well as some parliamentarians, continued to use the terms “civil rights”, “privileges” [known in Arabic as *mazaya*], and *tasheelat* interchangeably when

commenting on the decision, leading activists and affected individuals to believe that the state would treat them as Jordanians in the aforementioned areas.

“When we heard the news we were so happy,” said “Bushra,” a 53-year-old divorced mother of four non-citizen children. “We felt like there was finally some hope.”

For Bushra and many others like her, that happiness was short-lived. Upon applying for the new government-issued special identification cards for non-citizen children of Jordanian women, which would be required to access the six areas included in the decision, a sizeable number of non-citizen children of Jordanian women found themselves deemed ineligible or unable to obtain such ID cards. Some could not obtain the long list of necessary documents required to apply, including passports from fathers’ countries of origin, residency permits, work permits, certified birth certificates, and security clearances from Jordan’s powerful intelligence agency, the General Intelligence Directorate (GID). Others simply could not afford the costs required to collect these documents. Authorities also rejected some applicants on the basis that the cabinet decision requires Jordanian mothers, who, as their sponsors are required to apply on their behalf, to have legally resided in Jordan for no less than five years prior to applying – a requirement that the Jordanian National Commission for Women considered a form of discrimination against Jordanian women’s citizenship rights and freedom of movement.

Unfulfilled Promises

By February 2018, authorities had issued just over 72,000 identification cards, less than 20 per cent of the estimated number of non-citizen children of Jordanian women. Even for those who obtained the identification cards, many reported no discernible improvement in their circumstances. By and large, Jordanian government agencies continue to subject them to the same laws and regulations that govern provision of services for foreign nationals.

Individuals interviewed by Human Rights Watch said that cumbersome annual renewal of residency permits remained a requirement for non-citizen children of Jordanian women, and those who required work permits continued to confront significant legal and regulatory barriers that prevented them from obtaining employment for which they were otherwise qualified. Others said that they succeeded in building successful careers despite these

restrictions but were constantly at risk of losing these hard-earned gains due to the legal uncertainties that threatened their jobs and limited professional mobility.

It is only in public hospitals and at public schools that non-citizen children of Jordanian mothers reported noticeable improvements. Soon after authorities issued the cabinet decision, the Ministry of Health circulated its own regulations calling on public hospitals to treat uninsured non-citizen children of Jordanian mothers as they would uninsured Jordanians. Regarding education, the cabinet decision stated that schools must treat non-citizen children of Jordanian mothers on a par with Jordanian children.

In both cases however, those who cannot procure identification cards or meet the mother's five-year residency requirement are not eligible to benefit from these provisions, and some non-citizen children reported paying higher fees at public hospitals despite presenting identification cards proving their status. In early 2018, the Ministry of Health asserted that only those individuals under the age of 18 are to be treated on a par with uninsured Jordanians – a requirement it had not previously included in its regulations. The promised “reforms” initially did not improve access to higher education, meaning non-citizen children of Jordanian mothers had to pay costly international student fees to study at Jordan's public universities. In 2017, however, the Ministry of Higher Education announced a limited reform, stating that 150 places at public universities will be reserved for non-citizen children of Jordanian women and subsidized by the government. Only individuals with top grades and identification cards are eligible to apply.

Despite inclusion in the cabinet decision's provisions, authorities made no discernable changes to areas of property ownership, investment, or obtaining a driver's license. Some government departments now require the new identification card in addition to the documents originally required for services, arguably excluding non-citizen children that could have accessed these services prior to the “reform.”

“They are fooling us. [The identification card] was just a way to numb us women for a while,” said “Manal,” who says she was one of the first people to apply for cards for her five children. Given their inability to meet certain requirements, regulations deemed her children ineligible.



A Jordanian woman and her two non-citizen daughters on February 9, 2018 in Amman, Jordan.
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No Alternative to Citizenship

Given that the promised reforms came in the form of a cabinet decision that does not require parliamentary approval, the decision is subject to the whims of each successive government. At any point in time, it may be amended, changed altogether or simply nullified, reflecting its inadequacy as a substitute for full citizenship rights.

Deprived of permanent, automatic residency in their mother's country of citizenship, non-citizen children of Jordanian mothers reported facing obstacles when attempting to open bank accounts, acquire phone lines, or register an account with an internet service provider. Young men face significant societal disadvantages in getting married.

"I have two daughters married to Jordanians. My boys are the problem. Boys like my sons, they have no future, no work prospects, no marriage prospects, they can't live like other sons of this country," said Manal. "I wish I could marry my sons off to Jordanian women."

"Ghaith," 62, is a Palestinian from the West Bank. As a former Jordanian citizen denationalized pursuant to Jordan's "disengagement" from the West Bank in 1988, Jordan

has permitted him to hold a temporary Jordanian passport without a national number, but even with a Jordanian passport he still faces many of the same challenges as other foreign nationals accessing government services. In most government interactions, he is treated as a foreigner. Ghaith is married to a Jordanian citizen and has three sons and one daughter. He sympathizes with Jordanian families' reluctance to allow daughters to marry non-citizen children of Jordanian mothers, as they would pass on the same citizenship status problems to their children. "When my daughter is ready for marriage," he said, "I won't let her marry a guy like my sons [non-citizen children of Jordanian mothers]."

Every one of the non-citizen individuals Human Rights Watch interviewed self-identified as Jordanian. Yet, they are constantly reminded of their status as foreign nationals in their interactions with government departments. For example, the only non-Jordanians allowed to donate blood in Jordan are Palestinians with temporary Jordanian passports.

"If I needed blood, my own children can't give it to me. My own son couldn't," said "Hania," a 51-year-old Jordanian woman married to an Egyptian national. "Can you believe it?"

In extreme circumstances, depriving the sons and daughters of Jordanian women of the right to citizenship on an equal basis with others can lead to tragic consequences. When "Eman," who is married to a Syrian man and resides in Jordan, took her youngest son to Idlib, Syria, to oversee his marriage to a Syrian woman in 2014, she expected they would all return home in Jordan within the month. When trying to return, via Antakya, Turkey, however, airline officials prevented her son and his new wife from boarding their flight to Jordan because they did not have permission from Jordanian authorities to enter the country. Over a year later, Eman could still not find a way to bring her son back home and waiting in Antakya became unaffordable for the couple. Her son and his wife decided to return to Idlib, where Syria's civil war continued to rage. In July 2015, less than a month later, a mortar shell hit and killed him. His then-pregnant wife survives him.

Article 6 of the Jordanian Constitution guarantees equality to all Jordanians before the law with "no discrimination between them as regards to their rights and duties on grounds of race, language or religion." Jordan also has international human rights obligations to ensure that women are treated equal to men including with regards to nationality. While Jordan does not have a clear definition of discrimination in its own laws, under international law, discrimination is defined as any differential treatment which is directly

or indirectly based on a number of identified grounds and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights or freedoms. Based on this definition, Jordan's nationality law directly discriminates on the basis of gender. Jordan should end this longstanding discrimination against Jordanian women by recognizing their right to confer nationality to their children on an equal basis to men.

Recommendations

Key Recommendations

To the Council of Ministers:

- Prepare a draft bill amending the nationality law to allow for Jordanian women to pass on citizenship to their spouses and children on a par with Jordanian men.
- Adopt a legal definition of discrimination in accordance with international human rights law in interpreting Jordan's own constitution and laws.

To the Jordanian Parliament:

- Remove any distinction in the laws and regulations on nationality based on sex. The rules should be "leveled up" when removing these distinctions, that is to the higher level of protection.

Interim Recommendations

To the Jordanian Parliament:

- Change or amend the Law on Residence and Foreigner's Affairs to exempt children of Jordanian women from the burdensome annual residency requirement altogether or provide them long-term residency permits at reduced fees.
- Consider amending article 12 of the Labor Law to exempt non-citizen children of Jordanian women from obtaining work permits.
- Change or amend existing labor regulations to allow non-citizen children of Jordanian women to work in professions restricted to Jordanian citizens, including by amending laws or regulations pertaining to professional associations in order to allow them to become members on a par with Jordanian citizens.
- Change or amend ownership and investment regulations to allow non-citizen children of Jordanian women to own property and invest on a par with Jordanian citizens.
- Change or amend the Traffic Law to allow non-citizen children of Jordanian women to obtain driver's licenses, including by reducing fees involved, on a par with Jordanian citizens.

To the Council of Ministers:

- Remove reservations to article 9 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
- Provide all non-citizen children of Jordanian mothers without exception a government-issued identification card that identifies them as such. Remove the five-year residency requirement for Jordanian mothers of non-citizen children and other requirements that effectively exclude large numbers of individuals from acquiring it.
- Issue clear instructions ensuring the identification cards are recognized and accepted at all state and government institutions.
- Treat non-citizen children of Jordanian women in the same manner as Jordanian students at the university level.

To the Ministry of Labor:

- Remove conditions that prevent non-citizen children of Jordanian mothers from acquiring employment in employment sectors reserved for citizens.
- Fully waive work-permit fees for non-citizen children of Jordanian women.
- Facilitate work permits for non-citizen children of Jordanian women in order to remove employer disincentives from hiring them.

To Professional Associations:

- Allow non-citizen children of Jordanian women to join professional associations on a par with Jordanians.

To the Ministry of Health:

- Issue clear regulations allowing all non-citizen children of Jordanian women under the age of six to be treated free of charge at public hospitals on a par with Jordanian citizens.
- Charge all uninsured non-citizen children of Jordanian women the uninsured Jordanian prices for health care in government facilities regardless of their mother's residency.

Methodology

Two Human Rights Watch researchers examined 34 cases of non-citizen children of Jordanian women denied fundamental rights. Researchers carried out interviews with 16 Jordanian mothers, 25 non-citizen children of Jordanian mothers, and three foreign spouses. This report uses pseudonyms for all interviewees to protect their privacy and their security. Researchers also reviewed documents pertaining to their cases, including official correspondence with Jordanian authorities and copies of court cases and identity and travel documents. Researchers informed all participants of the purpose of the interview and the ways in which the data would be used, and none of the interviewees received financial or other incentives for speaking with Human Rights Watch. Researchers conducted interviews in Jordan in July and August 2016 and July 2017. They followed up with telephone interviews in August and September 2017. Researchers conducted all interviews in Arabic, with the exception of one interview conducted in English.

Researchers also met with activists and government officials involved in this issue, including Khalid Ramadan, member of parliament, Mustafa Hamarneh, former member of parliament, Rami al-Wakeel, campaign coordinator for the advocacy group “My Mother is Jordanian and her Citizenship is a Right for Me,” Salma Nims, secretary-general of the governmental Jordanian National Commission for Women, and Hala Ahed, a lawyer and legal consultant for the nongovernmental Jordanian Women’s Union. On February 1, 2018, Human Rights Watch submitted a letter to authorities with questions based on preliminary findings and received an email reply with input from various ministries on February 20. Both are reprinted in the appendix to this report.

In addition to interviews, Human Rights Watch reviewed Jordanian and international laws pertaining to nationality as well as Jordanian laws, regulations, and decisions governing foreign nationals’ residency status and their access to employment, education, health, investment, and property ownership.

I. Background

In Jordan today, over 355,000 individuals born to Jordanian mothers and foreign fathers struggle to access basic rights and services due to gender discriminatory citizenship laws that deny a woman the right to be treated equally to men when it comes to conferring nationality to her own children.¹ Jordan allows men to confer nationality to their children automatically but does not allow women to do so, except where their father is unknown, stateless, or whose filiation is not established.²

Born and raised in Jordan, many of these individuals have known no other home. Yet, the Jordanian government treats them as foreign nationals with no permanent right to reside in the country and limits access to health care, education, work, and travel. The multiple forms of exclusion and discrimination they face often lead to severely diminished prospects for their future and place undue economic and social burdens on their families.³

According to the Global Campaign for Equal Nationality Rights, the Middle East and North Africa has the highest concentration of gender discriminatory citizenship laws in the world.⁴ In the 1950s, the nationality laws of most states around the world did not provide equal rights to women in matters of citizenship. Only post-1979, when the UN General Assembly adopted the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), did that reality change for the better. Today, discriminatory laws

¹ In 2014, then-Interior Minister Hussein al-Majali was quoted stating that 355,923 children born to 88,983 mothers would benefit from the 2014 Cabinet decision. See Fadilat, Mohammad, “Civil Rights Granted to Children of Jordanians and Foreigners.” Alaraby, November 11, 2014, <https://www.alaraby.co.uk/english/news/6619a5f2-5e21-49d4-8052-e3580c8bb15c> (accessed February 28, 2018).

² Law No. 6 of 1954 on Nationality (last amended 1987), January 1, 1954, <http://www.refworld.org/docid/3ae6b4ea13.html> (accessed January 4, 2018), arts.3(3)-3(4).

³ King Hussein Foundation Information and Research Center, “Reversing the Gender Bias against Jordanian Women Married to Foreigners”, 2011, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JOR/INT_CRC_NGO_JOR_15743_E.pdf (accessed August 30, 2017).

⁴ Global Campaign for Equal Nationality Rights, Middle East and North Africa, <http://equalnationalityrights.org/index.php/countries/middle-east-north-africa> (accessed August 30, 2017).

result in serious human rights abuses and violate countries' obligations in international human rights law.⁵

While most countries in the region have ratified CEDAW, many of them, including Jordan, have reservations to specific articles in the convention.⁶ One of Jordan's two reservations to the convention is to article 9(2), which stipulates that "States Parties shall grant women equal rights with men with respect to the nationality of their children."⁷ The CEDAW committee, which oversees the implementation of CEDAW, called on Jordan during its review in March 2017, to withdraw its reservations to the convention. The committee also called on the Jordanian authorities to "Review the Nationality Act ... 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 on to their foreign spouses and their mutual children."⁸

As countries throughout the region have faced increasing domestic pressure to end gender and sex discrimination, some have made significant improvements. Since 2004, Algeria, Egypt, Morocco, Tunisia, and Yemen have reformed their laws to allow women to confer citizenship to their children on an equal basis with men.⁹ Iraq and Mauritania allow women to confer nationality to children born in the country where the father is foreign.¹⁰

Similar to Jordan, other countries in the region allow non-citizen children of citizen women to apply for nationality in certain circumstances such as if their father is unknown,

⁵ UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2014, <http://www.unhcr.org/protection/statelessness/4f5886306/background-note-gender-equality-nationality-laws-statelessness-2014.html> (accessed August 30, 2017).

⁶ 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, ratified by Jordan in 1992 <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf> (accessed 7 January 2018).

⁷ AWO Shadow Report, Substantive Equality and Non-Discrimination in Jordan, submitted to CEDAW Committee at the 51st session, February 2012, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_51_9260_E.pdf (accessed August 30, 2017), Ch.1, page 12-13.

⁸ UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding observations on the sixth periodic report, Jordan, U.N. Doc. CEDAW/C/JOR/CO/6, March 9, 2017, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJOR%2fCO%2f6&Lang=en (accessed January 4, 2017), para. 40.

⁹ Global Campaign for Equal Nationality Rights.

¹⁰ UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2014.

stateless or filiation is not established.¹¹ Some also allow children to apply for nationality after reaching a certain age, but often under stringent conditions. The United Arab Emirates (UAE) in 2011 for instance, issued a decree to allow the non-citizen children of Emirati women to apply for citizenship after they turn 18.¹²

Some countries have also, like Jordan, sought to extend rights and benefits to non-citizen children of citizen women instead of nationality. The UAE's 2011 decree provided that non-citizen children of Emirati women should be treated equally to citizen children with respect to education, health, and employment.¹³ Qatar is considering a draft law to allow permanent residency for children of Qatari mothers and foreign fathers which would provide them with free government health care and education.¹⁴ However, these halfway measures still leave behind a generation of children with second-class status.

In October 2017, at a conference in Cairo, the League of Arab States, made up of 22 member states including Jordan, issued a declaration calling on “Member States to put an end to all forms of discrimination in the area of nationality and to take concrete steps to amend laws and legislation relating to nationality in order to grant women and men equal rights in conferring nationality to children and spouses and to acquire, change or retain nationality in conformity with international standards and not contrary to national interests.”¹⁵

¹¹ Bahrain, Kuwait, Jordan, Libya, Saudi Arabia, and the United Arab Emirates, see UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2014. Since 2014, an Omani woman can transmit nationality to her children that she has custody of from a marriage to a foreign man only upon becoming widowed, divorced, or when her husband has been absent or abandoned them for at least 10 consecutive years, see Omani Nationality Law, promulgated by Royal Decree No. 38/2014, article 18, <http://gulfmigration.eu/oman-sultans-decree-no-38-of-2014-issuing-the-omani-citizenship-law-2/> (accessed January 4, 2018).

¹² Wafa Issa, “Children of Emirati mothers, expatriate fathers offered citizenship”, The National, November 30, 2011, <https://www.thenational.ae/uae/children-of-emirati-mothers-expatriate-fathers-offered-citizenship-1.435309> (accessed August 30, 2017).

¹³ CEDAW, United Arab Emirates state report, CEDAW/C/ARE/2-3, December 3, 2014, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FARE%2F2-3&Lang=en (accessed January 4, 2018), para. 39.

¹⁴ “Qatar: Residency Reform Doesn’t End Gender Bias,” Human Rights Watch news release, August 4, 2017, <https://www.hrw.org/news/2017/08/04/qatar-residency-reform-doesnt-end-gender-bias>.

¹⁵ Final Declaration of the First Conference for Arab States on Good Practices and Regional Opportunities to Strengthen Women’s Nationality Rights; issued at the First Arab Conference on Good Practices & Regional Opportunities to Strengthen Women’s Nationality Rights League of Arab States Secretariat General, 1-2 October 2017.

Despite progress by countries across the region, Jordan has announced no plans to reform its nationality law to end discrimination against women.¹⁶ Successive governments have unequivocally refused to grant women equal nationality rights while rejecting the accusation that their refusal is discriminatory.¹⁷ Instead, they claim that it is a matter of state sovereignty and has political and demographic dimensions, and while international law acknowledges the sovereignty of a state to grant citizenship in accordance with its own internal rules, it also prescribes that the granting or withholding of citizenship must not be contrary to a state's obligations under international law.¹⁸ In addition, Jordanian authorities have blocked the legal registration of at least two organizations that advocate against discrimination against women.¹⁹

The authorities' unwavering position has, to varying degrees, caused hardship for more than 355,000 individuals whom Jordan treats as foreign nationals even though their mothers are Jordanian citizens.

According to Ministry of Interior statistics from 2014, of the 88,983 Jordanian women married to foreign nationals, 52,660 are married to Palestinian men, 8,486 are married to Egyptians, 7,731 to Syrians, 4,549 to Saudis, 2,822 to Iraqis, 2,516 to Americans, and 2,048 to Lebanese.²⁰ Their children, including those who were born in or reside permanently in Jordan, are treated according to both the general laws and regulations that govern foreign nationals as well as specific regulations applied to each of their respective foreign nationalities.

¹⁶ For detailed discussion on the development of Jordan's nationality law, see Joseph A. Massad, *Colonial Effects, The Making of National Identity in Jordan*, (New York: Columbia University Press, 2001).

¹⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: combined 3rd and 4th reports of States parties: Jordan, 10 March 2006, CEDAW/C/JOR/3-4, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29 (accessed 14 September 2017); "Rights or an easing of restrictions?" *The Monday Debate*, Yarmouk TV, December 30, 2014. <https://youtu.be/49A5ko7-dxQ?t=11m53s> (accessed March 5, 2018).

¹⁸ For examples and analysis of the limits imposed by international law on the granting of nationality see Sloane, 'Breaking the Genuine Link,' pp. 3-8. http://www.bu.edu/law/workingpapers-archive/documents/sloaner_hilr_fin.pdf

¹⁹ In April 2011 prominent activist Nima Habashneh attempted to register her advocacy group in Jordan as the "Jordanians Married to Non-Jordanians Association," but on June 23, 2011, Jordan's NGO registrar rejected the application without justification. Rejection letter on file with Human Rights Watch.

²⁰ Fadilat, Mohammad, "Civil Rights Granted to Children of Jordanians and Foreigners," *Al-Araby Al-Jadeed*,

Of the over 52,000 Palestinian men married to Jordanian women, many are effectively stateless. Jordan, where over 40 percent of Palestinians who fled their homes or were expelled by Israel in 1948 and 1967 have settled, has the largest concentration of refugees in the Palestinian diaspora - over 2 million United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-registered Palestine refugees plus other Palestinians and their descendants who fled to Jordan later.²¹ While Jordan extended citizenship to Palestinians who resided in the West Bank or inside Jordan in 1950, other Palestinians living in Jordan today hold various legal statuses based largely on their place of origin and when they entered the country.²² For some non-citizen Palestinians living in Jordan who cannot obtain Palestinian passports available to West Bank or Gaza residents, Jordanian authorities issue temporary passports without a Jordanian national number, which non-citizens cannot hold. Authorities have extended temporary passports to one million individuals, but holding those passports does not confer citizenship rights, and many remain marginalized with limited access to socioeconomic rights and essential government services.²³

²¹ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Where We Work: Jordan*, <https://www.unrwa.org/where-we-work/jordan> (accessed March 8, 2018).

²² "Palestinian Refugees in Jordan — Forced Migration Online." Page, n.d. <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-jordan/palestinian-refugees-in-jordan> (accessed February 26, 2018).

²³ Article 3 of the 1954 Jordanian Citizenship law states that a Jordanian national is: "Any person with previous Palestinian nationality except the Jews before the date of May 15, 1948 residing in the Kingdom during the period from December 20, 1949 and February 16, 1954." Thus, Palestinians in the East Bank and the West Bank of the Hashemite Kingdom of Jordan were granted Jordanian nationality. See <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-jordan/palestinian-refugees-in-jordan> (accessed October 24, 2017); The Jordanian national number was first introduced in 1992. In 1993, after the Council of Ministers issued a decision to adopt the national number as the sole indication of citizenship with full rights. Today, the national number is required to gain access to all civil rights. "National ID - An important indicator in the development of the Civil Status Department," *Al Rai Newspaper*, <http://alrai.com/article/40484.html>; "No residency permits required for Gazans with temporary passports," *Jordan Times*, January 23, 2016, <http://www.jordantimes.com/news/local/no-residency-permits-required-gazans-temporary-passports%E2%80%99> (accessed August 30, 2017); A sizeable number of Palestinians in Jordan are unable to successfully apply for Palestinian passports because they do not have Palestinian ID numbers reserved for West Bank residents. Their exclusion is rooted in a population census of Palestinians conducted by Israel in 1967. The census failed to include at least 270,000 Palestinians who were not physically present in Gaza or the West Bank at the time of the census. Although the Palestinian Authority physically produces Palestinians' identification cards, Israeli soldiers and border officials only recognize these cards if the information on them corresponds to data in the Israeli population registry. See Human Rights Watch, "“Forget About Him, He’s Not Here”: Israel’s Control of Palestinian Residency in the West Bank and Gaza," February 5, 2012, <https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and>.

Jordan's nationality law allows for foreign nationals to apply for Jordanian citizenship if they meet certain conditions. The law's provisions regarding acquisition of citizenship, however, are unclear and arbitrarily applied. Article 4 states that citizens of other Arab League states who have resided continuously in the country for no less than 15 years may acquire it only by decision from the Council of Ministers and only if they renounce their nationality of origin and the laws of their countries permit them to do so. Article 5 stipulates that the king may grant any foreign national Jordanian citizenship also on condition that he renounce his nationality of origin. And article 12 allows for any non-Jordanian who has resided in the country for no less than four years to apply for citizenship.

In practice, the Council of Ministers has rarely approved such applications.²⁴ A Human Rights Watch analysis of announcements of citizenship acquisition in the Official Gazette between 2012 and early 2017 revealed that Jordanian citizenship had been granted to only 33 individuals during that period. Among them four were based on article 4 (2 Syrian, 1 Saudi, 1 Lebanese), six were based on article 5 (all Palestinians), 21 were based on article 12 (only six of whom held non-Arab nationalities), and two were cited to "cabinet decisions" that did not cite a specific article of the nationality law.

Three of those interviewed by Human Rights Watch were under the impression that the government is not even accepting new applications for citizenship. "Khalil," a 41-year-old son to a Jordanian mother and an Egyptian father, said Ministry of Interior officials turned him away even though he met the conditions required to apply.²⁵

I've lived here my whole life. When I tried to apply for citizenship, they told me I needed to submit 15 work permits from over the years. So, I brought

²⁴ Article 4 of Law No. 6 of 1954 on Nationality (last amended 1987), 1 January 1954.

²⁵ Article 4 of Law No.6 of 1954 on Nationality stipulates: any Arab who has resided continuously in the Hashemite Kingdom of Jordan for not less than 15 years may acquire Jordanian nationality, by decision of the Council of Ministers taken on a proposal by the Minister of Internal Affairs, if he renounces his nationality of origin and the law of his country permits him to do so, provided that:

- (1) He is of good conduct and has never been convicted of an offence involving his honor or morals;
- (2) He has lawful means of livelihood;
- (3) He is of sound mind and does not suffer from any impairment that would make him a burden on society;
- (4) He takes an oath of allegiance and loyalty to his Majesty before a justice of the peace.

them 17 work permits, but they responded saying that applying for citizenship was no longer an option.²⁶

Attempts to Justify Gender Discrimination

Jordanian lawmakers, parliamentarians, politicians, and government officials opposing legislative reform that would allow women to pass on nationality on an equal basis to men typically cite several justifications for upholding this discriminatory policy, among them the alleged implications on the Israeli-Palestinian conflict, demographic sensitivities, and the economic costs a change in policy would supposedly incur.

Jordanian politicians and officials often tie the country's discriminatory nationality law to the fear that Jordan, will become an "alternative homeland" (*al-watan al-badeel*) for the Palestinians. The argument has grown more acute as final-status negotiations over the conflict have failed to make progress and despite repeated statements by King Abdullah II assuring Jordanians that the "alternative homeland" concept is not up for discussion.²⁷ In February 2014, during a meeting with Jordan's top officials, the king described the concept as an illusion. "I have said and I would like to say again: Jordan is Jordan and Palestine is Palestine and nothing but that, not in the past, or the present, or the future."²⁸

Other harmful government policies stemming from fear over the "alternative homeland" scenario have, over the years, directly affected stateless Palestinians living in Jordan.²⁹ According to official figures, the government considers 150,000 of the one million

²⁶ Human Rights Watch interview with "Khalil," 41-year-old son of a Jordanian women, Amman, July 26, 2017.

²⁷ Ramahi, Sawsan, "Palestinians & Jordanian Citizenship," MEMO Middle East Monitor, December 2015, <https://www.middleeastmonitor.com/20151209-palestinians-and-jordanian-citizenship/>; "Parliamentarians during a debate on Radio El Balad: Granting citizenship to the children of Jordanian women is 'naturalization.'" AmmanetTV, May 29, 2015, <https://youtu.be/vfTzADyKf4k?t=20m> (accessed March 5, 2018); "King: Jordan will never be Alternative Homeland to Anybody," King Abdullah II personal website, January 7, 2004, <https://kingabdullah.jo/en/news/king-jordan-will-never-be-alternative-homeland-anybody> (accessed March 5, 2018).

²⁸ "King: The Alternative Homeland is an Illusion", King Abdullah II personal website, February 23, 2018, <http://bit.ly/2FazTUB> (accessed March 5, 2018).

²⁹ Susser, Asher. "Israel, Jordan, and Palestine: The Two-State Imperative," p. 186–87. Brandies University Press, 2012.

temporary passport holders to be “Gazans.”³⁰ The rest are West Bankers from whom Jordan revoked Jordanian citizenship after its “disengagement” from the West Bank in 1988. Jordanian authorities have also arbitrarily and without notice withdrawn Jordanian citizenship from other citizens of Palestinian origin over the years, removing citizenship from 2,700 Palestinian-origin citizens between 2004 and 2008 alone.³¹ Jordanian officials have defended the denationalization policy as a means to “counter Israeli policies to ‘empty the Palestinian lands from their legitimate residents.’”³²

Commentators have also cited Jordan's lack of resources, and the need for “demographic balance” as factors behind successive governments’ refusal to reform the nationality law in addition to the arbitrary withdrawal of citizenship from thousands of Jordanians of Palestinian origin.³³

Over the years, women’s rights activists and lawyers have countered the government’s political, economic, and demographic claims for denying women the right to be treated equally when it comes to conferring citizenship to their children, first and foremost, by employing the legal argument that it is a direct act of discrimination. Women’s rights activists, including lawyer and advocate for women’s rights Nour al-Emam, have interpreted the absence of the term “gender” in article 6 of the Constitution to signify equality between all citizens based on an interpretation of “Jordanians” as referring to

³⁰ The majority of Gazans in Jordan are descendants of Palestinians from various Palestinian villages and cities that Israel captured and were depopulated in 1948. At first, they were displaced to the Gaza Strip, which was under Egyptian control post-1948, and then they sought refuge in Jordan after the Six-Day War of 1967. They were labelled as “Gazans” and have been living in Jordan as such ever since. See “Palestinians & Jordanian Citizenship,” Ramahi, Sawzan, MEMO Middle East Monitor, December 2015, <https://www.middleeastmonitor.com/20151209-palestinians-and-jordanian-citizenship/> (accessed March 5 2018).

³¹ Human Rights Watch, “Stateless Again: Palestinian-Origin Jordanians Deprived of their Nationality,” February 1, 2010, <https://www.hrw.org/report/2010/02/01/stateless-again/palestinian-origin-jordanians-deprived-their-nationality>.

³² John Kifner, “Hussein Surrenders Claims On West Bank to the PLO,” New York Times, August 1, 1988 <http://www.nytimes.com/1988/08/01/world/hussein-surrenders-claims-west-bank-plo-us-peace-plan-jeopardy-internal-tensions.html?mcubz=3> (accessed, August 30, 2017); “Jordan: Stop Withdrawing Nationality from Palestinian-Origin Citizens,” Human Rights Watch news release, February 1, 2010. <https://www.hrw.org/news/2010/02/01/jordan-stop-withdrawing-nationality-palestinian-origin-citizens>; “Interior’ Clarifies Disengagement Instructions Concerning Yellow and Green Cards”, Al-Arab Al-Yawm (Amman), July 18, 2009, <http://ammonnews.net/article.aspx?ArticleNo=41930> (accessed July 18, 2009).

³³ Human Rights Watch interviews with former Member of Parliament and current president of the Economic and Social Council Mustafa Hamarneh; Member of Parliament Khalid Ramadan, Amman, July 2017; Nabd Al Balad, “A conversation with political writer and analyst Khalid al-Majali and writer and analyst Bassam al-Badareen”, Roya TV, November 11, 2014, <https://youtu.be/rTj5xkgSwlw?t=17m31s> (accessed March 5, 2018).

both men and women.³⁴ Indeed, in replying to the list of issues and questions related to its sixth periodic report to CEDAW, Jordan claimed that it had also adopted this interpretation on an international level. “Any other interpretation,” it said, “defies legal logic and would compel us to regard the general rights and freedoms appearing in Chapter Two of the Constitution as applying solely to Jordanian males to the exclusion of Jordanian females.”³⁵

In countering Jordan’s political concerns that it will become an “alternative homeland,” women’s rights lawyer Hala Ahed pointed to the fact that the “right of return” is enshrined in international law and Palestinians are afforded this right regardless of the nationality or legal status they acquire in their places of refuge.³⁶ Most non-citizen children of Jordanian mothers of Palestinian origin interviewed by Human Rights Watch did not mention the idea of return to their families’ places of origin in historical Palestine. All had been born in Jordan and many had never even been to Palestine. “Hala,” 32, born to a “Gazan” father and a Jordanian mother, dismissed the concept altogether: “My dad would return [to Palestine] if he could, my grandfather would return, but me? I am Jordanian, what happens to Jordan happens to me.”³⁷

“Nermeen,” also a 43-year-old daughter of a Jordanian woman and a “Gazan” man, said:

I was born here, my whole family and my loyalty is here, my roots are here.
With all my respect and love for Palestine, what am I supposed to do there?
I don't have anything there. Jordan is not my alternative homeland, it is my
country.³⁸

The government’s claim that denying women’s right to pass on citizenship to their children is critical for maintaining Jordan’s demographic balance is spurious according to some

³⁴ Human Rights Watch interview with Jordanian lawyer Nour al-Emam, Amman, January 14, 2018.

³⁵ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Replies to the list of issues and questions in relation to the sixth periodic report of Jordan, 11 January 2017, CEDAW/C/JOR/Q/6/Add.1, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx (accessed 13 February 2018)

³⁶ Hala Ahed, “Jordan’s Nationality Law: Discrimination Against Women ‘In Defense of Palestine’”, 7iber, January 14, 2017 <https://www.7iber.com/politics-economics/jordanian-citizenship-law-discrimination-against-women/> (accessed August 30, 2017).

³⁷ Human Rights Watch interview with “Hala,” 32-year-old daughter of a Jordanian women, Amman, July 26, 2017.

³⁸ Human Rights Watch interview with “Nermeen”, 43-year-old non-citizen daughter of a Jordanian woman, Amman, July 30, 2017.

activists, who note that Jordanian men are allowed to marry, not just one, but as many as four non-Jordanian women and pass on his citizenship to each of his wives within three to five years.³⁹ According to Jordan's Department of Statistics, more Jordanian men are married to Palestinian women than the contrary, and their children are granted full citizenship rights automatically regardless of their place of birth or residence.⁴⁰ In response to the claim that granting citizenship to "foreign" families of Jordanian women would damage an already strained local economy, a report published by the King Hussein Foundation's Information and Research Center in 2011 and co-authored by Jordanian economist and former Minister of State for Economic Affairs Yusuf Mansur included a cost-benefit analysis, finding that granting the children of these marriages economic and social rights would allow for an increase in tax revenues and a higher consumption rate, ultimately leading to the development of human capital and thus long-term growth potential for the Jordanian economy as a whole.⁴¹

The nationality law has also been under scrutiny internationally. In July 2014, the UN expert committee on children's rights concluded that the nationality law leads non-citizen children of Jordanian mothers "to be discriminated against and to suffer economic difficulties," and also noted that "corroborated and credible reports indicate that dozens of Palestinian children and families residing permanently in Jordan have had their Jordanian nationality withdrawn during the reporting period."⁴²

A History of Activism

Despite the women's rights movement's efforts to campaign on their behalf, Jordanian women married to foreign nationals and their non-Jordanian children have long suffered in

³⁹ Human Rights Watch interview with Hala Ahed, women's rights lawyer, Amman, July 2017; Human Rights Watch interview with Salma Nims, secretary-general of the Jordanian National Commission for Women, Amman, August 2017.

⁴⁰ Hala Ahed, "Jordan's Nationality Law: Discrimination Against Women 'In Defense of Palestine'", 7iber, <https://www.7iber.com/politics-economics/jordanian-citizenship-law-discrimination-against-women/?%3E> (accessed March 5, 2018).

⁴¹ King Hussein Foundation Information and Research Center, "Reversing the Gender Bias against Jordanian Women Married to Foreigners", 2011, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/JOR/INT_CRC_NGO_JOR_15743_E.pdf (accessed August 30, 2017).

⁴² UN Committee on the Rights of the Child, paragraphs 25-26, Concluding observations on the combined fourth and fifth periodic reports of Jordan, 8 July 2014, CRC/C/JOR/CO/4-5, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJOR%2fCO%2f4-5&Lang=en (accessed January 12, 2018).

relative obscurity. In 2007, activist Nima Habashneh decided to make her private struggle to secure a dignified life for her children a public one. Because they were not Jordanian citizens, her two sons and four daughters born to a Moroccan father were severely restricted in their ability to lead socially and economically productive lives. After her husband's death in 2006, and as the children grew older and the costs higher, the labyrinthine struggle to secure residency permits, work permits, security clearances, medical-checkup certificates, and driver's licenses every year became an unending challenge.⁴³

Since then, Habashneh succeeded in galvanizing some 200 women to join her in over 40 protests in front of the Ministry of Interior and the Prime Ministry to demand full citizenship rights for their children. Her campaign was supported by local women's rights organizations, the governmental Jordanian National Commission for Women, civil society groups, and human rights groups.⁴⁴

In late 2013, the then newly-elected Member of Parliament Mustafa Hamarneh and his 16-member legislative bloc, al-Mubadarah, Arabic for "[taking] initiative," decided to adopt and rally behind Habashneh's cause.

A series of negotiations between al-Mubadarah and government officials ensued, but only after it was determined that granting women equal citizenship rights was out of the question. Instead, negotiations centered around granting their children "civil rights" in the sectors of health, education, work, property ownership, and acquiring a driver's license.

Several months and multiple statements and promises later, while media outlets continued to report on "civil rights" for the children of Jordanian mothers, on November 9, 2014, Jordan's Council of Ministers finally announced what it termed as *tasheelat*, an easing of restrictions on the children's access to essential government services with a government-issued identification card or, as some in the government like to describe it,

⁴³ Security clearances from Jordan's General Intelligence Directorate are required in order to obtain or renew a work permit, a residency permit, a driver's license, and a temporary Jordanian passport.

⁴⁴ "Roya TV Interview with Nima Habashneh," video clip, YouTube, <https://www.youtube.com/watch?v=IAyekSPJOTM> (accessed August 30, 2017).

“service-related privileges.”⁴⁵ In one clause, the cabinet decision stated that granting these *tasheelat* will not at any point result in acquiring citizenship.

Al-Mubadarah stated that the move was a win for their platform, the government considered it a political success, some members of civil society saw it as a reasonable compromise to a thorny political issue, and thousands of individuals born to Jordanian mothers, while still considered foreign nationals, flocked to apply for government-issued identification cards.⁴⁶ While acknowledging that the promised reforms were no alternative to full citizenship rights, they expected these cards would, as reported in the local news, finally allow them to legally reside, work, invest, and drive in a country they considered their own, as well as receive government-provided health care and education, on a par with Jordanian citizens.⁴⁷

At the time, then-Interior Minister Hussein al-Majali claimed that all 355,923 children of Jordanian mothers and foreign fathers registered with the Civil Status and Passports Department would benefit from the decision.⁴⁸ In its sixth periodic state report to CEDAW submitted on 22 June 2015, Jordan claimed that “children of Jordanian women married to non-Jordanian men will thus be treated as Jordanians with respect to education, health, work, estate, investment and obtaining a driver’s license (private car).”⁴⁹

⁴⁵ “Interior Minister: Council of Ministers makes decision to ease restrictions for children of Jordanian women married to foreigners,” video clip, YouTube, JRTV Channel, November 9, 2014. https://www.youtube.com/watch?v=FlkFSFs2_XU, (accessed March 5, 2018).

⁴⁶ Prior to receiving the identification cards, most non-citizen children of Jordanian mothers were not in possession of any government-issued identification documents. Many were required to carry around their foreign passports, if they had ones, in order to carry out certain bank procedures or to cross checkpoints or when randomly stopped by police officers.

⁴⁷ Nabd Al Balad, “A conversation with political writer and analyst Khalid al-Majali and writer and analyst Bassam al-Badareen”, Roya TV, November 11, 2014, <https://www.youtube.com/watch?v=rTj5xkgSwlw>; News broadcast with anchorwoman Enas al-Kayed, JRTV, February 12, 2016, <https://www.youtube.com/watch?v=23v--1H9jXM> (accessed March 5, 2018).

⁴⁸ Fadilat, Mohammad, “Civil Rights Granted to Children of Jordanians and Foreigners.” Alaraby.

⁴⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Consideration of reports submitted by States parties under article 18 of the Convention: Sixth periodic report of States parties due in 2016: Jordan, 25 June 2015, CEDAW/C/JOR/6, (para. 51) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en (accessed 14 September 2017).

But, as of February 2018, Jordan's civil status department had issued 72,673 identification cards, and many were not able to access the "privileges" that authorities had supposedly granted them.

"They pushed women into this whirlwind of procedures and applications and drove them to forget what is more important: their right to pass [on] nationality [to their children]," said Ahed.⁵⁰

The Gap between Government Promises and Implemented Reform

Below is a description of each of the promised services only accessible to individuals eligible for acquiring the government-issued cards, as printed in the Cabinet decision itself⁵¹:

Work: Allow children of Jordanian women married to non-Jordanians to work in professions otherwise available only to Jordanians, provided there is no Jordanian alternative available. Exempt them from work permit fees.

Health: Allow children born to Jordanian women and residing in the Kingdom to receive the same treatment in government hospitals afforded to their insured mothers in accordance with the civil health insurance law and the instructions issued thereunder.

Education: Grant children of Jordanian women residing in the Kingdom equal treatment to Jordanian students in the primary and secondary public school systems.

Investment: Allow children of Jordanian women to invest in the Kingdom in accordance with existing provisions of laws, regulations, and instructions governing non-Jordanians.

Ownership: Allow children of Jordanian women to own property in the Kingdom in accordance with existing provisions of laws, regulations and instructions governing non-Jordanians.

⁵⁰ Human Rights Watch interview with Hala Ahed, women's rights lawyer, Amman, July 2017.

⁵¹ Jordan: Cabinet decision no. 6415 issued on November 9, 2014 concerning the easing of restrictions on children of Jordanian mothers married to non-Jordanians, on file with Human Rights Watch.

Driving: Allow children of Jordanian women to acquire a private driver's license on condition of obtaining a valid residency permit in accordance with the laws, regulations, instructions, and decisions in force for those subjected to them.

On January 4, 2015, a few days after authorities published instructions determining who was eligible to benefit from the cabinet decision in the Official Gazette, the Civil Status and Passports Department (CSPD) began accepting applications for government-issued identification cards that would recognize children of Jordanian mothers married to foreign nationals as such.⁵² The decision itself, however, was never published in the Official Gazette. Relevant ministers were instead informed of the provisions of the decision in official letters from the Ministry of Interior. Most of those interviewed by Human Rights Watch were under the impression that simply displaying these cards to the appropriate government departments would grant them easier access to the six areas mentioned in the decision.

For many of the potential beneficiaries, excitement over the promise of improved lives and more secure futures was fleeting. Shortcomings in both the implementation of the decision and the provisions of the decision itself were revealed early in the process.

At the time of writing, the government instructions determining eligibility for acquiring the identification card stipulate that the applicant's Jordanian mother must have resided in Jordan for at least five years prior to applying, and that the individual must legally reside in Jordan. As their sponsors, mothers are required to apply on their children's behalf, regardless of their children's ages. If an applicant's mother is deceased, a guardian or the eldest child, if of legal age, can apply instead. The application requires copies of a number of documents some of which can be difficult to acquire: the mother's Jordanian passport or national identification card, the mother's certified marriage certificate, proof of the mother's permanent residence in the country (obtained from the Borders and Residence Department or the Follow-up and Inspection Department, both under the Ministry of Interior), two pictures of the son or daughter, the applicant's certified birth certificate, a valid passport, and a declaration of marital status.⁵³ Additionally, the civil status office requires applicants

⁵² "Receiving applications of children of Jordanian women begins today and fees equal 3 JDs", Saraya News Agency, January 4, 2015, <http://www.sarayanews.com/index.php?page=article&id=292275> (accessed November 28, 2017).

⁵³ The Follow-up and Inspection Department's main tasks, under the direction of the Minister of Interior, include: following up on the implementation of the disengagement agreement from a legal and administrative standpoint, managing requests

to submit a certified residency permit if their nationality requires residency under the Residency and Foreigner Affairs law, or a certified work or study permit and a security card if their nationality is exempt from the aforementioned law.⁵⁴ For applicants whose mother is deceased, they are required to present a copy of the death certificate.⁵⁵

When the CSPD initially published the application instructions on its official website, among the requirements was proof that the individual is not married, though this requirement was not mentioned anywhere in the decision itself.⁵⁶ It appears instead that CSPD unilaterally added the requirement that the beneficiary be unmarried.⁵⁷ A few days later, after pressure from activists and parliamentarians alike, the CSPD removed the requirement from the set of instructions published online and replaced it with a simple declaration of marital status. Though the CSPD claimed it was simply a “blunder,” it foreshadowed the capricious nature of the government’s implementation of the reforms on which so many non-citizen children of Jordanian women had pinned their hopes.⁵⁸

The CEDAW committee called on Jordan, during its review in March 2017, to “ensure that the ‘privileges’ (*mazaya*) approved by the Cabinet in 2014 are implemented without delay and that government agencies comply with that decision, including by making it accessible in the Official Gazette.”⁵⁹

for residency from West Bank Palestinians, and preparing statistical reports on arrivals and departures via bridge crossings. The Borders and Residence Department, under the direction of the Public Security Directorate and governed by Ministry of Interior regulations, manages the entry and exit of Jordanians and foreign travelers to and from Jordan.

⁵⁴ Law No. 24 of 1973 on Residency and Foreign Affairs, <http://www.refworld.org/docid/3ae6b4ed4c.html> (accessed October 17, 2017). Note: Nationals of the following countries are exempt from the law: Egypt, Syria, Yemen, countries in Gulf Cooperation Council.

⁵⁵ Department of Civil Status and Passports, “Service Requirements for Children of Jordanian Mothers Married to Non-Jordanians,” <http://www.cspd.gov.jo/SubDefault.aspx?PageId=95&NewsId=97> (accessed September 10, 2017).

⁵⁶ “Service requirements for non-citizen children of Jordanian mothers in Jordan evoke memories of ‘disengagement’...” Al Rai, January 3, 2015 <http://www.raialyoum.com/?p=199701> (accessed September 10, 2017).

⁵⁷ Maraqa, Farah, “Civil Affairs Department back off of ‘not married’ requirement for children of Jordanian mothers,” Al-Araby Al-Yawm, republished on United to Defend the Rights of Women on January 1, 2015 <http://bit.ly/2gUl34t>, (accessed November 28, 2017).

⁵⁸ “Service requirements for non-citizen children of Jordanian mothers in Jordan evoke memories of ‘disengagement’...” Al Rai, January 3, 2015, <http://www.raialyoum.com/?p=199701> (accessed September 10, 2017).

⁵⁹ United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding observations on the sixth periodic report, U.N. Doc. CEDAW/C/JOR/CO/6, March 9, 2017, para. 40.

II. Barriers to Obtaining ID Cards

“It has become the perception in Jordan and beyond that our problems have been solved. They haven’t.”

- “Yanal,” 36-year-old son of a Jordanian woman, July 26, 2017

An Inability to Provide Identification

Nima Habashneh, who was privately battling cancer while waging her public campaign for non-citizen children, died three months after the government announced the regulations governing identification cards for non-citizen children in 2014. For over a year after her death, because they could not meet a crucial eligibility requirement, the decision’s provisions failed to include Habashneh’s children.

Habashneh’s Moroccan husband died in 2006 before completing his children’s applications for Moroccan passports, leaving all but their eldest son without any form of official identification. Without Moroccan passports, her children could not renew their residency permits in Jordan and, after the government announcement, were also deemed ineligible for the identification cards.⁶⁰ Habashneh previously appealed to the Ministry of Interior, the Jordanian Royal Court, and other government departments in Jordan attempting to obtain residency permits for her children. She then traveled to Morocco and filed a court case to prove her children are Moroccan. In 2015, after Habashneh had passed away, she won her case and her children received Moroccan passports and eventually obtained Jordanian identification cards for non-citizen children of Jordanian women.⁶¹

Habashneh’s case is not unique. Human Rights Watch interviewed four individuals – two non-citizen children of Jordanian mothers and their parents – who could not obtain identification cards for themselves or their children because of their inability to meet one or more of the eligibility requirements. For other applicants, it took months to collect the necessary documents. The fact that authorities had issued slightly over 72,000 cards by

⁶⁰ Al-Qudah, Sara, “Nima passes away after victory for Jordanian women and personal loss in her personal battle,” 7iber, March 9, 2015, <https://www.7iber.com/2015/02/nimah-habashneh-equal-citizenship/> (accessed November 28, 2017).

⁶¹ Human Rights Watch Interview with Rami al-Wakeel, campaign coordinator for “My Mother is Jordanian and her Citizenship is a Right for Me,” Zarqa, Jordan, July 20, 2017; Human Rights Watch interview with Khalid Ramadan, Member of Parliament, Amman, July 27, 2017.

February 2018, when there are over 355,000 non-citizen children of Jordanian mothers, suggests the overly restrictive application requirements are limiting access to the card and its purported benefits.

Applicants whose fathers are citizens from countries currently in conflict, such as Syria, Iraq, and Yemen, confront especially difficult challenges obtaining passports or certified birth certificates from their fathers' countries of origin. Palestinian holders of refugee travel documents from these countries face further challenges. Some women who are divorced or have been abandoned or widowed by their foreign husbands find it similarly difficult to acquire the necessary documentation without the presence and participation of their children's father.

"Ashraf," a 40-year-old man born to an Iraqi father and a Jordanian mother, moved to Jordan in 2000 with his mother and brother at the age of 23 after his parents divorced. Classified as foreign nationals in Jordan, Ashraf and his brother struggled daily to earn a livelihood. Obtaining annual work permits and residency permits proved costly, difficult, and highly restrictive. These restrictions forced Ashraf into working in temporary jobs without a work permit, rendering him subject to exploitation and arrest. Ashraf is married to a Jordanian woman himself and has five children under the age of 14.

"I made the same mistake as my father, maybe not a mistake, it was just what God had in mind for me," he said of marrying a Jordanian woman. "The suffering now is so much greater than mine alone. Until this day, [my children] have no identification but their birth certificates." Ashraf said that given the unstable situation in Iraq he could not return there as required to obtain Iraqi passports or birth certificates for his children, and thus he could not apply for the Jordanian identification cards.

The government even asked for proof that my children entered Jordan. I told them, my children were all born in Jordan! They still demanded Iraqi passports and that would have meant that I would have to return to Iraq. If I were to do it in the embassy here, I would have to pay 2,000-3,000 Jordanian dinars [approximately US\$2,800-\$4,200] in bribes... At this point I really can't afford to get these cards issued for my children.⁶²

⁶² Human Rights Watch phone interview with "Ashraf," 40-year-old non-citizen son of a Jordanian mother, August 6, 2017.

Young men between the ages of 18 and 30 born to Egyptian fathers face complications from Egypt's military service requirement. To obtain or renew an Egyptian passport, all men must prove they have completed military service, have had their start date deferred, or have been exempted from serving. Young men of military age can obtain or renew their passports without completing army service only twice and only for one year each time. If a man has not performed his military service by age 30, he must appear before an Egyptian military court. The penalty for not completing military service by age 30, as stated by Law no. 127 of 1980 For Military and National Service, is a prison sentence of up to three years and/or a fine of 3,000 to 10,000 Egyptian pounds [approximately \$170-\$566].⁶³ In practice, the court almost always opts to impose the monetary fine.⁶⁴

"Manal," 56, is a Jordanian mother of two boys and three girls born and raised in Jordan. Her Egyptian husband died ten years ago. When Manal inquired about the identification cards for her children, Jordan's civil status authorities told her she must obtain Egyptian passports for her children. Passports are also necessary to obtain a work permit, a security clearance, and a driver's license in Jordan.

"The army is what I'm most afraid of, that's why I didn't get them Egyptian passports," she explained. "I was scared that I would work so hard on raising them only to lose them to the army. What if they send them to Sinai or something? I can't lose my sons that way."⁶⁵

Given the difficulties her sons faced without any official form of identification, and in an effort to acquire Jordanian identification cards for them, Manal traveled to Egypt in 2016 for a month to obtain certified birth certificates. Soon after, one son, 28-years-old, managed to obtain a passport for one year, subject to renewal by applying at the Egyptian embassy in Jordan. At this writing he is in the process of applying for the identification card. Because Manal is unable to afford the required financial penalty for evading military service, her eldest son, 30, cannot acquire the passport and is therefore ineligible to acquire the identification card.

⁶³ Law 127 of 1980 For Military and National Service, Egypt, <http://bit.ly/2zfXwnq> (accessed November 22, 2017).

⁶⁴ Bundesamt für Migration und Flüchtlinge (the German Federal Office for Migration and Refugees), "(Case ID (IOM): ZC190/11.12.14)", December 11, 2014, <http://www.bamf.de/SharedDocs/MILO-> (accessed November 26, 2017).

⁶⁵ Human Rights Watch interview with "Manal," 56-year-old mother of five children born and raised in Jordan, Zarqa, Jordan, July 20, 2017.

Beyond the Three Dinar Price Tag

Despite having an Iraqi passport, “Ashraf,” 40, also could not apply for an identification card because of the substantial costs.

The card itself costs 3 Jordanian Dinars [JOD] [\$4.20], but to meet each of the eligibility requirements, an applicant must acquire various documents, security clearances, and a medical test from numerous ministries and government departments around Amman and beyond.

Ashraf explained:

They asked me for work permits and residency permits to get the card. To get the residency permit I needed a work permit and I know what the work permit’s advantages are. I can get a driver’s license, I can move around freely. But it [the work permit] has disadvantages too. I have to pay high fees for it and I have to renew it every single year and run around from one government office to the next. And worst of all, I must remain trapped with one employer only. To get a work permit you need around 400 Jordanian dinars [approximately \$564], and [another] 30 dinars [approximately \$42], for the medical exam. That’s without transportation costs. It just wasn’t worth it for me.⁶⁶

“Hania,” 51, is married to an Egyptian man who has lived in Jordan for over 35 years with whom she has three boys and two girls. After much difficulty, she eventually managed to obtain identification cards for her children. Regarding the costs involved she said,

These 3 JOD cards cost me 700 JOD [approximately \$987]. We had to get certified Egyptian birth certificates that cost money, and then we brought them to the Egyptian embassy to get passports. We had to get medical exam certificates, an official stamp from the Borders and Residence department, approval from the Lands and Borders department, and a security clearance from the Directorate of Public Security. We were then transferred to the Nasr

⁶⁶ Human Rights Watch phone interview with “Ashraf,” 40-year-old non-citizen son of a Jordanian mother, August 6, 2017.

police station [in Amman]. For a month and a half, every day, I had to go running from one department to another, trying to gather all the papers necessary. And we don't even have a car, and I, as the Jordanian mother, must be there at every turn of the road, every step in the process.⁶⁷

The Five-Year Residency Requirement

In a letter dated January 15, 2015 to then Prime Minister Abdullah Ensour, the Jordanian National Commission for Women took issue with several provisions in the decision and its implementing regulations. Chief among them was the requirement that mothers must have resided in Jordan for no less than five years prior to applying for the identification cards for their children. If a Jordanian mother leaves the country for more than six consecutive months during a five-year period, it is considered an interruption in her residence and she is required to wait another five years before qualifying again. The commission considered the requirement a form of discrimination against women as well as a violation of a woman's freedom of movement. "Does [residing or working abroad] rip away her Jordanian identity from her?" the letter asked.⁶⁸

"Samira," a 60-year-old Jordanian mother of four, has been the sole provider for her children since her divorce from a Palestinian refugee in Iraq in 1991. That same year, Samira moved back to Jordan with her children. To put them through private university – as non-citizens, they must pay higher "foreigner" fees to enroll in the country's public universities – Samira moved to Saudi Arabia in 2000 to earn money as a hairdresser in a women's hair salon. During that time, her children lived with her parents in Jordan. In the 16 years that followed, Samira managed to put her two daughters and one son through private universities. Her two daughters married Jordanian men, both of whom became Jordanian citizens through their husbands, and her two sons married Jordanian women. Given that her sons, due to their status as foreign nationals, struggle to access the most basic of government services in Jordan, much of the responsibility for their care falls to Samira.

⁶⁷ Human Rights Watch interview with "Hania," 51-year-old mother of five non-citizen children, Amman, July 24, 2017.

⁶⁸ Letter from Salma Nims, secretary general, the Jordanian National Commission for Women, to then Prime Minister Abdullah Ensour, January 15, 2015. Letter on file with Human Rights Watch.

“My eldest son’s salary barely pays for rent and electricity. He works at a restaurant without a work permit. When the police come, they tell him to go hide in the back,” Samira said. “My sons are not alive, they’re like the undead. They can’t do anything, can’t get treatment, can’t work, can’t learn. What are they supposed to do?”⁶⁹

In 2016, Samira returned to Jordan to open her own beauty parlor. Her long absence from the country meant that her children were not eligible for the identification cards and consequently the promised easing of restrictions on government services. She now lives with her two sons, their wives, and their three children in one house together in Irbid.

“I’m almost 60. I’m tired. I provide for all these kids. It’s true I lost my husband, but I always thought I had my sons, they were my future. But instead they turned out to be my suffering. Now I wish I had all girls,” she said.

The CEDAW committee has called on the Jordanian authorities in March 2017 to “Consider lifting the five-year residence requirement for mothers in order to increase the number of children eligible for such services.”⁷⁰

⁶⁹ Human Rights Watch phone interview with “Samira,” 60-year-old Jordanian mother of four, July 26, 2017.

⁷⁰ United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding observations on the sixth periodic report, U.N. Doc. CEDAW/C/JOR/CO/6, March 9, 2017, para. 40.

III. “Imaginary Privileges”

“The 66,000 cards aren’t worth the ink they’re printed with.”

-Khalid Ramadan, Member of Jordanian Parliament, July 27, 2017

In each of the sectors outlined in the 2014 Cabinet decision, possession of the identification cards alone does not afford non-citizen children of Jordanian mothers’ access to the promised services. By and large, access to these services remains subject to the laws and regulations that govern foreign nationals.

As it has become clear that the cards have not provided the benefits originally promised, individuals Human Rights Watch interviewed have grown critical of the government’s supposed “easing of restrictions.” One interviewee compared the cabinet decision to an “anesthetic,” and in a similar vein, a Jordanian mother of four said, “The card was like a way to numb us women for a while.” A man married to a woman who, like him, is also a non-citizen adult child of a Jordanian woman, called the decision “nothing but an illusion,” while another interviewee believed that the announcement was just “something to silence us with.” Interviewees described continued restrictions on access to work, access to healthcare, access to higher education, freedom of movement, and property ownership.

Employment

“I see a black wall before me. No path is working for us.”

—“Hamouda,” 25-year-old son of a Jordanian woman, July 24, 2017

Jordanian Labor Law

Jordanian regulations governing employment for non-Jordanians are highly restrictive. According to article 12 of the Jordanian Labor Law, non-Jordanian workers cannot be employed except by the labor minister’s approval and provided that the work requires

experience and qualifications not available among Jordanian workers, or that the number of qualified Jordanian workers does not meet the needs of the employer.⁷¹

To further ensure job opportunities for Jordanian citizens, the Ministry of Labor also designates a large segment of the job market as “closed professions,” i.e. jobs only open to Jordanian citizens. As of January 2016, there were 19 such professions ranging from administrative and accounting jobs to printing and secretarial work, mechanical work and car repair, hair dressers, medical professions, engineering, teaching, professional drivers, sales jobs, and even janitorial positions at private schools and hotels.⁷²

Employing non-Jordanians is considered a violation of the Labor Law if they are employed without a work permit, if they are employed by anyone other than the individual or company authorized to employ them, or if they are employed in positions they are not permitted to hold.⁷³

Employers who do not comply with these regulations are subject to fines, and foreign workers risk arrest and possible deportation if caught violating these regulations.⁷⁴ In a February 2018 response to a letter Human Rights Watch submitted to authorities with questions based on preliminary findings, labor authorities stated that “in the case of arrest of sons and daughters of Jordanian women for working without obtaining a work permit, a deportation order is not issued, and the ministry is satisfied to penalize the employer and rectify their status.”⁷⁵

Despite claiming to have eased the restrictions on non-citizen children of Jordanian mothers, the 2014 Cabinet decision has led to no discernible improvement in the area of employment opportunities according to interviewees.

⁷¹ Labor Law no. 8 of 1996, Jordan, http://www.hammourilaw.com/Hammouri_Resorces/Articals/labor_law__2.pdf (accessed September 18, 2017).

⁷² Ministry of Labor, Cabinet decision on closed professions in the face of expatriate workers, <http://bit.ly/2xtLg4X> (accessed September 18, 2017).

⁷³ Article 12(f) of the Jordanian Labor Law no. 8 of 1996.

⁷⁴ Article 12(e), (g) of the Jordanian Labor Law no. 8 of 1996.

⁷⁵ Letter responding to a Human Rights Watch inquiry with answers from various ministries, compiled by the government coordinator for human rights, Basel Tarawneh. Letter on file with Human Rights Watch.

Obtaining Work Permits

Possessing a government-issued identification card does not exempt non-citizen sons and daughters of Jordanian women wishing to legally work in Jordan from the work permit requirement. Nor does it make them more likely to receive approvals for work permits. The application process remains as it was before the 2014 cabinet decision, with the only notable exception being that those who hold identification cards receive partial exemptions from the work permit fees their employers are required to pay, which in their entirety range between 175 JOD [approximately \$247] and 500 JOD [approximately \$705].⁷⁶

“Diaa,” a 21-year-old man born to a Palestinian Gazan father and a Jordanian mother, found out that contrary to the government’s public messaging, his identification card did not entitle him to work⁷⁷:

In 2014-2015, I worked for eight months at the Coca-Cola factory. For eight months I worked without an identity card. Then, one day, they fired me. They said, ‘We don’t want Gazans.’ When I returned to the factory less than a year later, I showed them my identification card and they said, ‘We don’t recognize this, it won’t help you.’⁷⁸

Although he has lived and worked in Jordan for over two decades, Ashraf only received a work permit once in 2001, and only after the Ministry of Labor rejected his application three times.

The reason I was refused is that the job I held was not a rare one, any Jordanian citizen could do it. I was only able to finally get the ministry’s approval through a connection. Then I had to send my papers to the General Intelligence Directorate. There too, it was rejected once, twice, and the third time, again only through a family connection on my mother’s side,

⁷⁶ Ministry of Labor, Work Permit Regulations for non-Jordanian workers no. (67) of 2014, <http://www.qistas.com/legislations/jor/view/1102152> (accessed November 28, 2017).

⁷⁷ Speaker of Parliament Atef Tarawneh in an interview with Jordan’s state broadcaster JRTV, November 22, 2014, <https://youtu.be/5u4omBRBwVY?t=1m22s> (accessed March 5, 2018).

⁷⁸ Human Rights Watch phone interview with “Diaa,” 21-year-old non-citizen son of a Jordanian mother, Amman, July 29, 2017.

did I get the approval. I never applied for a work permit after that. It was just too time-consuming and expensive. I started working odd jobs, daily wages. I worked in construction, I worked in restaurants, as a dishwasher, anything I could get my hands on. But I always felt targeted, like I was being chased. I feared that the Ministry of Labor or the Residence and Borders department would find and arrest me.⁷⁹

Several of those interviewed by Human Rights Watch expressed fear of arrest for working without documentation, and three of the individuals said that authorities arrested them on this basis. Hania's 22-year-old son was arrested on his first day of work:

He started working as a car mechanic. On his first day, the police grabbed him at work and brought him to the Al-Nasr police station. I had to go bail him out by swearing an oath that he won't work again without a work permit.⁸⁰

Rami al-Wakeel, a non-citizen son of a Jordanian woman, is the campaign coordinator for the advocacy group "My Mother is Jordanian and her Citizenship is a Right for Me." He rejected the notion that the state should require that he obtain a work permit and said that in practice it completely undermined the government's decision to grant non-citizen children of Jordanian mothers priority in employment after Jordanian citizens.

"Of course, an employer will always choose a Jordanian national over the [non-citizen] sons and daughters of Jordanian women," al-Wakeel said. "No boss wants to have to deal with all the bureaucracy involved in getting them work permits."⁸¹

By subjecting them to the laws and regulations regarding work permits, Jordanian authorities harm the livelihood opportunities for children of Jordanian women married to foreign nationals and residing in Jordan. It also leaves them potentially subject to the abusive working conditions for non-Jordanians working without work permits.

⁷⁹ Human Rights Watch phone interview with "Ashraf", 40-year-old non-citizen son of a Jordanian mother, August 6, 2017.

⁸⁰ Human Rights Watch interview with "Hania", 51-year-old Jordanian mother of five, Amman, July 24, 2017.

⁸¹ Human Rights Watch interview with Rami al-Wakeel, campaign coordinator for "My Mother is Jordanian and her Citizenship is a Right for Me," Zarqa, Jordan, July 20, 2017.

"The government is creating a permanent underclass, when instead they can be partners in economic growth," said former Member of Parliament and Head of the Economic and Social Council Mustafa Hamarneh.

Closed Professions and Professional Associations

When applying for positions in closed professions, such as medicine, engineering, and law, some labor regulations require membership in professional associations as a prerequisite to work in that field, while other sectors ban employment for non-citizens in all cases, such as dentistry. Despite government promises purporting to allow non-citizen children of Jordanian mothers to work in all closed professions if no Jordanian applicant is available, laws and regulations governing membership in professional associations have not been changed or amended to reflect said promises.

In the sectors of law, engineering, medicine, and pharmacy, for example, professional associations only allow for citizens of Arab League countries to apply for membership based on the principle of reciprocity, that is, whether their counterparts in other Arab states allow for the same. But even then, membership is not guaranteed. In most cases, given that priority is granted to Jordanian citizens, non-citizen children of Jordanian mothers said in practice they cannot work in these sectors.

"Jassem," 33, holds a postgraduate degree in law from the University of Jordan. He was born to an Egyptian father and a Jordanian mother and raised in Jordan. Despite an existing reciprocity agreement between the two countries and despite meeting all other conditions laid out in Jordan's bar association law, he says the association twice refused to accept his application for membership, once in 2007 and again in early 2017, after obtaining an identification card he believed would finally allow him to practice his profession.⁸²

She [an employee at the bar association] wouldn't give me a valid reason. I kept going back to her to inquire and she would say, 'come back in a while'. I told her, at least refuse my application in writing. That way, I could appeal

⁸² Law no. 11 of 1972 on Jordan's bar association <http://bit.ly/2FmUZ17> (accessed January 18, 2018).

the decision. I tried everything, even calling on well-connected people for help, but to no avail.⁸³

“Sonia,” 24, is a pharmacist who was born, raised, and educated in Jordan. Her father is Syrian and her mother is Jordanian. Despite obtaining an identification card, she has struggled to receive permission from the Ministry of Health to practice pharmacy in Jordan. She said:

Last year, I was working at a pharmacy without the permission to practice. When inspectors from the Ministry of Labor came to check if employees were working legally, and I showed them my identification card, they said I needed a work permit. They fined the pharmacy 450 JOD [approximately \$634] and I lost my job. I was told that if I am seen [working] in a pharmacy again, they would take me to court. What kind of crime is this? I had worked for three months at this pharmacy. My boss accepted me at her own risk as I didn’t have a work permit. She knew how talented I was and thought it would be unfortunate for me not to work. Can you imagine? They forgot all the other problems in the country and came after me.⁸⁴

Sonia is registered with the pharmacists’ association, but the association only allowed her to obtain an “honorary registration,” which costs her 160 Jordanian dinars [approximately \$225] annually – this registration does not entitle her to practice as a pharmacist in Jordan. She says a Jordanian citizen only pays 20 Jordanian dinars [approximately \$28] to join the association. “When I went to the Ministry of Health and applied for a work permit using my identification card, they said to me, ‘[the card] means nothing.’” For over a year following that incident, Sonia volunteered at a pharmacy in a Palestinian refugee camp in Amman without pay to keep up her professional knowledge. She has since been able to procure a license to practice pharmacy for one year only. “I was only able to get it through *wasta* (connections),” she said.

⁸³ Human Rights Watch telephone interview with “Jassem”, 33-year-old non-citizen son of a Jordanian mother, Amman, January 20, 2018.

⁸⁴ Human Rights Watch interview with “Sonia,” 24-year-old non-citizen daughter of a Jordanian mother, Amman, July 24, 2017.

“Sawsan,” 48, is married to a Palestinian from the West Bank and has four children. Both her husband and her three children have Jordanian temporary passports without national numbers. Non-citizen children are required to pay international student fees to enroll in higher education in the country’s public universities. Despite difficulties obtaining stable employment, especially jobs for which Jordanian college graduates can qualify, Sawsan and her husband nevertheless enrolled their 23-year-old son and 21-year-old daughter in private universities. Sawsan’s husband said their daughter wanted to become a lawyer but is currently studying media and communications. “My daughter was discouraged from studying law because she wouldn’t have been allowed to join the association.” Their son, “Ibrahim”, is soon to graduate with a degree in computer science. “We worry so much about him and his future,” said Sawsan. “I’m worried about all my children’s futures and their career prospects.”⁸⁵

A Bright Future Denied

“Ammar,” 23, started playing football for Jordan’s Al-Wehdat Sports Club at age 8. In 2005, at age 11, he joined Jordan’s youth national team, and over the next few years traveled to Qatar, Malaysia, Oman, and Iraq as striker for both the youth national team and the Al-Wehdat club team. Ammar was named best player on multiple occasions and saw a promising future ahead of him playing professional football for Jordan. In 2009, as the youth national team was gearing up for the 2011 Asia Cup qualifiers, Ammar received news he was no longer eligible to play for the national team as he was not in possession of a Jordanian national number and therefore could not be considered a Jordanian citizen. “It was the worst feeling in the world. It was such an important thing for me to play for Jordan’s national team. I was one of Jordan’s best players.”⁸⁶

Despite being born and raised in Jordan to a Jordanian mother, Ammar, like his father, is considered “Gazan” and is in possession of a temporary passport.⁸⁷ Refusing to give up on

⁸⁵ Human Rights Watch interview with “Sawsan,” 48-year-old Jordanian mother of four, Amman, July 23, 2017.

⁸⁶ Human Rights Watch telephone interview with “Ammar,” 23-year-old athlete and son of a Jordanian woman, October 26, 2017.

⁸⁷ On February 22, 2017, the Jordanian government decided to extend the validity of Gazans’ temporary passports from two years to five years. See “Validity of Gazans’ Temporary Passports Extended to 5 Years”, Jordan Times, February 22, 2017 <http://www.jordantimes.com/news/local/validity-gazans%E2%80%99temporary-passports-extended-5-years> (accessed March 5, 2018).

her son's dream, Ammar's mother, "Rania," sought to enlist the help of Prince Ali bin Hussein, the King of Jordan's brother and head of the Jordan Football Association.

"For a year and a half, I stood in front of Prince Ali's office every day. I paid 30 to 40 JODs in cab fees, waiting for him to leave his office so I can talk to him, plead with him to give Ammar Jordanian citizenship so he can play," said Rania.⁸⁸ In January 2012, Prince Ali conceded. He sent a letter to then-Minister of Interior Ghaleb al-Zuobi asking that authorities grant Ammar Jordanian citizenship.⁸⁹ In July, the Interior Ministry rejected his request. The minister of interior's letter stated that Ammar was in contravention of the provisions of Jordan's Nationality Law.⁹⁰ No further explanation was offered. Ammar, who has rejected requests by the Qatari government to obtain Qatari citizenship and join Qatar's national team, is pursuing a degree in marketing at a private university in Jordan. He has given up hope of ever playing for Jordan's national team.

International Law on Right to Work

As Jordanian women face discrimination in conferring nationality to their children on an equal basis to men in breach of international human rights standards, and therefore the children themselves are unfairly denied a right to citizenship, the children in turn face restricted and unjustifiable limits on exercising their right to work under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Jordan has ratified without reservations.⁹¹ Article 6 recognizes the right to work, "which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts." Article 7 guarantees equal pay for equal work – "fair wages and equal remuneration for work of equal value without distinction of any kind." The impact of the nationality and employment rules on these children, many of whom are long-term residents of Jordan, is to deny them the ability to exercise their right to work, on the basis of restrictions that are discriminatory and therefore cannot be justified.

⁸⁸ Human Rights Watch interview with "Rania," 44-year-old Jordanian mother of three, Amman, July 29, 2017.

⁸⁹ Letter from Ali Bin Hussein, Prince of Jordan and Head of the Jordan Football Association, to Ghaleb al-Zubi, then-Minister of Interior, January 4, 2014. Letter on file with Human Rights Watch.

⁹⁰ Ibid.

⁹¹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, ratified by Jordan in 1975, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx> (accessed January 7, 2018).

In its concluding observations on Jordan in 2000, the Committee on Economic, Social, and Cultural Rights (CESCR), expressed concern regarding “discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.” It recommended that “the State party take all effective legal measures to prohibit discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life.”

Health Care

“Every time one of them [my children] gets sick, I put my hand on my heart worrying about how much we'll have to pay.”

—“Samira,” 60-year-old mother of four children, July 26, 2017

Jordan does not provide universal health care for its citizens. Its public health care system, which is state-subsidized, is overburdened and provides only a baseline level of health care for those without insurance.⁹²

Health insurance is provided through the Ministry of Health and the Royal Medical Service to eligible individuals and by private companies to those who can afford it. Patients who do not have medical insurance receive basic services financed by the Royal Court and are required to pay for secondary and tertiary healthcare out of their own pocket. According to the 2015 national census, at least 30 per cent of Jordanians and 75 per cent of non-Jordanians in the kingdom are uninsured.⁹³

Although it entails a time-consuming process, insured and uninsured Jordanians can also petition for “medical exemptions” from the Ministry of Health, the office of the Prime Minister, or the Royal Court, in which the government assumes responsibility for all costs of treatments and surgical procedures. Such exemptions are rarely granted to foreign nationals.

⁹² Oxford Business Group, “Health Overview - The Report Jordan 2011”, 2011, <http://bit.ly/2i5PvKu> (accessed October 26, 2017).

⁹³ “55% of Population, 68% of Jordanians Covered by Health Insurance”, Jordan Times, February 22, 2016. <http://www.jordantimes.com/news/local/55-population-68-jordanians-covered-health-insurance%E2%80%9999> (accessed March 5, 2018).

When accessing public health care services, non-Jordanians pay between 35 and 60 per cent higher fees than uninsured Jordanians.⁹⁴ The cabinet decision on non-citizen children of Jordanian mothers stated that only the non-citizen children aged under 18 of insured Jordanian mothers may receive the same treatment at public hospitals as their mothers. Those whose mothers are not insured must pay the same rate as a foreign national regardless of whether they present an identification card. Given that insured Jordanians can already include their children on their insurance policies regardless of citizenship status, this provision merely preserves the status quo and offers no additional benefit to non-citizen children of Jordanian mothers.

Three weeks after authorities issued the cabinet decision, the Ministry of Health circulated its own list of instructions in an official letter to hospital directors and heads of health centers adding that non-citizen children of uninsured Jordanian mothers, regardless of age, would now be permitted to pay the same fees as uninsured Jordanians provided the mother can prove she has resided in Jordan for a minimum of five years. While this is a positive move by the Ministry of Health, some families complained to media outlets and Human Rights Watch that hospitals were not following the new regulations and continued to charge non-citizen children of Jordanian women foreign national fees at public health centers.⁹⁵ In a February 2018 response to a letter Human Rights Watch submitted to authorities with questions based on preliminary findings, the Ministry of Health instead stated that only those non-citizen children of Jordanian mothers under 18 are permitted to pay the same fees as uninsured Jordanians.⁹⁶

“Maryam,” 47, is a Jordanian citizen and mother of five non-citizen daughters. Her Egyptian husband died in 2013. While she has three daughters of working age, Maryam is the only breadwinner in the household. She depends on aid from humanitarian charity organizations to provide for herself and her daughters and cannot afford health insurance.

⁹⁴ “Living on the Margins: Syrian Refugees Struggle to Access Health Care in Jordan.” Amnesty International, 2016. <https://amnesty.org.pl/wp-content/uploads/2016/02/Living-on-the-Margins-Syrian-refugees-struggle-to-access-health-care-in-Jordan.pdf> (accessed March 5, 2018).

⁹⁵ “How did the MOH handle the tasheelat afforded to children of Jordanian mothers?”, Assabeel, February 17, 2016. <http://www.assabeel.net/news/2016/2/16/كيف-تعاطت-الصحة-مع-التسهيلات-الممنوحة-لأبناء-الأردنيين؟>; Letter from Dr. Turki al-Kharabsheh, Zarqa governorate’s director of health, to heads of hospitals and health clinics, December 21, 2014; on file with Human Rights Watch.

⁹⁶ Letter responding to a Human Rights Watch inquiry with answers from various ministries, compiled by the government coordinator for human rights, Basel Tarawneh, letter on file with Human Rights Watch.

Despite the costs involved, she managed to obtain identification cards for all five daughters – a move she now regrets. “What have I benefitted from these cards?” she said. “Nothing.”

My one daughter had a benign tumor in her chest. I had to pay foreign national fees to have it removed. For Aseel [her eldest daughter], I had to pay 200 JOD [approximately \$282] just to have her appendix removed. They asked for my ID, [because] they didn’t recognize the identification cards.⁹⁷

“Amal,” a Jordanian citizen, is married to a Palestinian with a temporary Jordanian passport for Gazans. Although born and raised in Jordan, her four children, like their father, are considered Gazans, without Jordanian national numbers. While Jordanian children under the age of six are treated in ministry-run hospitals and clinics for free, provided they are not covered by any other health insurance, there are no clear regulations on whether the same applies to non-citizen children. After Amal’s youngest son, 12, was born, he fell ill and required hospitalization.

“There were many complications, he was in the ICU. It cost me 400 Jordanian dinars [approximately \$564]. I don’t have that kind of money,” she said. Amal tried to claim a Royal Court medical exemption but was refused. “What do I do? Steal my son to get him out? I had to go begging for that money.”⁹⁸ A 2007 government decision allows Gazan children below the age of six to receive the same treatment as Jordanian children.⁹⁹ In its same February 2018 response to Human Rights Watch, the Ministry of Health stated that non-citizen children of Jordanian women below the age of six, who are in possession of identification cards, and Syrian children also receive the same treatment. Authorities have not clearly communicated such policies to the public.

“Reem,” 59, has six children born and raised in Jordan. Her husband, an Egyptian, died ten years ago. Only her three eldest children have identification cards because she could not afford the costs of acquiring them for the rest of her children. “Several of us are sick, but

⁹⁷ Human Rights Watch interview with “Maryam,” a 47-year-old Jordanian mother of five daughters, Amman, July 24, 2017.

⁹⁸ Human Rights Watch interview with “Amal,” 50-year-old Jordanian mother of four, Amman, July 29, 2017.

⁹⁹ Instructions on treating Gazans in the hospitals and centers of the Ministry of Health, No. 11 of 2007, issued under Article 35 of the Civil Health Insurance Scheme <http://dubai.qistas.com/legislations/jor/view/96099> (accessed October 17, 2017).

we can't go to the hospital because they would charge us as foreign nationals," she said. Being a Jordanian citizen herself, Reem, who requires medical care, would pay the same fees as any uninsured Jordanian, but she refuses to seek help. "If my daughter can't go to the hospital, I don't want to go either," she said before crying quietly.¹⁰⁰

Amal, who was not able to obtain identification cards for her children because of the five-year residency requirement, takes her sons to private hospitals for treatment: "My eldest son has thalassemia [a blood disorder that often leads to anemia]. At Princess Basma [public] hospital, we had to pay 380 Jordanian dinars [approximately \$535] for him. He got sick again but then I decided to take him to a private hospital since we had to pay the same [as a public hospital] anyways. At least he keeps his dignity."

"Sharif," 35, and "Hala," 32, are a married couple who were both born in Jordan to Jordanian mothers and non-national fathers. Sharif has an Egyptian passport and Hala a temporary Jordanian passport. They both have the identification cards recognizing them as children of Jordanian mothers. Their children, a 6-year-old son and 1-year-old daughter, are considered Egyptian and, despite being third generation residents of Jordan, have no claim to Jordanian citizenship. "I took my son to treat him at the [Prince Faisal Bin Al Hussein] hospital one time. Because we are not insured, they made us pay foreign national fees," said Sharif. He continued:

We are neither foreign nationals nor refugees, we are residents of this country. I know Jordan from north to south, east to west. Our loyalty is to the soil of this country, but we are treated like pariahs.¹⁰¹

While every one of the non-citizen individuals Human Rights Watch interviewed self-identified as Jordanian, they are constantly reminded of their status as foreign nationals in their interactions with government departments. For example, the only non-Jordanians allowed to donate blood in Jordan are Palestinians with temporary Jordanian passports.¹⁰²

¹⁰⁰ Human Rights Watch interview with "Reem," 59-year-old Jordanian mother of six, Amman, July 25, 2017.

¹⁰¹ Human Rights Watch interview with "Sharif," 35-year-old son of a Jordanian woman, at a protest in Amman, July 26, 2017.

¹⁰² King Hussein Cancer Foundation, Eligibility to Donate Blood, <http://www.khcc.jo/section/eligibility-donate> (accessed March 5, 2018).

“If I needed blood, my own children can’t give it to me. My own son couldn’t,” said “Hania,” 51-years-old. “Can you believe it?”

International Law on Right to Health Care

Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) calls on all states parties to achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The UN general comments on the implementation of article 12 state that access to health facilities and the payment for health goods and services must be “based on the principle of equity” and available “without discrimination on any of the prohibited grounds,” noting that this applies “especially to the most vulnerable or marginalized sections of the population, in law and in fact.” Parties to the International Convention on the Elimination of Racial Discrimination (CERD) must also respect the right of non-citizens to an adequate standard of physical and mental health. The Convention on the Rights of the Child (CRC) obliges states parties to “strive to ensure that no child is deprived of his or her right of access” to healthcare services. Jordan is a party to the ICESCR, CERD, and the CRC.¹⁰³

Education

Public education in Jordan is not free of charge, but elementary and secondary schooling is subsidized for Jordanians. According to amendments introduced to the Education Act in 2006 and 2013, Jordanian schools should admit non-Jordanian Arab students if they hold required documents such as temporary passports, residency permits, and fathers’ valid work permits. Even if they hold these documents, however, they can only be enrolled if the schools’ capacity allows for it and at considerably higher cost. Non-Arab foreign students are only allowed to enroll in private schools, and Jordanian schools only allow admission for Palestinian students who come from the West Bank, and only if they obtain permission

¹⁰³ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, ratified by Jordan in 1975 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed January 7, 2018); UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, ratified by Jordan in 1974 <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx> [accessed 7 January 2018]; Convention on the Rights of the Child (CRC), (act. 24), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), ratified by Jordan in 1991 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

from the Follow-up and Inspection Department at the Ministry of Interior. Palestinians from Gaza are often registered in UNRWA schools for Palestinian refugees.¹⁰⁴

The 2014 cabinet decision on non-citizen children of Jordanian women residing in Jordan stipulates that these children are entitled to the same treatment as Jordanian students in the primary and secondary public school systems. Effectively, this exempts them from the additional costs required of non-Jordanian students and allows non-Arab children of Jordanian mothers to enroll in public schools. In order to enroll, however, the children must hold the identification cards.¹⁰⁵

Because Ashraf's five children do not have Iraqi passports or residency permits and Ashraf does not have a work permit, they cannot obtain the identification cards necessary for admission to the country's public schools.

"I have been forced to register myself and my kids with the UNHCR [as refugees] so I can get access to the services they offer. So I can get health care, and free education," he said. "Every service I get is through the UNHCR. I don't get anything from the Jordanian government at all."

Higher Education

Many of the individuals Human Rights Watch interviewed were more concerned with higher education than the primary and secondary levels.

As non-citizen children of Jordanian mothers are considered foreign nationals, they are required to pay international student fees at public universities.¹⁰⁶ An international student pays more than double the amount a Jordanian student pays for a public university and foreign nationals are not allowed to apply for government scholarships. Most of those who

¹⁰⁴ "Jordan: Country Report on Out-of-School Children," UNICEF, October 2014. http://allinschool.org/wp-content/uploads/2015/04/Jordan_Full-report_En.pdf (accessed September 21, 2017).

¹⁰⁵ Letter from Minister of Education to all directors of education departments in the Kingdom informing them of 2014 Cabinet decision and regulations related to it, April 5, 2015, on file with Human Rights Watch.

¹⁰⁶ Letter from Salma Nims, secretary general, the Jordanian National Commission for Women, to Prime Minister Hani al-Mulqi, August, 20, 2017.

do pursue higher education do so in the country's private universities, which charge the same tuition fees for Jordanians and non-Jordanians.¹⁰⁷

Sonia, 24, who studied pharmacy at the private Isra'a University, south of Amman, and who, until late February 2018 when she received a one-year license to practice, was not permitted to work, said:

I have two brothers, one of them graduated from business management, the other one is in high school. My eldest brother, 25, can't find work. My younger brother refuses to go to university because he sees no future for employment. We have to pay for university out of our own pockets and he doesn't want to waste all that money just to sit around like us [her brother and herself].¹⁰⁸

When "Abla," was informed her daughter received one of the highest results in the general secondary education examination in 2017 in Jordan, she was ecstatic. Her daughter had always wanted to be a doctor and her 96.6 score on the exam would make her eligible for a scholarship at any of the country's public universities. But Abla's daughter, unlike her mother, is not Jordanian, and therefore after completing the exam could not initially be considered for any of the universities' competitive scholarships awarded only to Jordanians. Her family cannot afford to pay university tuition. In a highly-shared Facebook post, Abla wrote:

I am Jordanian. My parents are Jordanian. I have lived here all my life. I studied here, I worked here. I married here. And I know no other homeland. I used to stay up with my daughter long nights [while she studied], I lived through the moments of waiting and nervousness with her, I provided her with everything I possibly could to help her get the score she needs to fulfill her desire to study medicine, and here she has achieved it. But our

¹⁰⁷ Abu Al Haijeh, Ahmed, and Alkhader, Reem, "Jordan: Overview of the Higher Education System," National Erasmus+ Jordan, March 2016 <http://erasmus-plus.org.jo/Portals/o/Jordan%20Fiche%20final%20draft.pdf> (accessed October 26, 2017).

¹⁰⁸ Human Rights Watch interview with "Sonia", 24-year-old non-citizen daughter of a Jordanian mother, Amman, July 24, 2017.

happiness was short-lived as, in no time at all, we crashed into a wall, that of the [non-citizen] children of Jordanian women.¹⁰⁹

On September 11, 2017, the Secretary-General of the Ministry of Higher Education announced that 150 seats at public universities would be reserved for non-citizen children of Jordanian women and subsidized by the government. Only individuals with top grades and identification cards are eligible to apply.¹¹⁰ Abla's daughter, who was able to obtain a government-issued identification card, applied and was accepted to study medicine at one of Jordan's public universities for the 2017-2018 university year.

International Law on the Right to Education

International human rights law makes clear that all children have a right to free, compulsory, primary education, free from discrimination, and regardless of their nationality.¹¹¹ States should also ensure different forms of secondary education are available and accessible to every child, and take appropriate measures, such as the progressive introduction of free education and offering financial assistance in case of need.¹¹² The Convention on the Rights of the Child (CRC), which Jordan ratified in 1991, also obliges states parties to take every appropriate means to make "higher education accessible to all on the basis of capacity."¹¹³

¹⁰⁹ Salma Nims's Facebook page, a copied version of "Abra's" post, August 15, 2017, <https://www.facebook.com/salma.nims/posts/10155447129731422> (accessed October 16, 2017).

¹¹⁰ "Important announcement by the Higher Education Council regarding children of Jordanian women with high school certification" Higher Education Council, September 11, 2017. <http://www.admhec.gov.jo> (accessed November 28, 2017); "Dedicating 150 seats to non-citizen sons and daughters of Jordanian mothers at universities," *addustour*, September 11, 2017, <http://bit.ly/2w4Y16i> (accessed 26 February 2018).

¹¹¹ United Nations Economic and Social Council, "Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33," E/CN.4/1999/49, January 13, 1999, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/101/34/PDF/G9910134.pdf?OpenElement> (accessed January 11, 2018). See also Annex I: United Nations International Children's Emergency Fund (UNICEF), "Convention on the Rights of the Child: Frequently asked questions," undated, http://www.unicef.org/crc/index_30229.html (accessed January 11, 2018).

¹¹² International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 13(2) (b); and Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 28(1)(b).

¹¹³ Convention on the Rights of the Child (CRC), (art. 28), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), ratified by Jordan in 1991, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

Ownership and Investment

“I can’t even put my name on the internet Wifi account! And that’s just an internet account, what if I wanted to own a house?”

- “Sonia,” 24, non-citizen daughter of a Jordanian woman, July 24, 2017

Jordanian women, who are married to foreign nationals and residing in Jordan with their family, play a critical role in managing their family’s property, and investments. Even telephone and internet accounts are difficult to obtain for those who do not hold a valid form of identification. In her absence, every procedure becomes considerably more challenging.

“We are all attached to, all dependent, on one person: Sawsan. Without her we can’t do anything at all,” said Sawsan’s husband, a Palestinian with Gazan status.¹¹⁴

The 2014 cabinet decision included ownership and investment in its provisions, but it made no regulatory changes to either sector. Non-citizen children and spouses of Jordanian women remain subject to the laws and regulations that govern ownership and investment for foreign nationals. Individuals cannot acquire property, register a car or business, or liquidate their investments without obtaining approval from the Minister of Finance, the Minister of Interior, the Land and Borders Director, or the General Intelligence Directorate.¹¹⁵ Given the restrictive nature of these laws, most families have no choice but to register everything they own in their mother’s name.

“The land is in my name, the car is in my name, the house is in my name,” said Bushra, a 53-year-old divorced mother of four non-citizen children.¹¹⁶

The only possible transfer of ownership of immovable property to a non-Jordanian is through inheritance. But even then, the process can be long and arduous.¹¹⁷

¹¹⁴ Human Rights Watch Interview with “Gaith,” 62-year-old husband of Jordanian woman, Amman, July 23, 2017.

¹¹⁵ Law No 47 of 2006, Jordan, The Leasing of Immovable Assets, and Their Sale to Non-Jordanian and Judicial Persons, <http://www.tamimi.com/en/magazine/law-update/section-14/dec-jan-2017/recent-updates-on-jordans-foreign-investment-regulation.html>; The Regulation for Organising Non-Jordanian Investments No.77 of 2016, <http://www.tamimi.com/en/magazine/law-update/section-5/july-august-2/the-foreign-ownership-of-land-in-jordan.html> (accessed March 5, 2018).

¹¹⁶ Human Rights Watch interview with “Bushra,” 53-year-old mother of four, Amman, July 19, 2017.

¹¹⁷ Law No 47 of 2006, Jordan, The Leasing of Immovable Assets, and Their Sale to Non-Jordanian and Judicial Persons.

“Nermeen,” 43, is a daughter of a Jordanian woman and a Palestinian man from Gaza. She has a temporary passport without a national number. When her mother died in 2016, Nermeen, who provides for herself and her father, hurried to transfer their family home from her mother’s name to hers. “You won’t believe the level of suffering I went through to get what is rightfully mine,” she said. “When I went to get a determination of heirship issued for the house, some government employee saw my application and in front of me said to his colleague, ‘how is this person allowed to get a house?’ Of course, it was only through inheritance that I was allowed to get it.”

“I always dread having to go to some governmental office for fear of being treated horribly or having obstacles placed in my path,” she said. After months of shuttling from one government department to the next, Nermeen was finally able to register her mother’s house in her name but existing regulations make it overly difficult for her to sell it, buy another one, or rent it out.¹¹⁸ “As [non-citizen] children of Jordanian mothers, we remain imprisoned by specific restrictions.”¹¹⁹

Registering a house in the Jordanian mother or wife’s name is not always possible. When “Ahmed,” 45-year-old son of a Jordanian mother and foreign father, wanted to buy a second house for his family of five, he registered it in the name of his elderly neighbor – a man he described as decent. But as the house is not in his nor in any member of his family’s name, he does not legally own it and must rely on the good-will of others. Of the elderly neighbor he says: “His sons now threaten that if their dad dies, they will take the house from us,” he said.¹²⁰

Non-citizen children of Jordanian mothers face similar obstacles when attempting to register a company in their name or buy land for investment purposes. Ten years ago, Nermeen and a business partner founded a company that sells medical supplies. She continues working there today in a managerial position and has her own office, health insurance, and a social security account. Her business partner, however, is technically her

¹¹⁸ Ibid.

¹¹⁹ Human Rights Watch interview with “Nermeen,” 43-year-old non-citizen daughter of a Jordanian woman, Amman, July 30, 2017.

¹²⁰ Human Rights watch interview with “Ahmed,” 45-year-old husband of a Jordanian woman, Amman, July 29, 2017.

boss. She said, “I can’t even register my name as a partner in the company that I helped establish, and so I remain as I am, just an employee.”¹²¹

While non-Jordanians are indeed allowed, upon receiving the necessary government approvals, to register companies in their names or invest according to regulations governing non-Jordanian investments, Nermeen claims that when she approached the Companies Control Department at the Ministry of Industry and Trade, a ministry employee refused to process her application because she didn’t have a Jordanian national number.¹²² Nermeen said she constantly feels trapped because of the restrictions imposed on her as a non-citizen generally and as a “Gazan” specifically. Holders of temporary Jordanian passports are subjected to an additional layer of scrutiny as they may be required to seek further approval from the Council of Ministers.¹²³ “You get to a certain point in life where you just can’t progress beyond it. I can’t change jobs or my house. I am here at this point and will have to remain here.”

“Tareq,” 32, was born to a Jordanian mother and a Gazan father. He works for an international non-governmental organization (NGO) in Jordan and recently decided to start a family. His one-month old son is also born to a Jordanian mother and has inherited his status as a non-citizen. In October 2016, along with his wife, Tareq decided to establish his own NGO. He said:

We wanted to list the company equally under both our names, my wife and I. But the Ministry of Interior rejected my claim to own half of it. Now it is fully registered in my wife’s name... Every day, I leave my job and go to our company. I put everything into this company and I own none of it. If God forbid, my wife leaves me or we don’t get along, I won’t get anything.¹²⁴

¹²¹ Human Rights Watch interview with “Nermeen,” 43-year-old non-citizen daughter of a Jordanian woman, Amman, July 30, 2017.

¹²² Regulation No (54) of 2000 on Non-Jordanian Investments, Jordan, https://www.sdc.com.jo/arabic/index.php?option=com_content&task=view&id=457 (accessed November 28, 2017).

¹²³ Article (7) of Law No 47 of 2006 on the Leasing of Immovable Assets, and Their Sale to Non-Jordanian and Judicial Persons.

¹²⁴ Human Rights Watch interview with “Tareq,” 32-year-old non-citizen son of a Jordanian woman, Amman, August 7, 2017.

Acquiring Driver's Licenses

“How is it ok that they [our children] have been born here, lived and raised here and they can't even get driver's licenses?”

- “Abdullah,” Egyptian father of five married to a Jordanian woman, July 24, 2017

In Jordan, which does not have a developed, efficient public transportation system, residents are highly dependent on private cars to get from one place to another.¹²⁵ A 2014 study found that total reliance on public transportation in Jordan can have a negative effect on an individual's education and employment opportunities.¹²⁶

To acquire a driver's license – and indeed to undertake many other official transactions – foreign nationals are required to hold a valid residency permit, a certificate of good conduct for those exempt from the residency requirement, or a temporary Jordanian passport. Foreign nationals are not permitted to acquire driver's licenses for public vehicles or commercial purposes.

As in the areas of ownership and investment, the 2014 cabinet decision included acquiring driver's licenses in its provisions but did not change or amend existing regulations to ease restrictions that hamper the ability of non-citizen children of Jordanian mothers to obtain them. Whereas Jordanians can acquire driver's licenses that are valid for 5 or 10 years, most non-citizen children of Jordanian mothers are only granted one-year private car driver's licenses and only if they meet certain restrictive conditions. Only temporary passport holders of Gazan and West Bank origin and citizens of countries with reciprocal agreements with Jordan are allowed to apply for private car driver's licenses valid for 10 years. Non-Jordanians are required to pay substantially higher fees than Jordanian citizens to obtain driver's licenses.

¹²⁵ “Not an Easy Job, but Amman's Traffic Headache Curable — Experts.” *Jordan Times*, July 28, 2016 <http://jordantimes.com/news/local/not-easy-job-amman%E2%80%99s-traffic-headache-curable-%E2%80%94-experts> (accessed March 5, 2018).

¹²⁶ “Inadequate Public Transportation Hinders Employment of Young Jordanians — Study.” *Jordan Times*, February 7, 2014. <http://www.jordantimes.com/news/local/inadequate-public-transportation-hinders-employment-young-jordanians-%E2%80%94-study> (accessed March 5, 2018); “In Jordan, Poor Transportation Is a Drag on Education.” *Al-Fanar Media*, September 21, 2015 <https://www.al-fanarmedia.org/2015/09/in-jordan-poor-transportation-is-a-drag-on-education/> (accessed March 5, 2018).

While they are not technically required to hold valid work permits to acquire driver's licenses, many of those exempt from residency requirements are nonetheless asked to present work permits when applying. Five individuals interviewed by Human Rights Watch reported not being able to acquire driver's licenses because they did not have valid work permits.

Neither Sonia nor her two brothers can drive legally in Jordan. When applying for a license herself, authorities told Sonia she needed to have a work permit, be a student, or have foreign investor status. "I tried using my identification card, the driver's license department told me to go to the GID (General Intelligence Directorate). The GID then tells me I can only get permission if I have 50,000 Jordanian dinars [approximately \$70,5218] for investment, or if I'm still a student." To get around, Sonia relies on public transportation.

Several of those interviewed by Human Rights Watch said they drive in Jordan without a driving license, and thus risk arrest, because they were unable to acquire them.

"My brother needs to drive so he got a car at his own risk," said Sonia. "He was arrested three times and had to pay a fine of 250 Jordanian dinars [approximately \$352] each time with *wasta* (connections) to get released from detention. We ended up selling the car."

"Hashem," 25, is a car mechanic and son of a Jordanian woman and an Egyptian father. According to his mother, Hashem was always passionate about cars and couldn't wait to drive his own. By law, Hashem is required to obtain a certificate of good conduct from the GID to get the one-year driver's license. He never obtained it despite numerous applications.

"We applied around 15 times for the certificate of good conduct," his father said. "And every time they kept postponing, telling us to come in two weeks and then again in two weeks. They don't say no to us, just keep dragging us on. They really dashed my son's hopes." After giving up on obtaining a license, Hashem's father bought him a car anyway. "It ended up parked in front of the house for a year. At first, he drove it a lot but we paid so many tickets and he was arrested twice while driving it. Sometimes he would give his cousin's name instead of his own so as not to get arrested."¹²⁷

¹²⁷ Human Rights Watch interview with "Mustafa", 60-year-old father of "Hashem", Amman, July 24, 2017 in his home in Amman, Jordan.

Freedom of Movement

Non-citizen children of Jordanian mothers do not have the same ability as Jordanians to travel freely outside of Jordan, and in addition to a valid passport, individuals of certain nationalities require visas or permission from the GID to re-enter Jordan. Non-Jordanians can also be at risk of deportation to a country they have never known if they fall foul of the law.

A Fatal Ban on Re-Entry

“Eman,” a 49-year-old Jordanian citizen, is married to a Syrian and mother to six Syrian children. All six children were born and raised in Jordan and all six have identification cards. In the summer of 2014, Eman and her husband traveled to Idlib to visit her husband’s family. While there, they met a young woman they thought would make a good wife for their youngest son “Sameh,” 25. That same year they took him back to meet and marry her. “Before leaving, Sameh insisted on applying for a visa to be able to travel to Syria and return to Jordan, but given that my husband and I were able to travel there and back without any issues I thought he would have no trouble and urged him to leave before getting a reply.” Syrians do not require visas to enter Jordan. They do, however, need to acquire permission from the Ministry of Interior and the GID. After they married, Eman, her husband, her son, and his bride traveled back through Antakya en route to Jordan, but airline officials did not allow Sameh and his wife to board the flight. “My husband and I returned to Jordan and I tried everything, running around all the government departments trying to get my son to come back home,” she said. In the meantime, while they waited, Sameh and his wife were living beyond their means in a hotel room in Antakya. Almost a year later, as Eman continued to beg and pressure Jordanian authorities to allow her son to return, Sameh decided he couldn’t live in limbo any longer. “On 13 June 2015, my son and his wife returned to Idlib, Syria,” she said. Less than a month later, Sameh was hit by a mortar shell and killed. His then-pregnant wife survives him. “They tell me I am the reason for his death,” said Eman.¹²⁸

A Possible Deportation

In another case documented by Human Rights Watch, one young man born to a Jordanian mother and an Egyptian father has languished in a Jordanian prison since January 2016.

¹²⁸ Human Rights Watch interview with “Eman,” 49-year-old Jordanian mother of six, Amman, July 23, 2017.

Since he lacks Jordanian citizenship, “Yousef,” 26, is at risk of deportation to a country he has never visited. He has faced several arrests – most for petty crimes, chief among them, driving without a license. In an interview with Human Rights Watch, his mother, “Reem,” said that his latest arrest is the result of a quarrel his neighbor had with a business partner that led to a brawl. “He was at the wrong place, at the wrong time,” she said. Police arrested Yousef on January 23, 2016, and a court tried him on charges of assault and possession of a weapon. According to Reem, the trial is ongoing but neither defendant nor witnesses appear in court anymore. “It’s just me and my son.” She says in June 2016 that the prosecutors granted Yousef release on bail, but he remains in administrative detention today as a result of a pending deportation order issued against him on February 28, 2016. “Even if he is truly in the wrong, punish him but don’t rob me of my son,” she said.¹²⁹

¹²⁹ Human Rights Watch interview with “Reem,” 59-year-old Jordanian mother of six, Amman, July 25, 2017.

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Appendix I: Letter to Government Coordinator for Human Rights

January 31, 2018

Basel Tarawneh
Government Coordinator for Human Rights
Amman, Jordan

RE: Treatment of Non-Citizen Children of Jordanian Mothers

Your Excellency,

We are writing to you to inquire further about the status of non-citizen children of Jordanian mothers, three years removed from the November 9, 2014 Cabinet decision promising an easing of restrictions on their access to employment, education, health, investment, property ownership, and obtaining driver's licenses. We are also writing to share with you the preliminary findings of research carried out by Human Rights Watch into their treatment following the decision's implementation.

Human Rights Watch is an independent, non-governmental organization that monitors and reports on human rights abuses in more than 90 countries around the world. We have worked for many years on documenting human rights conditions in Jordan and we value and appreciate open channels of communication with the government and authorities.

We have examined 32 cases of non-citizen children of Jordanian mothers who say that they have been denied fundamental rights. Researchers carried out interviews with 42 people between July 2017 and August 2017, including 15 Jordanian mothers, 24 non-citizen children of Jordanian mothers, and three foreign spouses. We also reviewed local and international laws pertaining to nationality, as well as Jordanian laws,

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regulations, and decisions governing foreign nationals' residency status and their access to relevant government services.

According to Ministry of Interior numbers from 2014, there are over 355,000 non-citizen children of Jordanian mothers in Jordan. By May 2017, the government reported that it had issued slightly over 66,000 identification cards recognizing individuals as such, leaving out over 80 percent of non-citizen children of Jordanian mothers. We identified three major barriers limiting access to the card and its purported benefits: some individuals were unable to obtain a long list of necessary documents required to apply, others simply couldn't afford the costs involved in procuring the necessary documents, and others were rejected because of the government's requirement that their Jordanian mothers must have legally resided in Jordan for no less than five years prior to applying – a requirement that the Jordanian National Commission for Women considered a form of discrimination against women, violating both their citizenship rights and right to freedom of movement.

Even for those who did obtain the identification cards, many reported no discernible improvement in their access to basic rights and government services. By and large, government agencies continue to subject them to the same laws and regulations that govern provision of services for foreigners. Cumbersome annual renewal of residency permits remains a requirement, and those who require work permits continue to confront significant legal and regulatory barriers that prevent them from obtaining employment for which they are otherwise qualified.

It is only in public hospitals and at public schools that non-citizen children of Jordanian mothers reported noticeable improvements. In both cases however, those who cannot procure identification cards or meet the mother's five-year residency requirement are not eligible to benefit from these provisions, and some non-citizen children reported paying higher "foreigners fees" at public hospitals despite presenting identification cards proving their status. The promised reforms did not improve access to higher education – non-citizen children of Jordanian mothers must pay costly international student fees to study at Jordan's public universities. Despite inclusion in the cabinet decision's provisions, no positive changes were reported in the areas of property ownership, investment, or obtaining a driver's license.

While we recognize and appreciate successive Jordanian governments' demonstrated intent to improve the conditions of this segment of society, our research indicates that insufficient change has taken place on the ground.

For a report that Human Rights Watch plans to publish in March 2018, we would be grateful for any response to the following requests that you could provide us by February 22, 2018:

1. Please provide statistics on the number of applications for government-issued identification cards for non-children of Jordanian mothers that civil status' authorities have rejected since January 2015.
2. Please explain why authorities did not publish the cabinet decision regarding "tasheelat" for non-citizen children of Jordanian women itself in the official gazette.
3. Please clarify whether mere possession of the identification card facilitates access to the six areas mentioned in the cabinet decision.
4. Please indicate how, if at all, the cabinet decision eased restrictions on the areas of ownership and investment.
5. Please indicate what portion of the work permit fees non-citizen children of Jordanian mothers are now exempted from paying? Do work permit fees differ by nationality of the applicant?
6. Despite theoretically allowing non-citizen children of Jordanian mothers to work in professions otherwise available only to Jordanians, providing there is no Jordanian alternative, the cabinet decision did not clarify how possession of the identification card would allow them to obtain the permission to practice closed professions. Given restrictions around professional associations, how, if at all, does possession of the identification card allow non-citizen children of Jordanian mothers to practice their professions in Jordan?
7. Please provide clear information on Ministry of Health regulations related to non-citizen children of Jordanian mothers:
 - a. Are all non-citizen children of Jordanian mothers in possession of an identification card charged the uninsured Jordanian prices for health care in government facilities? Or just those of them who are minors?
 - b. Are all children, both Jordanian and non-Jordanian, under the age of six treated free of charge at public hospitals?
8. Article 4 of Jordan's nationality law allows citizens of Arab countries who have resided continuously in Jordan for no less than 15 years to apply for citizenship. Article 12 of the law allows for any non-Jordanian who has resided in the country for no less than four years to apply. The majority of non-citizen children of Jordanian

mothers would fall under either of those categories, yet none of the individuals we interviewed believed they could obtain Jordanian citizenship under these articles of the Nationality Law. Two individuals said they were not even allowed to apply and were instead told this option was no longer available by Ministry of Interior officials. A Human Rights Watch analysis of announcements of citizenship acquisition in the Official Gazette between 2012 and early 2017 revealed that Jordanian citizenship had been granted to only 33 individuals during that period. Could you please clarify how the law is being applied in this regard? On what basis are non-citizen children of Jordanian mothers who have resided in Jordan for over 15 years being turned away when attempting to apply?

We thank you for your time and consideration of this matter.

Sincerely,

[Signature]

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

Appendix II: Summary of Responses to Human Rights Watch Inquiries

Response from the Ministries of Finance / Department of Lands and Survey to section (4) of the HRW's letter:

As regards to section four of the questions posed in the attached letter, pertaining to the treatment of non-citizen children of Jordanian mothers, in particular the section about ownership—

I would note that non-citizen ownership of fixed assets is regulated by the Law of Fixed Asset Leasing and Sales for Non-Citizens and Persons number 47 for 2006 and its provision apply to non-Jordanians regardless of the citizenship of the mother, under the regulations set by law, and in all cases, all non-Jordanians must obtain security approvals for ownership.

Response from the Ministry of Health to section 7 A) and B)
Treatment of non-citizen children of Jordanians

All Jordanian children who possess a national number under the age of six are treated free of charge as per Article 27 of the Health Insurance Code number 83 for 2004, at Jordanian Ministry of Health centers and hospitals.

As per Cabinet decision number 6150 dated 1/22/2018 which stipulates that if the treatment required for these children is not available at the health centers and hospitals, they are to be transferred via a mechanism established by the Minister of Health to either the Prince Hamza Hospital, Royal Medical Services or the Al Hussein Cancer Center.

As regards to Syrians and children from the Gaza Strip under the age of 6 they are to be treated free of charge at Ministry centers or hospitals.

Early screening for disabilities is provided to all children and minors under the age of 18 residing in the Kingdom free of charge at Ministry screening centers.

Vaccination services according to the National Vaccination Program are provided free of charge to all children and minors in the Kingdom.

Newborn survey program services and anemia and thalassemia screening and treatment services are free of charge.

School health services including regular medical tests and vaccinations and treatment are free of charge for all students in the Kingdom.

Children of Jordanian women married to foreigners with an ID card under the age of six receive free treatment and medical care.

Minor children of Jordanian women married to foreigners under the age of 18 are treated as uninsured Jordanians.

Response of the Ministry of Labor to sections 5 and 6:

Question 5:

Please clarify what part of the work permit fee non-citizen children of Jordanians are exempt from?

The Ministry of Labor has provided facilitations to the children of Jordanian women through the decision of the Prime Minister exempting the children of Jordanian women from paying for work permits, and they may obtain a work permit without any payment.

In addition to the decision's covering the spouses of Jordanian women it exempts them from paying back-fees for previous years in which the Jordanian women's spouse was not issued a work permit, a fee of 100 dinars for each year.

We would also note that in the case of actions against children of Jordanian women in the labor market without a work permit, a deportation order is not carried out and the Ministry merely fines the employer to bring them into compliance.

Do work permit fees differ by the nationality of the applicant?

The provisions of Article 12 stipulate that:

"B. A non-Jordanian worker must obtain a work permit from the Minister or his deputy before recruitment or employment, and the period of the permit may not exceed a renewable period of one year, with the new period to be set upon renewal as of the date of expiration of the previous obtained work permit.

C. 1. The Ministry will charge employers a fee for work permits issued to each non-Jordanian worker, or renew such fee, including workers subject to the provisions of section (B) of Article 3 of this law, and this fee shall be deposited with the Treasury at a sum set by law."

Thus and in accordance with the preceding, Jordanian labor law does not discriminate on the basis of the nationality of the foreign worker in terms of work permit fees, and the Ministry charges each employer a fee for issuing a work permit to any non-Jordanian.

Question 6:

Closed professions:

Among the facilitations provided by the government to the children of Jordanian women is the possibility of working in professions closed to foreign workers.

If a Jordanian is not available, then preference is given to the children of Jordanian women to work in such professions.

Professional Associations:

The Ministry of Labor does not have any oversight of professional associations, as they are established under law based on the constitution. The authorities of the Ministry of Labor are limited to workers' unions and employer associations.

Response of the Ministry of Interior to sections 1,2,3, and 8:

In regard to the inquiries posed above, we would note that they are related to the decision of facilitations granted to the children of Jordanian women, as follows:

The number of children of Jordanian women who have obtained ID cards is 72,673 individuals of different nationalities, and the number of appeals about applications made to the committee formed for this purpose is around 250.

Cabinet Decision number 6415 in session held on 11/9/2014, was circulated and published among all official bodies as Prime Minister's Administration Announcement number 2 A 11/4/39299 dated 11/11/2014, and the directives pertinent to the execution of the Cabinet's decision were published in the official gazette number 5320 issued on 12/31/2014.

An ID card special for the children of Jordanian women was issued, enabling them to obtain benefits from government bodies for the facilitations covered by the Cabinet's decision, and merely by presenting this card the individual would obtain these facilitations as per the Cabinet's decision.

The Cabinet's decision included providing the children of Jordanian women with facilitations related to ownership and investment, in accordance with the provisions of the law, regulations and decisions in force, as all offered facilitations must be consistent with law.

As to the inquiries posed in sections 5, 6, and 7, the relevant authorities are the Ministries of Labor and Health.

As regards the granting of citizenship or not to the children of Jordanian women married to non-Jordanians, this matter is governed by a number of political, economic and social considerations. And whereas specific international law gave states absolute freedom to exercise sovereignty over their territory as it relates to the question of the regulation of entry and residence of foreigners and the granting to them of citizenship and passports, so long as it does not conflict with human rights, Jordan has—in light of the political circumstances that the region has been witnessing for decades—opted to not grant political rights to the children of Jordanian women while taking into consideration the humanitarian issue and granting them civil rights including the right to residency, work, health insurance, investment, property, the right to obtain a driver's license, to attend government schools, in addition to the right to pursue a university education.



“I Just Want Him to Live Like Other Jordanians”

Treatment of Non-Citizen Children of Jordanian Mothers

In Jordan, a child born to a Jordanian mother and a non-Jordanian father is considered a non-citizen in the eyes of the state. In violation of international human rights law, which obliges Jordan not to discriminate against women, Jordanian law allows only men to pass Jordanian citizenship to their children. Jordan lags behind a number of other states in the Middle East and North Africa region that provide equal rights to women and men to confer nationality to their children.

“I Just Want Him to Live Like Other Jordanians” documents the plight of non-citizen children of Jordanian women, most of whom were born and raised in Jordan and have known no other home. Yet, the government treats them as foreign nationals with no permanent right to live or work in the country and restricts their ability to own property, travel from and return to Jordan, enroll in higher education, and obtain government health care.

The multiple forms of exclusion and discrimination they face often lead to severely diminished prospects for the future and place undue economic and social burdens on their families. Despite government promises to grant them key economic and social rights, non-citizen children of Jordanian women continue to face legal restrictions that trap many of them at the margins of Jordanian society.

This report calls on Jordan to allow all Jordanian women to pass on their citizenship to their children and spouses on an equal basis to Jordanian men and allow all non-citizen children of Jordanian women to enjoy key social and economic rights on a par with Jordanian citizens.

(above) The late Nima Habashneh, a leading activist in the movement for equal citizenship rights in Jordan, holds a sign that reads, “we are not half citizens”, during a protest in front of the Prime Ministry in Amman, Jordan on March 22, 2014.

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(front cover) A Jordanian woman, her Syrian husband and their children, who were born in Jordan but are not citizens, in Amman, Jordan on February 9, 2018.

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