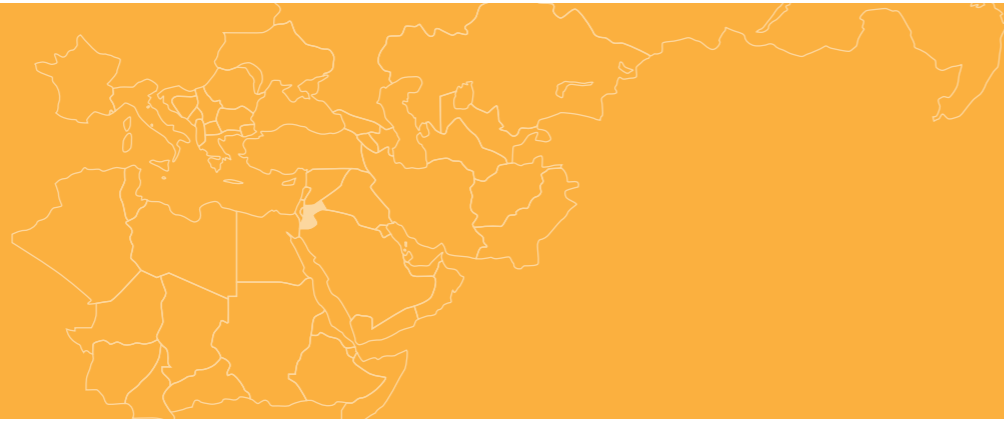


JORDAN



The personal status law for Muslims in Jordan, in which the population is 90 per cent Muslim, is based on the Islamic *Shari'ah* as the sole source of legislation. Special religious courts exist with regards to family matters, and Jordanians use these according to their religion and sect. Therefore, there is a multitude of mechanisms and legal references, which can create problems for different populations.

The personal status law discriminates against women in various issues. The underlying basis for this discrimination is the perception that men are the leaders of the family and consequently the guardians and controllers of their wives and daughters. The law supports this perception by stipulating guardianship for women who have not previously been married until they reach the age of 40, despite the fact that the age of majority is 18 years. This is an obstacle to women's independence in making decisions related to areas of their personal lives such as education, marriage and choice of dress.

Equality in the Family is Necessary

- ▶ **Guardianship (*wilaya*):** Women who were not previously married are under the control of a guardian until the age of 40. If a woman acts outside the accepted norms and traditions of the family, for example by trying to live independently, the guardian can ask the authorities to bring her back to the home.
- ▶ **Trusteeship (*wisaya*):** The grandfather has the right of trusteeship over the children of his deceased son. Judges can still grant the mother trusteeship, but she has to prove she is qualified and that the original trustee is not competent.
- ▶ **Custody:** Custody remains with the mother until the children reach the age of puberty, but the father can make decisions with regard to the children's education and can stop paying alimony for a daughter if she is perceived to be rebellious.
- ▶ **Polygamy:** Seven per cent of marriages are polygamous. Recent amendments require the first wife to be informed of subsequent marriages, but this can happen after the marriage has already taken place.
- ▶ **Property rights and inheritance:** Even though the law and Muslim jurisprudence provide for the right of women to keep their finances separate, many women still pass their inheritance to their brothers. It has also become tradition to accord the family property to the husband, leaving women unable to retain their shares in the case of divorce or the husband's death.
- ▶ **Domestic violence:** Violence commonly goes unpunished. In a study conducted by the National Council for Family Affairs, 50.5 per cent of the female interviewees stated that they do not report violence because they feel that institutions such as the police and the courts do not take their claims seriously and that procedures are uncertain, unfair and do not prevent further abuse from occurring.
- ▶ **Choice of domicile:** A woman must live in her husband's domicile and accompany him if he changes domicile, unless she places an exemption to this requirement in her marriage contract. This punishes women victims of violence in particular by binding them to abusive marriages, imposing the threat of relocation away from family and community support, and depriving them of alimony if they choose separation.
- ▶ **Honour Crimes:** If the family of a woman finds out that she was involved in an illegitimate relationship, a person from the family is chosen to kill her. The woman alone carries all the consequences of this act; her partner's role in the relationship is considered only if there was a child and paternity can be ascertained.

Equality in the Family is Possible

- ▶ According to the Jordanian constitution, men and women are equal in rights and duties, though this has not been translated into *de jure* and *de facto* equality in Jordanian society.
- ▶ Not all Jordanian legislation is based on the *Shari'ah*. For instance, the penal code does not incorporate the forms of punishments stated in the Qur'an, but is based on foreign and international jurisprudence. The practice of using other jurisprudence can also be applied to the personal status law, which should be in harmony with other laws and evolving with them.
- ▶ Jordanian women are able to access jobs with decision-making powers, such as positions as ministers, mayors or members of Parliament, but their husbands can still forbid them to leave the house. This aspect of the law must be amended to keep pace with the reality of women's roles in the public sphere.
- ▶ The government is responsive to women's organisations with respect to amendments to the personal status law, yet there is still resistance from the traditional tribal-dominated Parliament and society more broadly.
- ▶ In 2007, the Jordanian Women's Union initiated the formation of a coalition of women's rights organisations that work to examine and advocate for their amendment of articles that discriminate against women, especially in the personal status law for Muslim and Christian women. A campaign was launched that calls for the reform of the personal status law in a form that does not contradict the basic principles of religion, with international conventions, the Jordanian constitution and liberal enlightened *fiqh* interpretations as its reference.
- ▶ The Arab Women Organization of Jordan recently conducted a survey to understand the current situation among women's NGOs with regard to legal reform, especially related to sensitive areas that are being claimed by conservative Islamist groups.
- ▶ Women's NGOs are involved in a national and regional campaign to lift reservations to CEDAW, including those placed on articles relating to the family, nationality, freedom of movement and choice of residence. A local network called Mosawah has been established to call for the implementation of CEDAW; 82 women's NGOs are now part of the network.

Sources: Reports submitted to Musawah in Arabic by the Jordanian Women's Union and the Arab Women Organization of Jordan.