

JORDAN¹

OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES

(Updated as at 31 March 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p>Equality of spouses in marriage</p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncodified? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws</i></p>	<p>Article 6(1) of the Constitution states that Jordanians shall be equal before the law and that there shall be no discrimination between them in rights and duties on the basis of race, language, or religion. Gender equality is not specifically mentioned.²</p> <p>Article 6(4) of the Constitution states that the family is the basis of society and is founded on religion, morality and patriotism. It also commits the law to preserve its legitimate entity and strengthen its ties and values.³</p>		<p>Jordan has reservations to Article 9(2) and Articles 16(1)(c), (d) and (g) of CEDAW.¹⁰</p> <p>The Government of Jordan in its 2006 report to the CEDAW Committee explained that under Jordanian law, marriage is not based on equality of rights and duties for husband and wife,</p>	<p>The Personal Status Act No. 15 (2019) Article 36 (i) refers to conducting workshops for those who wish to enter into marriage. The workshops aim to educate individuals on the rights, responsibilities and duties of married couples.</p>	<p>According to the 2016 UNDP Human Development Report, Jordan ranked 86 on the UNDP Human Development Index and 111 on the UNDP Gender Inequality Index.¹⁴</p> <p>According to Jordan's 2012 Population and Family Health Survey, about 13%</p>


¹ This Musawah project to map Muslim Family Laws globally was led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Jordan country table, we would also like to thank Katherine Gonzalez and Divya Srinivasan from Harvard Law School, and Dr. Wafa Awni Al-Khadra, Dr. Afaf Jabiri, Ayesha Al-Omary and Justice Center for Legal Aid for their inputs in its preparation.

² Article 6(1) of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

³ Article 6(4) of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

¹⁰ United Nations Treaty Collection Website, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-8&chapter=4&clang=en

¹⁴ UNDP, "Human Development Report 2016", Table 5, pp. 214-217, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

<p><i>for different sects within Islam? If uncodified, or if codified laws do not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>The Jordanian Personal Status Act (JPSA) is the main codified law that governs matters relating to marriage and family relations of the majority Muslim population in Jordan.⁴ In the absence of codified laws that sufficiently address a particular matter of personal status of Muslims, generally, the rules of Hanafi jurisprudence (<i>fiqh</i>) apply.⁵</p> <p>The JPSA applies to all Muslims regardless of their sect. Diversity within the Muslim community in Jordan is relatively new to Jordan due to the influx of refugees from countries such as Iraq, Syria, Sudan, and Yemen.⁶</p> <p>Despite the equality guarantee of Article 6 of the Constitution, the</p>		<p>but on reciprocity of such rights and duties. As such, “the concept of equality between spouses cannot be made to fit into the existing legal system.”¹¹</p> <p>In its 2010 report to the CEDAW Committee, the Jordanian government reiterated this position stating that despite demands from many women’s organisations, reservation to Article 16(1)(c) of CEDAW is maintained because: (i) it is</p>	<p>of households in Jordan are headed by women.¹⁵</p> <p>According to civil society and media reports, since there is no concept of civil marriage in Jordan and Muslims and Christians are governed by their own distinct personal status laws, Christian women who marry Muslim men often find it difficult to exercise some rights, such as obtaining a divorce and custody and guardianship of their</p>
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⁴ Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>
⁵ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 243, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>
⁶ Information obtained from Jordanian advocate, February 2017
¹¹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 248, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>
¹⁵ Jordanian Department of Statistics and ICF International, “Jordan Population and Family Health Survey 2012”, Table 2.7, p. 20, <https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>

	<p>JPSA does not provide for equality of rights and duties between the husband and wife in marriage. Article 6 does not apply to Muslim personal status matters. Article 103(2) of the Constitution provides that where the parties are Muslim, matters of personal status fall within the exclusive jurisdiction of the <i>Shari'ah</i> Courts.⁷</p> <p>Instead, the JPSA provides for a marital framework based on 'reciprocal' or 'complementary' rights (as opposed to 'equal' rights) between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to obey him. Thus, while the JPSA promotes kind treatment, mutual respect and care between spouses in the interest of the family, it also requires the wife to obey her husband and provides that a husband's duty of financial</p>		<p>incompatible with <i>Shari'ah</i>; and (ii) the husband and wife have different responsibilities. The husband is financially responsible during the marriage and the waiting period in the event of divorce (<i>iddah</i>), whereas the wife is not responsible from that standpoint.¹²</p> <p>In its 2015 report to the CEDAW Committee, the Government of Jordan stated that given the current decline in support for women's rights in many states in the Middle East and North Africa,</p>		<p>children.¹⁶</p>
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⁷ Article 103(2) of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en. See also Articles 105-106

¹² Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 302, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁶ Information obtained from Jordanian advocate, February 2017; Nadine Nimri and Orion Wilcox as translator, "When converting to Islam becomes a means of evading legal consequences", *Tiber*, 30 December 2015, <https://www.7iber.com/society/when-converting-to-islam-becomes-a-means-of-evading-legal-consequences/>; Aaron Magid, "Looking for a better divorce settlement, Jordanian Christian men convert to Islam", *Al Monitor*, 21 December 2015, <http://www.al-monitor.com/pulse/originals/2015/12/jordan-law-christians-convert-muslims-women-divorce.html>. It is also relevant to note that under Article 28(b) of Personal Status Law No. 36 of 2010, Muslim women are not allowed to marry non-Muslims, <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	<p>maintenance is conditional upon the wife's duty to move to the husband's marital home, not leave it without permission or valid excuse, and not prevent the husband from entering the home.⁸</p> <p>Marriage and family relations of Jordan's non-Muslim minority communities (e.g. Christians) are governed by their own ecclesiastical courts in matters of personal status.⁹</p> <p>In 2021 the Royal committee to Modernise Political System was established by a royal decree. A proposal was submitted to the parliament by the government to amend Article 6 of the constitution by including a paragraph stating:</p> <p>The state shall guarantee the empowerment and support of women, through enabling them to take an effective role in building society, in a way that guarantees equal opportunities based on justice, fairness and protecting women from all forms of violence and discrimination.</p>		<p>including in Jordan, "the issue of lifting reservations has to be dealt with very sensitively and gradually" and "in a manner that balances the promotion of women's human rights with the obligation to reject whatever contradicts the provisions of Islamic <i>Shari'ah</i>."¹³</p>		
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⁸ Articles 60-62, 77-78 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 60-62, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 243, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹³ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 108, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<p>Minimum and equal legal age for marriage</p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of majority? Is there a minimum age verification process before the marriage is concluded?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>	<p>The minimum legal age for marriage is 18 for females and males as per Article 10 of the JPSA. However, Article 10 also provides that a judge may permit girls and boys below 18 to marry if it is deemed to be in their interest.¹⁷</p> <p>Article 10 does not permit a judge to authorise the marriage of girls and boys below 15.¹⁸ Nevertheless, in extremely rare cases (such as pregnancy), a judge may authorise the marriage of girls below 15, in which case, the registration of the marriage is put on hold until she has turned 15.¹⁹</p> <p>Article 279 of the Penal Code criminalises violating any of the provisions of the JPSA with</p>	<p>When considering whether to allow a girl under the age of 18 to get married, the judge has to consider whether: (i) the groom has the financial capacity to support his bride and pay the dower (<i>mahr</i>); and (ii) the marriage has recognised benefits.²²</p> <p>The court refused to confirm the marriage contract for a 12 year old Syrian girl, because it is against the legal age of marriage and does not serve in the best</p>	<p>The Government of Jordan in its 2015 report to the CEDAW Committee laid out specific measures that it has carried out to prevent child and forced marriage among Syrian refugees in light of the prevalence of such marriages within the community in Jordan. These include setting up a <i>Shari'ah</i> court in the Zaatari refugee camp and the opening of an office of the Mafraq <i>Shari'ah</i> Court in the</p>	<p>Minimum age verification is conducted by a judge who confirms the age of both parties at the time of contracting the marriage.²⁶ In addition, both parties are required to present proof of their identity (which includes age) prior to the registration of their marriage.²⁷ The supreme judge issued Instructions Number 1 in 2017, which sets the criteria for marriage of children above 15 and below 18 years old. The instructions</p>	<p>According to UNICEF's State of the World's Children 2016 report, 8% of women aged 20- 24 in Jordan were first married by 18.²⁸</p> <p>According to UN World Marriage Data 2015, the average of first marriage among Jordanian females rose from 24.2 in 2009 to 25.0 in 2012 and among males, from 29.2 to 29.8 during the same period.²⁹ A media report indicated that Jordanians are getting married at a later age due to the</p>
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¹⁷ Article 10 of the Personal Status Act (2010), , <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁸ Article 10 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>; Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx> Art Article 10, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁹ UNICEF, "A Study on Early Marriage in Jordan", 2014, p. 6, https://www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf

²² Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁶ Supreme Judge Department Website, <http://www.sjd.gov.jo>

²⁷ Civil Status Department Website, <http://www.cspd.gov.jo/SubDefault.aspx?PagelD=186&MenuId=120>

²⁸ UNICEF, "The State of the World's Children 2016", Table 9, pp. 150-153, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

²⁹ [United Nations Population Division, "World Marriage Data 2015", https://esa.un.org/ffps/Index.html#/maritalStatusData](https://esa.un.org/ffps/Index.html#/maritalStatusData)

	<p>respect to contracting a marriage; a prison penalty that ranges between one to six months applies to the marriage officer as well as parties to the marriage.²⁰</p> <p>The minimum legal age for marriage matches the legal age of civil majority. Under Article 43(2) of the Civil Code, the legal age of civil majority is also 18 for both females and males.²¹</p>	<p>interest of the child.²³</p>	<p>camp to document marriage contracts in order to confirm marriage and relationship and avoid exploitation of women.²⁴</p> <p>Jordan adopted the SDG's, in which target 5.3 continues to be included into such initiatives (related to child marriage). It aims to eliminate all harmful practices such as child, early and forced marriage, and FGM by 2030.²⁵</p>	<p>guarantee the best interest of the child.</p> <p>There is a set criterion: stating that marriage is not polygamous, the age difference between spouses should be less than 15 years, and the marriage should not deprive the child of education.</p> <p>A campaign led by the Jordanian National Commission for Women (JNCW) against early marriages took place in 2017 over the course of 16 days.</p>	<p>increasing cost of marriage and the stagnant job market.³⁰</p> <p>According to a 2012 report by the Supreme Judge's Department, 12.6% of marriages registered with the <i>Shari'ah</i> courts involve girls under the age of 18.³¹</p> <p>According to reports by UNICEF, civil society and the media, Jordan is experiencing a rise in early marriages among Syrian girls following an influx of Syrian refugees into Jordan:</p>
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²⁰ Article 279 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

²¹ Article 43((2) of the Civil Code (1976), http://www.wipo.int/wipolex/en/text.jsp?file_id=227215

²³ Shariaa court of appeal, case number 1035/2020.

²⁴ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 13, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁵ UN Jordan, Our Work on the Sustainable Development goals in Jordan: <https://jordan.un.org/en/sdgs>

³⁰ Nadine Ajaka, "Waiting longer to marry in Jordan", *Al Jazeera*, 2 May 2014, <http://www.aljazeera.com/news/middleeast/2014/02/waiting-longer-marry-jordan-201421972546802626.html>

³¹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 110, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

				<p>The title of the campaign was “Too young for marriage”.</p> <p>The cabinet endorsed the national strategy for women by JNCW which had 4 main pillars/objectives. One of the objectives is in relation to violence against women, which inter alia dealt with child marriage.</p> <p>The Jordanian government signed the national plan to eliminate marriage for “those who are under 18 years of age”. The strategy includes a call for allocation of funds</p>	<ul style="list-style-type: none"> • There are instances of Syrian refugee girls contracted into marriages by their parents, who worry about sexual harassment or poverty in the refugee camps;³² • 48% of Syrian refugee girls who marry before 18 marry a man who is at least 10 years older;³³ • Many Syrian girls living in refugee camps get married even before they turn 15,³⁴ and as such, these marriages
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³² Save the Children, “Too young to wed: The growing problem of child marriage among Syrian girls in Jordan”, 2014, p. 4, https://www.savethechildren.org.uk/sites/default/files/images/Too_Young_to_Wed.pdf

³³ Mark Anderson, “Child marriage soars among Syrian refugees in Jordan”, *The Guardian*, 16 July 2014, <https://www.theguardian.com/global-development/2014/jul/16/child-marriage-syria-refugees-jordan>

³⁴ Mohammad Ghazal, “Child Marriage on the Rise among Syrian Refugees”, *The Jordan Times*, 11 June 2016, <http://www.jordantimes.com/news/local/child-marriage-rise-among-syrian-refugees>; Mark Anderson, “Child Marriage soars among Syrian refugees in Jordan”, *The Guardian*, 16 July 2014, <https://www.theguardian.com/global-development/2014/jul/16/child-marriage-syria-refugees-jordan>;

				<p>for combating child marriage.</p>	<p>are not being registered in the Jordanian <i>Shari'ah</i> Courts,³⁵</p> <ul style="list-style-type: none"> • Some men manage to marry Syrian girls who are younger than 15 by crossing the border into Syria with the girl and her guardian and getting married in Syria.³⁶ <p>According to a report by the Norwegian Refugee Council and the International Human Rights Clinic at Harvard Law School, while the law provides for a prison sentence for performing or assisting in performing an illegal marriage, in</p>
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³⁵ UNICEF, "A Study on Early Marriage in Jordan", 2014, pp. 6, 31, https://www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf

³⁶ Information obtained from Jordanian advocate, February 2017

					<p>practice, imprisonment is very rare.³⁷</p> <p>It is rare to have marriage amongst girls below 15 years old (2%), according to DOS (department of statistics)³⁸.</p> <p>Specific measures are being taken to prevent forced and early marriage. Awareness- raising sessions are held with local community leaders and parents/guardians and refugee girls are involved in prevention management.</p> <p>A Shariah court has been established in Zaatari camp and an office of Mafrag Shariah Court has been opened in the</p>
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³⁷ Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Registering Rights: Syrian refugees and the documentation of births, marriages and deaths in Jordan”, 2015, Footnote 72, p. 39, <http://hrp.law.harvard.edu/wp-content/uploads/2015/11/Registering-rights-report-NRC-IHRC-October20151.pdf>

³⁸ Population and family health Survey in Jordan 2017-2018, page 75 <http://dosweb.dos.gov.jo/products/dhs2017-2018/>

					<p>camp to document marriage contracts in order to confirm marriage and relationship and avoid exploitation of women.</p> <p>A joint task force has been set up by the concerned agencies, aiming primarily to implement a strategy of limiting the risks and alleviating the consequences of early and forced marriage. At Dalil in north east Jordan, a support and counselling centre has been opened for Jordanian women and Syrian refugee women to provide help in the area of gender-based violence, expose the abuses to which they are subject and</p>
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				<p>provide appropriate services³⁹.</p> <p>Higher Population Council (HPC), in cooperation with the National Council for Family Affairs, launched a National Action Plan for the implementation of the “Child Marriage” study recommendations in aims of limiting the marriage of children under the age of 18 in Jordan for the years 2018-2022.</p> <p>The Council had discussed the issue of early marriage in the second periodic report on Jordanian family conditions in 2018, which aimed at monitoring and analysing the conditions of the Jordanian family by</p>
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³⁹ Jordan CEDAW 6th National Periodic Report to the CEDAW Committee
<https://jordan.unwomen.org/en/digital-library/publications/2016/6/jordan-sixth-national-periodic-report-to-the-cedaw-committee>

				<p>employing scientific methodology through surveying a sample of (2300) families.</p> <p>The results of the survey with respect to families' attitudes towards the preferred marriage age showed that the average marriage age for females was 23 years, whereas for males it was 27 years.</p> <p>The survey results also indicated that 55% of families believe that the early marriage of female family members results with negative effects.</p> <p>The Council will take upon itself, in accordance with The Prime Minister's decision, to follow up on the national</p>
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					plan of implementing the “Child Marriage in Jordan” study recommendations within the framework of working with the Technical Committee to reduce the phenomenon of early marriage under the age of 18 years. ⁴⁰
<p>Women’s consent to marriage</p> <p><i>Is a marriage valid without the woman’s consent? Is the practice of forcing women to marry against their will (ijbar) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women’s</i></p>	<p>Regardless of their age, both prospective brides and grooms must consent to the marriage.⁴¹ Consequently, <i>ijbar</i> marriages are prohibited.</p> <p>Article 279 of the Penal Code criminalises violating any of the provisions of the JPSA with respect to contracting a marriage; a prison penalty that ranges between one to six months</p>		<p>The Government of Jordan in its 2006 report to the CEDAW Committee explained that “a forced marriage is deemed to be what the <i>Shari’ah</i> terms <i>fāsid</i> (literally “defective”, “voidable”).” As such, the marriage</p>	<p>A girl who is being forced into a marriage has the right to speak up and inform the judge hearing her case of her refusal to enter into the marriage.⁴⁹</p> <p>There is a standardised marriage contract. It</p>	<p>According to a comprehensive study by the Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School that is documented in a couple of reports, there is a growing problem of</p>

⁴⁰ The Launch of National Action Plan to Implement the Recommendations of the “Child Marriage” Study to Reduce the Marriage of those Under the Age of 18, The Higher Population Council, 31 October 2019

<https://www.hpc.org.jo/en/content/launch-national-action-plan-implement-recommendations-“child-marriage”-study-reduce-marriage>

⁴¹ Articles 6-7 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Articles 6-7, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁴⁹ Information obtained from Jordanian advocate, February 2017

<p><i>rights or otherwise? Is it mandatory to register a marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(b) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>applies to the marriage officer as well as parties to the marriage.⁴²</p> <p>The mandatory registration of marriages is provided for in Article 36 of the JPSA and non-compliance with the marriage registration requirements is penalised.⁴³ However, the non-registration of a marriage does not invalidate the marriage, as long as the conditions of a valid marriage as outlined in the law are met.⁴⁴</p>		<p>contract “is null and void so long as the consent of the parties has not been obtained, but if it is obtained, the contract becomes valid. If the woman persists in refusing to give her consent, the contract is invalidated.”⁴⁵</p> <p>In its 2010 report to the CEDAW Committee, the Jordanian government reiterated that “[u]nder Jordanian legislation, in order for a marriage contract to be valid, binding and</p>	<p>is available on the Supreme Judge Department website.⁵⁰</p> <p>The procedure for registration of marriages is available on the website of the Jordanian e-Government.⁵¹</p> <p>While the non-registration of a marriage may not necessarily invalidate a marriage, it is important to officially register marriages. Women in unregistered or informal marriages</p>	<p>unregistered marriages in Jordan among Syrian refugees. Since arriving in Jordan, a large number of Syrian refugees have married. Data analysed by UNICEF indicates that in 2013, nearly 3,000 marriages between Syrians in Jordan were registered in the Jordanian <i>Shari’ah</i> courts; for the first quarter of 2014, the figure was just over 1,600 marriages. The number of unregistered marriages among the Syrian refugee</p>
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⁴² Article 279 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

⁴³ Article 36 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 36 of Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁴⁴ Articles 6-29 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>; Article 6-29 Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html> Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Registering Rights: Syrian refugees and the documentation of births, marriages and deaths in Jordan”, 2015, p. 18, <http://hrp.law.harvard.edu/wp-content/uploads/2015/11/Registering-rights-report-NRC-IHRC-October20151.pdf>

⁴⁵ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 247, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁵⁰ Supreme Judge Department Website, <http://www.sjgov.jo/Pages/viewpage.aspx?pageID=204>

⁵¹ Jordan e-Government Website, <https://goo.gl/Jd1j2E>

			<p>effective, it must be concluded freely and with the full and valid consent of both parties, unaffected by any form of influence upon either the woman or the man.”⁴⁶</p> <p>In addition, the Government of Jordan explained that “[u]nder Jordanian legislation, in order to be official, a marriage must be registered before the <i>Shari’ah</i> courts in the case of Muslims, and take place in a church in the case of Christians. The</p>	<p>risk being deprived of certain rights that would have been available to them had their marriages been officially registered such as their right to financial maintenance from their husbands.⁵² They also deprive children born in such marriages from accessing social services, such as healthcare and education, due to the lack of official documentation such as birth certificates.⁵³ Some of the adverse impact of unregistered or</p>	<p>population in Jordan is unknown, but it is believed to be substantial given that many young Syrian women and men are reaching marriageable age in Jordan every year. Syrian refugee couples who have failed to register their marriages risk grave consequences, including not being able to obtain identification cards or gain access to basic services for their children born in the marriage.⁵⁶</p>
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⁴⁶ Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁵² Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁵³ Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity, and Family Relationship in Jordan”, 2016, <https://www.nrc.no/globalassets/pdf/reports/securing-status.pdf>; Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Registering Rights: Syrian refugees and the documentation of births, marriages and deaths in Jordan”, 2015, pp. 14-23, 26-29, <http://hrp.law.harvard.edu/wp-content/uploads/2015/11/Registering-rights-report-NRC-IHRC-October20151.pdf>

⁵⁶ Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Securing Status: Syrian Refugees and the Documentation of Legal Status, Identity, and Family Relationship in Jordan”, 2016, <https://www.nrc.no/globalassets/pdf/reports/securing-status.pdf>; Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Registering Rights: Syrian refugees and the documentation of births, marriages and deaths in Jordan”, 2015, pp. 10, 14-23, 26-29, <http://hrp.law.harvard.edu/wp-content/uploads/2015/11/Registering-rights-report-NRC-IHRC-October20151.pdf>

			<p>purpose of this is to preserve and protect the rights of both parties and the children in respect of financial and personal obligations, such as inheritance, which is contingent on marriage and descent, and the wife's right to a nuptial gift and maintenance."⁴⁷</p> <p>National Action Plan to Implement the Recommendations of the Child Marriage Study to reduce the Marriage of girls under the age of 18 in Jordan⁴⁸.</p>	<p>informal marriages may be mitigated by obtaining a declaration from the <i>Shari'ah</i> court in a proof of marriage (<i>ithbat zaway</i>) or proof of lineage (<i>ithbat nasab</i>) case.⁵⁴ The procedures and requirements of proof of marriage and lineage cases are available on Jordan's e-Government website.⁵⁵</p>	
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⁴⁷ Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁴⁸ The Launch of National Action Plan to Implement the Recommendations of the "Child Marriage" Study to Reduce the Marriage of those Under the Age of 18, The Higher Population Council, 31 October 2019

[https://www.hpc.org.jo/en/content/launch-national-action-plan-implement-recommendations-"child-marriage"-study-reduce-marriage](https://www.hpc.org.jo/en/content/launch-national-action-plan-implement-recommendations-)

⁵⁴ Information obtained from Jordanian advocate, February 2017

⁵⁵ Jordan e-Government Website, http://www.jordan.gov.jo/wps/portal/!ut/p/b1/04_SjzQzNjQ1NDE1NtKP01_KSyzLTE8syczPS8wB8aPM4sMsvS3CvN0NDQzMPc0NPJ1cPYyDQvyMLQJN9YMTi_RzoxwVAQQIacA!

<p>Women’s capacity to enter into marriage</p> <p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>Regardless of her age, a prospective bride who is getting married for the first time requires the consent of a marital guardian (wali) to enter into marriage. The guardian must be a Muslim and a male relative of the prospective bride (e.g. grandfather, father, brother, uncle, etc.).⁵⁷</p> <p>A judge can act as guardian in the absence of male relatives.⁵⁸ In addition, if the guardian opposes the marriage, the prospective bride may file a case known as ‘Adel Al Wali’, whereby the judge may authorise the marriage, after determining that the prospective bride’s guardian’s refusal is unreasonable and she is above 15.⁵⁹</p>	<p>When considering whether to override a marital guardian’s objection to the marriage, the judge will consider the financial capacity of the prospective groom.⁶⁵</p> <p>If the prospective groom is more than 20 years the bride’s senior, a judge would require a show of consent and free choice of the prospective bride, in addition to verifying the groom’s financial capacity.⁶⁶</p> <p>In another case, the</p>	<p>The Government of Jordan in its 2006 report to the CEDAW Committee explained that the requirement for a martial guardian is in accordance with <i>Shari’ah</i>.⁶⁸</p> <p>In its 2015 report to the CEDAW Committee, the Jordanian government stated that a number of official and non-official bodies are engaged in raising awareness of a woman’s ability to stipulate conditions in the marriage</p>	<p>According to the Jordanian government, while the law allows wives to include provisions expanding their marital rights in the marriage contract, women seldom do so in practice. This is due to the lack of awareness of their rights or the fear of family backlash or societal pressure.⁷⁰ However, information on the ground suggests that there is some anecdotal evidence that there may have been a slight increase in the</p>
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⁵⁷ Article 14 of the Personal Status Act (2010), , <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Personal Status Act, (2019) <https://www.refworld.org/docid/5ffdc84.html>

⁵⁸ Articles 14-17 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 18 of the Personal Status Act (2019) <https://www.refworld.org/docid/5ffdc84.html>

⁵⁹ Article 18 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 18, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁶⁵ Information obtained from Jordanian advocate, February 2017

⁶⁶ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁶⁸ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 244, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁷⁰ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>;

	<p>A prospective bride who has been previously married and is over 18 does not require the consent of a guardian to re-marry.⁶⁰</p> <p>Article 11 of the JPSA prohibits a woman to marry a man who is more than 20 years her senior without the permission of a judge, who must verify the bride's consent and free choice.⁶¹</p> <p>Pursuant to Article 37 of the JPSA, both spouses may stipulate any condition in their marriage contract so long as the conditions: (i) are beneficial to one of the parties; (ii) are not inconsistent with the purposes of marriage; and (iii) do not involve anything that is prohibited by <i>Shari'ah</i> or the law. If a husband violates a condition, the wife is entitled to file for divorce; if a wife violates a condition, the husband may file for divorce and the wife loses her</p>	<p>court endorsed the marriage without the consent of the guardian of the minor, but protected her right to dowry (mahr).⁶⁷</p>	<p>contract.⁶⁹</p>		<p>awareness of this right among women in recent times.⁷¹</p>
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⁶⁰ Article 19 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 19, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁶¹ Article 11 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 11, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁶⁷ Shari'ah court of appeal, case number 3144/2019.

⁶⁹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁷¹ Information obtained from Jordanian advocate, February 2017

	<p>financial rights (e.g. financial maintenance).⁶²</p> <p>Article 37 of the JPSA details examples of valid conditions that a wife may include in the marriage contract. These include conditions: (i) preventing the husband from taking additional wives; (ii) ensuring her right to work; (iii) ensuring that she lives in a particular place; (iv) refraining from moving to another country; and (v) delegating to her the right to divorce herself unilaterally (<i>isma</i>).⁶³</p> <p>Article 37 also details examples of invalid conditions. These include conditions: (i) permitting the drinking of alcohol; (ii) refraining the cohabitation of the spouses; and (iii) refraining the consummation of the marriage.⁶⁴</p>				
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⁶² Article 37 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153>; Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx> Article 37, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁶³ Article 37 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 37, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁶⁴ Article 37 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 37, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

<p>Polygamous marriages</p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>A Muslim man may marry up to four wives at one time.</p> <p>Article 13(a) of the JPSA provides that before a polygamous marriage is contracted, a judge must ascertain that the man can afford paying a dower (<i>mahr</i>) and is capable of financially supporting all those for whom he is responsible, and clarify to the prospective wife that the man is already married.⁷²</p> <p>Article 13(b) of the JPSA requires the court to inform the man's existing wife or wives of his new marriage, after it has been contracted.⁷³</p> <p>Article 37 of the JPSA provides that a woman may stipulate in the marriage contract that her husband cannot take another</p>	<p>To ensure that the man is capable of financially supporting all those for whom he is responsible, a judge has to check whether the man has an income of over 500 Jordanian dinars (approx. 706 US dollars) a month, which is a fairly low sum for supporting multiple wives.⁷⁸</p>	<p>The Government of Jordan in its 2010 report to the CEDAW Committee reiterated that "all authorities have always agreed that polygamy is lawful in Islam" but "is subject to restrictions."⁷⁹</p> <p>The Ministry of <i>Awqaf</i>, Islamic Affairs and Holy Affairs refused the request of the Arab Women Organisation of Jordan to insert a clause into the JPSA to outlaw polygamy in Jordan and claimed the request was "unimportant."⁸⁰</p>	<p>According to Jordan's 2012 Population and Family Health Survey, 5% of marriages in Jordan are polygamous. The survey also found that:⁸¹</p> <ul style="list-style-type: none"> • Older women were more likely than younger women to have co-wives. For instance, 11% of married women aged 45-49 reported having co-wives, as compared with 1% of women
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⁷² Article 13(a) of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 13(a), Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁷³ Article 13(b) of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 13(b), Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁷⁸ Information obtained from Jordanian advocate, February 2017

⁷⁹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 303, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁸⁰ David E. Miller, "Jordan launches campaign to advance polygamy", *The Jerusalem Post*, 9 July 2011, <http://www.jpost.com/Middle-East/Jordanian-launches-campaign-to-advance-polygamy>

⁸¹ Jordanian Department of Statistics and ICF International, "Jordan Population and Family Health Survey 2012", Table 4.3, p. 41, <https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>

	<p>wife. If the husband breaches this term of the marriage contract, the woman has the right to petition for divorce.⁷⁴</p> <p>Article 79 of the JPSA requires a husband to treat all wives equally, such as matters relating to financial maintenance and cohabitation.⁷⁵</p> <p>Article 75 of the JPSA prohibits a husband from housing multiple wives in the same home without their consent.⁷⁶</p> <p>Temporary marriages are prohibited. Article 31 of the JPSA provides that a temporary marriage contract is considered invalid (<i>fāsīd</i>). Article 34 provides that if such a marriage was consummated, it shall have effect with respect to <i>mahr</i>, the waiting period after the divorce (<i>iddah</i>) and legitimacy of the children, but it shall not lead to any inheritance</p>				<p>aged 20-24;</p> <ul style="list-style-type: none"> • Rural women were more likely to report having co-wives than urban women (7% versus 5%); • Women living in poorer households were more likely than women living in richer households to have co-wives. For instance, 9% of women living in households in the lowest wealth quintile reported having co-wives, as compared with 4% of women
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⁷⁴ Article 37 of the Personal Status Act (2010) <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 37, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁷⁵ Article 79 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 79, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁷⁶ Article 75 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 75, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

	<p>or financial maintenance rights.⁷⁷</p>				<p>living in households in the highest quintile; and</p> <ul style="list-style-type: none"> • Lower educated women were more likely to report having co-wives than higher educated women. For instance, 22% of married women with no education reported having co-wives, as compared with 8% of women who has attained secondary or higher education. <p>According to media reports, campaigns are being launched by conservative Muslim groups in Jordan to encourage</p>
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⁷⁷ Articles 31 and 34 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 31 and 34, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

					<p>polygamous marriages, claiming polygamy would solve the “problem” of unmarried women over 30.⁸²</p> <p>An investigative media report suggests that while <i>misyar</i> marriages are not recognised in Jordan, couples do enter into such marriages. Women agree to such marriages out of familial and societal pressure.⁸³</p> <p>According to the Supreme Judge’s Department, polygamous marriage contracts in 2016-2020 consisted of 7.6% from the total marriage contracts.</p>
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⁸² See for example, “Jam’iya fi al-Urdun li Munasarat Ta’adud al’Zawjat wa Al-Qada’a ala Al’Unusa”, *Al-Arabiya*, 3 July 2011, <http://www.alarabiya.net/articles/2011/07/03/155878.html>; Jon Jensen, “Jordan: Polygamy on the rise?”, *Public Radio International*, 10 July 2011, <http://www.pri.org/stories/2011-07-10/jordan-polygamy-rise>

⁸³ Saba Abu-Farha and Saad Hattar as supervisor, “In Jordan, Fatwas differ on “misyar” marriages and women suffer”, *Arab Reporters for Investigative Journalism*, 23 March 2013, <http://en.arij.net/report/in-jordan-fatwas-differ-on-misyar-marriages-and-women-suffer/>

					Out of 369,943, 27,597 were polygamous ⁸⁴
<p>Divorce rights</p> <p><i>Is there an equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the</i></p>	<p>The JPSA provides for three different mechanisms for divorce: (i) unilateral repudiation by the husband (<i>talāq</i>); (ii) judicial divorce; and (iii) redemptive divorce (<i>khu'</i> or <i>iftida</i>). The marriage may also be annulled.</p> <p>A husband may unilaterally repudiate a marriage without much restrictions. However, the presence of two male witnesses or one male and two female witnesses, all whom must be Muslims.⁸⁵</p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract,⁸⁶ thus permitting her to pronounce <i>talāq</i></p>	<p>The wife does not need to provide evidence or oath to divorce herself from her husband, her filling the case is sufficient enough.⁹⁴</p>		<p>The registration of divorce is mandatory, and a standard procedure must be followed.⁹⁵</p> <p>The registration of divorce is mandatory under Article 281 of the Penal Code, stating that if the divorce was not registered within a set period found in the Personal Status Act, the penalty is 1 month imprisonment or a fine up to 100 Jordanian Dinars.</p>	

⁸⁴ Annual Statistical report 2020, 25th edition <http://dosweb.dos.gov.jo/products/jordan-statistical-yearbook-2020/>

⁸⁵ Articles 80-84 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>; Gabriel Sawma, "Islamic Jordanian Divorce in USA", 2011, <http://gabrielsawma.blogspot.my/2011/09/islamic-jordanian-divorce-in-usa.html> Article 80-84, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁸⁶ Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 37, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdcdc84.html>

⁹⁴ Shari'aa Supreme Court, case number 22/2020.

⁹⁵ Jordanian e-Government Website, <http://www.jordan.gov.jo/wps/portal/>

<p><i>unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>upon herself (<i>talāq -i-tafwid</i>). However, the wife needs to appear before a court to exercise this right.⁸⁷</p> <p>Valid grounds for seeking a judicial divorce by a wife include a husband's: (i) non-payment of the dower (<i>mahr</i>); (ii) failure to provide maintenance or shelter; (iii) contagious or venereal disease or impotence (must be proven by a medical certification); (iv) prolonged absence; or (v) imprisonment. In addition, strife and discord are grounds for divorce.⁸⁸</p> <p>In the case of a divorce petition based on strife and discord, the judge must attempt to reconcile the couple; if the reconciliation fails, the judge must appoint two arbitrators (one from the husband's family and one from the wife's family) who again shall attempt to reconcile the couple. If reconciliation is impossible, the</p>				
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⁸⁷ Article 85 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 85, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁸⁸ Articles 115-144 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 115-144, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

	<p>arbitrators will rule on the terms of the divorce and any due compensation, which the judge then reviews and ratifies. Generally if the source of the dispute is:⁸⁹</p> <ul style="list-style-type: none"> • The husband, a divorce will be granted and the wife will fully be entitled to all her marital and divorce rights; • The wife, a divorce will be granted in exchange for compensation to the husband that is less than the <i>mahr</i>; • Shared between the husband and wife, a divorce will be granted in exchange for a division of the <i>mahr</i> in proportion to the wrongs of each side. <p>In divorce cases based on strife and discord, a wife's testimony is</p>				
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⁸⁹ Article 126 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 126, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

	<p>not sufficient to prove harm; she must also have two witnesses.⁹⁰</p> <p>A wife may seek redemptive divorce (<i>khul'</i>), whereby she is granted a divorce in exchange for a mutually-agreed compensation to be paid to the husband. Generally, a <i>khul'</i> divorce requires the consent of both parties and is not subject to a court ruling. In addition, a wife's entitlement to financial maintenance during the waiting period after the divorce (<i>iddah</i>) is not forfeited unless the <i>khul'</i> agreement clearly states so. However, if both parties are unable to reach a mutual agreement on a <i>khul'</i> divorce, a wife may bring a court case for an <i>iftida</i> divorce, where she needs to:</p> <ul style="list-style-type: none"> (i) declare in court that she detests life with her husband, the continuation of married life between them is impossible and she fears that she will transgress against the 'limits of God' due to this detestation; (ii) pledge to return her <i>mahr</i>; and (iii) renounce all her financial rights. In such a 				
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⁹⁰ Articles 126-127 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 126-127, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

	<p>case, the court must order a 30-day reconciliation process, and if it fails, the court must then rule for divorce.⁹¹</p> <p>Whether the <i>khul'</i> divorce is obtained through a mutual agreement or through the courts, a husband cannot coerce a mother to renounce custody of her children as part of a <i>khul'</i> compensation.⁹²</p> <p>Prior to consummation of marriage, a wife may obtain judicial annulment of a marriage contract, whereby she returns the <i>mahr</i> and any other marriage gifts or expenses to the husband.⁹³</p>				
<p>Women's financial rights after divorce</p> <p><i>Is there a legal concept of matrimonial assets? Is there equal</i></p>	<p>Generally, upon divorce, a woman may be entitled to: (i) financial maintenance during the waiting period after the divorce (<i>iddah</i>); and (ii) a consolatory</p>	<p>The court decided that divorce due to conflict can be financially compensated by the</p>		<p>The couple may agree on the division of assets acquired during the marriage in the marriage</p>	<p>The mechanism of seeking a court ruling on the amount of financial maintenance to be</p>

⁹¹ Articles 102-114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 102-114, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁹² Articles 104-114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 104-114, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

⁹³ Article 114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 114, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

<p><i>division of marital property upon dissolution of the marriage? Is the woman's role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut'ah)? Who is responsible for the financial maintenance of children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21</p>	<p>compensation (<i>mut'ah</i>). There is no legal concept of matrimonial assets.</p> <p>Under the JPSA, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>). The maintenance amount may be agreed mutually or awarded by court. The <i>iddah</i> period may not exceed one year.⁹⁶</p> <p>Article 155 of the JPSA provides that in the case of divorce without legitimate cause, a judge may grant compensation (<i>mu'tah</i>) to the wife. The amount of compensation may be between one to three year's maintenance, taking into account the husband's financial means and may be paid as a lump sum or in installments.⁹⁷</p> <p>Following a divorce, a father is</p>	<p>husband.¹⁰⁰</p> <p>The wife receives financial compensation from a divorce that lacks valid or justified reason, as this is considered to be an abuse of power, and the wife does not need to provide evidence of damages or harm, as that is known to be a given in such cases.¹⁰¹</p>		<p>contract.¹⁰²</p> <p>If a divorced couple does not reach an agreement on financial maintenance following a divorce, a woman then approaches the <i>Shari'ah</i> court to petition for maintenance for herself and the couple's children, if she is the custodian. In such cases, the mother needs to provide evidence of the former husband's income, based on which the judge would rule on the amount of financial</p>	<p>paid by a former husband/father and the requirement for him to deposit the amount with the court often proves more effective than direct payment of the money to the custodial mothers, due to court supervision. However, some men may resort to devious means to reduce their officially-recorded income prior to the court proceedings for the purpose of reducing the amount of maintenance payments.¹⁰⁴</p> <p>Although civil</p>
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⁹⁶ Articles 151-152 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 151-152, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

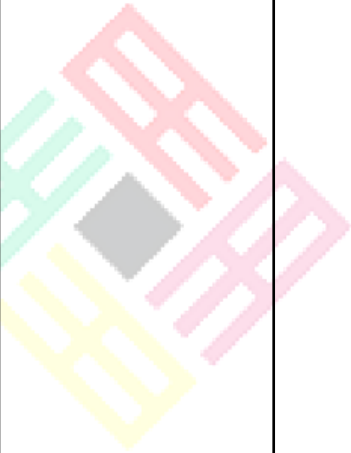
⁹⁷ Article 155 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> [Personal Status Execution Act](http://www.farrajlawyer.com/viewTopic.php?topicId=153) Personal Status Execution Act - قانون التنفيذ الشرعي, Article 13 Law No. 10, (2013)

¹⁰⁰ Shariaa Court of Appeal, case number 3219/2014.

¹⁰¹ Shariaa supreme court, case number 30/2020.

¹⁰² Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 37, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

¹⁰⁴ Information obtained from Jordanian advocate, February 2017

<p>Paras. 34-35, 43-48 GR29</p>	<p>responsible for the financial maintenance of his children. If the mother is the custodian, he is obligated to pay her maintenance to cover the expenses of his children, including the cost of their healthcare and education. A daughter is entitled to maintenance until she is married, and a son is entitled to maintenance until he reaches an age where he would be expected to earn a living.⁹⁸</p> <p>Article 321 of the JPSA provides for the establishment of a court-administered financial maintenance fund for women to collect court-ordered maintenance payments.⁹⁹ However, this fund is not yet operational, as the law-mandated regulations have not yet been passed.</p> <p>The fund is based on a bylaw</p>			<p>maintenance. The former husband is then required to pay this amount through deposit to the court, and failure to do so could result in his imprisonment.¹⁰³</p>	<p>society groups and lawyers have been advocating for a law of joint matrimonial property that will enable a wife to claim a share in the husband's assets acquired during marriage,¹⁰⁵ there does not appear to be any serious effort by the Government to bring about a new matrimonial property regime.¹⁰⁶</p> <p>It is rare that the division of assets is included as a condition in the marriage contract, as it is not part of the common cultural practices in</p>
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⁹⁸ Articles 187-196 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 187-196, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

⁹⁹ Article 321 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 321, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

¹⁰³ Information obtained from Jordanian advocate, February 2017

¹⁰⁵ Zainah Stetyeh, "The Personal Status Quo", *Jordan Business Magazine*, December 2010, p. 77,
<http://www.jordanbusinessmagazine.com/sites/default/files/The%20Personal%20Status%20Quo.pdf>

¹⁰⁶ Information obtained from Jordanian advocate, February 2017

	<p>number 48, of the year 2015 and has been in operation since 2017.</p>				<p>society.¹⁰⁷ Women in Jordan are specifically at risk for imprisonment for failure to pay small debts: it is generally considered more difficult for men to apply for micro-financing loans than women, so many women take out loans on behalf of their husbands.¹⁰⁸</p> <p>Hamzeh Hussami, the founder of an Amman-based campaign to secure the release of Jordanian women imprisoned for small debts, cited multiple instances of women being jailed for loans they took on for their husbands' projects, only to be divorced</p>
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¹⁰⁷ Information obtained from Jordanian advocate, February 2017

¹⁰⁸ Goussous, Suzanna, "Activists campaign for release of women jailed on small debts," the Jordan Times, May 6 2017.

					<p>by their husbands after imprisonment.¹⁰⁹</p> <p>There have been instances in the past year of women imprisoned for failing to pay debts as low as 56JD.¹¹⁰</p>
<p>Custody of Children</p> <p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p>	<p>A mother has priority right over the custody of her children until they reach 15. Thereafter, the child is given the option to remain with the mother until reaching the age of civil majority (18). A woman may retain custody longer if the child is sick and requires care.¹¹¹</p> <p>A mother risks losing custody of her child if she remarries and her new husband is not a close blood</p>	<p>Jordanian courts ruled that women are to receive alimony in regards to child custody.¹¹⁵</p>			<p>There are indications that in practice, the conditions placed on the mother's priority right to custody of her children often enable the father to maintain a great deal of influence on the rearing of the children even though he may not</p>

¹⁰⁹ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

¹¹⁰ Goussous, Suzanna, "92 women debtors released from prison as of Thursday," the Jordan Times, June 1 2017.

¹¹¹ Article 173 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 173, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹¹⁵ Ruling number 2, appeal number 41, 2020, by the Supreme Shariaa Court, ruled that women deserve the alimony in regards custody as soon as the custody date takes force, and payment of rent for suitable housing.

<p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>relative of the child (<i>mahram</i>).¹¹²</p> <p>A mother who has custody of her children may not travel or take residence outside Jordan with the children without the consent of the guardian.¹¹³</p> <p>Visitation rights for non-custodian parent (as well as paternal grandfather if the father is deceased) are guaranteed according to Article 181 of the JPSA.¹¹⁴</p>				<p>have legal custody. Typically, a father would exercise this influence through his general authority as guardian of the child (see below). At times, the father is able to assume legal custody against the wishes of the mother when she is unable or unwilling to meet the conditions set by law for her to maintain her right to custody of the children.¹¹⁶</p>
<p>Guardianship of Children</p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is</i></p>	<p>A father has priority right over the guardianship of his children, followed by the paternal grandfather, then court. However, the law also allows the court to deprive a father or grandfather of</p>	<p>In regard to visitation rights of the mother, her right to see them is unchallengeable even if the kids</p>		<p>Although Article 62 of the Penal Code provides that surgical operations and medical professional</p>	<p>Media reports highlight cases of Christian women whose husbands convert to Islam divorcing them for</p>

¹¹² Article 171 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 171, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

¹¹³ Article 176 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 176, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

¹¹⁴ Article 181 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 181, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdc84.html>

¹¹⁶ US Embassy in Jordan, "International Parental Child Abduction", <https://jo.usembassy.gov/u-s-citizen-services/international-parental-child-abduction/>

<p><i>guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>guardianship, if they are proven to be incompetent. Thus, a mother may obtain guardianship in exceptional cases if she can prove before a court that the father (or grandfather) is incompetent to assume guardianship of his children.¹¹⁷</p> <p>Article 184 of the JPSA states that the guardian is responsible for overseeing the affairs of the minor and for selecting the type and place of the minor's education, provided that it is in the same area of residence as the custodian (mother). It states further that the guardian may not change the residence of the minor away from the custodian except by her permission or for a legitimate interest of the minor. The custodian and the guardian share responsibility for the minor's discipline and educational</p>	<p>themselves refuse to see her.¹²⁰</p>		<p>treatments can be carried out on a minor with the consent of his/her legal representative,¹²¹ only the father is considered as the legal representative.</p> <p>Either the father or mother are the representatives under the Penal Code amendments that took place in 2017 (Amendment Article 62)</p> <p>A sentence was replaced in part (g) of paragraph two of Article 62, related to</p>	<p>the specific purpose of obtaining guardianship of their children and side-stepping church courts' jurisdiction.¹²⁴</p> <p>Several practical issues of conflict may arise when mothers with custodial rights over their children do not have guardianship rights to make major decisions over their children's well-being. This includes critical decisions on consent to surgery and medical treatment, registration and transfer of schools</p>
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¹¹⁷ Articles 223, 228 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 223 and 228, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹²⁰ Visitation rights are reaffirmed in judgment number 3 of the Shariaa Appeal Court, case number 173/2021

¹²¹ Article 62 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹²⁴ Nadine Nimri and Orion Wilcox as translator, "When converting to Islam becomes a means of evading legal consequences", 30 December 2015, <https://www.7iber.com/society/when-converting-to-islam-becomes-a-means-of-evading-legal-consequences/>; Aaron Magid, "Looking for a better divorce settlement, Jordanian Christian men convert to Islam", *Al Monitor*, 21 December 2015, <http://www.al-monitor.com/pulse/originals/2015/12/jordan-law-christians-convert-muslims-women-divorce.html>

	<p>guidance.¹¹⁸</p> <p>A father, grandfather, or court may appoint a trustee to manage the financial affairs of a minor. The trustee must have a specific mandate and may be female or male.¹¹⁹</p>			<p>children’s surgeries, which reads “the approval of his parents”, instead of the “approval of one of his parents”.¹²²</p> <p>Hence, if the consent of the father is difficult to obtain, the mother has to go through lengthy and complex procedures at the <i>Shari’ah</i> court to obtain approval for the medical intervention.¹²³</p>	<p>and consent to travel.</p>
<p>Family Planning</p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p>	<p>Abortion is strictly prohibited by law, except when it is necessary to save the pregnant woman’s life or prevent a significant risk to her health.¹²⁵ In all other cases, protecting the right to life of the</p>		<p>The Government of Jordan in its 2006 report to the CEDAW Committee said that “[t]here is nothing in Jordanian</p>		<p>According to World Bank data, the total fertility rate decreased from 7.7 children per woman in 1960 to 3.4 in</p>


¹¹⁸ Article 184 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 184, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹¹⁹ Articles 230-233 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 230-233, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹²² Article 62, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹²³ Information obtained from Jordanian advocate, February 2017

¹²⁵ Article 12 of the Public Health Act (2008), <https://www.mindbank.info/item/544>

<p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</p>	<p>foetus is prioritised by the law.¹²⁶</p> <p>In order to obtain a legal abortion for medical reasons, the woman needs to produce a medical report drafted by two separate doctors affirming that the abortion is necessary to save her life or protect her health.¹²⁷</p> <p>Article 321 of the Penal Code provides for a prison penalty of six months to three years if a woman performs an abortion on herself or consents to another person performing an abortion on her in violation of the law.¹²⁸ This punishment is mitigated if the woman performs the abortion in order to protect her honour (e.g. if a pregnancy that was a result of rape). A man who performs an abortion on a female who is his relative up to the third degree also receives a reduced sentence if he performs the abortion to save her</p>		<p>law to restrict a woman's right to decide on the number and spacing of her children.¹³¹</p> <p>In its 2015 report to the CEDAW Committee, the Jordanian government stated that there is an ongoing awareness campaign that includes disseminating information about family planning and the spacing of children. Vouchers for family planning services are given for free to women who may receive contraceptives, after she has received</p>	<p>2015.¹³⁵</p> <p>According to Jordan's 2012 Population and Family Health Survey:¹³⁶</p> <ul style="list-style-type: none"> • The median birth interval in Jordan is 31.7 months, with 32% of children being born less than 24 months after their siblings; • 12% of married women have an unmet need for family planning services, with 5% having an unmet need for spacing and 7% an unmet
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¹²⁶ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 89, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹²⁷ Article 12 of the Public Health Act (2008), <https://www.mindbank.info/item/544>

¹²⁸ Article 321 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹³¹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 256, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹³⁵ World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

¹³⁶ Jordanian Department of Statistics and ICF International, "Jordan Population and Family Health Survey 2012", Tables 5.6, 7.1, 7.2, 13.11, pp. 54, 70-71, 197, <https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>

	<p>honour.¹²⁹</p> <p>Third parties who perform abortion on a woman outside the bounds of the law also face criminal penalties, with a higher penalty when the abortion is carried out without the consent of the woman.¹³⁰</p> <p>Written consent from the pregnant woman to be operated on is needed, and in the event that she is unable to give formal consent through written or oral consent, the husband or her guardian may give consent on the operation. (Article 12 (a)(1)).</p>		<p>counselling.¹³²</p> <p>However, only married women have access to free birth control pills and health services.¹³³</p> <p>The Government of Jordan also stated that allowing abortions for women who have been raped or in the first few days of the pregnancy should be considered.¹³⁴</p> <p>JNCW raised a list of demands to amend Article 321, to include a paragraph which allows for an abortion in the first 3 months of the pregnancy in the cases of rape and/or incest. This procedure is to be monitored and</p>		<p>need for limiting of children;</p> <ul style="list-style-type: none"> • The use of contraceptives has increased by 15% in the past 15 years; • 61% of married women are using a method of contraception, with 42% of women using a modern method; and • Knowledge of at least one method of family planning is universal among married women in Jordan. <p>During COVID-19, the lockdown, along with online</p>
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¹²⁹ Article 324 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹³⁰ Articles 322-323, 325 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹³² Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 80, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹³³ Information obtained from Jordanian advocate, February 2017

¹³⁴ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 89, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

			<p>performed by a doctor at a hospital.</p> <p>the Iftaa Department in Jordan issued fatwa in resolution number (204)(14/2014), dated: 11.09,2014, that condemned rape, saying it was a grave violation in Islam, adding that “the department asks any woman who was subjected to such an incident to approach them so that they can examine the case and issue the necessary fatwa that would be beneficial to the victim, in a case by case approach”.</p>		<p>education, placed extra burdens and responsibilities on households particularly on women, including the care of additional household members (children, the elderly, people with disabilities). It decreased women’s access to basic healthcare needs, including sanitary pads and contraceptives. (UN Women, 2020)</p> <p>Information on the ground suggests that due to the strict laws on abortion, sometimes women find they have no choice but to resort to illicit means with the support of a physician to conduct an abortion. For example, a physician may certify that the fetus was found dead</p>
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					during a routine check-up, and that an operation was required to remove the dead foetus. ¹³⁷
<p>Personal rights of spouses</p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage contract?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>Article 7 of the Constitution states that personal freedom shall be guaranteed and every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law.¹³⁸</p> <p>Article 9 of the Constitution states that no Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specified place, except in the circumstances prescribed by law.¹³⁹</p>		<p>The Government of Jordan in its 2015 report to the CEDAW Committee stated that the right to choose a person's place of residence is guaranteed by the Constitution.¹⁴⁵</p>	<p>The wife may stipulate in the marriage contract that she has the right to work after marriage. If the marriage contract is explicit in this manner, her husband cannot legally stop her from working.¹⁴⁶</p> <p>Married women in Jordan retain their maiden names.¹⁴⁷</p>	<p>According to Jordan's 2012 Population and Family Health Survey:¹⁴⁸</p> <ul style="list-style-type: none"> • Only 16% of married Jordanian women were employed at the time of the survey; • 39% of married women earning cash made independent decisions on how to spend their

¹³⁷ Information obtained from Jordanian advocate, February 2017

¹³⁸ Article 7 of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

¹³⁹ Article 9 of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

¹⁴⁵ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 105, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁴⁶ Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>; Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁴⁷ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 114, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁴⁸ Jordanian Department of Statistics and ICF International, "Jordan Population and Family Health Survey 2012", Tables 13.1, 13.2, 13.5, 13.7, 13.8, pp. 185, 187, 190, 192, 194, <https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>

	<p>Article 23 of the Constitution provides that work is the right of all citizens.¹⁴⁰</p> <p>Despite the constitutional provisions stating otherwise, the JPSA potentially restricts the personal rights of a Muslim wife, as a result of the maintenance-for-obedience legal provided for under the law. Thus:</p> <ul style="list-style-type: none"> • A wife needs the consent of her husband to work outside the home. If a wife pursues employment without her husband’s consent, she loses the right to financial maintenance (<i>nafaqa</i>);¹⁴¹ • A wife owes cohabitation and obedience “within the bounds of what is permissible” to her husband;¹⁴² 				<p>earnings;</p> <ul style="list-style-type: none"> • 93% of married women aged 15-49 do not own a house or land; among women who do own a house or land, only 3% own a house or land by themselves; • 65% of married women participate either alone or jointly with their husband in making decisions pertaining to their own healthcare, major household purchases, and visits to their family or relatives;
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¹⁴⁰ Article 23 of Jordan’s Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

¹⁴¹ Article 61 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 61, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdcdc84.html>

¹⁴² Articles 60, 78 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 60 and 78, Personal Status Law No. 15, 2019
<https://www.refworld.org/docid/5ffdcdc84.html>

	<p>A wife has an obligation to follow her husband to wherever he decides to go, provided he ensures her safety. If the wife refuses to move with her husband, she is considered disobedient (<i>nashez</i>) (this was abolished in 2019) and loses the right to financial maintenance unless she stipulates otherwise in the marriage contract;¹⁴³</p> <p>Article 3 of the Passport Law No. 5/2003 allows every Jordanian woman to obtain her own passport, without obtaining the consent of her husband or male guardian.¹⁴⁴</p>				<p>and</p> <ul style="list-style-type: none"> • 70% of married women accept at least one reason as a justification for wife beating. Women are most likely to agree that if a wife has relations with other men, it justifies wife beating (65%). <p>According to World Bank data, female labour force participation increased from 9% in 1990 to 14% in 2016.¹⁴⁹ During the same period, male labour force participation rate decreased from 66%</p>
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¹⁴³ Article 72 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 72, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁴⁴ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 93, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>. Article 3 states “Passports shall be issued to applicants who are originally of Jordanian nationality or who have acquired a certificate of nationality or naturalisation.”

¹⁴⁹ World Bank, “Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)”, <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

					<p>to 64%.¹⁵⁰</p> <p>According to the 2016 UNDP Human Development Report:¹⁵¹</p> <ul style="list-style-type: none"> • 79% of women over 25 have at least some secondary education as compared to 83% of men of the same age group; • 99% of females and males aged 15-24 are able to read and write a short simple sentence; and • 77% of women are satisfied with their freedom of choice as compared to 74% of men.
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¹⁵⁰ World Bank, "Labour force participation rate, male (% of male population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS>

¹⁵¹ UNDP, "Human Development Report 2016", Tables 5, 9, 14, pp. 214-217, 230-233, 250-253, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

					<p>According to the Jordanian government, it is not common for women to include provisions on her right to work in the marriage contract because: (i) it goes against cultural norms to do so; and (ii) the lack of awareness of the right among women. However, information on the ground suggest that women may be more willing in recent years to include a provision to allow them to work in their marriage contract.¹⁵²</p>
<p>Inheritance rights</p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are</i></p>	<p>Generally, inheritance rights between women and men are unequal.</p> <p>Chapter 5 of the JPSA details the inheritance shares among beneficiaries. In many instances,</p>		<p>The Government of Jordan in its 2015 report to the CEDAW Committee explained that legislation on inheritance is</p>	<p>A person may choose to write a will. However, Article 274 of the JPSA provides that a will may be written only with respect to</p>	<p>According to media reports and information on the ground, women are sometimes coerced or shamed into relinquishing their</p>

¹⁵² Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; Information obtained from Jordanian advocate, February 2017

<p><i>there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>	<p>for example in the case of siblings, a woman is entitled to half the share of a man.¹⁵³</p> <p>In certain cases where succession is through the maternal line, male and female successors receive equal shares.</p> <p>Take for instance, Article 310 of the Personal Status Act which was amended, where maternal relatives are equal in terms of succession and do not fall under the general rule per Shari’ah law (woman entitled to half the share of a man).¹⁵⁴</p>		<p>derived from <i>Shari’ah</i>, which adopts “the principle of fairness in respect of division of inheritance, not the principle of equality, and is part of an integrated equation.”¹⁵⁵</p>	<p>one-third of the estate; beyond the one-third, shares of existing beneficiaries may not be altered except by consent of all beneficiaries following the person’s death.¹⁵⁶</p> <p>Beneficiaries can agree to equal shares or to any distribution scheme amongst themselves following the distribution of the estate (where, for example, they may give a greater share to females).¹⁵⁷ However, this is rare and does not</p>	<p>inheritance rights for a various reasons including:</p> <ul style="list-style-type: none"> • Apparent weak monitoring by the <i>Shari’ah</i> courts, coupled with the lack of punitive enforcement measures;¹⁶⁰ • Lack of awareness among women of their inheritance rights, thus enabling families to misuse their authority to force females to give up these
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¹⁵³ Article 310 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153> Article 310, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁵⁴ Article 310, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁵⁵ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 114, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁵⁶ Article 274 of the Personal Status Act (2010) stipulates that non-beneficiaries may receive a bequest of no more than 1/3 of the total estate, <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

¹⁵⁷ Grand Mufti Abdulkarim Al-Khasawne, “Fatwa No. 547,” *Dar al-Ifta, Jordan*, 16 March 2010, <http://aliftaa.jo/Question.aspx?QuestionId=547#.WE4dpMdpIFl>

¹⁶⁰ Abdulrahman Abu Sneineh, “Disinheritance of women legalised?” *Arab Reporters for Investigative Journalism*, 24 May 2014, <http://en.arij.net/report/disinheritance-of-women-legalized/>

				<p>commonly take place in practice.¹⁵⁸</p> <p>Decision number (268) (22/2018) on the absolute equality between men and women in inheritance shares. The absolute equality between men and women in the succession was rejected by the Iftaa Department.¹⁵⁹</p>	<p>rights;¹⁶¹</p> <ul style="list-style-type: none"> • Prevalence of discriminatory practices, which prevent rural women from inheriting or acquiring ownership of land and other property;¹⁶² • Some fathers register all immovable properties in the names of their sons to prevent the daughters from owning land, especially if they
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¹⁵⁸ Information obtained from Jordanian advocate, February 2017.

¹⁵⁹ <https://aliftaa.jo/Article.aspx?ArticleId=66#.YbuDsiORox>

¹⁶¹ Abdulrahman Abu Sneh, "Disinheritance of women legalized?" *Arab Reporters for Investigative Journalism*, 24 May 2014, <http://en.arij.net/report/disinheritance-of-women-legalized/>

¹⁶² Information obtained from Jordanian advocate, February 2017

					<p>are married.¹⁶³</p> <p>Civil society groups continue to advocate for legislation that would give women equal inheritance rights.¹⁶⁴</p> <p>Weak monitoring by the Shari'ah courts and lack of punitive measures as well as legal awareness among women of their inheritance rights. This sometimes allows families to misuse personal statutes and laws, forcing females to give up these rights.</p> <p>Women may be manipulated to sell or exchange their inheritance rights to</p>
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¹⁶³ Information obtained from Jordanian advocate, February 2017

¹⁶⁴ Laila Azzeh, "Study proposes equal inheritance rights for women", *Jordan Times*, 3 September 2016, <http://jordantimes.com/news/local/study-proposes-equal-inheritance-rights-women>


					other family members. This has been amended recently, where a person cannot sign sell or exchange their inheritance rights (takharoj) until a minimum of 4 months have passed after the death of the deceased (JPSA, Article 319). ¹⁶⁵
<p>Violence against women in the family</p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is</i></p>	<p>Article 6(5) of the Constitution provides that the law must protect motherhood, childhood and the old-aged; and must avail care for the youngsters and those with disabilities and protect them against abuse and exploitation.¹⁶⁶</p> <p>Jordan has not adopted specific legislation to criminalize acts of domestic violence.</p> <p>Jordan's Family Protection Act</p>		<p>The Government of Jordan in its 2015 report to the CEDAW Committee informed the CEDAW Committee that work is being carried out on the drafting of a bill relating to protection of domestic violence.¹⁷⁷</p>	<p>Every <i>Shari'ah</i> court has a Family Reconciliation and Mediation Office, which seeks to resolve family disputes by amicable means, without litigation. The Office also offers family counselling and raises awareness of</p>	<p>According to Jordan's 2012 Population and Family Health Survey:¹⁸⁴</p> <ul style="list-style-type: none"> • Overall, 32% of married women aged 15-49 reported having experienced emotional,

¹⁶⁵ Article 319, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

¹⁶⁶ Article 6(5) of Jordan's Constitution (1952), https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en

¹⁷⁷ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 3(b), <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁸⁴ Jordanian Department of Statistics and ICF International, "Jordan Population and Family Health Survey 2012", Tables 14.7, 14.11, 14.12, pp. 208, 213, 214, <https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>

<p><i>the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 & 19 Para. 40 GR21</p>	<p>No. 6 of 2008 lays out guidelines for procedures in domestic violence cases for medical practitioners and police officers. It also includes penalties for perpetrators, including detention of perpetrators for up to 24 hours, and protection orders, but does not criminalize domestic violence.¹⁶⁷</p> <p>Jordan's Family Protection Act No. 6 (Law on Protection from Domestic Violence) of 2017. It does not mention the issue of gender-based violence (GBV). It may be considered as a protection law as it lays out guidelines for procedures in domestic violence cases for medical practitioners and police officers. It also includes penalties for perpetrators, including detention of perpetrators for up to 24 hours, and protection orders, but does not criminalize domestic violence.</p> <p>However, this law contains some</p>		<p>The Jordanian government also stated that, in relation to marital rape, the Penal Code punishes physical, sexual, and psychological harm done by a husband to his wife. Forced or violent intercourse is sufficient grounds for a wife to seek a divorce and/or compensation for the harm.¹⁷⁸</p> <p>In its 2010 report to the CEDAW Committee, the Government of Jordan explained that it established a "Family Reconciliation Centre" in 2007 for victims of domestic abuse regardless of</p>	<p>marital rights and duties.¹⁸¹</p> <p>Domestic abuse is considered a valid reason for a woman to initiate divorce, but her testimony alone is insufficient to establish abuse; rather, she must present two witnesses.¹⁸² Present 2 male witnesses or 1 male and 2 female witnesses.</p> <p>In 2019, The Minister of Social Development launched national procedures aimed at preventing and responding to violence against women and children, and a manual for</p>	<p>physical and/or sexual violence from their spouse at least once, and 22% reported having experienced one or more of these forms of violence in the past 12 months;</p> <ul style="list-style-type: none"> • 25% of married women aged 15-49 reported having experienced emotional violence from their spouse at least once, and 17% reported having experienced such violence within the 12 months prior to
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¹⁶⁷ Family Protection (2008), <http://corpus.learningpartnership.org/family-protection-law-no-6-of-jordan-2008>

¹⁷⁸ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 7, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁸¹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 10, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁸² Articles 126-127 of the Personal Status Act (2010), <http://www.farrailawyer.com/viewTopic.php?topicId=153> Article 126-127, Personal Status Law No. 15, 2019 <https://www.refworld.org/docid/5ffdc84.html>

	<p>important shortcomings, including the failure to criminalize forms of violence such as restrictions on women’s freedom and choices, economic abuse, psychological violence, and marital rape.¹⁶⁸</p> <p>The Penal Code contains some general prohibitions that are applicable to domestic violence. For instance, the Penal Code criminalises verbal and physical assault upon another person and prescribes prison penalties. These cover domestic violence, with the exception of the discipline of children in a manner that does not harm them and is consistent with the “prevalent tradition.”¹⁶⁹</p> <p>JNCW’s list of demands include: the amendment of Article 62 (2(a)) of the Penal code, which allows for disciplinary hitting of children.</p> <p>The Penal Code does not specifically criminalise:</p> <ul style="list-style-type: none"> • Marital rape; or 		<p>nationality.¹⁷⁹ In its 2015 report, the Jordanian government said that at the start of 2014, the Centre admitted 876 women, of which 95 were Syrian refugees. The 876 women were accompanied by 165 children.¹⁸⁰</p>	<p>healthcare providers on treating sexual assault victims. The procedures were designed to deal with gender-based violence and child protection and aim at identifying possible areas of collaboration among organisations, as well as assigning responsibility for cases to relevant authorities, according to a National Council for Family Affairs (NCFA) statement.</p> <p>The 2017 Domestic Violence Prevention Law is an important advancement in enhancing protection.</p>	<p>the survey;</p> <ul style="list-style-type: none"> • 21% of married women aged 15-49 reported having experienced physical violence from their spouse at least once, and 11% reported having experienced such violence within the 12 months prior to the survey; • 9% of married women aged 15-49 reported having experienced sexual violence from their spouse
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¹⁶⁸ Laith K. Nasrawin, Protection against Domestic Violence in Jordanian Law and International Conventions, Arab Law Quarterly Vol. 31 No. 4 (2017)

<https://www.jstor.org/stable/26567164>

¹⁶⁹ Articles 62, 188, 358, 333-334 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹⁷⁹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 29, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁸⁰ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 30, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<ul style="list-style-type: none"> • All forms of sexual harassment. Though the commission of 'indecent acts' is criminalised by the Penal Code, the Code does not provide any definition for the term "indecent act."¹⁷⁰ <p>In 2017, all acts of sexual harassment have been criminalised. However, they are now referred to as 'indecent acts' rather than sexual harassment (Article 306 of the Penal Code).</p> <p>JNCW's list of demands suggest that having an ambiguous term such as 'indecent acts' claim to cover something as prominent as sexual harassment, and called for a definition of sexual harassment.</p> <p>The Penal Code:</p> <ul style="list-style-type: none"> • Exempts suspected rapists who marry their girl victims aged 15- 18 from punishment 			<p>Further, there is a manual which was released that lays the general framework of policies and programmes aimed at preventing gender-based violence, domestic violence and violence against children.¹⁸³</p>	<p>at least once, and 6% reported having experienced such violence within the 12 months prior to the survey;</p> <ul style="list-style-type: none"> • Among married women who had experienced spousal violence (physical or sexual) in the past 12 months, 31% reported experiencing physical injuries; and • It is not common for women in
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¹⁷⁰ Articles 296-299 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹⁸³ Jordan launches procedures to tackle gender-based violence, child protection. Jordan Times, April 29, 2019 <https://jordantimes.com/news/local/jordan-launches-procedures-tackle-gender-based-violence-child-protection>

	<p>pursuant to Article 308¹⁷¹</p> <p>Article 308 of the Penal Code was amended and abolished in 2017 by parliament.¹⁷²</p> <p>(Note: In a major victory for feminist groups and others, in April 2017, the Jordanian government announced the revocation of Article 308).¹⁷³</p> <ul style="list-style-type: none"> • Allows for a reduction in penalty when a violent crime is committed in a “fit of fury” resulting from an unlawful or dangerous act on part of the victim.¹⁷⁴ This provision is usually used to reduce punishments for “honour 				<p>Jordan to seek assistance from any source for violence they have experienced. 47% of women never sought help and never told anyone about the violence they have experienced.</p> <p>According to academic research, in practice:¹⁸⁵</p> <ul style="list-style-type: none"> • The police is not required to enforce the 24-hour detention of suspected
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¹⁷¹ Article 308 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>. See also Sisterhood is Global Institute et. al, “Jordan”, *Submission to the CEDAW Committee Pre-Sessional Working Group for the 66th Session*, 2016, p. 3,

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_24228_E.pdf

¹⁷² In historic vote, House abolishes controversial Article 308, Rania Hussein, Aug 2017, The Jordan Times:

<https://www.jordantimes.com/news/local/historic-vote-house-abolishes-controversial-article-308>

¹⁷³ BBC News, “Article 308: Jordan to scrap marriage loophole for rapists”, *BBC News*, 24 April 2017, <http://www.bbc.com/news/world-middle-east-39692020>

¹⁷⁴ Article 98 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

¹⁸⁵ Kelsey Cherland, “Developments in Personal Status Law: Iraq and Jordan” (CMC Senior Thesis, Paper 865, 2014), p. 65,

http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1926&context=cmc_theses

	<p>killings.”¹⁷⁵</p> <p>Precedent after 2017 does not allow for the defense of “fit of fury” to mitigate sentence.</p> <p>Article 98 was amended in 2017, in which the perpetrator cannot benefit if the victim is a female beyond Article 340 of the Penal Code.</p> <p>Article 340 as amended by Temporary Law no. 86 of 2001 reads as follows:</p> <ol style="list-style-type: none"> 1. There shall benefit from the mitigating excuse (Uthur Mukhafif) whosoever surprises his wife, one of his ascendants, descendants or sisters in the crime of adultery or in an unlawful bed, and kills her immediately or kills the person fornicating with her or kills both of them or attacks her or both of them in an assault that leads to death or wounding or injury or permanent disability. 				<p>abusers;</p> <ul style="list-style-type: none"> • If the suspected abuser apologises to the victim and they agree to reconcile, which may often happen due to socioeconomic pressures, the suspected abuser can avoid incarceration and go home; • A suspected abuser may marry his victim to avoid punishment. The provision is believed to prevent shame. <p>In a major victory for feminist groups and</p>
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¹⁷⁵ Human Rights Watch, “Honouring the Killers: Justice Denied for Honour Killings in Jordan”, 2004, pp. 15-19, <https://www.hrw.org/reports/2004/jordan0404/jordan0404.pdf>

	<p>2. Shall benefit from the same excuse the wife who surprises her husband in the crime of adultery or in an unlawful bed in the marital home and kills him immediately or kills the woman with whom he is fornicating or kills both of them or attacks him or both of them in an assault that leads to death or wounding or injury or permanent disability.</p> <p>3. (a) The right of lawful defence shall not be permitted in regard to the person who benefits from this excuse, (b) nor shall the provisions of "aggravated circumstances" (Thuruf Mushaddida) apply.¹⁷⁶</p>				<p>others, in April 2017, the Jordanian government announced the revocation of Article 308.¹⁸⁶ A coalition of 92 civil society organisations, the Jordanian Civil Coalition to Repeal Article 308, has been working for years to repeal Article 308 of the Penal Code that exempted suspected rapists who marry their girl victims aged 15- 18 from punishment.¹⁸⁷</p> <p>According to academic research and media reports, women who seek protection from the state because they suffer from domestic abuse or the risk of</p>
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¹⁷⁶ Article 340, as amended by Temporary Law no. 86 of 2001

¹⁸⁶ BBC News, "Article 308: Jordan to scrap marriage loophole for rapists", *BBC News*, 24 April 2017, <http://www.bbc.com/news/world-middle-east-39692020>

¹⁸⁷ Sisterhood is Global Institute et. al, "Jordan", *Submission to the CEDAW Committee Pre-Sessional Working Group for the 66th Session*, 2016, p. 3, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_24228_E.pdf

				<p>'honour crimes' being committed against them are often placed under 'protective custody', which effectively subject them to administrative detention since they are not allowed to leave the centres in which they are housed.¹⁸⁸</p> <p>In 2018, the Ministry of Social Development opened a shelter for women at risk of violence and "honor" crimes. Dar Amneh ["safe house"].</p> <p>This shelter is based on bylaw number 171 for the year 2017, "Bylaw on shelter for those exposed to danger". While previously authorities held</p>
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¹⁸⁸ Jo Baker and Elna Sondergaard, "Conditions for Women in Detention in Jordan: Needs, Vulnerabilities and Good Practices", (Dignity Publication Series on Torture and Organised Violence, 9, 2015), pp. 24-26, https://dignityinstitute.org/media/2066001/pubseriesno9_wid_jordan.pdf and Dana Al Emam, "Administration Detention of Women for 'Protection' is Illegal, Activists Say", *The Jordan Times*, 1 November 2016, <http://www.jordantimes.com/news/local/administrative-detention-women-protection-illegal%E2%80%99-activists-say>

					<p>these women in administrative detention facilities originally designed for criminals (prisons). The PSD now transferred them directly to the shelter.</p> <p>The shelter has space for 40 women, which is higher than the number held in protective detention in 2017. NGOs reported decreased numbers of women at risk of becoming victims of “honor” crimes. As of October, authorities had transferred 10 women to the shelter, with 16 awaiting transfer from Juwaidah Prison.¹⁸⁹</p> <p>JNCW commends such efforts: “The aim is to abandon</p>
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¹⁸⁹ Roufan Nahhas, Dar Amneh, the Safe House for Jordanian Women, The Arab Weekly, 24 Aug 2019: <https://thearabweekly.com/dar-amneh-safe-house-jordanian-women>

					<p>the idea of protective custody and to integrate and protect at-risk women in an environment closer to that of a family home”¹⁹⁰</p> <p>According to data by the 2017-18 Jordan Population and Family Health Survey (the most recent), about 1 in 5 (21%) of ever-married women aged 15 to 49 experienced physical violence since age 15. As the report highlights, 18% of ever-married women experienced spousal physical violence. Pushing, shaking, and slapping are the most common types of physical violence reported.</p> <p>Femicides in the so-called honour</p>
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¹⁹⁰ Women Groups Hail the Opening of Shelter for Abused Women, The Jordanian National Commission for Women, 2nd Aug 2018: <https://www.women.jo/en/node/6423>

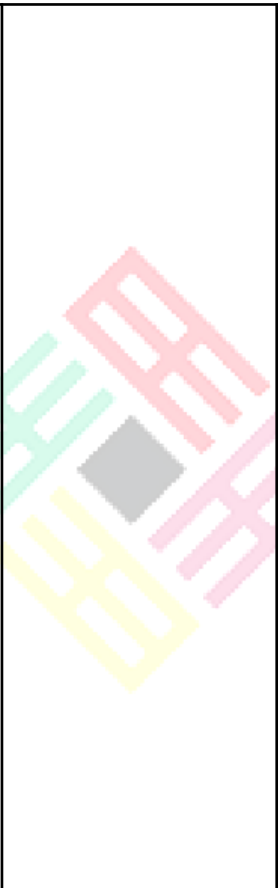
					<p>killing are the most extreme examples of domestic violence.</p> <p>The latest figures from the Euro-Mediterranean Human Rights Monitor (2020) show that during 2019, Jordan recorded 21 cases of domestic killings, an increase of 300% compared to 2018 (seven murders only); 6,965 women were victims of violence. Furthermore, according to the Sisterhood Is Global Institute (SIGI), nine women were killed in the year to July 2020.¹⁹¹</p> <p>The COVID-19 pandemic has presented critical challenges related to personal security in Jordan, particularly</p>
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¹⁹¹ Arab Renaissance for Democracy and Development: Coping with COVID 19 in Jordan: A gendered human security approach

					among the most vulnerable groups, such as women, the elderly, children, people with disabilities and refugees. For instance, results of a recent survey published by the Centre for Strategic Studies (CSS) of Jordan University (2020) shows that during the lock-down, there was an increase in domestic violence, with 34% of Jordanian women reporting that they faced different forms of violence and limited or no access to justice. ¹⁹²
Nationality rights <i>Does a wife have the right to</i>	A Jordanian man may pass his nationality to his non-Jordanian wife, provided she meets various		Jordan has a reservation to Article 9(2) of CEDAW. ¹⁹⁹		According to civil society and media reports, the following

¹⁹² Arab Renaissance for Democracy and Development: Coping with COVID 19 in Jordan: A gendered human security approach

¹⁹⁹ United Nations Treaty Collection Website, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en

<p><i>confer her citizenship on foreign husbands and children? Can the nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u> Article 9 Para. 6 GR21</p>	<p>conditions.¹⁹³ However, the law does not specifically provide for a Jordanian woman to confer her nationality to her foreign husband.</p> <p>A Jordanian woman who marries a non-Jordanian and who acquires the nationality of her husband may retain her Jordanian nationality unless she renounces it.¹⁹⁴ In addition, a Jordanian woman whose husband is being naturalised to acquire the nationality of another country because of special circumstances may retain her Jordanian nationality.¹⁹⁵</p> <p>A Jordanian father passes his citizenship to his children wherever they are born.¹⁹⁶ Jordanian nationality may only be granted to a child born to a Jordanian mother if the child is born in Jordan and either: (i) the father's nationality is unknown; or (ii) the father is stateless; or (iii) the child's paternity cannot be</p>		<p>The Government of Jordan in its 2006 report to the CEDAW Committee explained that it is unable to amend the Jordanian Nationality Law to guarantee that Jordanian women has the right to pass her nationality to her children for reasons that include: (i) the political situation prevailing in the region; (ii) the fact that nationality of two Arab States simultaneously is not permissible under a decision of the League of Arab States; and (iii) the objection of some States to the granting of</p>	<p>are some of the issues that arise resulting from the unequal nationality rights between women and men in Jordan:</p> <ul style="list-style-type: none"> • Without access to Jordanian citizenship, the children of Jordanian mothers and foreign fathers are unable to access many social services. This has been reported to create a financial strain on families and contributes to poverty;²⁰⁴
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¹⁹³ Article 8(1) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

¹⁹⁴ Article 8(2) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

¹⁹⁵ Article 8(3) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

¹⁹⁶ Article 9 of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

²⁰⁴ Elizabeth Whitman, "Jordan's Second-Class Citizens", *Boston Review*, 14 October 2013, <https://bostonreview.net/world/whitman-jordan-citizenship>

	<p>legally established.¹⁹⁷</p> <p>The Passports Act allows the Cabinet, on the recommendation of the Minister of the Interior and “in justified humanitarian circumstances”, to issue a Jordanian passport for a fixed period of time to children of Jordanian women married to foreigners.¹⁹⁸</p>		<p>Jordanian nationality to the children of Jordanian women married to their nationals because those States do not permit dual nationality.²⁰⁰</p> <p>In its 2015 report to the CEDAW Committee, the Jordanian government stated that it is endeavoring to “ease the life of the children of Jordanian women married to foreigners by facilitating residence, exempting them from fines and ensuring their right to work and education.” Children of Jordanian mothers married to</p>		<ul style="list-style-type: none"> • Because they are unable to confer their nationality on their husbands and children, women are viewed as being “punished” for marrying foreigners;²⁰⁵ • Children of Jordanian women married to foreigners cannot obtain public sector/government jobs;²⁰⁶ • Although around 56,000 identity cards were issued to children
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¹⁹⁷ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 94, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁹⁸ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 51, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁰⁰ Jordan State party report, U.N. Doc. CEDAW/C/JOR/3-4 (2006), para. 94, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁰⁵ Areej Abuqudairi, “Women Punished for Marrying Non-Jordanians”, *Al-Jazeera*, 20 December 2014, <http://www.aljazeera.com/news/middleeast/2014/12/women-punished-marrying-non-jordanians-20141215121425528481.html>

²⁰⁶ Information obtained from Jordanian advocate, February 2017

			<p>non-Jordanian fathers are thus treated as Jordanians with respect to education, health, work, estate, investment and obtaining a driver's license.²⁰¹ For the children to be eligible for the benefits: (i) the Jordanian mother must have lived in Jordan with the children for 5 consecutive years;²⁰² and (ii) the children should have legal residence and not be married.²⁰³</p>		<p>of Jordanian women married to foreigners, many of them have reportedly been unable to obtain the promised benefits due to lack of follow through by government officials.²⁰⁷</p>
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²⁰¹ Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 51, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>. See also Passports Act (1969), <http://alrai.com/article/604725.html>.

²⁰² Areej Abuqudairi, "Women Punished for Marrying Non-Jordanians", *Al-Jazeera*, 20 December 2014, <http://www.aljazeera.com/news/middleeast/2014/12/women-punished-marrying-non-jordanians-20141215121425528481.html>

²⁰³ Information obtained from Jordanian advocate, February 2017

²⁰⁷ Human Rights Watch, "Letter to the Prime Minister of Jordan", 29 November 2016, <https://www.hrw.org/news/2016/11/29/letter-he-dr-hani-al-mulki-human-rights-watch>

ACCESS TO JUSTICE (please include sources to information as much as possible)

SYSTEM	PROCEDURES	CHALLENGES FOR WOMEN	GOOD PRACTICES IN COURT SYSTEM
<p><i>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</i></p> <ul style="list-style-type: none"> - Courts are divided into three categories: civil courts, religious courts, and special courts. Religious courts are of two kinds: The Sharia Courts and the Tribunals of Other Religious Communities.²⁰⁸ - Sharia Courts have executive jurisdiction in respect of matters of personal status of Muslims. <p><i>How many courthouses/court rooms around the country that administer Muslim family law cases?</i></p> <ul style="list-style-type: none"> - The justice system in Jordan is based 	<p><i>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) are defined in the family law and/or are there guidelines/policies available for judges/Kadhis?</i></p> <ul style="list-style-type: none"> - Yes, they are defined in family law, the key legal body being the Personal Status Law No. 15 of 2019. - Family cases are adjudicated in a separate Shariaa court. These courts are at 2 levels, first instance and appeals, with a Shariaa cassation court to supervise the application of law in the courts. 	<p><i>What are some key challenges that Muslim women face in accessing justice on family law matters?</i></p> <p><i>(E.g. lack of accessibility, costly, bad procedures, delayed processes, gender insensitive judges, etc?)</i></p> <ul style="list-style-type: none"> - Equal legal access is frequently obstructed by a variety of external obstacles. Social pressures, economic disparities, and the absence of legal aid services all create challenges for women within Jordan's legal system.²¹⁵ - Lack of appropriate legal aid forms a significant obstacle towards the realization of equal treatment of women under the law in Jordan. Unfortunately, laws that protect the right to legal assistance are scattered and do not provide a 	<p><i>Are there any good practices, procedures or policies that you would like to share pertaining to how courts in your country deal with family law cases?</i></p> <p><i>(E.g. prioritising certain types of cases, timely delivery of decisions, clear procedure, etc)</i></p> <ul style="list-style-type: none"> - A good example of this would be when the supreme judge issued Instructions Number 1 in 2017, which sets the criteria for marriage of children above 15 and below 18 years old. The instructions guarantee the best interest of the child. There is a set criterion: stating that marriage is not polygamous, the age difference between spouses should be less than

²⁰⁸ Article 99 of the Jordanian Constitution: <http://www.pm.gov.jo/content/1405787628/الفصل-السادس.html>

²¹⁵ Amman Centre for Human Rights Studies: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

<p>on 2 levels of courts (first instance and Court of Appeal) and a Cassation court to supervise the application of law in the courts.</p> <ul style="list-style-type: none"> - There are 73 Shariaa Courts in Jordan and Jerusalem, 4 of them being appeal courts in Jerusalem, Amman, Irbid and Ma'an.²⁰⁹ <p><i>If civil or Kadhi courts - what cases are handled by what courts?</i></p> <ul style="list-style-type: none"> - Shariaa Courts have executive jurisdiction in respect of matters of personal status of Muslims, cases concerning blood money (Diya), and matters pertaining to Islamic endowments (waqfs). Sharia Courts apply provisions of the Sharia law (Article 106 of the Constitution). 	<ul style="list-style-type: none"> - The JPSA provides for three different mechanisms for divorce: (i) unilateral repudiation by the husband (talāq); (ii) judicial divorce; and (iii) redemptive divorce (khul' or iftida). The marriage may also be annulled <p><i>In general practice do judges/Kadhis follow procedures?</i></p> <ul style="list-style-type: none"> - Yes, they do. They follow Shariaa Court procedures Law No. 31, 1959 and Shariaa Courts Formation Law No 89 2001.²¹¹ <p><i>How much judicial discretion do judges/Kadhis have over marriage and family matters?</i></p>	<p>secure framework for equal access to justice: prior inequalities are enhanced by the absence of a comprehensive legislative framework that clearly and explicitly outlines aid procedures.²¹⁶</p> <ul style="list-style-type: none"> - Navigating bureaucratic and administrative procedures requires time funds, both of which can be difficult to come by for low-income women, especially those who are the heads of their households.²¹⁷ - Women have to navigate through more bureaucratic and administrative procedures which require additional efforts, time and funds.²¹⁸ - Within the array of issues women tend to take to religious courts, 	<p>15 years, and the marriage should not deprive the child of education.</p> <ul style="list-style-type: none"> - Also consider the Instructions on family mediation committees, 2010. It includes the study of cases of family conflicts and mediate and resolve family conflict matters and provide advice on legal status of different parties in case of family conflict. This initiative takes place before the cases reach the courts.²²²
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²⁰⁹ General Budget Department: <https://www.gbd.gov.jo/uploads/files/gbd/law-min/2021/ar/1201.pdf>

²¹¹ The Supreme judge Department: <https://sjd.gov.jo/Pages/viewpage.aspx?pageID=144>

²¹⁶ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²¹⁷ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²¹⁸ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²²² Available on Qistas Legal Database.

<p><i>How many Muslim family law-related judges? Are there women working within the court system as judges/marriage registrars e.t.c?</i></p> <ul style="list-style-type: none"> - There are 300 judges.²¹⁰ There are no female Shariaa Court judges, however, the laws and regulations governing recruitment in the Shariaa Courts including judicial positions does not prohibit the women from recruitment as judges. <p><i>Do lawyers represent clients?</i></p> <p>Yes.</p>	<ul style="list-style-type: none"> - Jordanian laws do not explicitly guarantee the right to legal aid. Even if, in the context of the Personal Status Law, the Ministry of Justice is obligated to provide legal aid, in practice, this provision is generally at the discretion of individual judges.²¹² - These limitations are compounded by procedural regulations restricting applicants from lodging a case or appeal without legal representation. Therefore, women who do not receive legal aid or those who cannot afford private representation are restricted in their access 	<p>there are several numerous procedures, forms and processes that could be financially dissuasive. After recent modifications, many Shari'a service fees have increased.²¹⁹</p> <ul style="list-style-type: none"> - A recent study of 1,700 Jordanian citizens conducted by the Arab Renaissance for Democracy and Development (AARD) found that women seek legal help at a far lower rate than men.²²⁰ - For women in Jordan, especially those from low-income families, interacting with the legal system can be a fraught and overwhelming process.²²¹ 	
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²¹⁰ Information obtained from Judge Mansour Tawalbeh, 2022.

²¹² Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²¹⁹ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018: <https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²²⁰ "Jordanians widely disillusioned with the justice system," the Jordan Times, March 5 2018.

²²¹ "Jordanians widely disillusioned with the justice system," the Jordan Times, March 5 2018.

	<p>to justice.²¹³</p> <p><i>Are there appeal processes?</i></p> <ul style="list-style-type: none"> - There are appeal processes but there are procedural regulations restricting applicants from lodging a case or appeal without legal representation. - Therefore, women who do not receive legal aid or those who cannot afford private representation are restricted in their access to justice.²¹⁴ 		
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²¹³ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018:
<https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>

²¹⁴ Women Deprived of Liberty, The Case of Jordan, Amman Centre for Human Rights Studies, Oct 2018:
<https://www.ohchr.org/Documents/Issues/Women/WG/DeprivedLiberty/CSO/Amman%20Centre%20for%20Human%20Rights.pdf>