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The Exclusion of Women from Inheritance in Jordan

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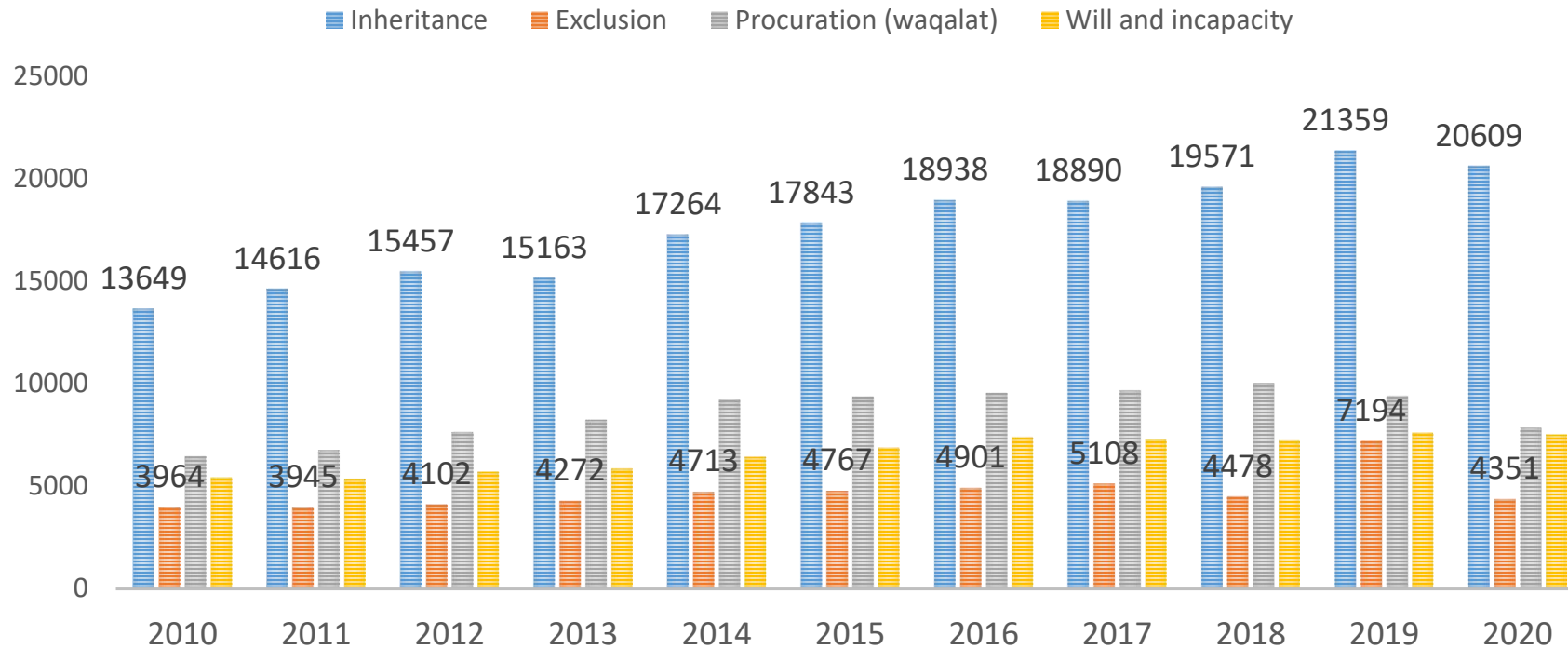
The Exclusion of Women from Inheritance in Jordan

Social pressure, lack of land registration and subdivision, alive donations.

While the inheritance rights of women are formally enshrined in the constitution, in Islamic law (Sharia), female heirs continue to face social pressure to renounce their rights in favor of male heirs.

- Only one fourth of Jordanian women entitled to property inheritance receive it fully.
- In 2014, a third of heirs fully relinquished their inheritance rights through the process of *takharruj*. Mainly due to social pressure to give to their brothers.
- Another usual way to deprive women from inheritance is donation to male heirs before the father's death.
- In addition, land is not subdivided and still registered in the name of father, or grand-father.
- As a consequence of such cultural norms, only 6.8 percent of ever married women owned their houses and only 7 percent owned land in 2012. The statistics on registered land are 20% to women.

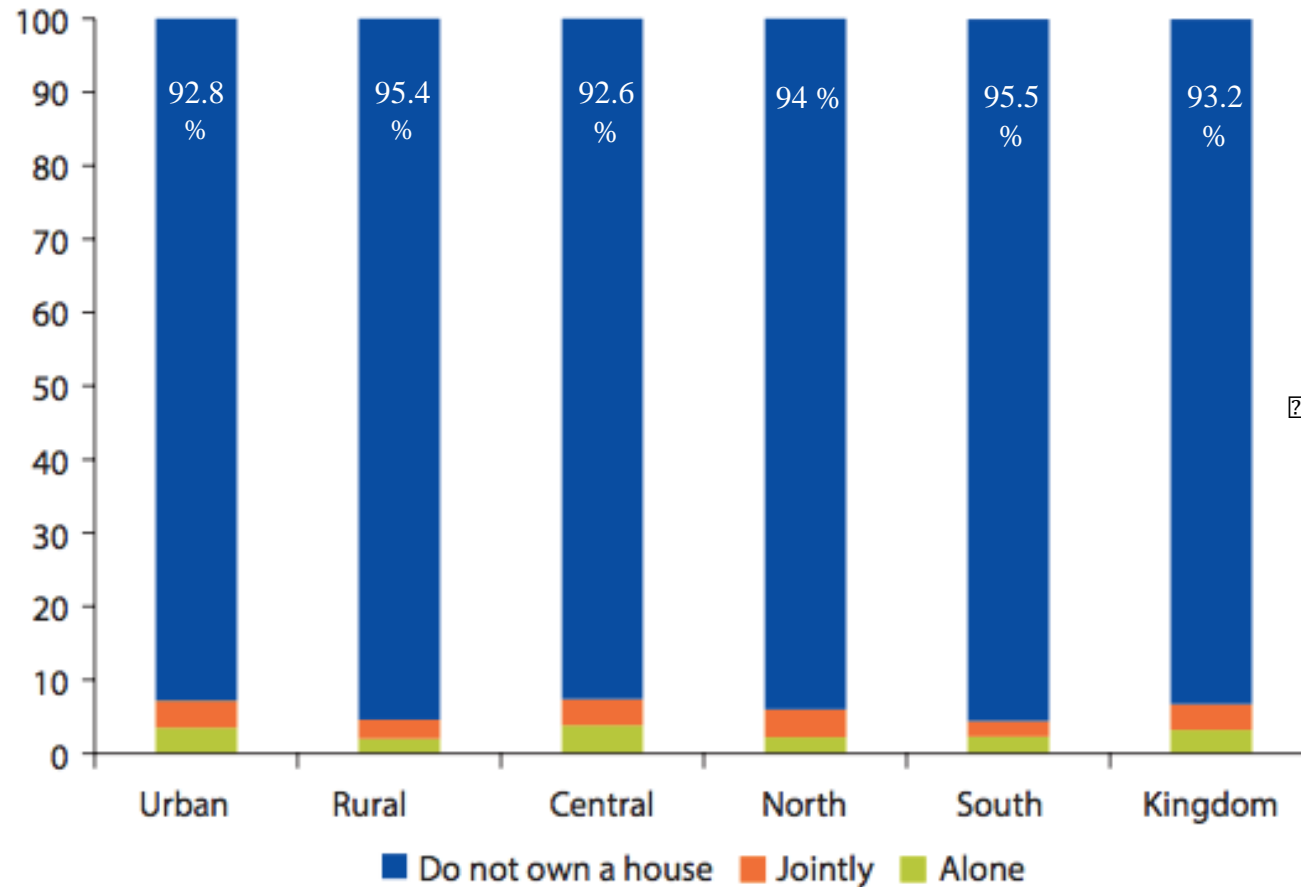
INHERITANCE, EXCLUSION, POWER OF ATTORNEY, WILL AND INCAPACITY CASES 2010-2020 IN JORDAN (SHARIA SUPREME COURT STATISTICS)



Women's Property in Jordan : 25% of Registered, but 7% of total (non Registered)

The Jordan Population and Family Health Survey 2012 was the first to include a section on women's ownership of assets. Let us compare it to DLS data.

Figure 5.1 Percentage of Ever-Married Women House-Owners, 2012



Source: DOS and ICF 2013, JPFHS 2012, table 13.5.

Ababsa, Myriam, 2017 « The Exclusion of Women from Property in Jordan. Inheritance Rights and Practices», *Hawwa*, Volume 15, Issue 1-2, Brill, p. 107-128.

Table 6: Distribution of registered apartment by type and sex in 2-4-2014

APARTMENT	Muchtarak %	Men %	Women %	Total
Irbid	5.3	70.7	24.1	57652
Balqa	4.6	75.1	20.3	9591
Zarqa	4.7	70.4	24.9	25572
Tafila	2.4	82.5	15.1	1844
Amman	5.5	69.1	25.4	253306
Aqaba	4.1	72.9	23.1	10884
Kerak	5.1	74.2	20.7	5659
Mafraq	2.3	76.3	21.3	1260
Jerash	6.4	72.3	21.3	1620
Ajlun	4.1	75.7	20.2	2652
Madaba	4.6	75.4	20	3692
Maan	2.8	80.2	17	1825
<i>Kingdom</i>	<i>5.3 %</i>	<i>70 %</i>	24.7 %	<i>375557</i>

(Department of Land and Survey Database prepared by the IT team on request, November 2015)

Table 5: Distribution of land property by type and sex in 2-4-2014

LAND	Muchtarak %	Men %	Women %	Total
Irbid	5.8	71.2	23	559,487
Balqa	5	75.3	19.6	151,293
Zarqa	5.1	74.9	20	228,956
Tafila	4.6	78.8	16.6	110,489
Amman	5.2	74.7	20.1	799,238
Aqaba	4.2	77.3	18.5	31,007
Kerak	4.3	78.2	17.5	300,005
Mafraq	4	76.8	19.3	274,543
Jerash	6.1	72.7	21.3	89,110
Ajlun	5.5	69.2	25.4	131,852
Madaba	5.2	74.9	19.9	106,617
Maan	3.9	79.6	16.5	182,559
<i>Kingdom</i>	<i>5 %</i>	<i>74.8 %</i>	20,2 %	<i>2,965,156</i>

(Department of Land and Survey Database prepared by the IT team on request, November 2015)

Evolution of Land and Apartment Sale Patterns to Relatives from 2005 to 2014

Table 7: The evolution of land sale patterns (within members of the family co-owners or outsiders) from 2005 to 2014 in Jordan.

	2005		2014	
Land sale between co-owners (<i>mushtarak</i>)	2641	2.8 %	6187	5.9 %
Land sale to relatives (<i>'usūl fughur</i>)	21858	23.3 %	38926	37.1 %
Normal land sale	69321	73.9 %	59636	56.9 %
Total sales	93820	100 %	104749	100 %

(Department of Land and Survey Database prepared by the IT team on request November 2015)

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Table 8: The evolution of apartment sale patterns (within members of the family co-owners or outsiders) from 2005 to 2014 in Jordan.

	2005		2014	
Apartment sale between co-owners (<i>mushtarak</i>)	42	0.2%	169	0.4 %
Apartment sale to relatives (<i>'usūl fughur</i>)	2165	11.7 %	6003	15.7 %
Normal apartment sale	16309	88.1 %	32146	83.9 %
Total sales	18516	100 %	38318	100 %

Ababsa, Myriam, 2016 «Exclusion and Norms : Enforcing Women's Rights to Property in Jordan », in Al-Dahdah, Edouard; Corduneanu Huci, Cristina; Raballand, Gael J. R. F.; Sergenti, Ernest John. 2016. *Rules on paper, rules in practice: enforcing laws and policies in the Middle East and North Africa (English)*. Direction in development. Washington, D.C. : World Bank Group.

<http://documents.worldbank.org/curated/en/917681467281259880/Rules-on-paper-rules-in-practice-enforcing-laws-and-policies-in-the-Middle-East-and-North-Africa>

(Department of Land and Survey Database prepared by the IT team on request November 2015)

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Women's Rights Mobilisation with the Supreme Sharia Court in 2010

In 2011, women's rights activists succeeded in amending the Jordanian Personal Status Law n° 36 of 2010 by working with the Shari'a Supreme Court (Qadi al- Quda), the highest religious and legal institution in Jordan.

They managed to obtain a **mandatory period of three months after the death of the owner**, before any transaction can occur (either exclusion or power of attorney (waqāla)).

Another amendment stated that an attorney dealing with an estate was under obligation to inform the heirs of all properties included in an inheritance.

Another specified that a judge must explain to the heirs the legal consequences of the exclusion of inheritance; this has resulted in judges asking for better education for women so that they can better defend their rights.

However, the adoption of the new **Real Estate Law 2019** - conversion of miri land into mulk and cancellation of miri category- has a negative impact on women property, as land is not inherited equally between men and women (as it was the case for miri, pastoral land were urf law still applied).

CONCLUSIONS AND MAIN RECOMMENDATIONS OF RELEVANCE TO THE REGION

- Need to register land and apartment for women to be able to claim their rights to inheritance
- Need to adopt a mandatory period of three months during which no transaction can occur
- Need for women to know their economic rights and sign proper wedding contracts

THANK YOU FOR THE ATTENTION!