

## JORDAN<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES

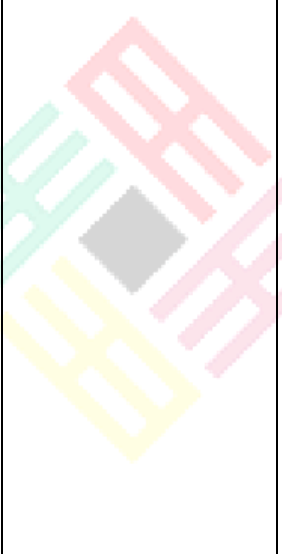
(Updated as at 31 May 2017)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></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 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 ap-</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.<sup>2</sup></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.<sup>3</sup></p> <p>The Jordanian Personal Status Act (JPSA) is the main codified law that governs matters relating to marriage and family relations of</p>		<p>Jordan has reservations to Article 9(2) and Articles 16(1)(c), (d) and (g) of CEDAW.<sup>10</sup></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, but on reciprocity of such rights and duties. As such, “the concept of equality between spouses</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.<sup>14</sup></p> <p>According to Jordan’s 2012 Population and Family Health Survey, about 13% of households in Jordan are headed by women.<sup>15</sup></p> <p>According to civil</p>

<sup>1</sup> 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.

<sup>2</sup> Article 6(1) of Jordan’s Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<sup>3</sup> Article 6(4) of Jordan’s Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<p><i>plicable? 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 majority Muslim population in Jordan.<sup>4</sup> 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.<sup>5</sup></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.<sup>6</sup></p> <p>Despite the equality guarantee of Article 6 of the Constitution, the 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.<sup>7</sup></p>		<p>cannot be made to fit into the existing legal system.”<sup>11</sup></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 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</p>	<p>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 children.<sup>16</sup></p>
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<sup>10</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)  
<sup>14</sup> UNDP, “Human Development Report 2016”, Table 5, pp. 214-217, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)  
<sup>15</sup> 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>  
<sup>4</sup> Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>5</sup> 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>  
<sup>6</sup> Information obtained from Jordanian advocate, February 2017  
<sup>7</sup> Article 103(2) of Jordan’s Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en). See also Articles 105-106

	<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 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.<sup>8</sup></p> <p>Marriage and family relations of Jordan’s non-Muslim minority communities (e.g. Christians) are governed by their own ecclesias-</p>		<p>wife is not responsible from that standpoint.<sup>12</sup></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, 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</p>		
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<sup>11</sup> 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>  
<sup>16</sup> 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>  
<sup>8</sup> Articles 60-62, 77-78 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	tical courts in matters of personal status. <sup>9</sup>		Islamic <i>Shari'ah</i> . <sup>13</sup>		
<p><b>Minimum and equal legal age for marriage</b></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>Applicable CEDAW Provision 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.<sup>17</sup></p> <p>Article 10 does not permit a judge to authorise the marriage of girls and boys below 15.<sup>18</sup> 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.<sup>19</sup></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 applies</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.<sup>22</sup></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 Mafrq <i>Shari'ah</i> Court in the camp to document marriage contracts in order to confirm</p>	<p>Minimum age verification is conducted by a judge who confirms the age of both parties at the time of contracting the marriage.<sup>24</sup> In addition, both parties are required to present proof of their identity (which includes age) prior to the registration of their marriage.<sup>25</sup></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.<sup>26</sup></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.<sup>27</sup> A media report indicated that Jordanians are getting married at a later age due to the increas-</p>

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

<sup>9</sup> 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>

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

<sup>17</sup> Article 10 of the Personal Status Act (2010), , <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>18</sup> 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>

<sup>19</sup> UNICEF, "A Study on Early Marriage in Jordan", 2014, p. 6, [https://www.unicef.org/jordan/UNICEFJordan\\_EarlyMarriageStudy2014-E\\_COPY\\_.pdf](https://www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf)

	<p>to the marriage officer as well as parties to the marriage.<sup>20</sup></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.<sup>21</sup></p>		<p>marriage and relationship and avoid exploitation of women.<sup>23</sup></p>		<p>ing cost of marriage and the stagnant job market.<sup>28</sup></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.<sup>29</sup></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> <ul style="list-style-type: none"> <li>• There are in-</li> </ul>
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<sup>22</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>24</sup> Supreme Judge Department Website, <http://www.sjd.gov.jo>

<sup>25</sup> Civil Status Department Website, <http://www.cspd.gov.jo/SubDefault.aspx?PagelD=186&MenuId=120>

<sup>26</sup> UNICEF, "The State of the World's Children 2016", Table 9, pp. 150-153, [https://www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf)

<sup>27</sup> United Nations Population Division, "World Marriage Data 2015", <https://esa.un.org/ffps/Index.html#/maritalStatusData>

<sup>20</sup> Article 279 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>21</sup> Article 43(2) of the Civil Code (1976), [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=227215](http://www.wipo.int/wipolex/en/text.jsp?file_id=227215)

<sup>23</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 13, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>28</sup> 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>

<sup>29</sup> 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>stances of Syrian refugee girls contracted into marriages by their parents, who worry about sexual harassment or poverty in the refugee camps;<sup>30</sup></p> <ul style="list-style-type: none"> <li>• 48% of Syrian refugee girls who marry before 18 marry a man who is at least 10 years older;<sup>31</sup></li> <li>• Many Syrian girls living in refugee camps get married even before they turn 15,<sup>32</sup> and as such, these marriages are not being registered in the Jordanian <i>Shari'ah</i> Courts;<sup>33</sup></li> </ul>
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<sup>30</sup> 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](https://www.savethechildren.org.uk/sites/default/files/images/Too_Young_to_Wed.pdf)

<sup>31</sup> 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>


<sup>32</sup> 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>;

<sup>33</sup> UNICEF, "A Study on Early Marriage in Jordan", 2014, pp. 6, 31, [https://www.unicef.org/jordan/UNICEFJordan\\_EarlyMarriageStudy2014-E\\_COPY\\_.pdf](https://www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf)

					<ul style="list-style-type: none"> <li>• 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.<sup>34</sup></li> </ul> <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 practice, imprisonment is very rare.<sup>35</sup></p>
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<sup>34</sup> Information obtained from Jordanian advocate, February 2017

<sup>35</sup> 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>

<p><b>Women's consent to marriage</b></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 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>Regardless of their age, both prospective brides and grooms must consent to the marriage.<sup>36</sup> 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 applies to the marriage officer as well as parties to the marriage.<sup>37</sup></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.<sup>38</sup> 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.<sup>39</sup></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>fāsīd</i> (literally “defective”, “voidable”).” As such, the marriage 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.”<sup>40</sup></p> <p>In its 2010 report to the CEDAW Committee, the Jordani-</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.<sup>43</sup></p> <p>There is a standardised marriage contract. It is available on the Supreme Judge Department website.<sup>44</sup></p> <p>The procedure for registration of marriages is available on the website of the Jordanian e-Government.<sup>45</sup></p> <p>While the non-registration of a marriage may not necessarily invali-</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 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></p>
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<sup>36</sup> Articles 6-7 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>37</sup> Article 279 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>38</sup> Article 36 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>39</sup> Articles 6-29 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>; 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>

<sup>40</sup> 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>

<sup>43</sup> Information obtained from Jordanian advocate, February 2017

<sup>44</sup> Supreme Judge Department Website, <http://www.sjgov.jo/Pages/viewpage.aspx?pageID=204>

<sup>45</sup> Jordan e-Government Website, <https://goo.gl/Jd1j2E>



			<p>an government reiterated that “[u]nder Jordanian legislation, in order for a marriage contract to the valid, binding and 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.”<sup>41</sup></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</p>	<p>date a marriage, it is important to officially register marriages. Women in unregistered or informal marriages 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.<sup>46</sup> 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.<sup>47</sup> Some of the adverse impact of unregistered or infor-</p>	<p>courts; for the first quarter of 2014, the figure was just over 1,600 marriages. The number of unregistered marriages among the Syrian refugee 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 basic services for their children born in the marriage.<sup>50</sup></p>
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<sup>41</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>46</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>47</sup> 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>

<sup>50</sup> Norwegian Refugee Council and International Human Rights Clinic at Harvard Law School, “Securing Status: Syrian Refugees and the Documentation of Legal Status,

			place in a church in the case of Christians. The 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." <sup>42</sup>	mal marriages may be mitigated by obtaining a declaration from the <i>Shari'ah</i> court in a proof of marriage ( <i>ithbat zawaj</i> ) or proof of lineage ( <i>ithbat nasab</i> ) case. <sup>48</sup> The procedures and requirements of proof of marriage and lineage cases are available on Jordan's e-Government website. <sup>49</sup>	
<p><b>Women's capacity to enter into marriage</b></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?</i></p>	Regardless of her age, a prospective bride who is getting married for the first time requires the consent of a marital guardian ( <i>wali</i> ) 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.). <sup>51</sup>	When considering whether to override a marital guardian's objection to the marriage, the judge will consider the financial capacity of the prospective groom. <sup>59</sup>	The Government of Jordan in its 2006 report to the CEDAW Committee explained that the requirement for a marital guardian is in accordance with <i>Shari'ah</i> . <sup>61</sup>		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

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>

<sup>42</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 301, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>48</sup> Information obtained from Jordanian advocate, February 2017

<sup>49</sup> Jordan e-Government Website,

[http://www.jordan.gov.jo/wps/portal/!ut/p/b1/04\\_SjzQzNjQ1NDE1NtKP0I\\_KSyzLTE8syczPS8wB8aPM4sMsvS3CvN0NDQzMPc0NPJ1cPYyDQvyMLQJN9YMTi\\_RzoxwVAQQlacA/](http://www.jordan.gov.jo/wps/portal/!ut/p/b1/04_SjzQzNjQ1NDE1NtKP0I_KSyzLTE8syczPS8wB8aPM4sMsvS3CvN0NDQzMPc0NPJ1cPYyDQvyMLQJN9YMTi_RzoxwVAQQlacA/)

<sup>51</sup> Article 14 of the Personal Status Act (2010), , <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<p><i>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>A judge can act as guardian in the absence of male relatives.<sup>52</sup> 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.<sup>53</sup></p> <p>A prospective bride who has been previously married and is over 18 does not require the consent of a guardian to re-marry.<sup>54</sup></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.<sup>55</sup></p> <p>Pursuant to Article 37 of the JPSA, both spouses may stipulate any condition in their marriage contract so long as the conditions:</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.<sup>60</sup></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 contract.<sup>62</sup></p>		<p>is due to the lack of awareness of their rights or the fear of family backlash or societal pressure.<sup>63</sup> However, information on the ground suggests that there is some anecdotal evidence that there may have been a slight increase in the awareness of this right among women in recent times.<sup>64</sup></p>
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<sup>59</sup> Information obtained from Jordanian advocate, February 2017  
<sup>61</sup> 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>  
<sup>52</sup> Articles 14-17 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicid=153>  
<sup>53</sup> Article 18 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicid=153>  
<sup>54</sup> Article 19 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicid=153>  
<sup>55</sup> Article 11 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicid=153>  
<sup>60</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>  
<sup>62</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>  
<sup>63</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 109, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>;  
<sup>64</sup> Information obtained from Jordanian advocate, February 2017

	<p>(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 financial rights (e.g. financial maintenance).<sup>56</sup></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>is-ma</i>).<sup>57</sup></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</p>				
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<sup>56</sup> 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>

<sup>57</sup> Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	(iii) refraining the consummation of the marriage. <sup>58</sup>				
<p><b>Polygamous marriages</b></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.<sup>65</sup></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.<sup>66</sup></p> <p>Article 37 of the JPSA provides that a woman may stipulate in the marriage contract that her husband cannot take another wife. If the husband breaches this term of the marriage contract, the woman has the right to petition for divorce.<sup>67</sup></p> <p>Article 79 of the JPSA requires a</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.<sup>71</sup></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."<sup>72</sup></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."<sup>73</sup></p>	<p>According to Jordan's 2012 Population and Family Health Survey, 5% of marriages in Jordan are polygamous. The survey also found that:<sup>74</sup></p> <ul style="list-style-type: none"> <li>• 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 aged 20-24;</li> <li>• Rural women were more likely to report having co-wives than urban women (7% versus 5%);</li> </ul>	

<sup>58</sup> Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>65</sup> Article 13(a) of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>66</sup> Article 13(b) of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>67</sup> Article 37 of the Personal Status Act (2010) <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	<p>husband to treat all wives equally, such as matters relating to financial maintenance and cohabitation.<sup>68</sup></p> <p>Article 75 of the JPSA prohibits a husband from housing multiple wives in the same home without their consent.<sup>69</sup></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 or financial maintenance rights.<sup>70</sup></p>				<ul style="list-style-type: none"> <li>• 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 living in households in the highest quintile; and</li> <li>• Lower educated women were more likely to report having co-wives than higher educated women.</li> </ul>
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<sup>71</sup> Information obtained from Jordanian advocate, February 2017  
<sup>72</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 303, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>  
<sup>73</sup> 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>  
<sup>74</sup> 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>  
<sup>68</sup> Article 79 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>69</sup> Article 75 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>70</sup> Articles 31 and 34 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

					<p>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> <p>According to media reports, campaigns are being launched by conservative Muslim groups in Jordan to encourage polygamous marriages, claiming polygamy would solve the “problem” of unmarried women over 30.<sup>75</sup></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 mar-</p>
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<sup>75</sup> 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>

					riages out of familial and societal pressure. <sup>76</sup>
<p><b>Divorce rights</b></p> <p><i>Is there 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 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>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>khul'</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.<sup>77</sup></p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract,<sup>78</sup> thus permitting her to pronounce <i>talāq</i> upon herself (<i>talāq -i-tafwid</i>). However, the wife needs to appear before a court to exercise this right.<sup>79</sup></p>				<p>The registration of divorce is mandatory, and a standard procedure must be followed.<sup>86</sup></p>

<sup>76</sup> 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/>

<sup>77</sup> 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>

<sup>78</sup> Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>79</sup> Article 85 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>86</sup> Jordanian e-Government Website, <http://www.jordan.gov.jo/wps/portal/>



<p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</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.<sup>80</sup></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 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:<sup>81</sup></p> <ul style="list-style-type: none"> <li>• The husband, a divorce will be granted and the wife will fully be entitled to all her marital and divorce rights;</li> <li>• The wife, a divorce will be</li> </ul>				
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<sup>80</sup> Articles 115-144 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>81</sup> Article 126 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	<p>granted in exchange for compensation to the husband that is less than the <i>mahr</i>,</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>In divorce cases based on strife and discord, a wife's testimony is not sufficient to prove harm; she must also have two witnesses.<sup>82</sup></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: (i) declare in court that she detests life with her husband, the continu-</p>				
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<sup>82</sup> Articles 126-127 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	<p>ation 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 case, the court must order a 30-day reconciliation process, and if it fails, the court must then rule for divorce.<sup>83</sup></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.<sup>84</sup></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.<sup>85</sup></p>				
<p><b>Women's financial rights after divorce</b> <i>Is there a legal concept of matri-</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>);</p>			<p>The couple may agree on the division of assets acquired during the</p>	<p>The mechanism of seeking a court ruling on the amount of financial mainte-</p>

<sup>83</sup> Articles 102-114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>84</sup> Articles 104-114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>85</sup> Article 114 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<p><i>monial assets? Is there equal 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 Paras. 34-35, 43-48 GR29</p>	<p>and (ii) a consolatory 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.<sup>87</sup></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.<sup>88</sup></p> <p>Following a divorce, a father is 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</p>			<p>marriage in the marriage contract.<sup>91</sup></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 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.<sup>92</sup></p>	<p>nance to be 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.<sup>93</sup></p> <p>Although civil society groups and lawyers have been advocating for a law of joint matrimonial property that will enable a wife to</p>
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<sup>87</sup> Articles 151-152 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>88</sup> Article 155 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>91</sup> Article 37 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>92</sup> Information obtained from Jordanian advocate, February 2017

	<p>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.<sup>89</sup></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.<sup>90</sup> However, this fund is not yet operational, as the law-mandated regulations have not yet been passed.</p>				<p>claim a share in the husband's assets acquired during marriage,<sup>94</sup> there does not appear to be any serious effort by the Government to bring about a new matrimonial property regime.<sup>95</sup></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 society.<sup>96</sup></p>
<p><b>Custody of Children</b></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 inter-</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</p>				<p>There are indications that in practice, the conditions placed on the mother's priority right to custody of her children often enable</p>

<sup>93</sup> Information obtained from Jordanian advocate, February 2017

<sup>89</sup> Articles 187-196 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>90</sup> Article 321 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>94</sup> 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>

<sup>95</sup> Information obtained from Jordanian advocate, February 2017

<sup>96</sup> Information obtained from Jordanian advocate, February 2017

<p><i>est of the child? Do mothers automatically lose custody upon re-marriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>the child is sick and requires care.<sup>97</sup></p> <p>A mother risks losing custody of her child if she remarries and her new husband is not a close blood relative of the child (<i>mahram</i>).<sup>98</sup></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.<sup>99</sup></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.<sup>100</sup></p>				<p>the father to maintain a great deal of influence on the rearing of the children even though he may not 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.<sup>101</sup></p>
<p><b>Guardianship of Children</b></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 guardian-</p>			<p>Although Article 62 of the Penal Code provides that surgical operations and medical professional treatments can be</p>	<p>Media reports highlight cases of Christian women whose husbands convert to Islam divorcing them for the specific</p>

<sup>97</sup> Article 173 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>98</sup> Article 171 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>


<sup>99</sup> Article 176 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>100</sup> Article 181 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>101</sup> 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>ship, 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.<sup>102</sup></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 guidance.<sup>103</sup></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.<sup>104</sup></p>			<p>carried out on a minor with the consent of his/her legal representative,<sup>105</sup> only the father is considered as the legal representative. 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.<sup>106</sup></p>	<p>purpose of obtaining guardianship of their children and side-stepping church courts' jurisdiction.<sup>107</sup></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 and consent to travel.</p>
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<sup>102</sup> Articles 223, 228 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>103</sup> Article 184 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>104</sup> Articles 230-233 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>  
<sup>105</sup> Article 62 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>  
<sup>106</sup> Information obtained from Jordanian advocate, February 2017

<p><b>Family Planning</b></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><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</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.<sup>108</sup> In all other cases, protecting the right to life of the foetus is prioritised by the law.<sup>109</sup></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.<sup>110</sup></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.<sup>111</sup> 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</p>		<p>The Government of Jordan in its 2006 report to the CEDAW Committee said that “[t]here is nothing in Jordanian law to restrict a woman’s right to decide on the number and spacing of her children.”<sup>114</sup></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</p>	<p>According to World Bank data, the total fertility rate decreased from 7.7 children per woman in 1960 to 3.4 in 2015.<sup>118</sup></p> <p>According to Jordan’s 2012 Population and Family Health Survey:<sup>119</sup></p> <ul style="list-style-type: none"> <li>• The median birth interval in Jordan is 31.7 months, with 32% of children being born less than 24 months after their siblings;</li> <li>• 12% of married women have an unmet need for family planning services, with 5%</li> </ul>
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<sup>107</sup> 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>

<sup>108</sup> Article 12 of the Public Health Act (2008), <https://www.mindbank.info/item/544>

<sup>109</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 89, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>110</sup> Article 12 of the Public Health Act (2008), <https://www.mindbank.info/item/544>

<sup>111</sup> Article 321 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>114</sup> 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>



	<p>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 honour.<sup>112</sup></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.<sup>113</sup></p>		<p>women who may receive contraceptives, after she has received counseling.<sup>115</sup> However, only married women have access to free birth control pills and health services.<sup>116</sup></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.<sup>117</sup></p>		<p>having an unmet need for spacing and 7% an unmet need for limiting of children;</p> <ul style="list-style-type: none"> <li>• The use of contraceptives has increased by 15% in the past 15 years;</li> <li>• 61% of married women are using a method of contraception, with 42% of women using a modern method; and</li> <li>• Knowledge of at least one method of family planning is universal among married women in Jordan.</li> </ul>
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<sup>118</sup> World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

<sup>119</sup> 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>

<sup>112</sup> Article 324 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>113</sup> Articles 322-323, 325 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>115</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 80, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>116</sup> Information obtained from Jordanian advocate, February 2017

<sup>117</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 89, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

					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 during a routine check-up, and that an operation was required to remove the dead foetus. <sup>120</sup>
<p><b>Personal rights of spouses</b></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>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.<sup>121</sup></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</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.<sup>128</sup></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.<sup>129</sup></p>	<p>According to Jordan's 2012 Population and Family Health Survey:<sup>131</sup></p> <ul style="list-style-type: none"> <li>• Only 16% of married Jordanian women were employed at the time of the survey;</li> <li>• 39% of married women earning</li> </ul>

<sup>120</sup> Information obtained from Jordanian advocate, February 2017

<sup>121</sup> Article 7 of Jordan's Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>reside in a specified place, except in the circumstances prescribed by law.<sup>122</sup></p> <p>Article 23 of the Constitution provides that work is the right of all citizens.<sup>123</sup></p> <p>Despite the constitutional provisions stating otherwise, the JPSA potentially restricts the personal rights of a Muslim wife a result of the maintenance-for-obedience legal provided for under the law. Thus:</p> <ul style="list-style-type: none"> <li>• 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>);<sup>124</sup></li> <li>• A wife owes cohabitation and obedience "within the bounds</li> </ul>			<p>Married women in Jordan retain their maiden names.<sup>130</sup></p>	<p>cash made independent decisions on how to spend their earnings;</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 65% of married women participate either alone or jointly with their husband in making decisions pertaining to their own healthcare, major household</li> </ul>
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<sup>128</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 105, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>129</sup> 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>

<sup>131</sup> 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>

<sup>122</sup> Article 9 of Jordan's Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<sup>123</sup> Article 23 of Jordan's Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<sup>124</sup> Article 61 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

	<p>of what is permissible” to her husband;<sup>125</sup></p> <ul style="list-style-type: none"> <li>• 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>) and loses the right to financial maintenance;<sup>126</sup></li> </ul> <p>Article 3 of the Passport Law No. 5/2003 allows every Jordanian woman to obtain her own passport, without being the consent of her husband or male guardian.<sup>127</sup></p>				<p>purchases, and visits to their family or relatives; and</p> <ul style="list-style-type: none"> <li>• 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%).</li> </ul> <p>According to World Bank data, female labour force participation increased from 9% in 1990 to 14% in 2016.<sup>132</sup> During the same period, male labour force participation rate</p>
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<sup>130</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 114, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>125</sup> Articles 60, 78 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>126</sup> Article 62 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>127</sup> 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.”

<sup>132</sup> 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>decreased from 66% to 64%.<sup>133</sup></p> <p>According to the 2016 UNDP Human Development Report:<sup>134</sup></p> <ul style="list-style-type: none"> <li>• 79% of women over 25 have at least some secondary education as compared to 83% of men of the same age group;</li> <li>• 99% of females and males aged 15-24 are able to read and write a short simple sentence; and</li> <li>• 77% of women are satisfied with their freedom of choice as compared to 74% of men.</li> </ul> <p>According to the Jordanian government, it is not com-</p>
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<sup>133</sup> 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>  
<sup>134</sup> 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](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

					mon for women to include provisions on her right to work in the marriage contract because: (i) it is 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. <sup>135</sup>
<p><b>Inheritance rights</b></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 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</i></p>	<p>Generally, inheritance rights between women and men are unequal.</p> <p>Chapter 9 of the JPSA details the inheritance shares among beneficiaries. In many instances, for example in the case of siblings, a woman is entitled to half the share of a man.<sup>136</sup></p>		<p>The Government of Jordan in its 2015 report to the CEDAW Committee explained that legislation on inheritance is derived from <i>Shari'ah</i>, which adopts “the principle of fairness in respect of division of inheritance, not the principle of equality, and</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 one-third of the estate; beyond the one-third, shares of existing beneficiaries may not be altered except by consent of</p>	<p>According to media reports and information on the ground, women are sometimes coerced or shamed into relinquishing their inheritance rights for a various reasons including:</p> <ul style="list-style-type: none"> <li>• Apparent weak monitoring by the</li> </ul>

<sup>135</sup> 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

<sup>136</sup> Article 310 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<p><i>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>is part of an integrated equation.”<sup>137</sup></p>	<p>all beneficiaries following the person’s death.<sup>138</sup></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).<sup>139</sup> However, this is rare and does not commonly take place in practice.<sup>140</sup></p>	<p><i>Shari’ah</i> courts, coupled with the lack of punitive enforcement measures;<sup>141</sup></p> <ul style="list-style-type: none"> <li>• Lack of awareness among women of their inheritance rights, thus enabling families to misuse their authority to force females to give up these rights;<sup>142</sup></li> <li>• Prevalence of discriminatory practices, which prevent rural women from inheriting or acquiring ownership of land and other property;<sup>143</sup></li> </ul>
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<sup>137</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 114, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>138</sup> 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>

<sup>139</sup> Grand Mufti Abdulkarim Al-Khasawne, “Fatwa No. 547,” *Dar al-Ifta, Jordan*, 16 March 2010, <http://aliftaa.jo/Question.aspx?QuestionId=547#.WE4dpMdpIF>

<sup>140</sup> Information obtained from Jordanian advocate, February 2017.

<sup>141</sup> Abdulrahman Abu Sneineh, “Disinheritance of women legalised?” *Arab Reporters for Investigative Journalism*, 24 May 2014, <http://en.arij.net/report/disinheritance-of-women-legalized/>

<sup>142</sup> Abdulrahman Abu Sneineh, “Disinheritance of women legalised?” *Arab Reporters for Investigative Journalism*, 24 May 2014, <http://en.arij.net/report/disinheritance-of-women-legalized/>

<sup>143</sup> Information obtained from Jordanian advocate, February 2017

					<ul style="list-style-type: none"> <li>Some fathers registering all immoveable properties in the names of their sons to prevent the daughters from owning land, especially if they are married.<sup>144</sup></li> </ul> <p>Civil society groups continue to advocate for legislation that would give women equal inheritance rights.<sup>145</sup></p>
<p><b>Violence against women in the family</b></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 domes-</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.<sup>146</sup></p> <p>Jordan has not adopted specific legislation to criminalise acts of domestic violence.</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.<sup>154</sup></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 counseling and raises awareness of mari-</p>	<p>According to Jordan's 2012 Population and Family Health Survey:<sup>160</sup></p> <ul style="list-style-type: none"> <li>Overall, 32% of married women aged 15-49 reported having experienced emotional, physical and/or</li> </ul>

<sup>144</sup> Information obtained from Jordanian advocate, February 2017

<sup>145</sup> 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>

<sup>146</sup> Article 6(5) of Jordan's Constitution (1952), [https://www.constituteproject.org/constitution/Jordan\\_2014.pdf?lang=en](https://www.constituteproject.org/constitution/Jordan_2014.pdf?lang=en)

<sup>154</sup> 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>



<p><i>tic violence as a crime? Is 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 &amp; 19 Para. 40 GR21</p>	<p>Jordan's Family Protection Act 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 criminalise domestic violence.<sup>147</sup></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."<sup>148</sup></p> <p>The Penal Code does not specifically criminalise:</p> <ul style="list-style-type: none"> <li>• Marital rape; or</li> </ul>		<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.<sup>155</sup></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 nationality.<sup>156</sup> In its</p>	<p>tal rights and duties.<sup>158</sup></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.<sup>159</sup></p>	<p>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"> <li>• 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 the survey;</li> <li>• 21% of married women aged 15-</li> </ul>
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<sup>160</sup> 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>

<sup>147</sup> Family Protection (2008), <http://corpus.learningpartnership.org/family-protection-law-no-6-of-jordan-2008>

<sup>148</sup> Articles 62, 188, 358, 333-334 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>155</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 7, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>156</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/5 (2010), para. 29, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>158</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 10, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

	<ul style="list-style-type: none"> <li>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.”<sup>149</sup></li> </ul> <p>The Penal Code:</p> <ul style="list-style-type: none"> <li>Exempts suspected rapists who marry their girl victims aged 15- 18 from punishment pursuant to Article 308<sup>150</sup></li> </ul> <p><b>(Note:</b> In a major victory for feminist groups and others, in April 2017, the Jordanian government announced the revocation of Article 308).<sup>151</sup></p> <ul style="list-style-type: none"> <li>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.<sup>152</sup> This provision is usually used to reduce pun-</li> </ul>		<p>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.<sup>157</sup></p>		<p>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;</p> <ul style="list-style-type: none"> <li>9% of married women aged 15-49 reported having experienced sexual violence from their spouse at least once, and 6% reported having experienced such violence within the 12 months prior to the survey;</li> <li>Among married</li> </ul>
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<sup>159</sup> Articles 126-127 of the Personal Status Act (2010), <http://www.farrajlawyer.com/viewTopic.php?topicId=153>

<sup>149</sup> Articles 296-299 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

<sup>150</sup> 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 66<sup>th</sup> Session*, 2016, p. 3,

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT\\_CEDAW\\_NGO\\_JOR\\_24228\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_24228_E.pdf)

<sup>151</sup> 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>

<sup>152</sup> Article 98 of the Penal Code (1960), <http://www.wipo.int/edocs/lexdocs/laws/ar/jo/jo064ar.pdf>

	<p>ishments for “honour killings.”<sup>153</sup></p>				<p>women who had experienced spousal violence (physical or sexual) in the past 12 months, 31% reported experiencing physical injuries; and</p> <ul style="list-style-type: none"> <li>• It is not common for women in 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.</li> </ul> <p>According to academic research, in practice:<sup>161</sup></p> <ul style="list-style-type: none"> <li>• The police is not required to en-</li> </ul>
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<sup>157</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 30, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>153</sup> 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>

<sup>161</sup> 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](http://scholarship.claremont.edu/cgi/viewcontent.cgi?article=1926&context=cmc_theses)

					<p>force the 24-hour detention of suspected abusers;</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• A suspected abuser may marry his victim to avoid punishment. The provision is believed to prevent shame.</li> </ul> <p>In a major victory for feminist groups and others, in April 2017, the Jordanian government announced the revocation of Article 308.<sup>162</sup> A coalition of 92 civil society organisations, the</p>
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<sup>162</sup> 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>

				<p>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.<sup>163</sup></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 '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</p>
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<sup>163</sup> Sisterhood is Global Institute et. al, "Jordan", *Submission to the CEDAW Committee Pre-Sessional Working Group for the 66<sup>th</sup> Session*, 2016, p. 3, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT\\_CEDAW\\_NGO\\_JOR\\_24228\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JOR/INT_CEDAW_NGO_JOR_24228_E.pdf)

					which they are housed. <sup>164</sup>
<p><b>Nationality rights</b></p> <p><i>Does a wife have the right to 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>Applicable CEDAW Provision Article 9 Para. 6 GR21</p>	<p>A Jordanian man may pass his nationality to his non-Jordanian wife, provided she meets various conditions.<sup>165</sup> 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.<sup>166</sup> 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.<sup>167</sup></p> <p>A Jordanian father passes his citizenship to his children wherever they are born.<sup>168</sup> Jordanian nationality may only be granted to</p>		<p>Jordan has a reservation to Article 9(2) of CEDAW.<sup>171</sup></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</p>		<p>According to civil society and media reports, the following 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"> <li>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;<sup>176</sup></li> </ul>

<sup>164</sup> 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](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>

<sup>165</sup> Article 8(1) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

<sup>166</sup> Article 8(2) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

<sup>167</sup> Article 8(3) of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

<sup>168</sup> Article 9 of the Nationality Act (1954), <http://www.refworld.org/docid/3ae6b4ea13.html>

	<p>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 legally established.<sup>169</sup></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.<sup>170</sup></p>		<p>under a decision of the League of Arab States; and (iii) the objection of some States to the granting of Jordanian nationality to the children of Jordanian women married to their nationals because those States do not permit dual nationality.<sup>172</sup></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</p>	<ul style="list-style-type: none"> <li>• Because they are unable to confer their nationality on their husbands and children, women are viewed as being "punished" for marrying foreigners;<sup>177</sup></li> <li>• Children of Jordanian women married to foreigners cannot obtain public sector/government jobs;<sup>178</sup></li> <li>• Although around 56,000 identity cards were issued to children of Jordanian women married to foreigners, many of them</li> </ul>
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<sup>171</sup> United Nations Treaty Collection Website, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)

<sup>176</sup> Elizabeth Whitman, "Jordan's Second-Class Citizens", *Boston Review*, 14 October 2013, <https://bostonreview.net/world/whitman-jordan-citizenship>

<sup>169</sup> 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>

<sup>170</sup> Jordan State party report, U.N. Doc. CEDAW/C/JOR/6 (2015), para. 51, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>172</sup> 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>

<sup>177</sup> 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>

<sup>178</sup> Information obtained from Jordanian advocate, February 2017

			<p>right to work and education.” Children of Jordanian mothers married to non-Jordanian fathers are thus treated as Jordanians with respect to education, health, work, estate, investment and obtaining a driver’s license.<sup>173</sup> 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;<sup>174</sup> and (ii) the children should have legal residence and not be married.<sup>175</sup></p>		<p>have reportedly been unable to obtain the promised benefits due to lack of follow through by government officials.<sup>179</sup></p>
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<sup>173</sup> 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>.

<sup>174</sup> 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>

<sup>175</sup> Information obtained from Jordanian advocate, February 2017

<sup>179</sup> 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>