

UNIVERSITY OF PÉCS

Faculty of Law, Doctoral School of Law

Establishing Effective Legal Framework for New Generation – A Comparison of the Jordanian and some European Constitutions.

Ph.D. Thesis



Mousa Sami Saleh Al-Qaaida

Supervisor:

Professor Dr. Tímea Drinóczy

Professor, University of Pécs, Faculty of Law- Hungary

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Summary

I. Introduction

The study is designed to compare the Constitution of Jordan and European countries with the aim of developing a new constitutional framework for both Jordan and European countries. Thus, to attain the main aim of this research, the study endeavours to answer the following main and sub-questions:

Q.1. How can the comparative components of Constitution of Jordan and European countries can be utilised to form an efficient legalised framework for the current generations regardless of their race, religion, sex and nationality?

- Thus, based on the aforementioned main question, the following sub-questions are divided:

Q1.1. What are the similar and dissimilar elements in the Jordanian Constitution and the European countries' constitution?

Q1.2. What are the components of the Constitution of Jordan and European countries' that can enhance equality of rights for the new generation?

Q1.3. What are the lacking areas in European countries' constitution and Jordanian Constitution?

Q1.4. What is the stability of the European countries' constitution as well as Jordanian Constitution?

Due to the significance of a country's effective provisions of constitution to protect the rights of its citizens, the present study reviewed many studies in order to define the gap in literature. However, since there is no research focused on elaborating the efficiency of Jordanian Constitution to protect the rights of the current generation; the study is primarily constructed to compare the Jordanian Constitution along with constitution of European countries in an attempt to assist the new generation dealing with a legal framework regardless of religion, nationality, race and sex. Therefore, to accomplish this core aim, this research seeks to attain the following related objectives:

- 1- Describing and analyzing the key elements of the constitution of European countries;
- 2- Elaborating and exploring the major components of the Jordanian Constitution;
- 3- Ascertaining the constitutional theories and legal provisions in relation to European countries' constitution and Jordanian Constitutions;
- 4- Identifying the ongoing changes in constitutional theories and their practices in the

Constitution of Jordan and European countries;

5- Comparing and contrasting the Constitution of Jordan and European countries in an attempt to formulate an effective legal framework irrespective of nationality, race, sex and religion; and

6- Identifying the suitable approaches for integrating new legal framework in the existing constitution in regard to eradicate discrimination and foster equality across Jordan and European countries.

II. Reason for Choosing Specific Countries

Jordan has been selected to be studied in this research project because the constitution of the country concentrates legislative and executive authority on the king. The human rights problems in Jordan are on high as compared to rest of the countries that includes torture and allegation by security officials, arbitrary detention and arrest of journalists and activities, undue restrictions of freedom of speech and the press integrating censorship, criminalisation of libel, internet site blocking, restriction of assembly and association, forced labour and discrimination and violence against women, bisexual, intersex, gay and lesbian. In general, the constitutions of Jordan lacks offer equal rights to its citizens that needs increased focus by the government to take initiatives that respect the rights and freedom of persons¹. Besides, the six countries of the EU including France, Greece, Germany, Austria, Portuguese and Poland have been chosen because unlike Jordan the constitutions in these EU countries focus extensively on promoting equality and anti-discriminatory practices. However, there are some countries that have specifically defined some of the grounds for discrimination like Germany and Greece while the constitutions in most of the rest countries have not defined the basis of discrimination like France, Austria, Poland and Portuguese². Hence, the research has chosen to review the constitutions of EU members those who have specifically defined ground for discrimination and those who does not so as to gain in-depth knowledge and make detailed comparison between constitutions of different EU countries and Jordan.

¹ US Department, '2018 Country Reports on Human Rights Practices: Jordan', (2018) Available at: <<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/jordan/>> accessed 27 February 2020.

² European Commission, 'European network of legal experts in gender equality and non-discrimination', (2017) available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiVuYeEuMvwAhWhjuYKHZX0Bx8QFjAAegQIAhAD&url=https%3A%2F%2Fec.europa.eu%2Fnewsroom%2Fjust%2Fdocument.cfm%3Faction%3Ddisplay%26doc_id%3D49316&usg=AOvVaw0Wk8h5uEMhBgHGD3MIxIWK> accessed 1st May 2021.

III. The Study Rationale:

This research is very crucial for the present times as it is focused on equality of every person irrespective of religion, race, nationality and sex. It is clearly evident that awareness among the people around the globe has increased regarding the bias they face on the basis of religion, race, nationality and sex. For instance, in the case of the citizens of Jordan, awareness among the people regarding their rights have increased, and many issues are faced by the people due to the rise in the inequality issues³. Flaws are also observed in the constitutions of European countries as the people still face issues regarding equality, and all the communities do not have equal rights⁴. Therefore, this research is crucial in order to determine the flaws in the Jordanian Constitution and the constitutions of European countries such as France, Greece, Austria, and Germany. It will help in developing a constitutional legal framework for the upcoming generation irrespective of religion, race, nationality and sex.

This research is also vital as it helps in understanding the shortcoming that is observed in the Constitution of Jordan and Constitutions of European countries. For example, it is known that the political system of Jordan is based on ruling families and conservative elements and religion is used by the people in order to achieve political objectives, just like politics is used for various religious aspects. This interaction process is notable in the Jordanian Constitution where religious authority is legalised in order to run the rights of all the citizens, which has a negative impact on the rights of women in Jordan⁵. These types of flaws have a massive impact on the liberalisation of the duties and rights of the citizens, which is evaluated by the help of this research. An effective legal framework can only be established if all the flaws in the Constitution that are made on the basis of religion, race, nationality and sex can be determined.

IV. Methodology and Analysis:

In order to obtain a crucial insight into the differences between the constitutional aspects of Jordan and European countries; the study collected a pertinent set of knowledge and information on the chosen area. There are two types of research methodologies which are utilized in a study, which are qualitative and quantitative methods. Whereas, the qualitative

³ Kumaraswamy, *The Palgrave Handbook of the Hashemite Kingdom of Jordan* (Springer Nature 2019) 56.

⁴ Nicola Lupo, *Interparliamentary Cooperation in the Composite European Constitution* (Bloomsbury Publishing 2016) 22.

⁵ Amin Al-Mashaqbeh, *Jordanian Political System* (Xlibris Corporation 2019) 13.

approach is referred as the inductive methodology, which is primarily focusing on building a new theory, while the quantitative approach is linked with the deductive method which is mainly concerned with testing an available theory through reviewing the most related literature⁶. Since the current study was mainly constructed for the aim of comparing the Jordanian Constitution along with the constitution of European countries in order to help the new generation to deal with a legal framework regardless of religion, nationality, race and sex; the study relied on collecting secondary data to attain the core aim of this study. Since the current research work aims at exploring a subjective area; the use of qualitative research method was selected. The qualitative research method is the most suitable method for this research to explore the general trends, views and experiences of the participants pertaining to the research area⁷. The use of this method helps to understand a greater and broader insight into the views and perception of the experts of constitutional law and legislation in Jordan and European countries. Thus, in order to obtain a comprehensive array of qualitative resources, data collection methods have been conducted in this research. Using these tools, a detailed subjective insight has been gauged in regard to the Jordanian Constitution and the constitutions of European countries to support the rights of the new generation⁸.

On the other hand, the study relied on reviewing the available literatures to identify their findings. A literature review or survey method gives the opportunity to determine different perspectives of the scholars to compare and contrast. This data collection method is chosen to develop a theory-based knowledge of constitutional theories and existing gaps in the constitutions that directly affect the stability and robustness of the legislative system. Secondary data collection method is integrated in this thesis so as to infer valid and credible conclusion whether Jordan constitution in contrast to the European countries' constitution is more stable or not, and extent of amendments in the existing Constitution of Jordan and European countries to safeguard citizens' right irrespective of discrimination. Since the study utilized on secondary data to attain the core aim of this research, the mixed methodology will be followed to compare, and contrast the constitutions, which are followed in Jordan and some European countries to identify the major determinants or areas of change to develop a legal framework for the new generation. Where, the collection of qualitative data is mainly focused

⁶ Saunders, M., Lewis, P. and Thornhill, A., 2012. *Research Methods for Business Students*. 6th ed. Harlow: Pearson Education Limited.

⁷ Baran and Mette L, *Mixed Methods Research for Improved Scientific Study* (IGI Global 2016).

⁸ Sarah J. Tracy, *Qualitative Research Methods: Collecting Evidence, Crafting Analysis, Communicating Impact* (John Wiley & Sons 2019).

on secondary research to integrate views of scholars and legal experts. A literature review or survey method gives the opportunity to determine different perspectives of the scholars in compare and contrast format. This data collection method is chosen to develop a theory-based knowledge of constitutional theories and existing gaps in the constitutions that directly affect the stability and robustness of the legislative system. Secondary data collection method is integrated in this thesis to infer valid and credible conclusion whether Jordanian Constitution in contrast to the European countries' constitution is more stable or not, and extent of amendments in the existing Constitution of Jordan and European countries to safeguard citizens' right irrespective of discrimination.

The qualitative data analysis of this study was done by utilizing secondary studies review using thematic analysis. This data analysis method helps to identify common themes to process analysis and interpretation of the meaningful pattern from the collected qualitative data⁹. Lack of quantitative data is one of the major limitations of the research. Besides this, statistical data is not integrated in this thesis, which is also a key limitation that might affect the validity of the result. The usage of the qualitative methods has been made in strict abidance to the ethical norms and guidelines pertaining to the research. Along with this, strict compliance with the guidelines of plagiarism norms has also made in this research to protect the credibility and reliability of the study's findings.

V. Results:

The prime quest of the presented results is to get insights into the constitution of Jordan in relation to the Constitutions of European countries. The comparison is pursued in the light of gender equality, followed by a brief discussion on the political representation and gender gap in European countries. Since, the study is designed to compare the Constitution of Jordan and European countries with the aim of developing a new constitutional framework for both Jordan and European countries, the comparison can be done on different aspects listed as below:

⁹ Greg Guest and Kathleen M. MacQueen and Emily E. Namey, *Applied Thematic Analysis* (SAGE 2012) 10.

5.1. Gender Equality in European Countries' Constitutions and Jordan

As the study concentrates on establishing an effective legal framework for the new generation, which is free from inequalities in regards to race, nationality sex and religion, it is essential to understand the gender equality in the Constitutions of both Jordan and the European Countries. Therefore, this section is focused on highlighting the gender equality context included in the Constitutions of the European Countries and Jordan in order to observe the gaps in the legislation, and develop a new framework to fill the existing gaps. This section also highlights the significance of gender equality in order to demonstrate the need for conducting the current study. It also reflects on the significance of political and public involvement of women in the countries.

In order to significantly compare and contrast the Jordanian Constitution and the Constitutions of the European Countries, some of the European Countries have been specifically selected, such as the Constitutions of France, Germany, Greece, Poland and Portugal. The reason behind selecting these countries is that as the study is focused on protecting individual's rights in regards to nationality, religion, race and sex, it has been observed that the Constitutions of Germany and Greece already have policies of human rights regulatory provisions for protecting the rights of people. Hence, in order to have a significant comparative analysis between the Constitutions of different European Countries, these countries have been selected.

5.2. Gender Equality

There is a group of legislative provisions that handle gender inequality that provides a legal framework that guarantees equality of women in their places of work, including the general working conditions. It was first composed of three directives. The first is based on equal pay, which involves the idea of equal pay for works with the same value as provided in the International Labour Organization¹⁰. The second directive is on equal treatment in various employment aspects, including dismissals, promotions, and hiring. The last directive is about equal treatment within social security issues. It is during the first to mid of the 1980s that two directives were recommended and equality adopted in 1986, all with limited scope.

The first proposed directive was on equality between women and men who were self-employed and on the equality for occupational social security. Some legislation facets were fundamental in the 1990s. In 1992, there was a directive that offered specific rights to

¹⁰ Christopher McCrudden, *Buying Social Justice* (Oxford University Press 2007).

breastfeeding, and expectant women called the Pregnant Workers Directive¹¹. In 1993, the directive on Working Time was instituted in 1993. The Social Protocol that initially excluded the United Kingdom agreed to have the Parental Leave Directive that offered time off for fathers and mothers in specific situations. A directive on Occupational Social Security was approved in 1996 that amended the 1986 directive. The council adopted the Burden of the Proof directive that comprised the legislative description of provisions; indirect discrimination intended to regulate the legislation on the Burden of Proof associated with issues of sex discrimination.

A directive on the Part-time Workers banned the discrimination between workers who operated on a full-time or part-time basis in particular situations. Notable amendments of the Equal Treatment Directive of 1976 were presented in 2002 that member states were to implement in 2005¹². Gender discrimination was forbidden in situations of goods and services in 2004. A directive on new recast was adopted in 2006 to bring together existing provisions of various directives on gender discrimination handling employment and apprise them to mirror case law of the European Countries. The Member States implemented the directive on 15th August 2009¹³. The instruments of soft law raised expectations and set standards with substantial indirect influence for the explanation of instruments dealing with hard laws, especially in the framework of national legislation. Therefore, it is not devoid of legal impact. The council and commission have espoused instruments in some areas involving gender equality and particularly areas of women representation, sexual harassment, affirmative action, and equal pay.

Article 6 of the Jordanian Constitution guarantees equality to all citizens before the legislation, but it seems like the Constitution enacted in 1952 is not effective enough in prohibiting gender discrimination or protecting gender disparity against women. Moreover, the Constitution provides equal pay rights to every worker, but it does not have any specific law in place, advocating equal pay rights to women. It is investigated that challenges are faced in securing the rights of women despite the active efforts of the government and substantial investment of the US government in securing human rights and democracy. The US government invested \$88.2 million on human rights programs and worked towards ensuring

¹¹ Christopher McCrudden, *Buying Social Justice: Equality, Government Procurement, & Legal Change* (Oxford University Press 2007).

¹² Christopher McCrudden, *Buying Social Justice: Equality, Government Procurement, & Legal Change* (Oxford University Press 2007).

¹³ David Feldman, *English Public Law* (2nd edn, Oxford University Press 2009).

gender equality in Jordan in the time period of 2013 to 2015, but economic marginalisation of women has drastically worsened in the last decade¹⁴. Jordan's position on the Global Gender Gap Index reveals that current legislative practices and provisions are not supportive in fostering equal opportunity and encouraging economic participation of women. Despite being highly educated, less than 16 percent of women are employed in Jordan due to the absence of equal opportunity law and failure of the Constitution to prohibit gender-based discriminatory practices. Circumvention of maternity leave provisions and daycare facilities for working mothers by private employers' regulatory deficiencies in Jordanian Constitution. Women are entitled to only half of their parents' inheritance under Jordanian law wherein these norms are originated and enacted in alignment with Shari'a, thereby restricting the economic independence of women.

Therefore, in the above discussion as per the comparison of the norms of gender equality present in Jordan and European countries, it is analysed that Jordan comprises of the highly educated population of women that fosters social, political and economic development of the country. However, a wide gap exists between men and women in Jordan in terms of opportunities at the workplace and education and in terms of acceptable social norms and constitutional rights due to cultural restraints and traditional expectations, as compared to European countries. Therefore, legal frameworks and governing institutions must provide a national framework for eradicating gender discrimination in Jordan and reducing the gender gap¹⁵.

¹⁴ Freedom House. 2016. Why Is Jordan Backsliding on Gender Equality? [Online]. Available at: <<https://freedomhouse.org/article/why-jordan-backsliding-gender-equality>> accessed 26th June 2020.

¹⁵ Ibid

5.3. Political Representation and the Gender Gap in European Levels

There has been an increase in women percentage from a low 16.6 percentage of females for the initially elected legislature in 1979 that was done directly after every election to 35.8% after the elections of 2014. The recent figures in the European Parliament on gender balance indicate that the level of Members of the European Parliament that women represent has slightly progressed from the 2014 elections, which are currently at 36.1%¹⁶. It surpasses the global average for state parliament and beyond the average of the European Union for national parliament at 30.2%. Nonetheless, there are wide variations among the Member States ranging from high percentage, including Ireland and Croatia, both at 54.5% and Finland at 76.9% to others, including Bulgaria at 17.6% and Cyprus and Estonia both at 16.7%. However, Malta and Hungary are few member states in the EU that are trailing with merely 12% and 7.1% of women participation in parliament respectively.

5.4. Protection and Promotion of Human Rights in Jordan and European countries

Respondents confirmed that girl's and women's rights include cultural, social, economic, civil, and political rights. The human rights for most girls and women are denied and violated regardless of the commitments. The respondents emphasized on interrelatedness and indivisibility of human rights and appreciated interrelation between the diverse violation of human rights that are women-based, including the rights and needs of girls¹⁷. Inequality and poverty are important factors that enhance susceptibility to gender-based violence, hunger, and discrimination. Macro-economic choices, systems, and patriarchal structures devalue the lives and influence of women who suffer unduly from precarious employment, unemployment, violence, war, and militarization. The choices negatively affect the safety, health, and time of girls and women. Besides, girls and women bear the burden of austerity measures such as budget cuts on social security, education, health, and public service.

The NHRIs emphasized that the government is tasked with the responsibility to without delay, implement the obligations and commitments that are approved. As a result, the NHRIs met and agreed to different areas of work and broad principles¹⁸:

¹⁶ Rosamund Shreeves, Martina Prpic and Eulalia Claros, Women in Politics in the EU-State of Play (European Parliamentary Research Service 2019) available at: <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635548/EPRS_BRI\(2019\)635548_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635548/EPRS_BRI(2019)635548_EN.pdf)> accessed 3rd January 2020.

¹⁷ NCHR, Amman Declaration and Programme of Action (The National Center for Human Rights 2012) available at: <https://www.ihrec.ie/download/pdf/amann_declaration_november_2012.pdf> accessed 28th December 2019.

¹⁸ Ibid

- *“Mainstream and prioritize gender equality and human rights for girls and women during all activities, programs, policies, processes, and strategic planning to develop sustainable interventions to attain gender equality. It would also comprise implementing and developing training for NHRI staff and members about gender equality. It will also review the internal structures to attain gender equality in all aspects and levels of work. These include assuring NHRI of working areas that are free of bullying, violence, and sexual harassment. The NHRIs need to seek technical help from institutions, Regional Coordinating Committees, ICC, and the specialist UN agencies to support the efforts”.*
- *“Reinforce the coordination between the department of children and NHRI women's rights where it appears as relevant. Cooperation with specialized institutions, particularly at national levels addressing the issues and involvement with stakeholders and organizations at the intergovernmental and regional organization, civil societies, non-state actors, UN agencies, and the trade unions. The aim is to protect and promote gender equality and human rights for girls and women”.*
- *“Trail the fulfilment of the state of the obligations of human rights where NHRI allows a permit for the compliance of non-state actors with standards for human rights such as the ones that relate to gender equality and the rights of girls and women. NHRIs need to back the efforts to guarantee the rights of women of de facto and de jure or even practical equality with men whose recognition will need differential treatment and special measures. The efforts include the incorporation of gender equality and the human rights for girls and women in relevant policies and laws such as the Human Rights National Action Plans. For example, the twelve areas in Beijing Platform for Action should operate as the guiding framework to assess the action of the state to safeguard the human rights for girls and women”.*
- *“Investigate, conduct inquiries and respond to allegations that violate the rights of girls and women such as identity systemic identity, discrimination in political and public life, reproductive rights violation, cultural and social rights, economic violations, gender-based violence, and discrimination against girls and women that spreads the violation. The reports and investigation ought to resort to approvals of state meeting responsibility to combat impunity and safeguard the rights of girls and women”.*
- *“Enable the girl's and women's access to justice, including non-judicial and judicial remedies, concerning the directive”.*

VI. Conclusion:

The data is analysed by the detailed description of chosen European countries' constitutions and Jordanian constitution with a focus on gender equality, protection and promotion of human rights, women participation and involvement and discrimination practices rooted in religion. It is concluded from data analysis that constitutions of European countries foster security, freedom and justice within the border of the European Union and it comprise strict measures against gender-based or religion-based discrimination. The Jordanian constitution has undergone several changes but there is a wide scope for improvement in terms of securing equal rights for the new generation and eradicate discriminatory practices on the basis of gender, sex and religion. It is recommended that there is a need for alignment of theories and practices in the legal system, ensure 30% quota for women in parliament, give legal status to Syrian and Iraqi refugees, implement CEDAW and extend the application of constitution to every individual under the jurisdiction of Jordan.

In addition to this, the legal framework of Jordan can encompass the reference to the rights to work, education, health and social security. Currently, the Constitution of Jordan is observed to provide the right to work, however, the international obligations of Jordan under the International Covenant on economic, social, and cultural rights and carry with them state duties in order to have a progressive realisation of these rights. Therefore, the legal framework of Jordan can make amendments and guide the lawmakers and the government officials so that they can formulate new laws and policies that can be helpful in order to address the rights discussed¹⁹. It is also recommended that a proposed change can be included to have an independent election and political part laws in Jordan. Therefore, Jordan can consist of an independent electoral commission under the judicial provision and further the country can also make amendments in the constitution to have international right to have timely, free and fair elections in the country. Currently, it is observed in the country that the fairness of the polls conducted are not up to the mark, namely the vote of one elector is not equal to the vote of another. Therefore, amendments can be made in the legal framework of Jordan regarding this²⁰.

¹⁹ Iliia Shalhoub, 'Comparative Report on the State of the Judiciary in Egypt, Jordan, Lebanon and Morocco' (2019) Available at: <https://www.ifes.org/sites/default/files/comparative_judiciary_report_final.pdf> accessed 23rd February 2020.

²⁰ UPR, 'Database of Recommendations' (2020) 2020 Available at: <https://www.upr-info.org/database/index.php?limit=0&f_SUR=86&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Isue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly> accessed 1st April 2020.

The EU law has introduced many social protections and rights, such as environmental standards, consumer and employment, as well as equality and data protection. However, its influence has rather been rough and ready. Therefore, greater consistency and coherence is required to be obtained by embracing internationally-recognised social, environmental, economic and cultural rights into the European Countries' constitution. The foreign rules-based order should be developed in order to guide security and peace, promote and protect human rights, as well as sustainable development. At present, it is approaching under pressure from individuals, who prioritise his/her, self-interest over the foreign organisation. Embracing the rights in the constitution, the countries would be driving a welcome support signal for the foreign rules-based order²¹.

The European Commission has attempted to secure more systematic and greater public participation in the formation of the policies of the European Union. However, the Commission must consult on a large scale prior to proposing legislation, and should also develop and publish consultation documents wherever appropriate. The European Countries' constitution should develop requirements for the European Council when the Council acts in the legislative capacity. The constitution should also propose the needs for the Commission, ensuring active and early public participation in every policymaking. The constitution must develop requirements for the European Court of Justice in order to provide access to justice to the Non-Government Organisations. The Parliament of Europe should not be elected in accordance with national law. Instead, every European party should be elected as per the wide European program based on an election system of Europe²².

Parties must be motivated to present practicable and realistic election programmes to the process of election. The European Union also requires enhancing its capability to act; however, simultaneously, the principle of subsidiarity should not be ignored in order to provide respect to the Member states' sovereignty. In order to do so, competencies need to be assigned in accordance with expertise correspondent to a federal system where competencies are interconnected with the environment in which the most efficient administration is possible²³. The growing constitution of treaties should also end, which means the introduction of a lean European Countries' constitution. The European Countries' constitution should not be

²¹ Francesco Rossi Dal Pozzo, *EU Legal Framework for Safeguarding Air Passenger Rights* (Springer 2014), 115.

²² Clare Coffey, 'The Draft Constitution for Europe: maintaining progress towards a green constitution' Available at: <<https://ieep.eu/uploads/articles/attachments/cbe5aff7-63d3-4e61-9d97-7e345e7dccb2/constitutionpaper.pdf?v=63664509690>> accessed 2nd April 2020.

²³ Ibid

imperilled to political deliberation on a daily basis. The EU should promote international regulatory cooperation because informing one another and cooperating with each other on the earlier duration of the process helps the competent authorities and regulators come up with appropriate solutions to similar issues, concerning their respective standards and policy objectives. The EU can also develop a better law-making contract that would help in enhancing the way the EU enacts and also ensure that the legislation of the EU serves businesses and citizens in a better way²⁴.

Women's subordinate position in the community is reflected in many national legal systems like that of Jordan. Girls and women often witness discrimination with respect to property law, family law, and employment and inheritance rights. It is also examined that women also often encounter issues in accessing justice institutions. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been integrated by the United Nations General Assembly in 1979 and has been approved by 187 out of 194 countries, and it is an overreaching framework which can certainly assist in establishing an all-inclusive legal mechanism to overcome the disproportionate discrimination experienced by girls and women. With its consideration in designing of the new framework for the new generation, it would be essential for states to take action in different domains in particular in the social, political, cultural and economic fields, and adopt adequate measures encompassing legislation to support the advancement and full-paced development of women with the ultimate motive of guaranteeing the enjoyment and exercise of human rights; and fundamental freedoms on the basis of equality with male counterparts. CEDAW also mandates the state parties to submit a report to the Committee of CEDAW after every four years illuminating achievements and progress. The valuable propositions in CEDAW are capable of addressing women's equal rights to health, employment, education and training by making calls for the incorporation of temporary special initiatives to redress the inequality between men and women while also devoting specific attention to the rural women and involving them in the progressive processes²⁵.

The Committee then issues recommendations, and such review and enforcement process is anticipated to make sure a constructive dialogue takes place for tailoring the integration of

²⁴ Europe.eu, 'Treaty Establishing a Constitution For Europe' (2005) Available at: <https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_establishing_a_constitution_for_europe_en.pdf> accessed 4th April 2020.

²⁵ Ann Kangas and Human Haider and Erika Fraser and others, 'Gender: Legal Framework and access to justice' Available at: <<https://gsdrc.org/topic-guides/gender/legal-framework-and-access-to-justice/>> accessed 3rd October 2020.

CEDAW as per local scenarios. The Convention can stringently govern the actions of state actors in respect to revising constitutions, altering discriminatory policies and laws, supporting the development of new legislation and determine court decisions²⁶. Moreover, for making optimum usage of the rights-based approach to attain the equality agenda, it is imperative to keep a rigorous check on the domestic implementation of the international human rights norms. The very nature of regional and international human rights standards demands enforcement at the national level. They need state parties to take requisite measures of a policy, administrative and legislative nature; and to offer adequate remedies in case of any contraventions for making sure that the established rights and extended freedoms are actually experienced so this is a reasonable consideration for the new framework²⁷.

²⁶ Ibid.

²⁷ Savitri Goonesekere, 'A Rights-Based Approach to Realising Gender Equality' (DAW News Archive) Available at: <<https://www.un.org/womenwatch/daw/news/savitri.htm>> accessed 24 December 2020.

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Xabier Larrucea, Izaskun Santamaria, Rory V. O'Connor and Richard Messnarz, Systems,

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VIII. Publication List:

1- A short comparative note on the Jordanian and some European constitutions. Published in

JURA. A Pécsi Tudományegyetem Állam- és Jogtudományi Karának tudományos lapja

2016. 2. szám HU-ISSN 1218-00793.

The number of characters: 39,825 characters.

The type of the publication: Professional essay in a foreign language published in a foreign professional journal of category (B) and in a peer-reviewed volume of essays

2- The separation of powers in the Jordanian Constitution. Published in JURA. A écsi Tudományegyetem Állam- és Jogtudományi Karának tudományos lapja

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The number of characters: 44,193 characters.

The type of the publication: Professional essay in a foreign language published in a foreign professional journal of category (B) and in a peer-reviewed volume of essays

3- Arbitration of oil contracts in oil-producing Arab countries.

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