



**Research on the Policy and Practice
of Amended Instructions for Granting
Marriage Permits to those
under the age of 18 in Jordan:
Perspective from the Field**

December 2022

The cover art is a contribution from Mariam,
one of the girls participating in Save the Children Jordan programmes.



Save the Children
إنقاذ الطفل

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BACKGROUND

What is child marriage?

Child marriage is formal or informal union before age 18. It is a violation of children’s human rights and a form of gender-based violence that robs children of childhood. Child marriage also disrupts their education and drives vulnerability to violence, discrimination and abuse.

Child marriage – marriage before the age of 18 – is a children’s human rights violation and a global problem that cuts across countries, cultures, religions, and ethnicities. In Jordan, the legal age of marriage is 18, but the law allows several exceptions for minors who had completed the age of 15. A judge has the discretion to consent to the marriage of a minor who had completed the age of 15 and is under 18 years when such marriage is considered a necessity to achieve interest or evade vice, after ensuring consent and free choice.

Jordan considers a marriage under the age of 18 a huge challenge that must be curtailed, given the negative impact child marriage has in terms of depriving children of their education, enjoyment of a healthy level life, overall wellbeing, and future economic participation prospects.

This is evident in the Cabinet’s decision to adopt the recommendations of the study of child marriage prepared by the Higher Population Council in 2017¹, and the issuance of Instructions for Granting Marriage Permits to Those Under the Age of 18, to govern the granting of exception approvals stipulated in Article 10/B of the Personal Status Law that came into effect as of 1 August 2017.

CHILD MARRIAGE STATISTICS IN JORDAN

During 2010-2021 and according to statistics from the Supreme Sharia Judge Department listed below, the number of child marriages varied, averaging around 13% of total marriages taking place in Jordan.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
No. of Child Marriages: Male below 18	152	211	267	272	386	372	334	299	284	295	194	241
No. of Child Marriages: Female below 18	8,042	8,093	8,859	9,618	10,834	10,866	10,907	10,434	8,226	7,224	7,964	8,037
Total No. of Marriages < 18	8,194	8,304	9,126	9,890	11,220	11,238	11,241	10,733	8,510	7,519	8,158	8,278
% Change		1%	10%	8%	13%	0.2%	0.0%	-5%	-21%	-12%	8%	1.5%
Total No. of Marriages	61,771	64,257	70,400	72,860	81,209	81,373	81,343	77,700	70,734	67,696	67,389	75,360
% Change from Previous Yr		4%	10%	3%	11%	0.2%	0.0%	-4.5%	-9.0%	-4.3%	-0.5%	12%
% of Child Marriages from Total Marriages in Jordan	13%	13%	13%	14%	14%	14%	14%	14%	12%	11%	12%	11%

Source: Supreme Sharia Judges Department statistics.

1 <https://www.hpc.org.jo/sites/default/files/HPC%20Child%20Marriage%20Eng.pdf>

As per the table below, the prevalence of female marriages under the age of 18 varies clearly among the governorates, averaging during 2019-2021 around 28% in Amman, 20% in Irbid and Zarqa and 12% in Mafraq.

Average Percent Distribution of Child Marriages among Females Registered in Jordan during 2019-21 distributed According to Governorate

	Governorate											
	Aqaba	Ma'an	Tafila	Karak	Ajloun	Jerash	Mafraq	Irbid	Madaba	Zarqa	Balqa	Amman
Average	1.5%	1.7%	0.4%	2.1%	1.4%	3.7%	12.2%	20.2%	3.1%	20.0%	5.8%	28.0%

Source: Supreme Sharia Judges Department statistics.

Since the start of the conflict in Syria in 2011, Jordan has shouldered the impact of a massive influx of Syrian refugees. Said influx and the demographic changes that took place in Jordan has affected the number of child marriages during the past years. The Higher Population Council study on child marriage 2017 indicated that there had been a significant increase in the percentage of registered marriages of Syrian females under the age of 18 years during the period 2011-2015 compared to national ratios. The percentage increased from 12% of the total number of registered marriages for Syrians in Jordan in 2011 to 18.4% in 2012, to 25% in 2013, and 32.3% in 2014, and the increase continued to 2015, reaching 34.6 percent. This indicates that one-third of the Syrian females who got married in 2015 were under the age of eighteen, while this percentage increased to 13.4% at the national level in Jordan. The above table also shows that the number of child marriage started to increase in 2011, which coincide with the influx of Syrian refugees to Jordan.

OVERVIEW OF INSTRUCTIONS FOR GRANTING MARRIAGE PERMITS TO THOSE UNDER THE AGE OF 18

To control the phenomenon of child marriage, in July of 2017, the government issued Instructions for Granting Marriage Permits to Those Under the Age of 18, to govern the granting of exception approvals stipulated in Article 10/B of the Personal Status Law. Following is a brief overview of the Instructions.

1. Requirements for Consideration by the Court

The Instructions addressed the exceptions of allowing marriage between the age of 15 and 18. They included provisions that allow a maximum of a 15-year age difference between the husband and the wife, provided that the would-be husband is not married and is able to provide, and that marriage would not prevent the girl from pursuing her education among other provisions.

More specifically, article (3) of the Instructions stated that a judge has the discretion to consent to the marriage of a minor who had completed the age of 15 and is under 18 years when such marriage is considered a necessity to achieve best interest. The Instructions further included that the first instance Sharia court should consider the following when granting the exemption permission:

1. The potential husband should prove competency to his fiancée in accordance with the provisions of Article 21 of the Personal Status Law.
2. Judge to verify consent and free choice.
3. The court should investigate and verify the necessity of the marriage and the interest and vice evasion that will be achieved. The court can investigate through whatever tools necessary.
4. The age difference between two parties shall not exceed 15 years.
5. The suitor is not married.
6. The occasion should not be a reason for dropping out of school.
7. Providing proof of the suitor’s ability to pay the dowry and preparing a matrimonial home.
8. Providing the approved medical examination document.

2. Application of Exceptions according to Personal Status Law in Force and Related Instructions

The Instructions stipulate that all approval requests of underage marriages submitted to Sharia courts in Jordan are referred to the Family Reconciliation and Mediation Offices (FRMO) for study and review and accordingly a decision would be issued (approval/rejection).

THE PROBLEM AND STUDY OBJECTIVE

The prevalence of child marriage remains high at around 12% of total marriages taking place in Jordan according to 2021.

While the number of child marriages after Instructions issuance dropped steadily to reach 7,519 in 2019 (after it reached a high of 11,241 in 2016), 2020-2021 numbers show that child marriage cases started to increase again.

Furthermore, a review of the Supreme Sharia Judge Department statistics related to approvals granted for child marriages that involve females show that 95% of requests were approved by the FRMOs as per the below table (JCLA paper reference):

	2017	2018	2019	2020
No. of Female Child Marriages	10434	8226	7224	7964
Total Cases Reviewed by FRMOs	1029	6745	7729	6739
Total Cases not Referred to FRMOs	9405	1419		1225
Number of Approvals	842	6483	Unavailable in annual report data	6401
Number of Rejections	187	252		339
of approvals %	82%	96%		95%

Source: Supreme Sharia Judge Department statistics.

This indicates that the trend in terms of granting permissions is not on an exception basis, contrary to what the legislator intended from the amendments introduced to the Personal Status Law and Instructions issuance. In reality, the number of approvals is higher given that some applications are approved before being referred to the FRMOs. For example, the total number of child marriages in 2020 was 7,964 while 6,401 were approved by the FRMOs, meaning that 1,563 (20%) cases were approved before referral to FRMOs, given that the decision to refer the request to the FRMOs is at the discretion of the court and is optional.

Accordingly, four years after the issuance of the Instructions, a critical question remains: Were the Instructions effective in providing more protection and safeguarding measures to children?

To address the above question and better understand the perspective of girls and their families in terms of Instructions practical implementation on the ground, SC Jordan conducted a survey to collect information from the field relevant to the application of the Instructions from the perspective of girls and their families.

METHODOLOGY

A combination of perception survey and key informant interviews were conducted for data gathering and analysis.

For the perception survey, two separate questionnaires were designed as follows:

- Questionnaire for interviewing females who were married below the age of 18 between 2018 and 2021.
- Questionnaire for interviewing parents of females who were married below the age of 18 between 2018 and 2021.

A combination of closed and open-ended questions were included to allow cross-examination as well as quantitative and qualitative analysis. SC Jordan commissioned NAMA Strategic Intelligence Solutions, for survey tool design and data collection, tabulation and analysis. Data collection was conducted through Computer Assisted Telephone Interviewing (CATI) and Computer Assisted Personal Interviewing (CAPI) methods.

For sampling, and since the study aimed to reach a specific target group (i.e. females and parents of females who were married after the issuance of the Instructions) a snowball sample approach was adopted utilizing people who benefit from Save the Children Jordan’s programs and field partners in governorates and field partners in governorates.

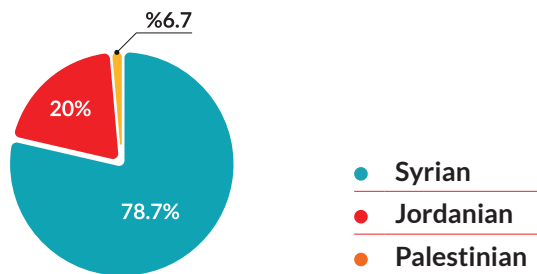
SAMPLE PROFILE

A total of 132 respondents were interviewed from people who benefit from Save the Children Jordan’s programs and field partners in governorates as follows:

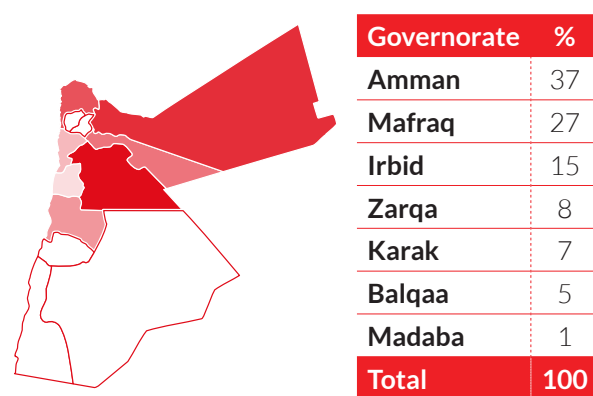
75 interviews	Females who were married below the age of 18 between 2018 and 2021.
57 interviews	Parents of females who were married below the age of 18 between 2018 and 2021.
132	Total

Sample profile of females who were married below the age of 18 between 2018 and 2021.

● Sample distribution according to nationality was as follows:



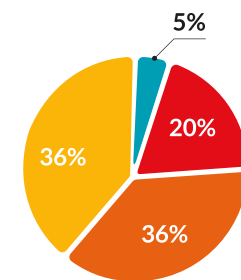
● Sample distribution according to governorate was as follows:



It is worthy to note that sample selection focused on governorates that registered the highest number of child marriage cases according to published statistics (annex – 1).

● Sample distribution according to age at the time of marriage

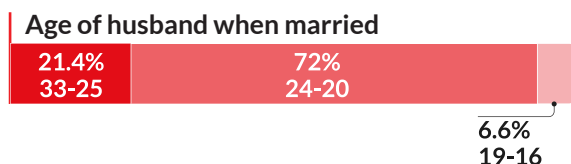
The adjacent table shows the distribution of interviewed females according to their age when they were married. It is not clear under what circumstances the two respondents who indicated that they were 14 years old when they were married took place, given non-compliance with the law.



Age of female respondent when married

● 14 ● 15 ● 16 ● 17

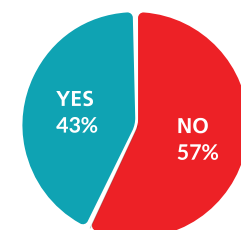
In terms of their husband’s age at the time of marriage, it is noted that the majority of respondents (72%) stated that the age of the husband was in the range of 20-24 years old, followed by 21.4% indicating that their husband was above 25 years old.



● Relationship to Spouse

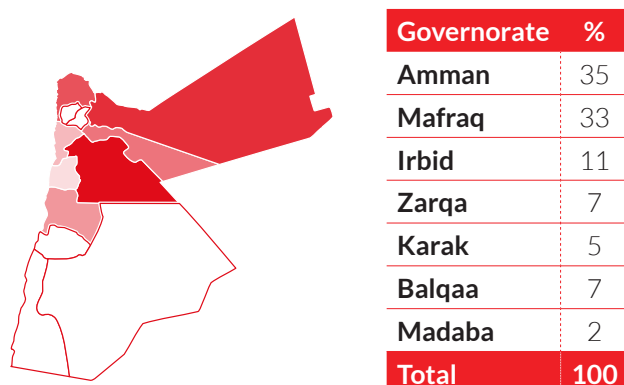
The majority to respondents (57%) indicated that they were not relatives. Of those who indicated that they were, the majority (66%) were cousins, (28%) were distant relatives, and (6%) were related through in-laws of the parents or siblings.

Are you related to you spouse?



Sample profile of parents of females who were married below the age of 18 between 2018 and 2021.

- ample distribution according to governorate was as follows:



- Sample distribution according to family relationship with the girl married under age of 18



- Sample distribution according to legal guardianship of household



STUDY LIMITATIONS

The limitations of the study must be taken into account when reviewing and interpreting the results and findings. Accordingly, the main study limitations are as follows:

- The survey sample is only indicative and not a representative one whereby the study was conducted to understand perceptions related to child marriage and safeguarding measures in place, post Instructions for Granting Marriage Permits to those under the age of 18 issuance, among people who participated in our programs and that of its partner community based organizations. However, a national level survey would be needed should decision makers wish to collect robust evidence from the field to inform policy recommendations development.
- Female responses on behalf of guardians also posed a limitation given that the guardian is usually the father and he is the one who accompanies the daughter to the Sharia Court during marriage proceedings. Accordingly, only selected questions were included in the analysis for comparison and / or verification purposes.
- The nature of the topic itself, and associated potential difficulty among respondents to talk openly and freely about the topic.
- Biases based on the expectations of the society as a whole and that of the researcher, as opposed to the respondent's actual experience.

While acknowledging the above-mentioned factors, those do not diminish the importance of the results and the insights provided by the responses.

WERE THE INSTRUCTION EFFECTIVE IN PROVIDING MORE PROTECTION AND SAFEGUARDING MEASURES?

This section looks into the perception of females, and their families where relevant, with regard to the application of the Instructions by relevant courts in granting exemption approval and concluding legal marriage requirements for females under the age of 18 years old during 2018-2021.

The following section presents the perception survey findings among female respondents pertaining to their understanding of the level of application of the above requirements.

1. Suitor's Competence

Article 21 of the Personal Status Law stipulates the requirement that the suitor be religiously and financially competent. In terms of financial competence, the Personal Status Law states that the suitor must be able to pay the dowry and have the financial means to provide for the wife. This was also outlined in the Instructions which stipulate that proof must be provided with regard to the husband-to-be's ability to cover living expenses, pay dowry and provide matrimonial home.

In terms of religious competence verification, and while 45.6% of the parents reported that the judge did not make sure that the husband was religious, over 77% of the female respondents confirmed that the judge ensured the fiancée's religious competency. This was mainly confirmed through the judge asking about prayer, fasting, and asking relatives and witnesses about his religious competency.

How was the judge convinced with the husband's religious competency?

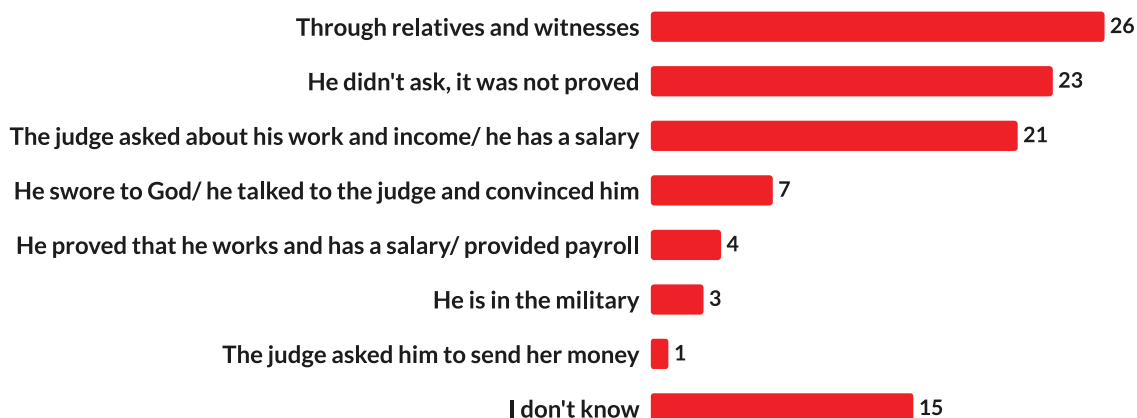


As for financial competence, the survey covered the following three aspects:

1.1. Living expenses

When analyzing how the judge ensures the husband-to-be is financially capable, female respondents reported that the judge takes the opinions of witnesses and relatives regarding the husband to be. In general, the judge usually takes the word of mouth or asks the husband to be to take an oath upon himself

How was the judge convinced with your husband-to-be's ability to financially provide?



1.2. Dowry

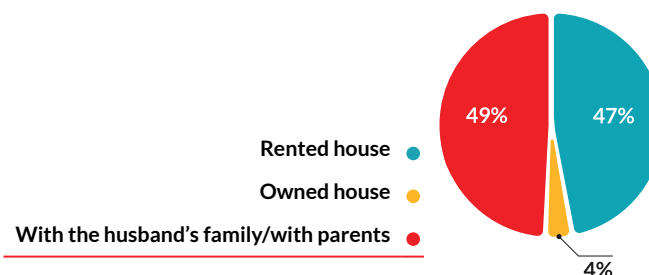
In terms of the husband-to-be's ability to pay dowry, female respondents (31%) indicated that the judge's main source of verification was through relatives and witnesses. The below chart lists percent of responses according to source of verification as perceived by female respondents.

How was the judge convinced about your husband's ability to pay the dowry?



1.3. Matrimonial Home

The regulations did not clearly define what is meant by providing matrimonial home and accordingly the type of proof required is not clear. To better understand the living conditions of interviewed girls, we asked them about their dwelling and whether it was independent or shared.



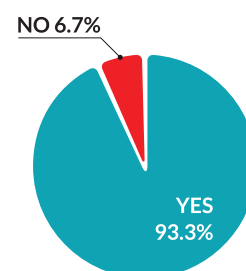
Almost half interviewees (49%) indicated that they were living at the husband's family home or their parents' home, while 47% were renting their independent home. Only 4% of respondents indicated that they owned their own house.

2. Consent and Free Will

Female respondents were asked whether their consent was solicited prior to the marriage. The majority of respondents (93.2%) indicated that they were asked whether they consented to the marriage, while (6.7%) indicated that they were not consulted or provided prior consent.

The survey further explored whether the judge asked respondents, in private, whether they consented to the marriage. (76%) of respondents indicated that the judge asked her privately for her consent, while (24%) stated that the judge did not consult with her privately.

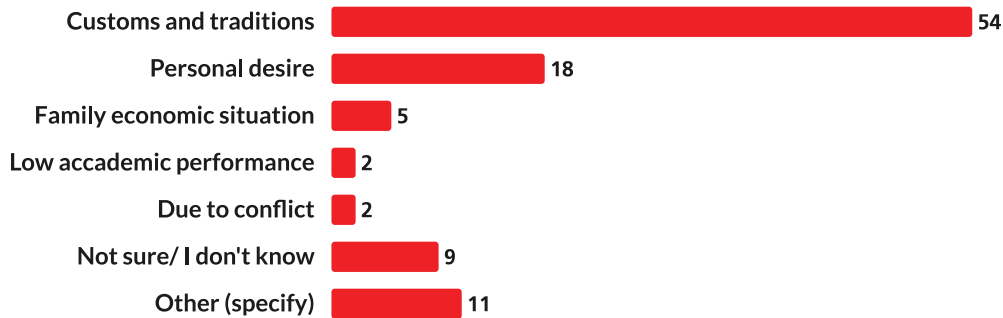
Was your consent solicited prior to the marriage?



3. Necessity and Best Interest

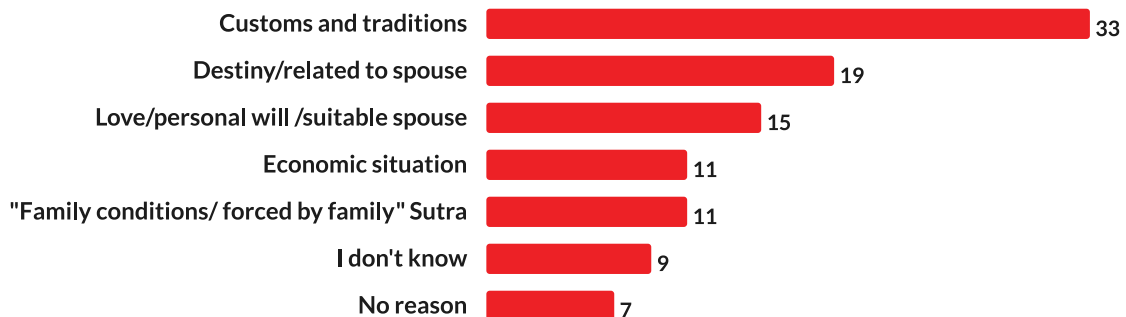
When female respondents were asked about the necessity behind the marriage, the majority of respondents (33%) indicated that it was due to customs and traditions, destiny and being related was the second most cited reason (19%) followed by love, suitable husband and personal desire (15%). It is worthy to note that “I don’t know” and “No reason” combined constituted (15%) of responses, and “family conditions” and “economic situation” accounted for (18%) of responses.

How did you justify marriage under the age of 18 to the judge?



Similarly, when family members were asked about the necessity behind the marriage and how they justified it to the judge, customs and traditions was the main reason (54%) respondents indicated as the primary reason, followed by personal desire of the girl (18%).

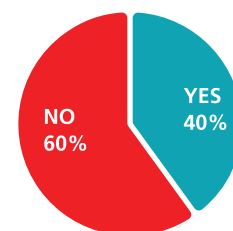
What was the necessity for you to get married at this age?



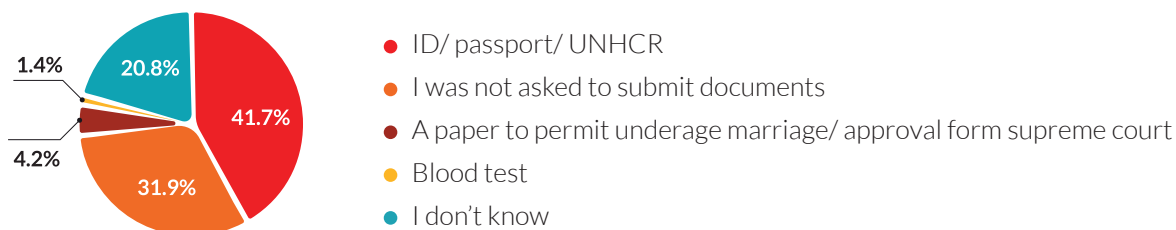
Respondents were asked about the type of proof requested by the court to substantiate the necessity behind the marriage exception request. Generally, it can be noted that there was vagueness about their understanding of what was required or presented for verification. For instance, around 60% of responses by family members indicated that the judge did not ask for any documentation or proof regarding necessity behind the marriage.

When female respondents were asked about the type of documentation that was submitted to the court as proof of stated necessity behind the marriage, the majority (42%) said that the court asked for an identification document (ID, UNHCR Card, passport), while (32%) stated that no documents were requested by the court. Family members’ responses also indicated lack of clarity among them about the supporting documents submission part.

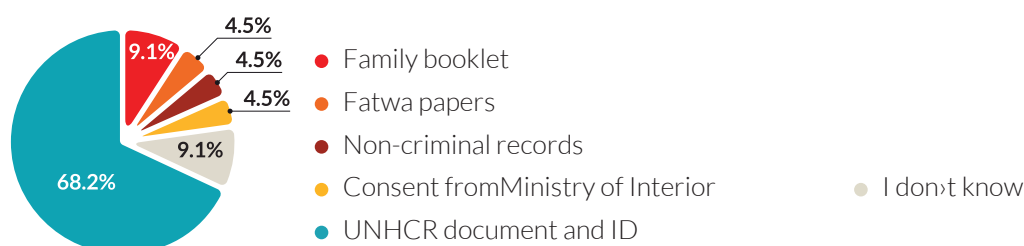
Did the judge ask for documents to prove the necessity of marriage



Female Responses: What are the documents that were submitted to prove the necessity of this marriage?

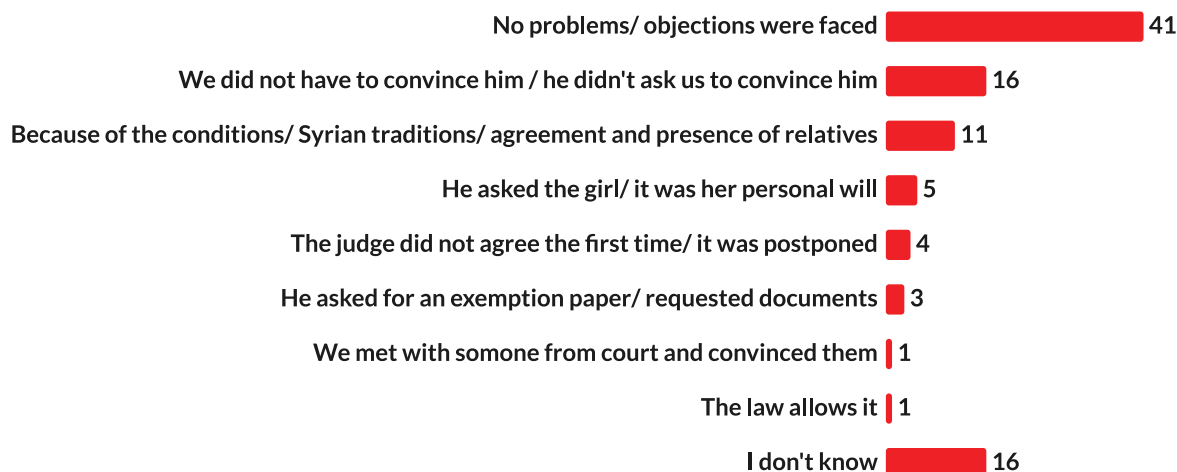


Families Responses: What documents were you asked to provide to prove the necessity of the marriage?



Also, there's a general impression that the process of convincing the court of the necessity behind the exemption request was not an issue. When female respondents were asked how the judge was convinced to grant the approval, and the overwhelming majority mentioned that no objections were faced (41%) and that they did not have to convince the judge (16.5%).

How was the judge convinced to approve the marriage under the age of 18?



4. Age Difference

The regulations stipulate that the age difference between the couple should not exceed 15 years of age. When asked about the age difference between them and their husband, almost all responses (97%) indicated that the age differences was less than 15 years. Two respondents indicated that the age difference was above 15 years and when asked whether the judge requested any verification or explanation both indicated that this was not necessary as the judge did not ask for any.

5. Suitor's Marital Status

In terms of marital status, the majority of female respondents (92%) indicated that their husband-to-be was single at the time of marriage, while 8% indicated that her (8%) was divorced.

6. Uninterrupted Education

The majority of females interviewed (68%) attended school regularly before marriage. Interviewees were primarily in elementary school (71%), and high school (19%), while 8% did not receive any education (illiterate) before while 2% did not know the answer.

Did you go to school regularly before marriage?



Most cited reason for not attending school prior to marriage were the following:

Parents refusal and family conditions	25%
Girl's lack of interest in completing education	25%
Distance of residence from school	21%
Low academic performance	8%

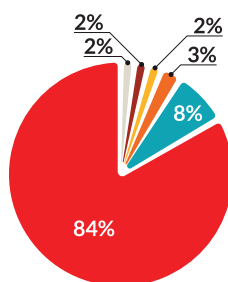
Following marriage, only 8% of interviewed females (6 girls) reported continuing their education, while the majority (92%) dropped out. The highest reason cited for school dropout was marriage responsibilities (46%), followed by husband's refusal for the girl to continue her education (13%) and lack of interest on the part of the interviewee to continue her education (12%).

When asked whether the judge asked for assurances that the girl would continue her education after marriage, the majority of responses (84%) indicated that the judge did not ask for any assurances, while (8%) stated that the judge asked her if she will continue her education and she confirmed by vowing to do so.

Did you continue school enrollment after marriage?

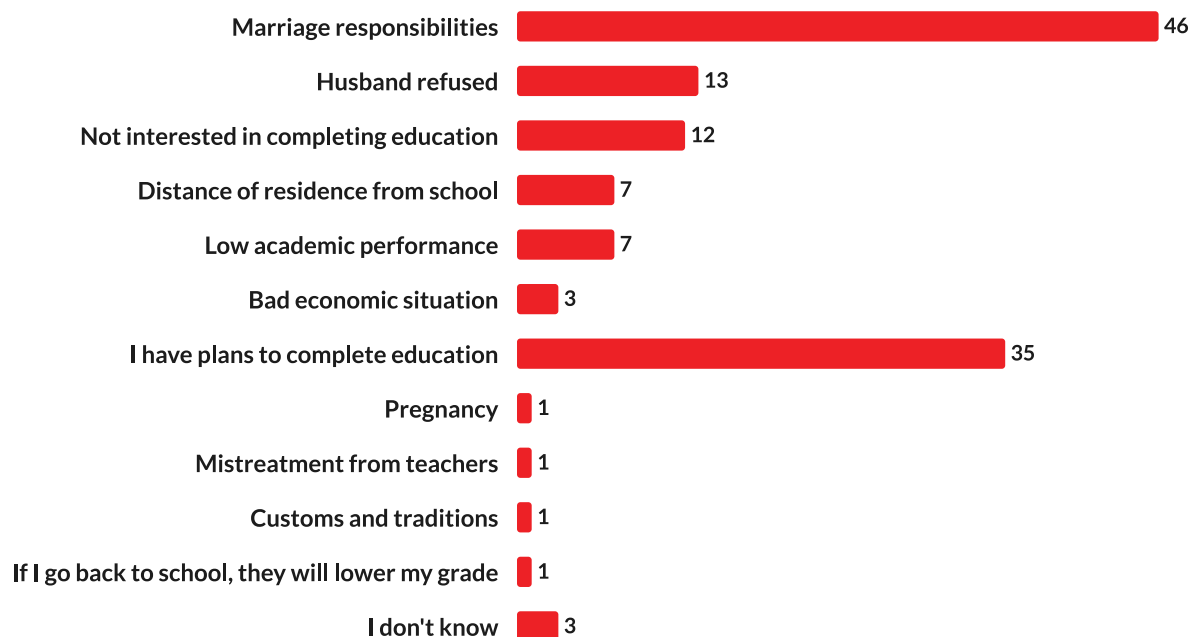


How did you prove to the judge that you will complete your education?



- He did not ask/ I did not show proof that I would complete my education
- Not interested in completing education
- I refused to put conditions in my marriage contract and the judge asked but I refused
- I don't like to study and he did not ask
- I told the judge that I don't want to complete my education
- The judge asked if I would complete my education/ I vowed to complete it

What are the main reasons behind not completing your education after marriage?



7. Medical Examination Requirements

Additionally, since the Thalassemia blood test is necessary for proceeding with the marriage, all parents have confirmed that their daughters have taken the test. Only one out of the 57 parents stated that the judge did not ask for the original test result.

8. Legal Guardian's Consent

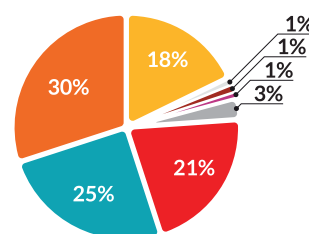
As for the consent of the legal guardian, all female respondents have reported that it was solicited and granted; whereas 94.7% of the parents believe that the consent of the legal guardian was taken.

9. Dowry Equity

As for dowry, Article (6) of the regulations entail that it must be similar to the dowry of the girl's surrounding community. Over 86% of both female respondents and parents have confirmed that their dowry is similar to other girls around them.

How did the judge make sure that your dowry is similar to the girls around you?

- I don't know
- They made sure
- He did not make sure/ he didn't ask
- The judge asked about the dowry/ asked my father or uncle
- When we signed the marriage agreement, I was given the dowry in front of the judge
- The dowry was written in the agreement/both parties agreed
- He swore to God
- Through relatives and witnesses



It is worthy to note that the regulations did not outline any measures for establishing what constitutes "equivalence" or means of verification. To understand how judges verified this aspect, female respondents were asked whether the judge ensured that their dowry was similar to that of others she knew. The below chart lists the percent of responses cited by female respondents according to means of verification according to their understanding and views.

10. Conditions / Contract

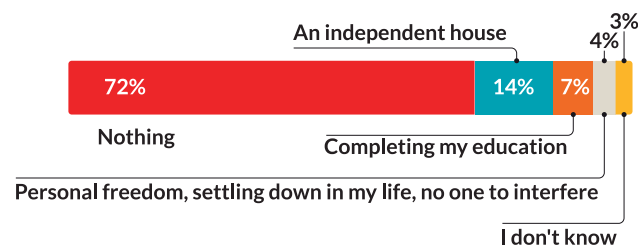
Since the regulations state that the girl has the freedom of applying her own conditions to the marriage contract, parents and females were asked whether they were clarified about conditions in the marriage contract. Even though 79% of females reported that the judge explained to them their ability to indicate their conditions in the marriage contract, 90% of them did not add their conditions in the marriage contract.

Did the judge ask you about the conditions you would like to put in your marriage contract



When female respondents were asked about the conditions they wish they could have applied to their marriage contract, over three fourths of the respondents did not state any conditions.

After your marriage, what are the conditions you would have liked to put in your marriage contract?



11. Pre-Marital Course Attendance

In order to permit marriage under the age of 18, article (8) of the regulations state that the couple must attend the pre-marital course offered by the Supreme Sharia Judges Department. However, only 6 out of 75 respondents confirmed they took these courses. The parents reported similar results, as almost 88% stated that their daughters did not attend the pre-marital courses.

Have you attended the pre-marital course conducted by the judicial department?



RESPONDENTS' PERCEPTION ABOUT CHILD MARRIAGE

The perception of both girls and parents was solicited with regard to:

- Satisfaction with marriage
- Benefits or negative impact resulting from marriage under the age of 18.
- Would they recommend it or not.

Following is a summary of their perceptions and responses. It is acknowledged that the responses represent the views of females and parents after 1-3 years of marriage; hence, it provides insight in terms of short-term perceptions and views.

With regard to satisfaction level, the majority of female respondents, 71 out of the 75 respondents, expressed that they were satisfied with their marriage. Similar results were found when the parents were asked about their daughters' satisfaction with marriage, as 56 out of 57 respondents believe that their daughters are satisfied with their marriage.

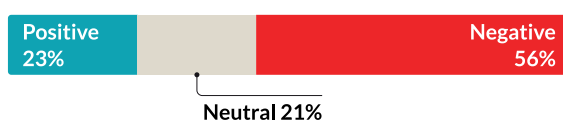
When asked whether, in their opinion, marriage under the age of 18 was positive or negative, the majority of respondents (53% females and 56% family respondents) indicated that they believed it was negative. Furthermore, when asked about the positive impact of marriage under the age of 18, it was interesting to note that over 50% of the female respondents and 37.9% of the parents failed to report any positive impact of child marriage.

Female Respondents: Do you believe that marriage under the age of 18 is positive or negative?



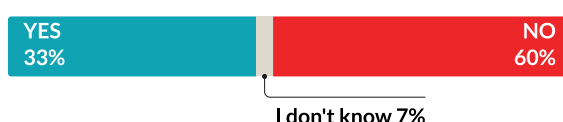
While 14% of family responses indicated that the most positive factor for their daughter's early marriage was handling the responsibilities of building a family, both female (32%) and family (21%) responses highlighted that handling responsibility at a young age, is the most prevailing negative impact of child marriage. In addition, unawareness and lack of maturity of life in marriage have also been significant negative factors according to both female and family responses. While 17% of family members perceived "Sutra" as the most positive impact of early marriage, only 2% of females interviewed agreed.

Families Responses: Do you believe that marriage below the age of 18 is positive or negative?



At the end of the survey, female respondents were asked whether they would recommend marriage before the age of 18 and the majority (60%) stated that they would not recommend it despite that 95% indicated that they were satisfied with their marriage.

Females: Would you encourage others to marry below the age of 18?



Recommendations for Implementation of the Revised Instructions for Granting Marriage Permits to Those Under the Age of 18 in Jordan

Overall, the survey results reveal that some aspects of the process of permitting marriage under the age of 18 are vague. A total of 11 requirement areas were stipulated in the Instructions. A number of requirements (6 requirements), like consent and free will, age difference, suitor's marital status, legal guardian's consent, dowry equity, and medical examination requirements were found to be in high compliance, given the fairly straightforward verification means needed.

On the other hand, 4 requirements or conditions were found to be more challenging in terms of applications and these included suitor's competence, marriage's impact on the girl's education, necessity and interest. As for the fourth requirement related pre-marital course attendance, survey results revealed that 92% of interviewees stated that they did not attend the course. While this indicates low level of compliance, it is worthy to highlight that the survey was conducted in 2021 during COVID-19 closures during which holding of said course was suspended.

In order to analyse study findings and develop practical and applicable recommendations, Save the Children Jordan held a focus group discussion that included representatives from key stakeholders, namely the Supreme Sharia Judges Department, the National Council for Family Affairs, the Jordanian National Commission for Women, civil society organizations and legal experts. Recommendations included general ones and specific ones related to the requirements that were found to be most challenging in terms of application.

1. Necessity and Interest

Instructions pertinent to granting exception permit for marriages under the age of 18 do not include a specific definition or cases in which marriage is considered an interest or necessity, rather in kept it in general terms.

According to the survey results, 60% of parents reported that the judge did not ask for documents to prove the necessity of marriage, whereas customs and tradition was found to be the driving factor behind the marriage as cited by 33% of female respondents, followed by 19% as destiny and being related to the husband-to-be.

Recommendations:

- Paragraph (3) of Article (4) of the Instructions state that the court shall investigate and verify the necessity of the marriage and the interest and vice evasion that will be achieved through whatever means it deems necessary. Accordingly, participants recommended the need to define the term “interest” in Article (4), in addition to establishing internal controls for cases/requests granted permission by coding them in order to ensure that the exception is made to a minimum and also to preserve the privacy and confidentiality of cases.
- Amend article (9) of the Instructions to make referral to FRMO mandatory instead of optional. The current text stipulates that “the court may refer any application for marriage under the age of 18 to the Family Reconciliation and Mediation Office” and the recommendation is to amend it to become as follows: “the court shall referral” so that FRMOs conduct a social study to clarify reasons and factors for approval or rejection of approval requests submitted.
- In accordance with Article (10) of Instructions, referral to the Minors’ Affairs Department is mandatory in case of rejection of marriage approval request. Participants, however, indicated that it is more relevant to refer the file to the Minors’ Affairs Department in case of approval for additional scrutiny and review and accessing information related to any inheritance the minor(s) may have and ensure the application of exceptions within strict limits.
- Amend Article (4) of Instructions, paragraph (8) related to medical examination to be a comprehensive health examination of aspects related to physical health, readiness and mental health, as well as taking into account social maturity.

2. Suitor’s Competence

When looking into the method by which judges verify the suitor’s competence, the most frequent means of verification used was to take the opinions of witnesses and relatives and ask the suitor to take an oath regarding his religious and social commitment.

As for financial competence, around half of interviewed parents indicated that the judge did not verify the suitor’s financial means or ability to provide a home. Interviewees also indicated that the suitor did not present any evidence to confirm his financial competence.

Furthermore, almost half interviewees (49%) indicated that they were living at the husband’s family home or their parents’ home, while 47% were renting their independent home. Only 4% of respondents indicated that they owned their own house.

During the session, attendees raised the issue of the application form published on the Supreme Sharia Judges Department’s website that needs to be completed and submitted for all marriages involving minors. The current wording of the application requires the applicant, which in most cases is the girl, to acknowledge

and verify herself that the suitor is competent and the existence of an interest or benefit that will be achieved as a result of the marriage. As per the Instructions, the court is required to investigate and verify this, and it is not the responsibility of the minor applicant to do so.

Attendees also discussed and proposed the following.

Recommendations:

- Add the psychological dimension to the definition of suitor's competence and not confine it to the definition outlined in Article 21 of the Personal Status Law, which limits it to financial and religious competence. Also, participants recommended that Family Reconciliation Offices be provide with psychiatrists and psychologists to determine the suitor's psychological competence.
- Ensure mandating the use of the automated system, currently being developed by the Supreme Sharia Judges Department, through special instructions. This would ensure mandatory use of the system when ascertaining suitor's competence (in terms of non-conviction certification, financial competence, medical examination, social security, property ownership among others), and not only rely on witnesses and relatives, or verbal confirmation before the judges.
- Review and amend the marriage permission application form for under age marriages, currently published on the website of the Supreme Sharia Judges Department. The current wording entails acknowledgment by the child of the competence of the suitor, and the realization of interest or benefit from the marriage. Said verification and acknowledgement is the responsibility of the court and the form needs to be amended accordingly.

3. Education:

Based on the responses of interviewed girls, the effectiveness of the regulations in ensuring girls' rights to education was minimal as the majority of the girls (92%) dropped out of school after marriage. This might be a factor of a lack of follow-up mechanisms, as well as absence of accountability measures in case of non-compliance.

Recommendations:

- Establish electronic link between the Sharia Judges Departments and the Ministry of Education to ascertain the academic status of drop-out students and develop necessary interventions to safeguard against girls dropping out of school and continuing their education.
- Provide guarantees to protect the girls' right to school education. The could be through establishing mechanism that provides flexible education options commensurate with the specific requirements of married girls of school age.
- Raise awareness among school and university students of the consequences of child marriage through school activities and university courses on the health, social and psychological consequences of child marriage, and introducing students to ways of reporting forced marriage.

4. Contract Conditions:

The Personal Status Law stipulates that a female is free to add special terms or conditions to the marriage contract. However, 90% of respondents indicated that they did not include any conditions. This might be attributed to lack of sufficient knowledge of the importance of including conditions or low level of conviction in their viability.

Recommendations:

- Make girls and their families aware of the possibility of including conditions within the marriage contract, such as completing school and /or university education, determining place of residence among others.
- Add to the Instructions the possibility of claiming "material compensation" in case marriage causes the girl harm. Such compensation would be assessed based on experts report, especially in cases of separation or divorce (regardless of the age of the girl at the time of separation) in order to ensure justice.

5. Premarital Course Attendance

To allow marriage under the age of 18, Article (8) of the instructions stipulates that both spouses must attend a premarital course provided by the Supreme Sharia Judges Department. Only 6 of the 75 surveyed respondents indicated that they attended said course. Similar responses were found among interviewed parents (88% stated that their daughter did not attend the premarital course). This might be attributed to COVID-19 closures and suspension of course delivery during the pandemic.

As for the fourth requirement related pre-marital course attendance, survey results revealed that 92% of interviewees stated that they did not attend the course. While this indicates low level of compliance, it is worthy to highlight that the survey was conducted in 2021 during COVID-19 closures during which holding of said course was suspended.

Recommendations:

- Attendance of the premarital course is optional for those above the legal age of marriage. However, it is obligatory for those under 18 years old and it is recommended that the course design take into account the special nature and requirements in terms of awareness needed by the 15-18 year olds.
- The premarital course should be designed such that it can be delivered in-person or remotely to ensure continuity during emergency times and in cases where access to the physical training place is challenging.

General Recommendations:

- Make available more detailed official statistics and information that allow for further study and analysis of child marriage phenomenon and enable the design of appropriate interventions and policy amendment recommendations. This also includes conducting in-depth studies (both qualitative and quantitative) to assess the viability of interventions and policies or enable the design of future interventions based on evidence and learning.
- Due to the multi-dimensional aspects judges and courts need to verify as per the Instructions, attendees recommended that specialized support committee be formed by specialists and experts (health, education, competence... etc). Said committees would conduct initial compliance review, request needed documentation and information, and prepare the file for review by the competent judge.

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