



A study on early marriage in Jordan 2014

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Acronyms

- DOS Department of Statistics
- FGD Focus group discussion
- IFH The Institute for Family Health
- IMC International Medical Corps
- JHAS Jordan Health Aid Society
- JOHUD Jordan Hashemite Fund for Development
- MOE Ministry of Education
- MOH Ministry of Health
- MOI Ministry of Interior
- MOSD Ministry of Social Development
- NCFA National Center for Family Affairs
- NHF Nour al Hussein Foundation
- PSD Public Security Directorate
- RH Reproductive health
- RHS Reproductive health services
- Questscope Questscope for Social Development in the Middle East
- UNFPA United Nations Population Fund
- UNHCR United Nations High Commissioner for Refugees
- UNICEF United Nations Children's Fund
- UNRWA United Nations Relief and Works Agency for Palestine Refugees in the Near East

Terminology

The following terminology is used throughout the report:

- 1. Administrative units:** Jordan is administratively divided into (in decreasing order of size) governorates, districts and sub-districts.
- 2. Child marriage/early marriage:** For the purposes of this study, these terms refer to the marriage of a child aged 15-17. Children aged below 15 cannot be legally married in Jordan¹ and the marriage of a child aged 15-17 is possible in exceptional circumstances, and only with special approval from a *shari'a* court judge.²
- 3. Dowry (*mahr*):** Payment made by the groom to the bride as part of the marriage agreement. An “advance payment” of part of the dowry is paid at the time of the *katb kitab*. The remaining – or “deferred” – portion is paid by the husband to the wife at some specified date in the future or in the event of their divorce, or the husband’s death.
- 4. Imam:** A religious leader in Muslim communities, whose role usually includes leading prayers in the mosque.
- 5. Katb kitab:** Registration of marriage under *shari'a* law. Once this documentation has taken place, a couple is considered legally married, even if they have not yet commenced conjugal life. In this study, all references to the documentation of a marriage, or a marriage contract, refer to the *katb kitab*.³
- 6. Lunar year:** The lunar year consists of 354 days, which is the time between two eclipses divided by the number of lunar circular movements.⁴ The difference between the calendar year (solar year) and the lunar year is 11 days.
- 7. Ma'thoun:** A person who is officially authorized by the Department of the Chief Justice to certify marriage contracts in Jordan.
- 8. Qadi al-qudah:** Chief Justice
- 9. Registered marriage:** Marriage certified by a specialized court.⁵ Other marriage practices (not captured in the statistics analysed for this study, but referred to anecdotally in some interviews/focus group discussions) include “pleasure marriages” or “customary marriages” or any other form of marriage that is not recognized by Jordan’s Provisional Personal Status Law (No. 36) of 2010. Marriages conducted under the rules applying to non-Muslims are not captured in these statistics and therefore not discussed in this study.
- 10. Shari'a court:** Article 105 of the Jordanian Constitution outlines the jurisdiction of *shari'a* courts, where Islamic law is applied. The *shari'a* courts shall, in accordance with their own laws, have exclusive jurisdiction in respect of the following matters: (i) matters of personal status of Muslims; (ii) cases concerning blood money (*diya*) where the two parties are Muslims or where one of the parties is not a Muslim and the two parties consent to the jurisdiction of the *shari'a* courts; (iii) matters pertaining to Islamic trusts (*awqaaf*). Out of a total of 51 districts in Jordan, 47 districts have their own *shari'a* courts, with an additional six *shari'a* courts located in sub-districts in *Mafraq*, *Balqa* and *Ma'an* governorates.
- 11. Sheikh:** This term is used as an honorific title in the Arabic language. It literally means “elder” and carries the meaning “leader and/or governor”. It is commonly used to designate the head of a tribe, who inherited the title from his father, or an Islamic scholar who obtained the title after graduating from Islamic school. In current usage reflected in this study, it designates someone who is considered a person respected for their religious knowledge, who might be a community leader, an elder, a respected member of the community or someone serving at the head of a mosque.

¹ In extremely rare cases a judge may authorize a marriage involving girls or boys below 15 years of age (in case of pregnancy, for example) and registration will then be on hold until the girl turns 15.

² Provisional Personal Status Law (No. 36) of 2010, Art. 10.

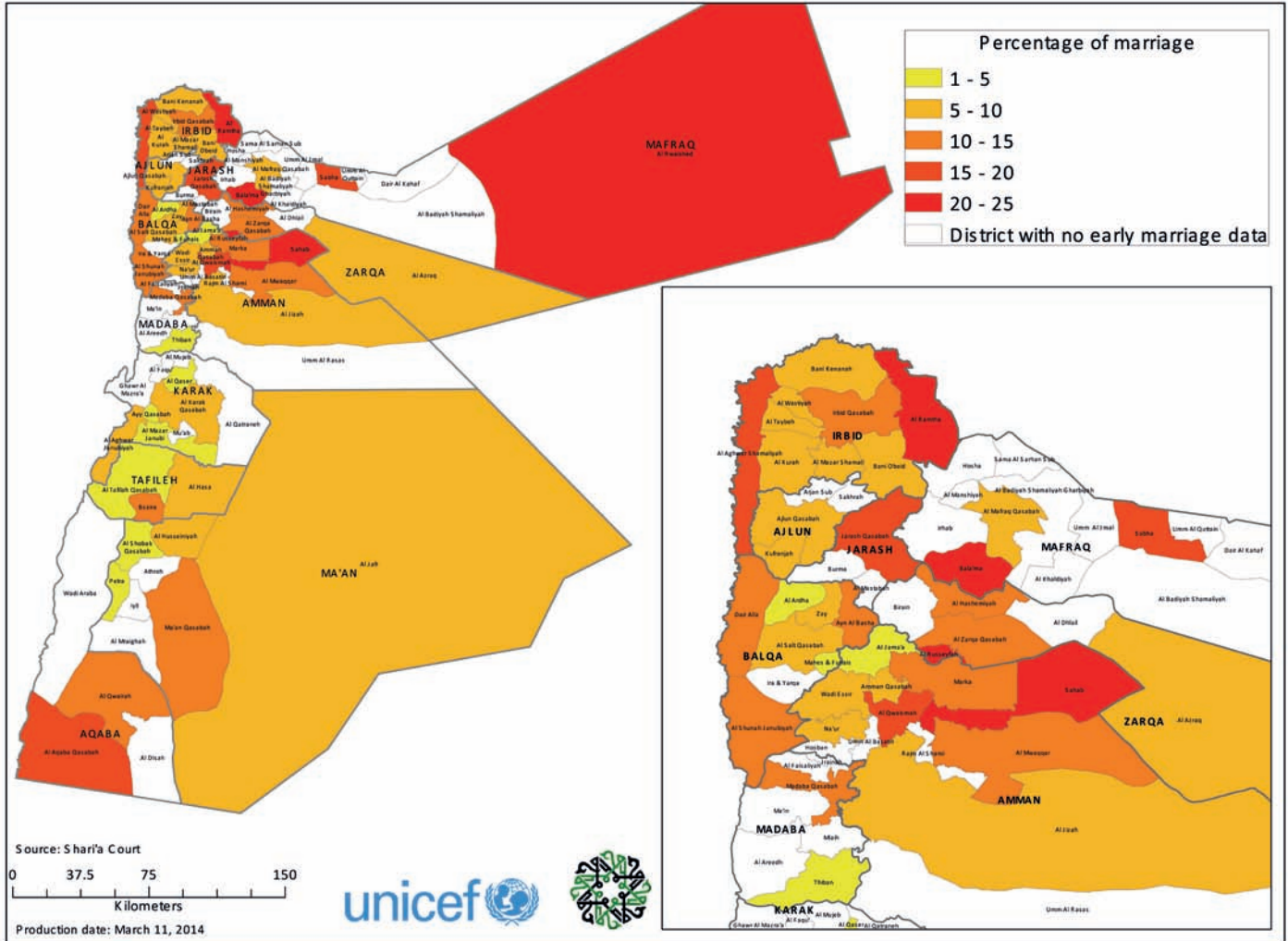
³ In Jordan, couples traditionally do not live together until they have had a wedding celebration, which takes place at some point (the duration of the interval varies) after the *katb kitab*. This intervening period between the *katb kitab* and the wedding party is sometimes referred to as the engagement period. Should a couple decide not to proceed with a marriage after the formal registration has been completed (but without a wedding party or ever living together) the separation will be documented as a divorce. The divorce document will indicate whether couple has consummated the marriage or not.

⁴ Nabulis Encyclopedia, Scientific Themes for Friday Sermons – No. 430: the Solar Year and the Lunar Year.

⁵ The statistics referred to in this report deal exclusively with marriages approved and recorded by *shari'a* (Islamic) courts of Jordan, while interviews and focus group discussions also touched upon unregistered marriages. It should be noted that in Jordan it is permissible, under Article 79 of the Provisional Personal Status Law (No. 36) of 2010, for a Muslim man to marry up to four women, provided the husband is “fair and just”.

Marriage Among Girls Aged 15-17

(As Percentage Of All Registered Marriages) In 2012



Executive summary

This report presents the findings of a quantitative and qualitative examination of the phenomenon of The period covered by the statistical analysis is 2005-2012, and also includes findings from a limited range of data available in relation to 2013 and the first quarter of 2014. Annual reports of the Department of the Chief Justice (*Qadi Al Qudah*) provide an overview for the years 2005-2011, while more comprehensive data available from 2011, 2012 and 2013 allowed the construction of a more complete snapshot of early marriage practices among Jordanians, as well as Palestinians and Syrians currently living in Jordan.⁶ Interviews (surveys and semi-structured interviews) and focus group discussions were conducted in June, July and October of 2013 in five governorates to elicit the views of: mothers, fathers, women who had married early, NGO and government service providers, judges, *sheikhs* and *imams* as well as community leaders. Although the statistical analysis – particularly in relation to the disaggregated data – is limited to a relatively short time frame, **this study provides invaluable insight into attitudes to child marriage and establishes a crucial baseline against which efforts to eliminate the practice can be measured at a later date.** It is important to note that the *shari'a* court data upon which much of this analysis is based reflects only those marriages contracted under Islamic law, and that unregistered marriages and marriages of people of other religions are therefore not represented in these statistics.

Statistical analysis

Despite the updated legislation on the minimum age of marriage, **there has been no significant decline in rates of child marriages registered in the *shari'a* courts in Jordan from 2005 to 2013.** The rate ranged from 14.3 per cent in 2005 to a slightly reduced 13.2 per cent in 2013 (with an apparently anomalous drop to 8.5 per cent recorded in 2009). The 2013 rate showed an increase after staying stable at 12.6 per cent in 2011 and 2012.

The vast majority of early marriages every year have involved girls. The number of girls marrying has

generally ranged (excluding the 2009 result) from 8,198 (or 13.9 per cent of all marriages) in 2005 to a high of 9,618 (or 13.2 per cent of all marriages) in 2013. Numbers of boys who married before the age of 18, meanwhile, have ranged from a low of 152 in 2010 to 272 in 2013, accounting for less than half of 1 per cent of all marriages in any given year.

Child marriage and nationality

Unsurprisingly, given their statistical predominance, **the vast majority of girls who married below the age of 18 in 2011-2012 were Jordanian nationals⁷** (94 per cent of all registered child marriages in 2011 and 2012 and 87.4 per cent in 2013). Girls with **Palestinian** nationality accounted for 3.6 per cent (2012) and 4 per cent (2013) of registered child marriages and Syrian girls for 0.5 per cent (2011), 1.7 per cent (2012) and an exponential 7.6 per cent (2013). By January 2013, more than 120,000 people fleeing the conflict in Syria had been registered with UNHCR in Jordan, and more than 570,000 registered refugees one year later. **The sharp rise in early marriages among Syrian girls reflects this influx.⁸ In 2013 and the first quarter of 2014, the prevalence of early marriage among Syrian girls showed a sharp rise, indicating a growth trend** with the prevalence of early marriage among all registered marriages for Syrians increasing from 25 per cent in 2013 to 31.7 per cent in the first quarter of 2014. The total number of registered marriages between Jordanians and Syrians also doubled from 2011 to 2012. Statistics for 2012 on the ages of girls involved in child marriages showed that the highest proportion of under-18 brides (be they Jordanian, Syrian or Palestinian)⁹ were 17 at the time they married, while the smallest proportion for each group was aged 15. For all nationalities, the average age of early marriage was 16 years and 3 months.

Spousal age gap

In terms of the spousal age gap in marriages involving girls, the 2012 statistics showed another significant difference. Of all Syrian girls who married between the ages of 15 and 17, 16.2 per cent married men who were 15 or more years older than them, compared to 6.3 per cent for Palestinian girls and 7.0 per cent of Jordanian girls who married early.

⁶ Marriages of Iraqis also figure among the data analysed for this study, however this group was statistically too small for useful findings to be made.

⁷ This group will also include a large number of people of Palestinian heritage, as the majority of Palestinians in Jordan have been granted Jordanian nationality. References to Palestinians in this report pertain only to Palestinians who do not have Jordanian national identification numbers.

⁸ Source: UNHCR <http://data.unhcr.org/syrianrefugees/country.php?id=107>, accessed 23 February 2014.

⁹ The sample size of Iraqi girls who married below the age of 18 in 2012 was too small to draw meaningful conclusions.

Qualitative analysis

Respondents from all nationality groups (Jordanians, Iraqis, Syrian and Palestinian refugees) indicated that in at least some circumstances, they considered early marriage acceptable. Most respondents – including women who had themselves married before the age of 18 – said that, in general, child marriage was not advisable. Nevertheless, **there appeared to be wide acceptance that the practice remained an appropriate response to certain “compelling circumstances”**. Views ranged as to what situations fell within the parameters of “compelling circumstances”, but there was widespread agreement that they would include teenage pregnancy, an abusive home environment, or situations in which an adolescent girl was living with extended family.¹⁰

Interviews and FGDs sought input on the **reasons for child marriage** for Jordanian, Palestinian, Syrian and Iraqi girls. Some common factors cited by respondents were: that it could alleviate poverty or the burdens of a large family with many daughters;¹¹ that it provided *sutra*¹² for young girls; that it represented the maintenance of traditions (cultural or family); and that it could serve as an escape for girls living in an abusive home situation. Although respondents indicated that the prospect of marriage might be raised by any member of the family (including the boy/girl to be married), it was more commonly instigated by a parent, and **the ultimate decision usually lay with the male head of household**.

All female respondents – including those who had married early and those whose daughters had married early – said that they did not want their own daughters to marry at an early age. It was stated on many occasions, however, that even when female family members were involved in arranging – including actively encouraging – marriages for girls, ultimately **the decision as to whether a marriage would go ahead lay with the child’s father/male guardian**.

Education and child marriage

Strong links were identified through interviews between education and early marriage, although the connection between the two were not uniform across all respondents. For example, some respondents reported that a teenage daughter’s poor performance at school could be reason enough to begin looking for a husband for her; in their view, there was little point in continuing with her education. For others, while a girl remained in school (even with marginal results), this was seen as reason *not* to consider marriage at that time. Having already left the school system appeared likely – on the basis of interview results – to increase a girl’s risk of being married before the age of 18.

Even though Jordan does offer a significant range of options for education outside the formal school system, **few married girls complete their education**, even if this has been stipulated in the marriage contract. The demands of married life and parenthood almost always end up taking priority. There are culturally based expectations in Jordan that married, and particularly pregnant girls will not attend mainstream schools.

Impact of the Syrian crisis

Interviews suggested **that early marriage has long been an accepted practice in Syria, but that the Syrian crisis has exacerbated existing pressures believed to encourage early marriage and has also increased the danger that girls married early may end up in abusive or exploitative situations**.

Interviews and FGDs produced significantly differing responses from males and females. While all Syrian respondents reported that early marriage was a long-accepted social custom in Syria, male respondents indicated that a girl not engaged in education should marry between the ages of 13 and 20, after which the chances that she will find a husband dwindle. Syrian women who had, themselves, married between the ages of 13 and 17 (there were eight such respondents)

10 In such situations, the fear is often that living in such close quarters with a person with whom sexual relations are not prohibited on the basis of familial proximity is likely to lead to an illicit relationship. By marrying the non-relative child in question to a member of the host family, it is believed that this risk is eliminated.

11 The average family size in Jordan is 5.4 according to the Department of Statistics report “Jordan in Figures 2012”. This means that the average for a family is 3-4 children.

12 *Sutra* is a concept that has roots in Islam, but has also attained wide cultural acceptance in the region among people of all faiths. Precise interpretation of what the concept encompasses may differ from one group to another, but in a general sense, *sutra* means attaining security in life and protection from hardship. It can be pursued proactively, as a kind of safeguarding of one’s future, or reactively, in response to a situation perceived as problematic.

said that they felt the appropriate age for a girl to marry was 19 or 20.

Information provided by interview and FGD respondents indicated that **displacement has also added to the dynamics of child marriage**. Refugees reported that some people resorted to marriage to facilitate the entry of Syrian men into Jordan (having heard that family groups were accepted more easily). The belief that marriage provided greater security (of all kinds) for girls in an insecure environment - in Syria or Jordan - has also reportedly made some families more inclined to marry their daughters at a younger age.

A new sense of urgency has undermined the thoroughness of the investigations that Syrian families would normally make into the character, qualifications and family background of potential husbands for their daughters. Now, inquiries reportedly focus more on immediate needs such as the groom's ability to provide short-term financial security. While the failure to properly register marriages in Jordan and the hastier process of background checks for potential husbands potentially affects all Syrian refugee women, the risks are of particular concern in relation to girls under the age of 18.

Marriages conducted in Syria would normally be officiated by *sheikhs* known to both families, whereas Syrian refugees in Jordan are reportedly accepting that this role be performed by a stranger. According to one respondent in *Za'atari* refugee camp, there are "opportunists" in the camp who take advantage of this to present themselves as *sheikhs* for the purpose of conducting marriages, some of which it emerged later, were not proposed in good faith. This is further increasing risks for Syrian girls.

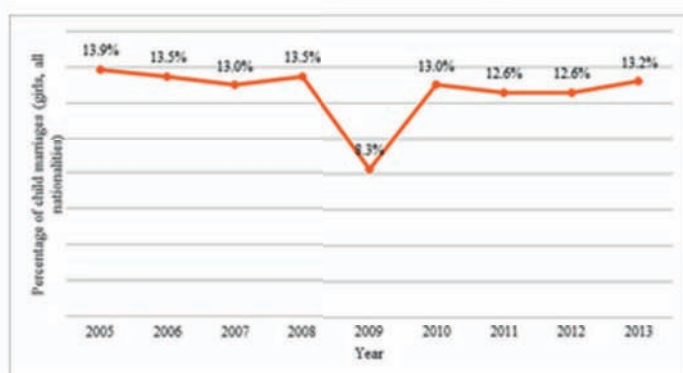
Marriage registrations

People marrying in Syria tend to carry out the religious requirements for the union and register the marriage with authorities considerably later (for example, when registering the birth of a child or obtaining travel documents). Syrian refugees in Jordan reported in interviews and FGDs that lack of knowledge of registration processes in Jordan, coupled with a belief that they would soon return to Syria and a more familiar system (in which immediate registration of the marriage is not always customary), had led some Syrians to neglect to properly register their marriages in Jordan. Measures have been introduced to make it easier for Syrian refugees to meet Jordan's registration requirements, however

interview participants appeared unaware of these developments, and stories of high fees and arduous administrative requirements continue to circulate the Syrian refugee community. Because it is known that Syrian refugees are not uniformly registering their marriages in Jordan, some caution should be exercised in the analysis of the *shari'a* court statistics, which reflect only registered marriages and, therefore, provide an incomplete picture.

Child marriages registered in Jordanian shari'a courts, by nationality, 2013

	Marriages at age 15-17	All registered marriages	Marriages age 15-17 as % of all marriages
Jordanian	8 402	66 184	12.7%
Palestinian	382	2 173	17.6%
Syrian	735	2,936	25.0%
Iraqi	19	471	4.0%
Other	80	1096	7.3%
Average			13.2%



NB: The data for 2009 reflects an anomalous drop which is presumably due to administrative reasons

Conclusion

The practice of early marriage shows no sign of abating in Jordan. The definition of 18 as the legal age for marriage in Jordan is undermined by an acceptance that special permission – very dependent on the interpretation/discretion of individual judges and reportedly not difficult to obtain – may be given for children as young as 15 to marry.

The situation for Syrian refugee girls, in particular, is cause for added concern. Child marriage is a long-accepted practice in some parts of the Syrian population. As displacement and the challenges of living in exile are weakening other coping mechanisms, there is reason to be concerned that families may be more inclined than before to resort to child marriage in response to economic pressures or to provide a sense of security for their daughters.

Longer-term measures will be required to promote societal attitude and behaviour change on the issue of child marriage, and to address some of the underlying contributing factors such as poverty and the need to secure future prospects for women in particular. In the meantime, however, it is likely that significant impact could be gained, in addition to improving existing prevention and response activities, by increasing the minimum age at which discretionary permission to marry may be granted by a *shari'a* court to at least 16 years; issuing more precise instructions on the application of the special permission to marry below the age of 18; and introducing a specialized panel to assess – based on the best interests of the child – each such application.

1. Background

1.1 Marriage practices for Muslims in Jordan

In Jordan there are no civil marriages and all marriages involving Muslims¹³ must be performed according to the Personal Status Law, which is based on *shari'a* (Islamic) law. The Department of the Chief Justice (*Qadi Al Qudah*) oversees Jordan's *shari'a* courts.¹⁴ *Shari'a* law is the primary source from which the Jordanian Personal Status Law is derived and the *shari'a* courts, located throughout the country, have jurisdiction over matters related to marriage, divorce, inheritance, custody and alimony for Muslims in Jordan (regardless of their nationality or the nature of their stay).

The marriage contract, or *katb kitab*, is signed by the bride and groom in the presence of an officer of Jordan's *shari'a* courts. This is usually a private affair, attended only by close family. The marriage contract formally establishes the couple's acceptance of one another as spouses and outlines their responsibilities to one another in all aspects of their interaction. There are specific conditions that have to be met for the marriage contract to be binding and recognized. These conditions are: 1) consent of both the groom and the bride; 2) provision of a dowry by the groom to the bride (which remains her personal property, usually received by her father on her behalf in the case of cash, and spent with the bride's agreement); 3) witness borne by two male adults 4) permission from the male guardian of the bride (see Annex 4 for full text of special conditions).¹⁵ It is at the stage of concluding the marriage contract that any "prenuptial" contract conditions are added. These may be submitted by either the bride or the groom and, if agreed, become legally binding conditions of the marriage.¹⁶

After the contract is signed, the couples are legally married, however they generally do not begin living

together, or consummate the marriage, until they have held a wedding celebration to publicly announce the marriage. If the marriage were to be dissolved after the conclusion of the *katb kitab*, but before the wedding celebration, it would be categorized as a divorce (though the absence of consummation would be noted). The legal age for marriage in Jordan is 18. Marriages involving a child of 15-17 years are permitted only under specific circumstances and require special approval from a *shari'a* court judge.¹⁷

Before approving such a marriage, the judge must be satisfied that:

- The groom is appropriate "in terms of religion and wealth";
- All involved (including the child and the child's legal guardian) have agreed freely to the marriage;
- The marriage has to serve the interest, economic, social or security, and 'warding off the evils' and the court can use any measure deemed suitable to check and confirm the necessity for the marriage.
- There should be a benefit from the marriage and any age difference between the applicants is appropriate
- The marriage is not repeated, meaning the intention is to form a long-term union
- The marriage will not cause the discontinuation of education.
- Consent of the legal guardian of the prospective spouse below 18
- The court needs to provide proper documentation of the justification of the marriage to be submitted to the Department of the Chief Justice for review and approval. The marriage is registered after double-checking there are no legal or *shari'a* reasons to forbid the authorization of the marriage (see Annex 5 for full text of the Special Instructions).

¹³ This section focuses only on Muslims' marriage practices because the data on which the study is based includes only marriages registered with the *shari'a* courts. For Christians living in Jordan, marriage must be performed according to the Ecclesiastical Court or Church Tribunal Court. There are three main Christian denominations in Jordan, Orthodox, Catholic and Protestant. Each denomination or church (based on the husband's denomination) performs the marriage according to its own law and the marriage is then registered at the Jordanian Civil Authority. For divorce and other marriage-related matters, the Christian Religious Courts apply their own laws (with the exception of matters of inheritance, on which all Christian courts in Jordan apply the Jordanian Personal Status Law). Source: Jordanian Interfaith Coexistence Research Center.

¹⁴ The Department of the Chief Justice governs Jordan's *shari'a* courts, which apply Islamic law in matters of personal status for Muslims, cases concerning blood money (*diya*), and matters pertaining to Islamic trusts (*awqaaf*).

¹⁵ Personal Status Law (No. 36) of 2010, Chapter 2, Articles 5-13, "Conditions of Marriage".

¹⁶ In the event that there are no conditions, this must be explicitly stated in the contracts.

¹⁷ A marriage cannot be legally registered in Jordan for a child aged below 15. In rare cases a judge may authorize a marriage involving girls or boys below 15 years of age (in case of pregnancy, for example) and registration will then be on hold until the girl turns 15.

¹⁸ Provisional Personal Status Law (No. 36) of 2010, Art. 10.

1.1.1 Laws and regulations relating to child marriage in Jordan

Personal Status Law: The Personal Status Law No. 60 for 1976. Article (5) sets the age for marriage at 15 “lunar” years for both boys and girls. The Provisional Personal Status Law No. 82 for 2001, amended article (5) and increased the minimum marriage age to 18 calendar years, allowing judges to marry girls and boys aged 15-17, with the ages to be calculated, according to special instructions issued by the Chief Justice, in lunar years. In 2010, the Provisional Personal Status law No. 36 amended this further to say in article 10 (b) that marriage is permitted by obtaining approval from the Chief Justice at 15 “calendar” years.¹⁹

Education Law: Neither child marriage, nor the status of married students are specifically addressed in the Education Law for (1994)²⁰ or any other Ministry of Education regulation. According to Article 10(a), basic education is free and mandatory, and 10(b) states that no student can be excluded from basic education before the age of 16 unless she/he has a “health condition” verified by a medical report.

Health Law: There is no reference in Health Law No 47 for 2008 to the health implications of child marriage.

1.2 Marriage practices for Muslims in Syria

In accordance with Syria’s Personal Status law (No. 59) of 1953 and amendments (2009), marriage for Muslims in Syria is based on the shari’a principle of “offer and acceptance”, whereby a man offers to marry a girl/woman and she (or her guardian, if it is her first marriage) accepts. This takes place in the presence of two witnesses and a *sheikh* known to both parties.

The general legal age for marriage in Syria is 18 for males and 17 for females. However, with the permission of the male legal guardian, and special approval from a judge, boys may be able to marry at the age of 15, and girls as young as 13.²¹ In the event that a girl younger than 15 or a boy younger than 17 attempts to register a marriage, the documentation process stops until they reach the required age.²²

Although registration of marriage is a legal requirement under Syrian law, in practice the penalties for failing to do so are not enforced, and

questions of inheritance, divorce, etc. (governed by shari’a law) are not affected. For these reasons, it is common for couples in Syria to register the marriage some time after an event – when a child is born or is starting school, for example, or when there is a need to obtain travel documents for the husband and wife, or their children.

Before Syrians may marry, they must obtain approval from a judge, which requires the following:

- Approval from a person of some social standing, who will confirm that he knows the couple in question and that there is no religious or social reason why they should not be married;
- Birth certificates and proof of identification for each party;
- Results of a medical test;
- Approval from the armed forces for members of the military or men who have reached the age of compulsory military service;
- Approval from Ministry of Interior (in cases where the prospective husband is not Syrian);
- A signed acknowledgement by the couple that they have read and understood the Ministry of Justice booklet on rights relating to marriage (including child custody).

According to a number of *sheikhs* or *imams* who were interviewed for this study, however, one reason for the delay in registering marriages in Syria is the requirement mentioned above for men of national service age to obtain approval from the armed forces (the implication being that this requirement is not always observed).

¹⁹ The amendments introduced by the Personal Status Interim Law for the year 2010 – which effectively increased the minimum age of marriage from 14 years and 7 months to 15 years – did not have any significant impact on the prevalence and numbers of child marriage.

²⁰ Education Law (No. 3) of 1994.

²¹ Personal Status law (No. 59) of 1953 and amendments (2009), Art. 44.

²² Personal Status law (No. 59) of 1953 and amendments (2009), Art. 82.

2. Methodology

2.1 Desk review

A desk review was conducted of reports and studies dealing with child marriage which included (but was not limited to) the UN inter-agency assessment “Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, With a Focus on Early Marriage” (2013), “Findings from the Inter-Agency Child Protection and Gender-Based Violence Assessment in the *Za’atari* Refugee Camp” (2013), UNHCR’s “Focus Group Discussions among Syrian Female Refugees on Early Marriage” (2013), UNRWA “Early Marriage. A mapping in three Palestinian refugee camps in Jordan”(2013), UNICEF’s Gender Equality Profile Status of Girls and Women in the Middle East and North Africa (2011) and UNICEF’s Global Databases on Child Protection and Child Marriage. (See Annex 1 for full details of materials reviewed.)

2.2 Statistical analysis

The prevalence of child marriage in a country is most reliably measured by using national-level surveys – such as Jordan’s Demographic and Health Survey (DHS) – to calculate the percentage of women aged 20-24 years who were married or in a union by the age of 18. In Jordan’s most recent DHS (2012), the proportion of women aged 20-24 who had been married by the age of 18 stood at 8.4 per cent.

The present study, however, takes a different approach, assessing and analyzing the incidence of child marriage among marriages registered with Jordan’s shari’a courts. The Department of the Chief Justice provided general data covering 2005 to 2012, and more detailed data for 2011 and 2012 at district level. A limited amount of general data was available relating to 2013 and 2014.

Although the prevalence rates indicated from these data sources are not comparable with global statistics, *shari’a* court data provides a wealth of information that is not available from the DHS. It includes, for example, details of the age gap between spouses involved in child marriages, the marital status of the husband (in accordance with Islamic law, limited polygamy is permitted for Muslim men in Jordan), and the literacy and employment status of each spouse. This data, in combination with the qualitative data drawn from interviews and focus

group discussions, has made it possible to develop a significantly more nuanced understanding of the phenomenon of child marriage within a significant portion of the population of Jordan.

2.3 Qualitative analysis

Field research provided context in relation to community level norms and attitudes relating to child marriage, to complement the quantitative analysis and provide greater insight and understanding of the practice. Fourteen focus group discussions, with a total of 106 participants, were conducted: six with Syrian participants; four with Jordanians; three with Palestinians, and one with Iraqis. Additionally, 92 structured, semi-structured and group interviews were conducted with government officials. (See Annex 2 for further detail).

Primary data was collected through a combination of structured and unstructured interviews, questionnaires and gender-segregated focus group discussions. Participants included the following:

- i. Chief of Islamic Justice and Shari’a Courts (Qadi al Qudah), His Excellency Samahat Sheikh Hillael;
- ii. Shari’a judges and staff at the Department of the Chief Justice (including ma’touns);
- iii. Governors
- iv. Government entities: Ministry of Interior, Public Security Directorate, Ministry of Education, Ministry of Health, Ministry of Social Development;
- v. Community members (including parents and women who had married below the age of 18);
- vi. Religious and traditional leaders; and
- vii. NGO staff working in women’s health, children’s rights and social welfare.

Locations chosen for fieldwork were selected based on a combination of criteria including statistical prevalence rates of child marriage, population diversity in terms of nationality (primarily focusing on Jordanians, Palestinian and Syrian refugees and Iraqis²³), and population density.

All interviews/discussions were conducted in accordance with the WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies.

2.4 Constraints

- The statistical analysis is limited to a relatively short time frame (2005-2013), and data disaggregated by nationality was available only for 2011 and 2012.
- Data relates only to marriages conducted according

²³ Iraqis did not always constitute a statistically useful sample size, and in these cases, results do not refer to them.

to *shari'a* law (and therefore to marriages involving Muslim men).

- The statistical analysis is also limited to registered marriages. Findings from interviews and focus group discussions indicate that an unspecified number of Syrian refugees have not registered their marriages with the Jordanian authorities, and therefore the *shari'a* court data may not provide a complete picture. Likewise, anecdotal evidence suggests that not all marriages among all nationalities in Jordan are registered, particularly those involving girls aged below 15 years.
- Fathers of girls who married early were reluctant to openly discuss the marriage of their daughters in focus group discussions. One focus group discussion was conducted with men (mostly husbands, rather than fathers of girls married before the age of 18) at *Za'atari* refugee camp.²⁴ Information from fathers of child brides is limited to input obtained through individual interviews.
- Media attention to the phenomenon of “marriage brokers” (who reportedly arrange marriages between Syrian refugee girls and men from outside Jordan for a fee) has made this a particularly sensitive topic among Syrian 16 refugees. Although respondents in *Za'atari* refugee camp confirmed that such people operate there, the research team was unable to meet or interview any.
- All Syrian respondents in interviews and focus groups were refugees (living either in *Za'atari* camp or in the community). Syrians who had not come to Jordan as refugees (that is, those who had resident or some other migration status) were not consulted in this study. It should be noted, too, that the vast majority of Syrian refugees in Jordan come from rural areas of Dera'a and Houran, and many are from constrained socio-economic backgrounds. Their responses should therefore be seen as representing a very specific sub-set of the Syrian population.
- Palestinian participants in interviews and focus groups were exclusively refugees living in camp settings, who do not have Jordanian national identification numbers. Therefore, they represent only a very specific sector of the broader Palestinian community present in Jordan.
- Numbers of Iraqis were extremely low and as a consequence, they are not always included in the presentation of results.

3. Findings

3.1 Statistical analysis - 2005-2012

Data on child marriage and divorce were examined at national, governorate and district levels, for girls and for boys. By way of context, the average age for marriage for women of all nationalities in Jordan from the statistical information available was 23.4 years in 2012 and the average marriage age for men was 29.4.

Women aged 18-20 accounted for 22.7 per cent of women marrying in 2005 and 2006 (see Figure 1), with their proportion dipping to 17.7 per cent (in 2009) before rising again to above 21 per cent. It remained at this rate for the rest of the period (21.4 per cent in 2010 and 2011, 21.1 per cent in 2012). Women aged 21-25 were regularly the most populous age bracket, accounting for 36.1 per cent at their lowest point (2009) but usually hovering just above or below 40 per cent (from 39.4 per cent in 2005 up to 40.8 per cent in 2007). Together, this combined 18-25 age bracket consistently accounted for more than 60 per cent of all brides (with the sole exception of 2009, when they still represented 59.1 per cent of the total). Women aged 26-29 routinely accounted for about 13 per cent of the total (with the exception of 2009, when they made up 23 per cent of all women marrying), and the 30-40 age group only once accounted for more than 10 per cent (in 2009). For men, the age range starts higher and is wider than that for the majority of women (see Figure 2). Taking the three bands that account for vast the majority of men marrying between 2005 and 2012 – that is, 21-25, 26-29 and 30-40 – the regularity of their distribution is notable. Men aged 21-25 consistently account for between 24.11 per cent (2008) and 30.52 per cent (2009) every year, while men aged 26-29 were always the largest group, usually ranging from 31.42 per cent (in 2006) to 32.05 (2005), with a small spike in 2008 to 36.69 per cent. Representation of men aged 30-40 varied across a range of just 2 percentage points, from 24.75 per cent (in 2010) to 26.74 per cent (in 2006). Every year, the combined 21-40 age group accounted for more than 85 per cent of all men married.

²⁴ Men in this group were aged 20-25 and most of them had married girls aged below 18.

Figure 1

Age at marriage, females 2005-2012

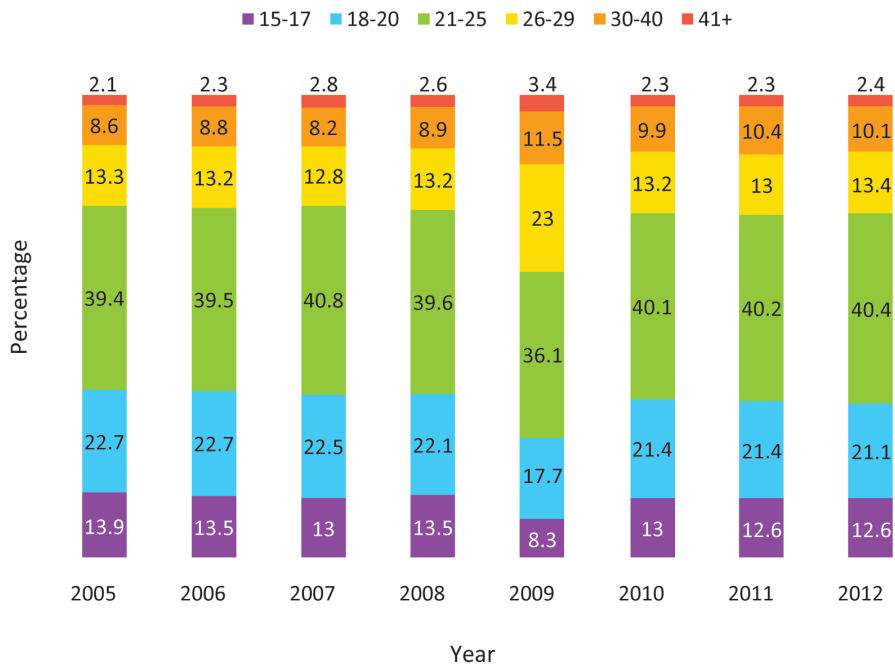
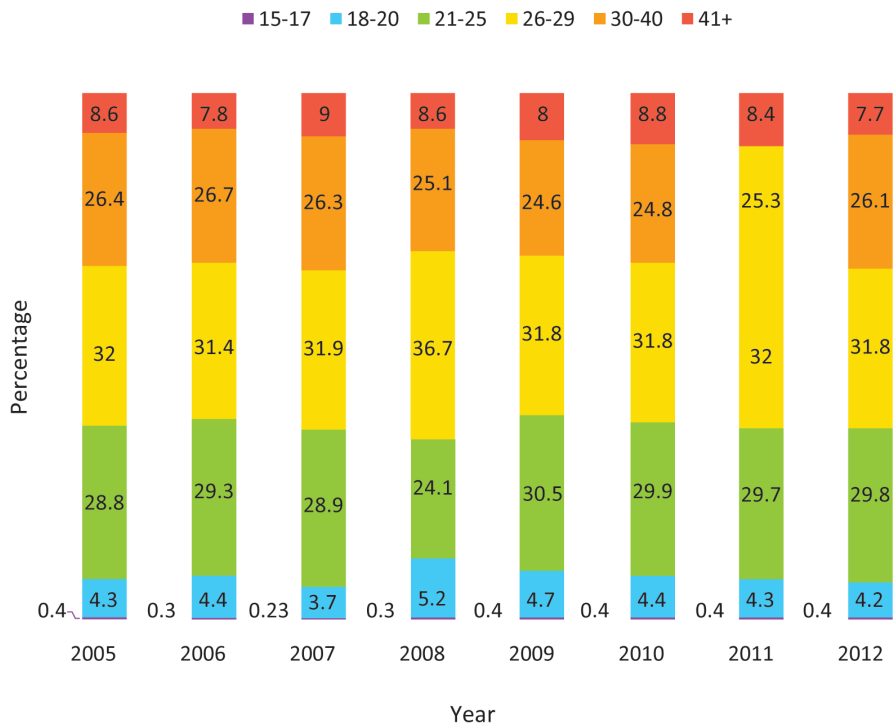


Figure 2

Age at marriage, males 2005-2012



In the period under review (2005-2013), the number of registered marriages in Jordan and the number of marriages involving girls and boys aged 15-17 all increased, but the increase was not constant year by year, nor did the movement across the three categories (marriages overall, girls' marriages and boys' marriages) follow the same pattern.

Despite the overall increase in crude numbers of children married, the rate of under-18 marriages as a percentage of all registered marriages in Jordan did not change significantly, fluctuating over a small range to finish down overall – but only slightly – from 14.3 per cent in 2005 to 13.6 per cent in 2013 (with an anomalous drop to 8.5 per cent recorded in 2009) (see Table 1). Looking at child marriages for girls as a percentage of the (estimated) total female population aged 15-17,²⁵ there is a barely perceptible decrease, from 4.7 per cent in 2005 to 4.3 per cent in 2012 – a movement of less than one percentage point.

The disparity between the rates of child marriage for girls and boys is stark, both in terms of absolute numbers, and as a percentage of all registered marriages. The number of boys married below the age of 18 is dramatically lower than for girls every year throughout the period under review. (Excluding the apparently anomalous 2009 figure of 5,349, the range for girls is from 8,198 in 2005 to a high of 9,618 in 2013, compared with 152 in 2010 up to 272 in 2013 for boys). As a percentage of all marriages registered in any given year from 2005 to 2013, marriages involving boys below the age of 18 fail to reach even half of one per cent (see Table 1, below).

Detailed shari'a court data for 2012 indicated that (self-reported) literacy rates were extremely high among girls who married early (99.6 per cent), and almost the same for the boys/men they married (99.5 per cent). In the same year, 96.3 per cent of boys who married under the age of 18 were literate. Most boys (97.0 per cent) married girls or women who were also classified as literate. There was no significant variation according to nationality.

Girls marrying before the age of 18 in 2012 (98 per cent of girls of all nationalities) were generally not

engaged in paid work when they married.²⁶ Just 1 per cent of Syrian (that is, two of 148 girls) and Jordanian girls (90 of 8,419 girls) under 18 who married that year were classified as employed, 2 per cent of Palestinian girls (six out of 318). Their husbands, however, were almost all in employment. Only 1 per cent of Jordanian girls, 3 per cent of Syrian girls and 7 per cent of Iraqi girls²⁷ married men who were unemployed. All but one of the 318 Palestinian girls who married that year married a man who was in employment.

Only seven of the 267 boys who married under the age of 18 in 2012 (that is, 4.5 per cent) were classified as unemployed.²⁸ All but three of the women and girls who married underaged boys that year were classified as unemployed.

²⁵ It is only possible to register a marriage for girls aged 15 and above, therefore the total population of girls who could potentially enter into an under-18 marriage is the total population of girls aged 15-17 (as estimated by the Jordanian Department of Statistics).

²⁶ *Shari'a* court data includes in the designation "not employed" retirees (clearly not applicable to girls aged 15-17), students, women engaged in home duties and people "without a profession".

²⁷ It should be borne in mind that the number of Iraqi girls aged 15-17 who registered marriages in 2012 was just 15, or 0.2 per cent of all under-18 marriages registered for girls.

²⁸ For the purposes of *shari'a* court statistics, the classification "unemployed" includes retirees and women engaged in home duties (two sub-groups clearly not applicable to boys aged 15-17), students, and people "without a profession".

Table 1

Child marriages registered in Jordanian shari'a courts, 2005-2013

Year	Registered marriages in Jordan (all ages)	Girls 15-17*	Girls 15-17 (as % of registered marriages)	Boys 15-17*	Boys 15-17 (as % of registered marriages)
2005	58 932	8 198	13.9	232	0.4
2006	62 612	8 471	13.5	241	0.4
2007	65 027	8 426	13	232	0.4
2008	66 581	9 014	13.5	242	0.4
2009	64 738	5 349	8.3	180	0.3
2010	61 770	8 042	13	152	0.3
2011	64 257	8 093	12.6	211	0.3
2012	70 400	8 859	12.6	267	0.4
2013	72 860	9 618	13.2	272	0.4

* Marriages cannot be registered with the *shari'a* courts in Jordan for persons below the age of 15.

NB – the number of all child marriages for each year is not the sum of girls' marriages plus boys', because this would result in double-counting the many cases in which a marriage involves two child spouses.

3.1.1. Marriage for girls aged 15-17, 2005-2013

Despite the fact that the national marriage registration rate for girls aged 15-17 (both as a proportion of the female population aged 15-17 and as a proportion of all registered marriages) shows an overall decrease in the period 2005-2013, the change is slight (see Figure 3), and overall numbers have increased from the (apparently anomalous) 2009 low

of 5,349 to 9,618 in 2013. Whether comparing girls' under-18 marriages as a percentage of all marriages, or of the total population of girls aged 15-17, at the governorate level, Zarqa generally ranks markedly higher than other governorates (despite the sharp dip in 2009 on both scales, and 2012, when Jerash showed higher levels) (see Figure 5).

Figure 3

Registered marriages in Jordan (total and girls aged 15-17), 2005-2012

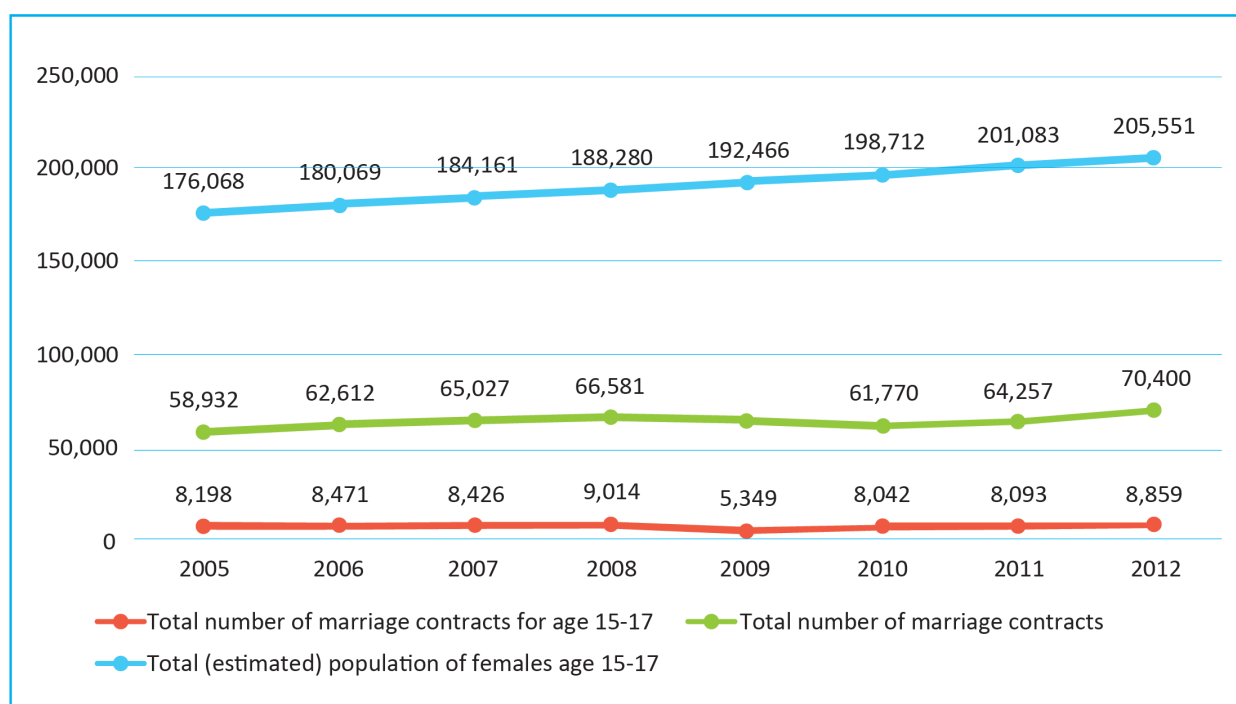
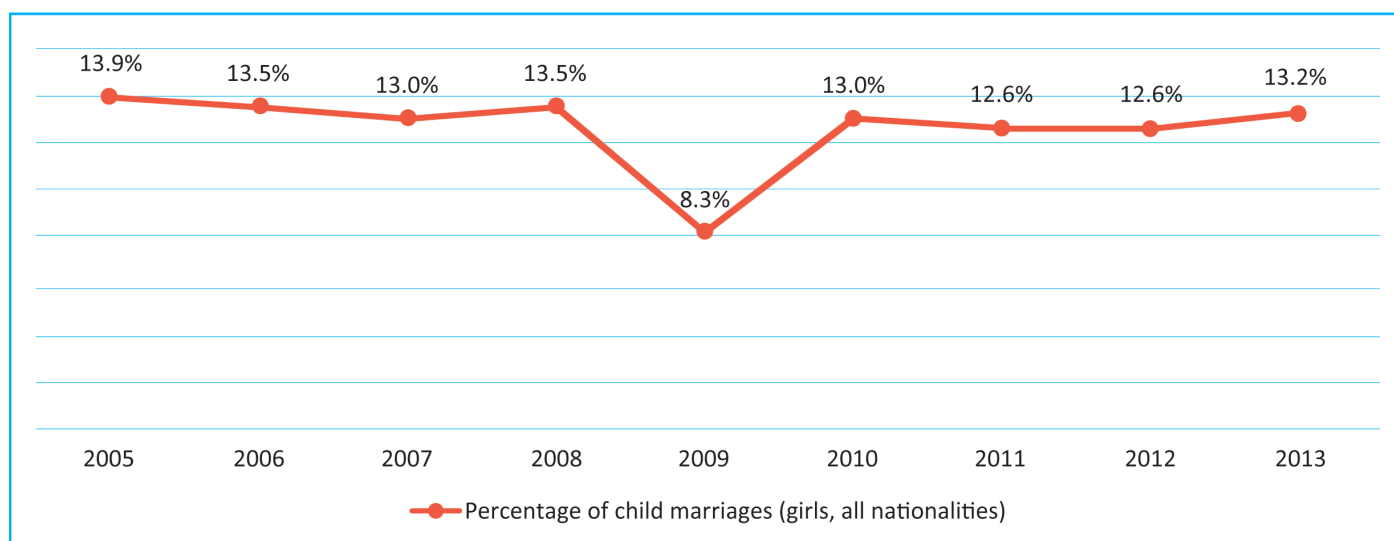


Figure 4

Marriage among girls aged 15 -17, 2005-2013

(as a percentage of all marriages and as a percentage of total estimated female age cohort)



For Irbid, Amman, Aqaba and Zarqa, the sharp rise of 2010 has the appearance of being a “correction” of the anomalous 2009 data (see Figures 5 and 6, below). For Jerash and Aqaba, however, both measures of under-18 marriage show sharp increases in 2011 and 2012, beyond the highest previously recorded levels, while governorates that were untouched by the 2009 dip – Ma’an, Madaba, Mafraq, for example – have also seen rates rising in 2012. Neighbouring governorates Karak and Tafileh, meanwhile, have consistently recorded significantly lower rates of child marriage than the rest of the country.

Poverty is repeatedly mentioned – in responses gathered in the field work conducted for this study, as well as in previous assessments and inquiries into child marriage – as a contributing factor to the phenomenon. The exact relationship between poverty and child marriage appears not to be a simple one, however.

In Zarqa governorate, the highest levels of child marriage in 2012 were in Russefiyah (where poverty rates have fallen since 2004 from 22.6 per cent to 19.2 per cent in 2006 and down to 8.4 per cent in 2008), Zarqa Qasabah (no data available on poverty levels), and al-Hashemiyah (where poverty fell from²⁹ per cent in 2004 to 31.1 per cent in 2006, rising slightly in 2008 to 14 per cent).

In Balqa governorate, the districts showing the highest child marriage rates in 2012 are also those listed in the 2012 report on pockets of poverty in Jordan – Shouneh Janoubieh (which saw an increase between 2006 and 2008 in the percentage of the population living below the poverty line²⁹ from 22.3 per cent to 40.2), Ein Basha (where poverty levels rose from 17.5 per cent to 25.2 per cent between 2006 and 2008), and Deir Allah (which was listed as a poverty pocket in 2004, but not in 2006 or 2008).³⁰ Yet, at the same time, the trend in Balqa appears to be one of declining child marriage (with the exception of spikes in 2006 and 2010) for the governorate as a whole.

The lack of obvious correlations between poverty data and rates of child marriage seen above, however, does not rule out a causal connection between poverty and child marriage, but it does suggest that aggregate income data (which is just one aspect of poverty, after all) is unlikely to be a reliable indicator of the risk of child marriage when viewed in isolation. More research into how and when poverty impacts on decisions around child marriage will be needed in order to properly target poverty-related interventions designed to reduce child marriage.

²⁹ Measured as a per capital annual income of 680 Jordanian dinars. Source: UNDP and Ministry of Planning and International Cooperation, Thinking Differently About the Poor: Findings from Poverty Pockets Survey in Jordan, 2012, p. 27

³⁰ UNDP and Ministry of Planning and International Cooperation, Thinking Differently About the Poor: Findings from Poverty Pockets Survey in Jordan, 2012, pp. 26-7

Figure 5

Registered marriages among girls aged 15-17

(as a percentage of all registered marriages) by governorate, 2005-2012

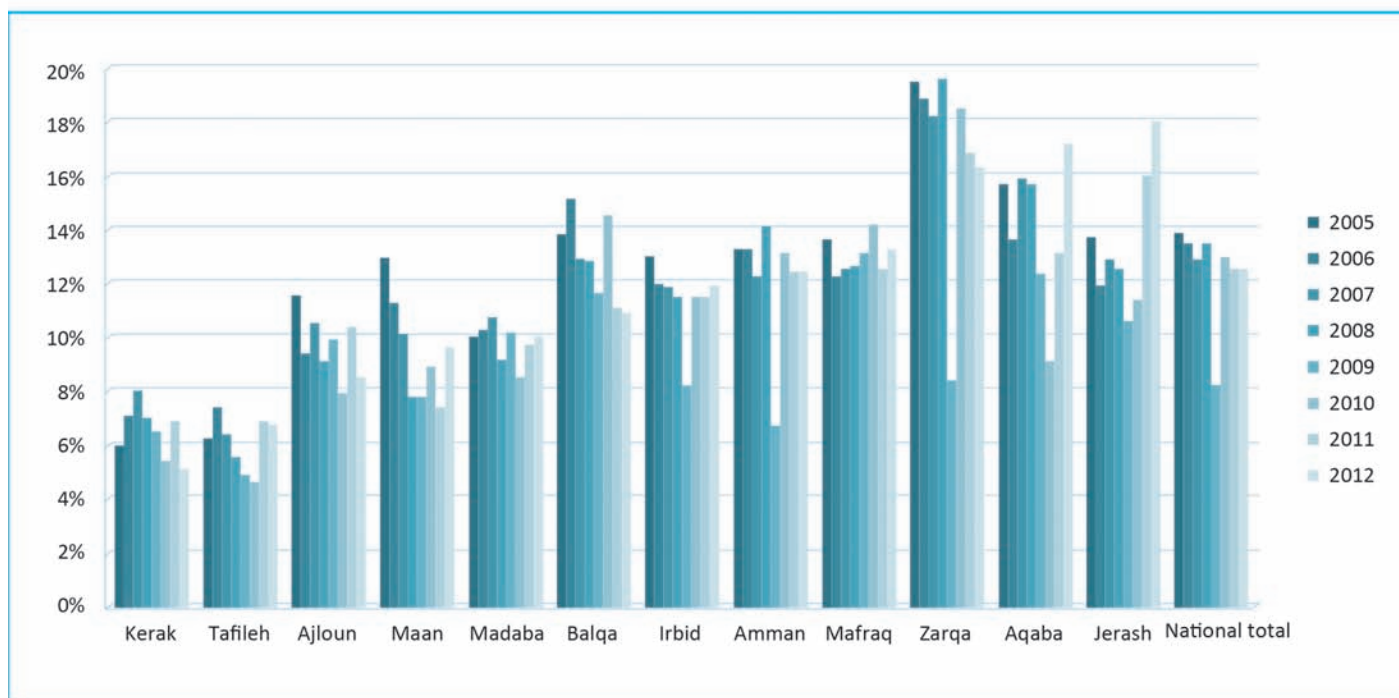
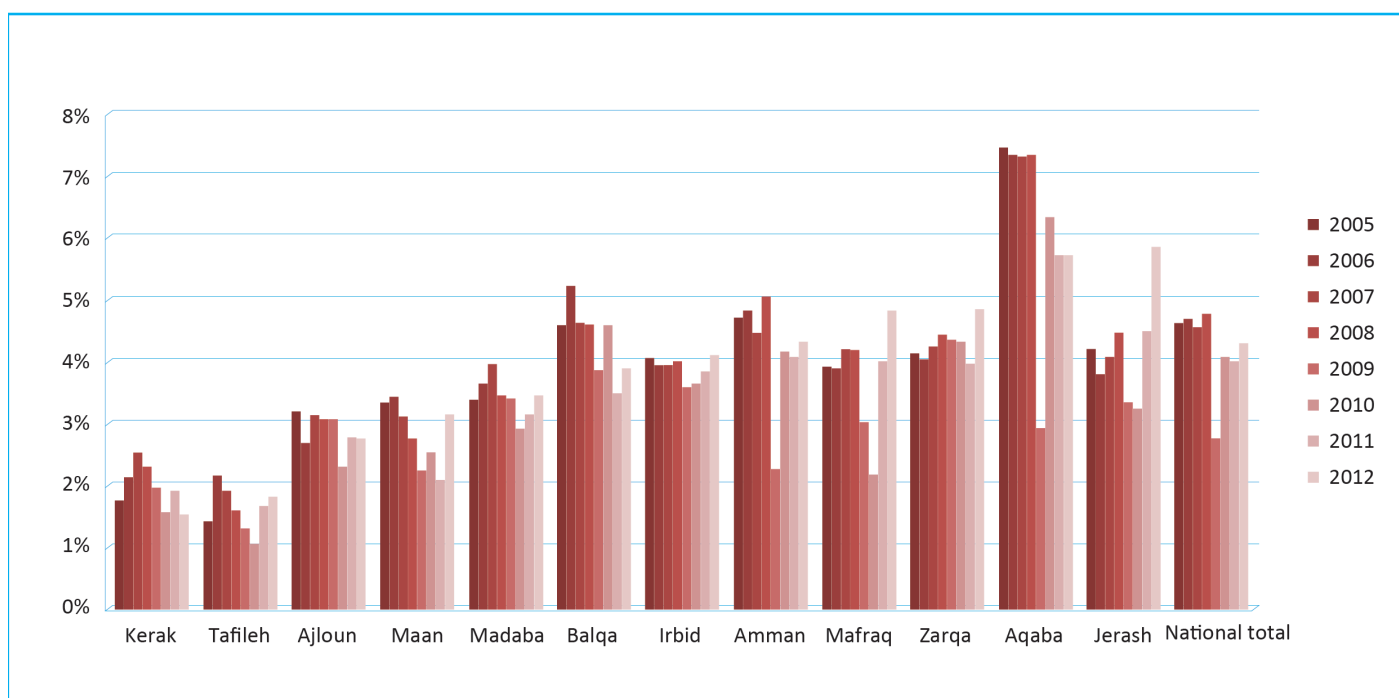


Figure 6

Registered marriages among girls aged 15-17

(as a percentage of estimated total female age cohort) by governorate, 2005-2012



3.1.2 Marriage for boys aged 15-17, 2005-2013

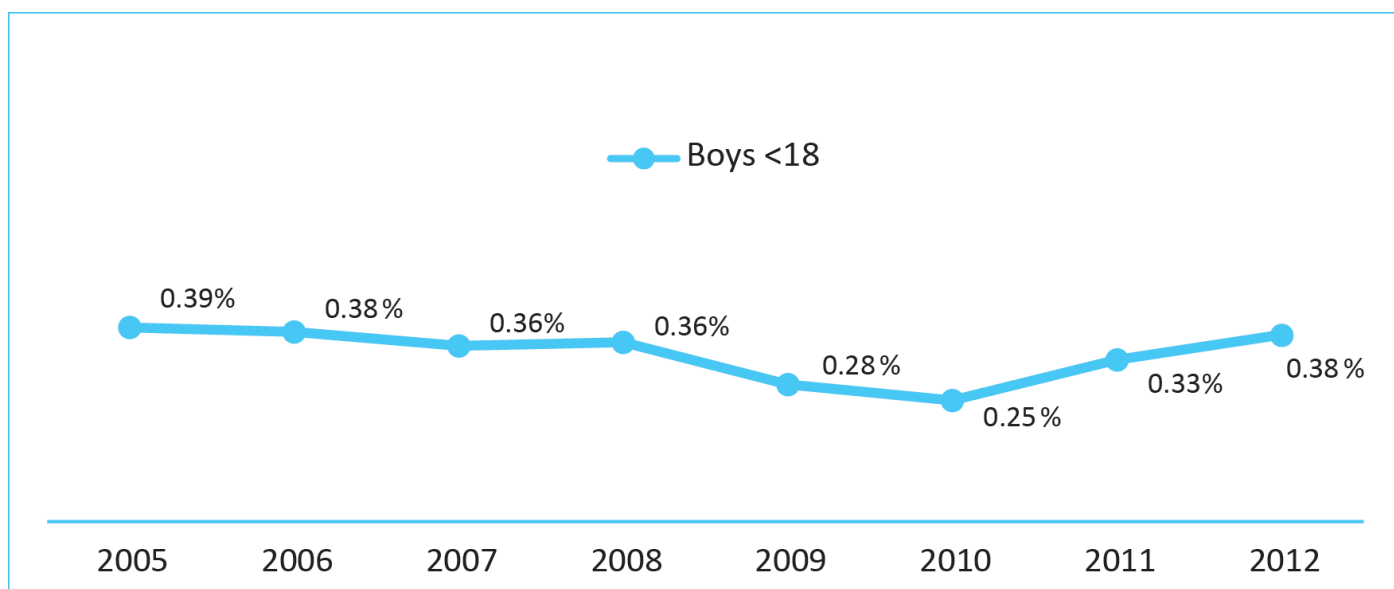
As mentioned above, the number of boys married below the age of 18 is very low, comparatively, ranging from 152 in 2010 up to 272 in 2013. As a percentage of all marriages registered in any given year from 2005 to 2013, marriages involving boys below the age of 18 fail to reach even half of one per cent (see Figure 7). The sample of boys aged 15-17 registering marriages was too small to be meaningfully analysed as a percentage of their male age cohort. Given that there is a strong trend for men to marry women

younger than themselves, it is unsurprising that the majority (70 per cent) of women marrying boys aged 15-17 were also under 18 years of age.

In terms of geographic trends, among the governorates with the highest rates of marriage for girls below 18 (Jarash, Aqaba, Mafraq, and Zarqa) all but Zarqa also had the highest rate of marriages for boys under 18. The sample of boys marrying in any given year is too small to provide any further meaningful pattern for analysis in terms geographical distribution.

Figure 7

**Marriage among boys aged 15-17
(as a percentage of all marriages), 2005-2012**



3.1.3 Divorce among girls and boys aged 15-17, 2005-2012

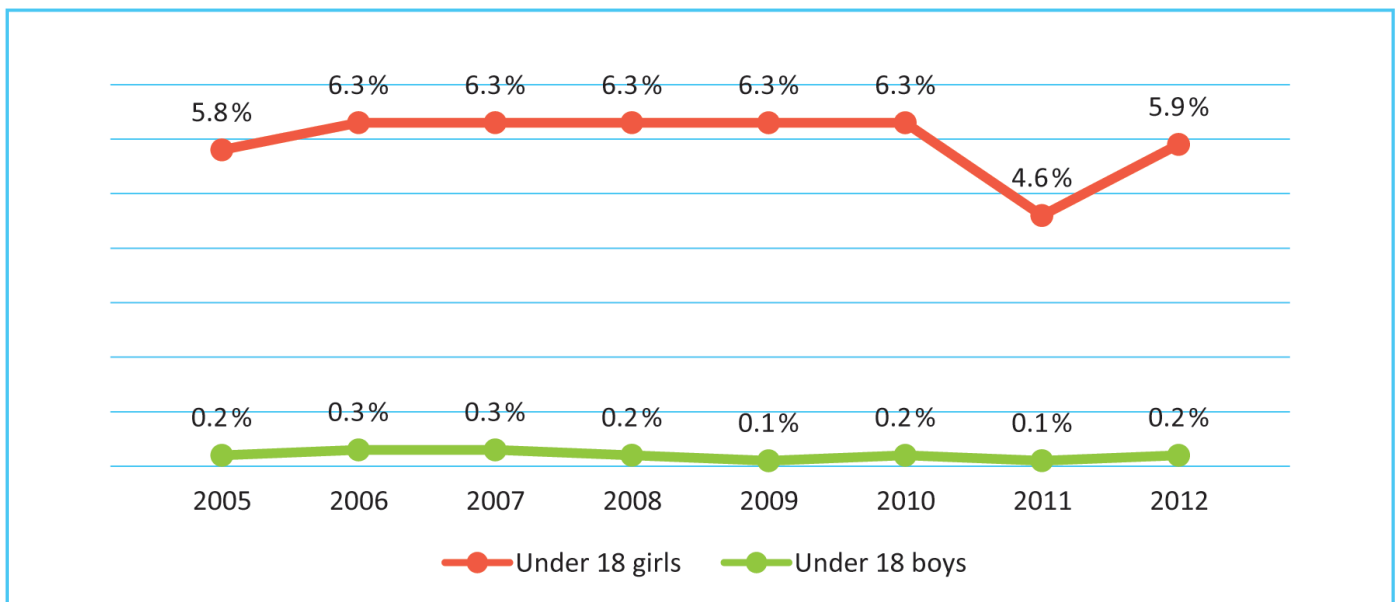
Between 2005 and 2012, just under 6 per cent of all divorces registered with the *shari'a* courts in Jordan involved girls under the age of 18. The variation over that period ranged from a high of 6.4 per cent in 2006 to a low in 2011 of 4.6 per cent. During the same period, divorces for boys under 18 on average accounted for less than 0.2 per cent of the national total, ranging from barely 0.1 per cent in 2011 to a minimally higher 0.3 per cent in 2007.

There were 1,038 divorces involving girls aged 15-17 in 2012, out of a total 17,696 divorces overall (that is, 5.9 per cent of all divorces that year involved girls under the age of 18). Of the 1,038 divorces involving girls, 760 (73.2 per cent) took place before there had been a public wedding celebration, or consummation of the marriage (that is to say, the couple had not commenced living together). Divorces for boys

aged 15-17 that year (a total of 267) accounted for a mere 0.2 per cent of all divorces. The percentage of under-18 boys' divorces that year that took place without consummation of the marriage (that is, 18 out of a total of 267 divorces) was much lower than the rate for girls, at 6.7 per cent. The very small sample of boys who divorced should be kept in mind when viewing these statistics, however.

Figure 8

Divorce among girls and boys aged 15-17 (as a percentage of all divorces), 2005-2012



3.2 Disaggregated data 2011-2012

For 2011 and 2012, a wealth of disaggregated data was available, making it possible to establish a picture of child marriage rates according to the nationality of the child involved and his/her spouse, as well as age gaps between child and spouse, and

even their literacy and employment status. This data, in combination with the qualitative analysis that will be presented below, helps to develop a more nuanced picture of what the current situation is in Jordan in relation to child marriage and, in particular, what impact the conflict in Syria may be having.

3.2.1 Prevalence and nationality

Table 2

Registered child marriages for girls³¹, by nationality

Nationality	2011			2012			2013		
	Marriages at age 15-17 *	All registered marriages	Marriages age 15-17 as % of all marriages	Marriages at age 15-17 *	All registered marriages	Marriages age 15-17 as % of all marriages	Marriages at age 15-17 *	All registered marriages	Marriages age 15-17 as % of all marriages
Jordanian	7 611	60 887	12.5 %	8 329	66 437	12.5 %	8 402	66 184	12.7%
Palestinian	345	1 736	19.9 %	318	1 737	18.3 %	382	2 173	17.6%
Syrian	42	351	12.0 %	148	803	18.4 %	735	2 936	25.0%
Iraqi	14	349	4.0 %	15	555	2.7 %	19	471	4.0%
Other	81	932	8.7 %	49	868	5.6 %	80	1096	7.3%
Average			12.5 %			12.6 %			13.2%

Unsurprisingly, given their statistical predominance, the vast majority of girls who married below the age of 18 in 2011 and 2012 held Jordanian nationality³² (94 percent of all registered child marriages for girls each year). Palestinian girls (345) accounted for 4.3

per cent of all girls' marriages in 2011, dropping to 3.6 per cent (318 girls) in 2012, while 42 Syrian girls made up 0.5 per cent of the 2011 total and 148 represented 1.7 per cent of the total in 2012.

³¹ Due to the much smaller number in early marriages for boys of all nationalities, they were not included in this table.

³² It should be noted that a large number of people of Palestinian descent hold Jordanian national identification numbers and are thus included in this statistical group in the shari'a court statistics. Where reference is made to Palestinians in the statistical analysis, this is limited to those Palestinians who do not have Jordanian nationality.

The rise in child marriages involving Syrian girls reflects the significant rise in the proportion of Syrians among the population of Jordan over the same period (more than 120,000 people fleeing the conflict in Syria had been registered with UNHCR in Jordan by January 2013 and more than 570,000 people by December 2013).³³ The data available on 2013 demonstrates a significant increase in number of marriages involving Syrian women and girls from 803 marriages in 2012 to 2,936 in 2013. For the first quarter of 2014 (January – March) there were already 1,614 marriages registered involving Syrian women and girls, out of which 512 were early marriages.

Looking at the proportion of children among brides of each nationality, children accounted for 19.8 per cent and 18 per cent of all Palestinian brides in 2011 and 2012, respectively. The proportion of girls among Syrian brides rose from 12 per cent in 2011, to 18 per cent in 2012 and further increased significantly to 25% in 2013. The proportion of Jordanian brides below the age of 18 years was 13 per cent both years. Iraqi girls represented a markedly lower proportion of their nationality's brides, at 4 per cent in 2011 and just 3 per cent in 2012.

The number of Jordanian boys marrying below the age of 18 rose from 198 in 2011 to 255 in 2012, representing 93.8 per cent of all boys marrying in

2011, and 95.5 per cent in 2012. Seven Palestinian boys represented 3.3 per cent of the 2011 total and 2.6 per cent in 2012, while two Syrian boys represented 1 per cent of boys who married in 2011 and four boys made up 1.5 per cent of the total in 2012.

When viewed as a percentage of bridegrooms of each nationality, boys represented an extremely small proportion (less than 1 per cent in all cases in both 2011 and 2012) across the board. Syrian boys represented 0.9 per cent of all Syrian grooms in 2011 and 0.7 per cent in 2012. Jordanian and Iraqi boys represented 0.3 per cent of their nationalities' grooms in 2011, with Jordanians rising slightly to 0.4 per cent in 2012 and no boys at all among Iraqi grooms that year. The proportion of boys among Palestinian bridegrooms was 0.4 per cent in both 2011 and 2012.

The geographic distribution of 2011-2012 child marriages when disaggregated by nationality appears to reflect little more than the distribution of the various populations. Only Jordanians were represented throughout the whole country, and the 10 districts recording the highest levels of child marriage for Jordanians³⁴ included a variety of settings – urban, rural and desert.

Table 3

Marriages among girls aged 15-17 by nationality

Nationality	2011		2012		2013	
	Number	Percentage of all child marriages	Number	Percentage of all child marriages	Number	Percentage of all child marriages
Jordanian	7 611	94.0	8 329	94.0	8 402	87.4
Palestinian	345	4.3	318	3.6	382	4.0
Syrian	42	0.5	148	1.7	735	7.6
Iraqi	14	0.2	15	0.2	19	0.2
Other	81	1.0	49	0.6	80	0.8
Total	8 093	100	8 859	100.1*	9 618	100

* Does not add up to 100 due to rounding.

³³ Source: UNHCR <http://data.unhcr.org/syrianrefugees/country.php?id=107>, accessed 23 February 2014.

³⁴ Five urban districts: Al-Qwaismah and Sahab in Amman governorate; Al-Russeyfah district in Zarqa governorate; Aqaba district in Aqaba governorate, and Jarash Qasabah in Jarash governorate. Four rural districts: Al Ramtha and Al Aghwar Shamaliyah districts in Irbid governorate; Bala`ma and Sabha sub-districts in Mafraq governorate. Only Al-Rwaished district in Al-Mafraq governorate was considered badiya, or desert plateau.

Table 4

Marriage among boys aged 15-17, by nationality

Nationality	2011		2012	
	Number	Percentage of all child marriages	Number	Percentage of all child marriages
Jordanian	198	93.8	255	95.5
Palestinian	7	3.3	7	2.6
Syrian	2	1.0	4	1.5
Iraqi	1	0.5	-	-
Other	3	1.4	1	0.4
Total	211	100	267	100

3.2.2 Spousal age gap

In 2012, a solid majority of the men marrying Jordanian and Palestinian girls under the age of 18 were less than 10 years older than the girls they married (32 per cent of Jordanian girls marrying before the age of 18 married men more than 10 years older, as did 29 per cent of Palestinian girls).³⁵ A significantly higher proportion of Syrian girls married men 10 or more years older (48 per cent).

The percentage of girls marrying men older than them by 15 years or more reflects a similar pattern – 16 per cent of Syrian girls who married below the age of 18, 7 per cent of Jordanians and 6 per cent of Palestinians (see Table 5). It should be kept in mind, however, that the sample of Syrian girls is very small (42 in 2012) compared to that for Jordanians (7,611 in the same year), and while these results are of interest, it would not be appropriate to draw firm conclusions from such limited data.

Table 5

Spousal age gap for girls, by nationality, 2012

Spousal age gap*	Jordanian		Syrian		Iraqi		Palestinian	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total
(1-4)	12	0.1	-	-	-	-	-	-
0	75	0.9	1	0.7	-	-	2	0.6
1-4	1 554	18.7	21	14.2	3	20.0	55	17.3
5-9	4 044	48.6	55	37.2	7	46.7	167	52.5
10-14	2 065	24.8	47	31.8	4	26.7	74	23.3
15-19	410	4.9	16	10.8	1	6.7	16	5.0
20+	169	2.0	8	5.4	0	0	4	1.3
Total	8 329	100	148	100.1*	15	100	318	100

* Husband's age minus wife's age. Figures in parentheses indicate gaps in which the wife is older than the husband.

** Does not add up to 100 due to rounding.

³⁵ Iraqi girls have not been included here because, with just 15 under-18 marriages in 2012, the sample size is too small to be meaningfully comparable.

Table 6

Spousal age gap for boys aged 15-17, 2012

Spousal age gap*	Jordanian		Syrian		Palestinian		Lebanese	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total
(1-4)	89	34.9	3	75.0	4	57.1	-	-
No gap	75	29.4	1	25.0	2	28.6	-	-
(1-4)	63	24.7	-	-	1	14.3	1	100
(5-9)	20	7.8	-	-	-	-	-	-
(10-14)	6	2.4	-	-	-	-	-	-
(15-19)	2	0.8	-	-	-	-	-	-
(20+)	-	-	-	-	-	-	-	-
Total	255	100	4	100	7	100	1	100

* Husband's age minus wife's age. Figures in parentheses indicate gaps in which the wife is older than the husband.

The spousal age gap for under-18 boys marrying in 2012 was considerably smaller than that for under-18 girls. In 174 cases (65.2 per cent of the total), boys married spouses who were the same age as them or younger. In 35 per cent of boys' marriages, the spouse was older; by 1-4 years in 24 per cent of all boys' marriages, 5-9 years older in 8 per cent of cases and in 3 per cent of all marriages for boys under 18, the spouse was 10-19 years older. No boy registering a marriage in 2012 married a spouse more than 20 years his senior.

3.2.3 Marital status by nationality

Girls: Of the girls under 18 who married in 2012, the overwhelming majority married for the first time (among Syrian girls, this was the case for 97.3 per cent, as it was for 94.5 per cent of Jordanian girls and 94 per cent of Palestinians). Looking at the marital status of the girls' husbands, however, it can be seen that the proportion of Syrian girls who married a man who currently had another wife or wives at (5.4 per cent) was higher than that for their Jordanian and Palestinian counterparts (2.8 per cent in each case).

Boys: In terms of marital status, 259 of the 267 (97 per cent) of boys who married in 2012 had never previously been married. Of the remaining eight boys (3 per cent of the total), none was currently married; six (2 per cent) were widows, and two (1 per cent) had divorced. All of those who had previously been married were Jordanian.

3.3 Qualitative analysis

3.3.1 Factors contributing to child marriage

Interviews and FGDs found a great degree of common ground among respondents of the different nationalities included in the current study (Jordanians, Iraqis, Palestinians and Syrians), while at the same time suggesting that the differing circumstances – particularly the socio-economic situation – of the different groups were having an impact on the levels of acceptance of child marriage.

In general, participants in the research indicated that they considered marriage unacceptable for girls aged 15 or below, except in “compelling circumstances”. Recurring themes among all groups regarding the factors contributing to child marriage were: poverty; the need to provide *sutra*;³⁶ long-established tradition; and the practice of having large families (seen as particularly significant when the family unit included four or more daughters). Finding a husband for a girl from a poor family simultaneously means the family’s income supports fewer people, at the same time as ensuring (in theory, if not always in practice) that the girl who is married will have personal and material security for the rest of her life.

Education was consistently mentioned as a factor considered when deciding whether a girl should marry, and responses suggested that – although opportunities exist for a girl to continue her education after marriage – the choice is viewed more as an either/or proposition. Good academic performance might prove a disincentive to early marriage, whereas leaving formal education seemed – according to many respondents – a reason to hasten a girl toward marriage. The variation that appeared between the different nationalities tended to be on the level of emphasis placed on the different factors mentioned above, rather than in the inclusion or exclusion of any of them from among the list of reasons that child marriage takes place.

Respondents indicated that culturally, marriage is considered an achievement and that remaining unmarried beyond the usual age carries the stigma of failure. Early marriage is often viewed, therefore, as a kind of early achievement for the girl in question,

and as a reflection of a family’s social status.

Women whose daughters had been married early often stated that they had initially been proud to see their daughters take an important step in life at a young age. Many, however, said that after seeing the difficulties their daughters encountered, they regretted the decision. Women who had, themselves, been married before the age of 18 overwhelmingly saw the practice as having had a negative impact on their lives (in some cases, this was a reference to not continuing education; in others it related to early pregnancy and the demands of parenthood; some respondents did not specify the nature of the negative impact), and many such respondents stated that they did not want their own daughters to have the same experience.

Although other family members often played a role in initiating (a brother might identify and propose a potential spouse, for example) or attempting to persuade a girl to accept an early marriage (a role that mothers often played), it was the male head of household who generally took the ultimate decision as to whether a daughter under the age of 18 would be married, and to whom.

“No, I do not like early marriages, even though my daughters were married off at an early age simply because their father wanted it that way. I tried to stop him, ... but there was nothing I could do ... I told him to wait until a better young suitor comes ... but he refused ... I really wished that they had completed their education ... but our customs in the countryside are strict ... and my girls accepted.”

Mother of a Syrian child bride

³⁶ *Sutra* is a concept that has roots in Islam, but has also attained wide cultural acceptance in the region among people of all faiths. Precise interpretation of what the concept encompasses may differ from one group to another, but in a general sense, means attaining security in life and protection from hardship. It can be pursued proactively, as a safeguarding of one’s future, or reactively, in response to a situation perceived as problematic.

Jordanians: Almost all respondents (including mothers and fathers of girls who were married before the age of 18) reported that one of the main contributing factors to child marriage was that it was a socially accepted tradition, believed to ensure *sutra* for girls. They said the importance of the perceived security offered by marriage was greater in the case of girls out of school. Other factors cited were poverty, and the presence of many children in a family, particularly many daughters.

Some parents expressed fears that media, including the internet, were exposing their daughters to practices seen as undesirable (for example, having a boyfriend or smoking), the implication being that this exposure could contribute to a sense of urgency in ensuring that a girl married before being influenced to behave in ways that negatively impacted her marriage prospects. Likewise, a small number of interviewees in one particular location expressed concerns that school grounds and facilities did not provide adequate protection or segregation for girls (for example, transport options to and from school), which might have a negative impact on girls' behavior. They mentioned this might prompt parents to take the girls out of school, a development which was likely to increase the chance of early marriage. Parents regularly expressed the belief that the best option for a girl no longer in formal education was marriage, and being younger made it easier to find a husband for their daughter.

Palestinian refugees:³⁷ Palestinian respondents highlighted poverty – in conjunction with the closely related factor of large family size (particularly if there were many daughters) – as the most significant factor contributing to child marriage. They reported that the practice was an established social tradition, seen to provide *sutra* for girls. In particular, they said, girls who were not achieving academically were likely to be married early if a family was approached by what they considered a suitable husband, with adequate, stable income. Interviews and FGDs indicated a higher acceptance of child marriage in Jerash Camp (known locally as Gaza Camp). For Palestinians, marriage to a Jordanian spouse also brings a girl Jordanian nationality, with greater rights and opportunities for her and, by extension, for her parents' family as well.

Syrian refugees: Many participants in interviews and FGDs with Syrian respondents reported that in Syria it was considered acceptable for girls to marry

early and that marriage to (non-Syrian) men from outside the country was also not uncommon. While statistics and anecdotal evidence indicate that both practices continue among Syrian refugees in Jordan, the economic and security challenges facing refugee families have added an additional layer of complexity to the dynamics of child marriage in this group.

As was the case for all nationalities interviewed, the idea of providing *sutra* for a girl was reported to be a significant factor in decisions by Syrian refugees to marry their daughters early. Poverty and the opportunity to reduce the number of a household's dependents also featured among reasons given by respondents in this group.

In the case of Syrian refugees, however, experiences of armed conflict and displacement were reportedly generating additional incentives for early marriage. For example, male and female respondents alike reported that some girls had been married in Syria, before fleeing to Jordan, because this was believed to provide some protection against rape. Other girls and boys had married because they had heard that it was easier for Syrians – especially males – to gain entry to Jordan as a family group than as individuals. Once in Jordan, the sense of insecurity in camp settings created further incentive for Syrian refugee women and girls to marry, in order to have the protection of a husband. It was also reported that marriage of Syrian refugee women from *Za'atari* to Jordanian husbands was viewed as a way of securing sponsorship that would allow her, and her family, to move out of the camp.³⁸

Likewise, marriages between Syrian girls and men from the Gulf Arab states were described as a way of securing better prospects for the girl and her family than they presently had. Respondents explained that this practice had not emerged as a response to displacement, but had long been an accepted tradition in Syria, where special agencies arranged introductions between prospective husbands and the families of Syrian women/girls. It is believed that this practice – and the involvement of “brokers” – continues, but the widespread media attention the issue has attracted has made refugees extremely reluctant to discuss it with outsiders.

Many respondents in interviews and FGDs commented that the safeguards that would normally be seen as necessary by Syrian families arranging a

³⁷ This research was limited to Palestinian refugees who do not have a Jordanian national identification number and who live in refugee camps.

³⁸ A 'bail-out' system is in place for refugees to be able to leave the camp.

marriage for one of their daughters— background checks, enquiries as to the economic and social status of the prospective husband and his family – were not being employed so rigorously by refugee families in Jordan, resulting in increased risk of exploitation or abuse for the girls being married. This observation was not limited to cases involving foreign suitors – there is considerable anecdotal evidence arising from earlier assessments, and echoed in the interviews and FGDs undertaken for this study, that there have been cases in which offers of marriage were not made in good faith, but were rather an exploitation of the vulnerable situation of Syrian women and girls for sex. It is impossible to gauge accurately the extent to which such exploitation took place – for the families involved, the issue is a source of great shame.

Men participating in FGDs in *Za'atari* refugee camp reported that for girls who dropped out of formal education in Syria, marriage might follow at ages as low as 13. Girls who continued their education, particularly higher education, were considered more likely to marry between the ages of 20 and 27.

Iraqis: There were very few registered child marriages for Iraqi boys or girls in Jordan in the period for which nationality-disaggregated data was available (14 in 2011 and 15 in 2012). Participants in interviews and FGDs indicated that, in the region from which most Iraqis in Jordan come, child marriage is not a common practice. In addition, they said, achieving financial independence was a challenge for young Iraqi men in Jordan, and for this reason, they were inclined to look for potential brides who were employed (the implication being that girls aged below 18 were unlikely to have jobs).

“I was happy with the dress and the party. It was like a game. After the wedding party, I asked my husband: ‘Where are we going? Hopefully not to your house!’ I thought [the party] was a celebration for the engagement and that I would be going home.

I struggled and did not want to accept the marriage, but my husband’s sisters and other family members convinced me to stay.”

Jordanian woman who married at the age of 15

3.3.2 Attitudes of sheikhs, imams and shari’a court judges

All sheikhs and shari’a court judges interviewed for this study agreed that child marriage – from a strictly shari’a perspective – is permissible. Opinions were divided, however, as to whether they would be willing to have their own daughters married early, and also as to whether a minimum age for marriage should be specified by law.

Some were of the opinion that child marriage had many advantages for society, and that it could be a solution for some sensitive social issues such as destitution or sexual abuse. The situation of separated or unaccompanied girls living with members of their extended families was another case in which some felt that child marriage could be appropriate. They also stated that child marriage might provide a form of protection for girls in situations where they were at risk of being targeted in so-called “honour” crimes.³⁹

Others felt that child marriage should be restricted through an increase in the legal marriage age. Delaying marriage would, they felt, lead to higher levels of education level among girls, something they felt would benefit the girls themselves, and their families as well. Most shari’a court judges indicated the directives on child marriage issued by the Department of the Chief Justice were not uniformly applied, with some of their colleagues being lenient in the way they interpreted “reasons for approval of child marriage”.⁴⁰ (see Annex 4).

3.3.3 Attitudes of service providers

Service providers dealing with all of the various communities included in this study reported that they were, in general, opposed to child marriage, although more detailed responses suggested that the concern was often more about the risks of early pregnancy than about child marriage, as such. Almost all indicated the need for greater attention in planning and providing services specifically tailored to deal with child marriages and teenage pregnancies. Interagency efforts are already underway to improve referral systems and community awareness of protection issues and available support and services – including services to respond to situations of child marriage and early pregnancy – for Syrian refugees in Jordan (including *Za'atari*). This process is providing useful opportunities to further expand and reinforce

³⁹ ‘Honour’ crimes can take many forms, including direct murder, in the name of “honour”. For more information on honour crimes please refer to http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf.

⁴⁰ Special Instructions to Grant Permission to Marry for Those Who are Below 18 Years of Age, Personal Status Law (No. 36) of 2010, Article 10.

knowledge among service providers and the refugee community of what support is available to girls facing early marriage or pregnancy.

An interagency, cross-sectoral response to child marriage

Several NGOs and international organizations working in Jordan have activities aimed to prevent and respond to child marriage. These activities range from the provision of legal aid and medical support to empowerment projects. In the context of the humanitarian response to the Syrian refugee crisis, early and forced marriage was identified as a priority issue by the Sexual and Gender-Based Violence Sub-working group and in November 2013, a special taskforce was established with the aim to reduce the risk and mitigate the consequences of forced and early marriage. The resulting Forced and Early Marriage Task Force (FEMTF) serves as a platform to exchange information, provide technical support, develop joint actions to address the issue of forced and early marriage, build capacity of different stakeholders and develop joint actions and strategies. Referral pathways have been established in both camp and urban settings for Syrians and Jordanians to access support for early marriage cases, covering medical/health care, psychosocial support, protection services and legal assistance.

3.3.4 Impact of child marriage on girls' education and health

Education: Among female interviewees who had married before the age of 18, most stated that they had already left school before marrying. Of those who had been enrolled at school up until the time of marrying, very few were able to continue their education after marriage, and only then with strong family support to make it happen. In a small number of cases, continuing in education had been added as one of the conditions of a girl's marriage contract, with varying results. In principle in such cases, if a husband does not meet his obligations under the contract, it can be grounds for a divorce.⁴¹ In reality, however, once a girl takes on the responsibilities of

a wife and mother, she rarely manages to return to school to complete her own education.

Many participants in FGDs expressed the opinion that although girls might continue attending school after getting married, they would be expected to leave when they became pregnant, possibly continuing to learn in alternative educational programmes or home schooling. This expectation that pregnant girls should not attend mainstream schools is not supported in law (see Section 1.1.1, above).

"I performed really well in school. My father traveled a lot and my uncle was responsible for us. When my husband came to marry me, my uncle – who married his daughters early – asked me for my opinion. I was too embarrassed to say I didn't want to marry, so I left school although I was a very good student. My husband is really nice, but every night I dream that I am back to school. And when my children have exams, I dream that I go with them and sit for the exams. I swear, I was really good (at school)."

"I used to hope that I would go back and finish my education, but the financial situation is very hard and my children are going to university, and I give priority to their education. But, I read a lot and I love learning. It is impossible for me to accept to have my daughter marry at an early age before she finishes her education; moreover, she has to choose her husband."

Palestinian woman who married early

The Jordanian Ministry of Education provides a range of programs, available to people of all nationalities, that do not specifically target girls and boys who have married early, but which nonetheless increase the options available to them to continue their education after marriage. These programs are:

Literacy classes aimed at people aged 15 and above who cannot read or write. This program is free of cost and provides instruction (grades 1-6) via community-based organizations and mosques.

Non-formal education programmes are open to girls aged 13-20 and boys aged 13-18. It is implemented at 50 schools around Jordan, with the aim of allowing people who have dropped out of formal education

⁴¹ Provisional Personal Status Law (No. 36) of 2010, Art. 37.

to attain their 10th grade certificate so that they can then undertake home schooling in order to complete grades 11 and 12.

Home schooling is a program through which students study independently at home, before taking exams at held at a school. Students in this program must be over 13 years old, or hold at least a certificate showing completion of seventh-grade education. This program allows students to complete their education, right up to the 12th grade.

Health: Respondents of all nationalities acknowledged that it was customary for a woman's first pregnancy to follow soon after marriage.⁴² Nonetheless, many mothers of girls married before the age of 18, and a number of health-sector service providers, distinguished in their responses between early marriage and early pregnancy, emphasizing that it was the latter that was harmful to girls' health (despite their recognition that early pregnancy customarily followed early marriage).

Among the parents who were interviewed for this study, almost all of those with daughters who had married before the age of 18 reported that their daughters' health had been negatively affected. Several reported that their daughter had been unable to cope with pregnancy and childbirth, especially the first time, and that support from the girl's mother or mother-in-law had been crucial.

There were varying views expressed in interviews and FGDs, on whether and to what degree early pregnancy was a positive or negative practice. Health sector workers related accounts of complications experienced by young mothers in pregnancy and childbirth, and reported that young girls lacked the knowledge they needed to plan their pregnancies and care for themselves and their babies. Other community respondents – male and female – expressed the opinion that it was best for (married) girls to begin having children as early as possible, "while they were still young and strong", while others felt that younger mothers would more easily empathise with their children and develop strong bonds of friendship.

" ... A girl at the age of 15 or 16 years is a child. Her marriage (at this age) is oppressive to her and to the society."

Social worker

"If the girl's body is fully developed and she has reached the age of maturity and she is aware, then there is no objection to her marriage before she is 18 years ... But, certainly, not before 15. This means that 17 is a suitable age."

Local community leader, *Qwaismah*

"Everything is determined by fate, and each one of us receives his/her own fate, but it's the parents who determine their children's fate and they will be held accountable for what they do."

Woman who married at age 14

Ministry of Education staff⁴³ believed that the introduction of a directive stipulating that married girls must be permitted to attend school could have the effect of unintentionally appearing to endorse child marriage. The absence of such an instruction from the Ministry, however, means that decision-makers at each school (the headmistress or student counselor) can decide on a case-by-case basis whether a married girl should stay at the school or leave. It is a widely held opinion in Jordan that it would be inappropriate for a married girl, and particularly one who was pregnant, to attend mainstream schools (the fear that a married girl might have different experiences compared to her unmarried classmates, who are less aware and informed about marital life). A married/pregnant girl would instead be referred to one of the alternative educational programs offered in Jordan (such as literacy classes, evening classes, non-formal education or home schooling).

⁴² Respondents stated that it is customary for newlyweds to have the first child just after marriage to reassure both families of the couple's ability to conceive.

⁴³ Meeting at Ministry of Education with Formal Education Division and Non-Formal Education Division.

3.3.5 Unregistered marriages

Interviews and focus group discussions indicated a general attitude among Jordanians, Palestinians and Iraqi respondents that formal registration of marriages was necessary, and that unregistered, or *urfi* (customary), marriages were not recognized by law and therefore unacceptable. There is, however, significant anecdotal evidence that in practice, customary marriages are not rare in Jordan. Respondents also reported that the additional procedural requirements to register a marriage for a boy or girl under the age of 18 in Jordan were not complicated and the approval process was considered a formality, rather than a significant obstacle. The additional cost of registering an under-18 marriage is JD 7.25 (which makes the total cost of registering the marriage JD 29.75)⁴⁴

As mentioned in the section on marriage practices for Muslims in Syria, registration of marriages often takes place at a later stage. Syrian refugees interviewed for this study reported that when they arrived in Jordan, they were unaware of the requirement that marriages must be registered immediately by the *shari'a* courts. Further, when they learned of the requirement to register marriages without delay, they did not know how to go about it, and were concerned about the potential legal consequences of not having done so before.⁴⁵ It was widely believed that the security clearance required of foreigners wanting to register their marriage in Jordan was a lengthy process, involving the provision of documentation

that refugees did not always possess and there was little awareness among respondents of the special measures that had been introduced to expedite and simplify the process.⁴⁶ For marriages that took place in Syria, but were not immediately registered upon refugees' arrival in Jordan, the JD 1000 fine has also been waived.⁴⁷

Respondents reported that, in light of the lack of clarity and perceived obstacles, many people felt it would be simpler just to continue with the practices they were accustomed to in Syria, leaving marriages unregistered in Jordan with the expectation that they would soon return to Syria and a more familiar system.

Our calamity in the camp is that everything is disorderly and confused and anyone can claim to be a "sheikh" and start conducting marriage contracts. Sheikhs who conclude marriage contracts in Syria are known to each other; we know every one of them. However there are many "opportunists" in the camp who claim that they are sheikhs, and ride the current wave in order to benefit from the marriage process...

Imam, Za'atari refugee camp

⁴⁴ Source: Senior *Ma'thoun* at the *shari'a* courts

⁴⁵ The fine for not registering marriages is JD 1000; JD 200 each for the bride and the groom, for each of the two witnesses and the *ma'thoun*, making a total of JD 1,000. Provisional Personal Status Law (No. 36) of 2010, Art. 36(g).

⁴⁶ The Department of Citizenship and Foreigners at the Ministry of the Interior (MoI) has advised that it now takes just a day for foreigners to obtain the necessary MoI approval and that, to further expedite the process, authority to issue this approval has been delegated to the Governor of Mafraq.

⁴⁷ Source: Interview, Department of the Chief Justice

4. Conclusions and recommendations

4.1 Key conclusions - general

- Child marriage is not a new phenomenon in Jordan, and – within certain constraints – is regulated in national legislation (Personal Status Law No. 36 of 2010).
- Data for the period 2005-2012 show some variation in the number of child marriages and the proportion they constitute within marriages overall; however, there were no indications of a declining trend and there was even a slight increase in 2013.
- While most female respondents who had married early (regardless of nationality) reported that they were against child marriage, there was nonetheless a widely held acceptance of child marriage in special or “compelling” circumstances which included (but were not limited to) extreme poverty, large family size with many daughters, or an abusive home situation. Positive perceptions of child marriage included the belief that it ensured sutra, or a secure future, for girls, and helped protect against the possibility that girls may not find a husband later in life.
- Though all *sheikhs*, *imams* and *shari’a* court judges interviewed agreed that child marriage could be a solution to provide protection to girls, especially for some sensitive social issues such as destitution or sexual abuse, some expressed that child marriage should be restricted.
- Interview results indicated a strong relationship between girls’ educational achievements and child marriage. While most parents acknowledged the importance of education, the opinion was frequently expressed that girls who did not perform well in school should be married as soon as was appropriate. The age at which marriage was considered appropriate for a girl differed among respondents.
- There is no clear policy in the MoE regarding students who marry while at school; however, interview and FGD participants were relatively united in the expectation that married or pregnant girls should not attend mainstream schools alongside unmarried girls.
- Despite the availability of alternative education opportunities, in practice, the demands of married life, pregnancy and parenthood reduce the likelihood that even those who wish to will continue their education after marriage.
- Most service providers interviewed drew a

distinction between the harm associated with early pregnancy and child marriage, despite the fact that marriage is customarily followed soon after by pregnancy. Service providers – and mothers of girls who married before the age of 18 – had observed that many girls who became pregnant early faced difficulties with the pregnancy and with the demands of raising children. Teenage mothers often depended heavily on support from their own and their husbands’ families.

- Marriage is seen as something of an achievement among many of the communities interviewed for this study. Early marriage, therefore, can be seen by community members as a sign of status, indicating the desirability of an association with the family and their daughters. This attitude was found among Jordanian, Palestinian and Syrian families.
- While respondents of all nationalities included in this report indicated some degree of acceptance of under-18 marriage, the percentage of girls among all Palestinian females who married was considerably higher than that for Jordanian girls in both 2011 and 2012 (19.9 and 18.3 per cent, respectively, for Palestinian under-18 girls’ marriages versus 12.5 and 12.5 per cent for Jordanians).

4.2 Conclusions specific to the situation of Syrian refugees

- The proportion of marriages involving Syrians girls aged 15-17 (as a percentage of all marriages) more than tripled in a period of 12 months (rising from 0.5 per cent to 1.7 per cent), presumably due in significant part to the influx of Syrian refugees to Jordan in 2012. The total number of registered marriages between Jordanian men/boys and Syrian women or girls for 2012 (495) was dramatically higher than the 2011 total (270). Jordanian women/girls marrying Syrian men/boys also increased dramatically, from 155 in 2011 to 280 in 2012.
- The percentage of marriages involving girls aged 15-17 among all Syrian marriages was lower than that for Jordanians in 2011 (8.3 per cent for Syrians as opposed to 12.1 per cent for Jordanians), but rose to 13.3 per cent in 2012 and further increasing significantly in 2013 to 25%.
- Statistics from 2012 showed that a higher percentage of Syrian girls who married before age 18, (16 per cent) married men who were 15 or more years older than them, compared to Palestinian and Iraqi girls (each at 6 per cent) and Jordanian girls (7 per cent) who married early.
- Syrian refugees also reported that it was easier to

enter Jordan as a family or married couple rather than a single person, particularly a single male. This was said to be a factor in some families' decision to marry girls early.

- Early marriage was reported to be an established custom in Syria, but that armed conflict in that country and displacement to Jordan has increased pressure on girls to marry early and has also increased the dangers that girls married early could end up in abusive or exploitative situations. Knowledge of these risks is spreading through the refugee community in part as a result of efforts by the humanitarian community to raise awareness of risks and strategies to mitigate them. At the same time as knowledge is increasing, so is the level of hardship being faced by refugee families as their exile continues and their resources diminish.
- Responses from Syrian refugees in Jordan indicated that many Syrian refugees did not know or fully understand the Jordanian requirements for registering marriages – and they were particularly unaware of measures that had been put in place to facilitate this process for refugees.

4.3 Recommendations

4.3.1 Legal/administrative measures

The Chief Justice's directive on the conditions under which child marriage is permissible appear to be inconsistently interpreted and applied – more a formality than a genuine screening process. Strengthening adherence to existing regulations is likely to have a significant impact. The Department of the Chief Justice could do this by:

- Making guidance on the conditions required for permitting under-18 marriages clearer and less ambiguous.
- Instituting a specialized panel which would make a formal assessment of the best interests of the child (against standard criteria) for each proposed marriage involving a boy or girl below the age of 18. Experts with a social work background should be involved in the evaluation of each case.
- Ensuring regular monitoring of the implementation of the Chief Justice's Directive on child marriage (monitoring the number and percentage of applications approved by each court, for example, and requiring accountability for high results).
- Introducing measures to inhibit "forum shopping" so that an application to marry below the age of 18 that has been refused in one jurisdiction cannot

simply be presented in another.

Girls granted permission to marry below the age of 18 should be – as a matter of policy – provided with counseling and education on family planning, including the risks associated with early pregnancy and the benefits of spacing pregnancies.

A social worker should be assigned to each case of early marriage to follow up until the child reaches the age of 18. The continuation of education should be a standard pre-condition for all marriage contracts involving girls below the age of 18.

Finally, the Government of Jordan should increase the minimum age at which discretionary permission to marry may be granted by a shari'a court to at least 16 years.

4.3.2 Generating public commitment to end child marriage

The Government of Jordan (particularly the Ministry of the Interior, the Department of the Chief Justice and the Ministry of Social Development, in close collaboration with Jordanian civil society and international humanitarian/development actors) should undertake a strategically focused advocacy campaign to ensure public awareness of:

- The harm that child marriage entails.
- Existing services and resources that could be utilized to address by other means the socio-economic pressures reported to contribute to child marriage.
- Services and support that are available to girls already married to reduce the risks associated with early pregnancy and to promote greater enjoyment of rights such as education.

Men and boys should be specifically (although not exclusively) targeted in advocacy efforts, given that they hold crucial decision-making roles – as fathers deciding to allow their underage daughters or sons to marry; as the potential husbands of underage girls; and as *shari'a* court judges charged with ensuring that permission to marry below the age of 18 is a truly exceptional measure.

Given the cultural sensitivities of the issue, it will be important that advocacy around child marriage is done in very close collaboration with national Jordanian actors and draws, wherever possible, on a local/regional evidence base.

4.3.3 Addressing other contributing factors

Poverty: The Ministry of Social Development, in collaboration with civil society and humanitarian actors, should continue to investigate the

determinants of child marriage in order to appropriately target expanded social safety nets and other services (along with effective referral mechanisms) designed to alleviate socio-economic pressures identified as contributors to child marriage in Jordan. Once the specific relationship between poverty and child marriage has been more clearly identified and understood, UNICEF should advocate to government partners (it is certain that several line ministries would be potential targets for such advocacy – MoSD, MoE, Ministry of Labour and possibly others) and provide support as needed for the establishment or expansion of livelihoods and education programmes designed to reduce the likelihood that families will feel the need to resort to child marriage as a response to socio-economic pressures.

Education: The link between education and child marriage in Jordan appears a more straightforward one than that between child marriage and poverty. Promoting a more consistent commitment across Jordanian society to keeping girls in formal education longer appears likely to reduce the risks of child marriage.

Public advocacy on this issue should take into account the existing commitment that is demonstrated in much of Jordan, and present education and marriage as compatible goals for girls, not competing ones. It can be presented as a matter of timing rather than a choice between one or the other.

A public advocacy campaign should also be conducted around the message that education is the right of all girls – married or not. It would be advisable to pursue these two advocacy goals separately, as the latter message could be seen as contradictory to the former, weakening both campaigns.

More immediate measures should be taken as well, to investigate and address reports of more practical barriers to girls' access to ongoing education. Among such barriers reported during fieldwork for this study were:

- “inappropriate” behaviour in or near some school premises making girls and their families reluctant to attend;
- lack of transport options that ensure girls would not be exposed to harassment en route to school;
- an unwillingness among parents and school staff to have married and/or pregnant girls attending mainstream schools; and
- an attitude that non-formal education opportunities were not as worthwhile as formal schooling.

Given the strong relationship between girls' education and child marriage, a system to identify girls at risk of child marriage within schools should be introduced, with clear follow-up and referral mechanisms to engage their families and help to identify alternative solutions to the problems that have led them to consider child marriage as a course of action.

4.3.4 Services for girls who are married or at risk of child marriage

The Ministry of Education through the school counsellors also has a potential crucial role in identifying girls at risk of child marriage.

Health sector service providers in particular reported that they felt they lacked skills and resources needed to effectively address reproductive health issues with adolescents.

The Ministry of Health should, in collaboration with specialized civil society and international development actors, formally review current knowledge and practices in relation to communicating issues around family planning to young mothers. Specific training should be developed to address any gaps identified. This would benefit all young mothers, and not only those who married below the age of 18.

4.3.5 Issues specific to Syrian refugees

The Government of Jordan (particularly the Ministry of the Interior, the Department of the Chief Justice and the Ministry of Social Development), in close collaboration with humanitarian actors (under the umbrella of the Child Protection and Sexual and Gender-Based Violence Sub-Working Groups) should continue and expand existing efforts to promote knowledge of:

- the requirements for marriage registration in Jordan (with special emphasis on the restrictions on under-18 marriage);
- the measures that have been introduced to ease the burden of meeting these requirements for Syrian refugees (including the opening of an office of the shari'a court within *Za'atari* refugee camp where marriages can be officially registered);

The humanitarian community engaged in responding to the needs of Syrian refugees – national and international NGOs, United Nations agencies (particularly UNHCR, UNICEF, UN Women and UNFPA) – should continue to work with the relevant ministries to expand the range and reach of services relevant to girls at risk of child marriage as well as those already married below the age of 18. Efforts

to ensure public awareness of these services and resources – particularly services relating to family planning and maternal health – need to continue, given the gaps in knowledge reported in interviews and FGDs.

4.3.6 Further research

Not every family affected by the various factors identified in this study as contributing to child marriage chooses to take that path. It would be valuable in designing programmatic and advocacy responses to learn more about what makes families decide against child marriage.

Other subjects for further research could include an analysis of health-related data in relation to early pregnancy, which would provide a Jordan-specific evidence base for advocacy on this issue (and could be an important source of information on whether/ to what extent unregistered marriages are taking place among children younger than 15 years), and research into the consequences for girls and boys whose marriages result in divorce. Establishing a baseline now in areas such as these would facilitate valuable longitudinal research.



Annexes

Annex 1 – Legislation, statistics and documents reviewed

Penal Code (No. 16) of 1960 and Amendments

Education Law (No. 3) of 1994

Personal Status Law (No. 60) of 1976

Provisional Personal Status Law (No. 82) of 2001

Personal Status Law (No. 36) of 2010

Government of Jordan, Department of the Chief Justice, Annual Reports 2005 – 2011

Government of Jordan, Department of the Chief Justice statistical database 2011-2012

United Nations Convention on the Rights of the Child, 1989

Government of Jordan, Department of Statistics, Demographic and Health Survey, 2009

Government of Jordan, Department of Statistics, Population Estimate, 2012

International Center for Research on Women, “Solutions to end Child Marriage”, 2011

UNICEF, Gender Equality Profile Status of Girls and Women in the Middle East and North Africa, 2010

UNICEF Global Databases - Child Protection: Child Marriage

UNRWA, Early Marriage. A mapping in three Palestinian refugee camps in Jordan, 2013

UN Women, Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, With a Focus on Early Marriage, 2013

Annex 2 – Details of field work

2.1 Interviews and focus group discussions

Individual interviews	Female	Male	Total
Jordanians	13	1	14
Syrians	8	1	9
Palestinians	6	1	7
Iraqis	1	0	1
Sub-Total	28	3	31

Focus group discussions	Female	Male	Total
Jordanians	28	0	28
Syrians	46	7	53
Palestinians	17	0	17
Iraqis	8	0	8
Sub-Total	99	7	106

Judges and sheikhs	Female	Male	Total
Jordanians	0	4	4
Syrians	0	9	9
Sub-Total	0	13	13

Service providers	Female	Male	Total
Social services	5	3	8
Education	3	2	5
Health	4	4	8
Sub-Total	12	9	21

Community leaders	Female	Male	Total
Jordanian	1	5	6
Syrian	0	1	1
Palestinian	1	3	4
Iraqi	0	1	1
Sub-Total	2	10	12

Government officials	Female	Male	Total
	0	15	15
Total	141	57	198

2.2 Government officials interviewed

HE Sheikh Hillael	Department of the Chief Justice
Sheikh Essam Arabiyat	Department of the Chief Justice
Sheikh Mansour Tawalbeh	Department of the Chief Justice
Sheikh Ashraf Al-Omari	Department of the Chief Justice
Mr. Janah Habashneh	Department of the Chief Justice
Mr. Adel Adham	Department of the Chief Justice
HE. Sameh Al-Majali	Ministry of the Interior
Mr. Waleed Abedah	Ministry of the Interior
Col Zaher Abu Esh hab	Public Security Directorate
Mr. Abdallah Al-Nasser	Ministry of Education
Mr. Khalid Muhareb	Ministry of Education
Mr. Faysal Abd Al-Kareem	Ministry of Education
Mr. Hashim Al-Zubi	Ministry of Education
Dr. Mohammad Bassam Hijawi	Ministry of Health
Dr. Safwan Dababneh	Ministry of Health
Ms. Hanan Al-Sheikh	Ministry of Health
Mr. Kamal Saleh	Department of statistics
Mohamed Mikdadi	National Council for Family Affairs
Suha Al-Hasan	National Council for Family Affairs

2.3 International agencies and non-governmental organizations consulted

Ms. Maha Homsi	UNICEF
Ms. Jennifer Melton	UNICEF
Ms. Maaïke van Adrichem	UNICEF
Ms. Randa Nubani	UNICEF
Ms. Gunn Mariann Aase	UNICEF
Mr. Robert Cissokho	UNICEF
Ms. Muna Idris	UNFPA
Ms. Fawzia Istaiteyah	UNHCR
Ms. Zeina Jada'n	UNHCR
Ms. Margherita Maglietti	UNFPA
Dr. Taghreed Abu Sarhan	UNFPA
Mr. Ahmad Bawaneh	IMC
Mr. Jafar Rshedat	Questscope
Mr. Ashraf Abu Hallawah	Questscope

2.4 Jordanian consulted organisations

Governorate	District	Organization
Amman	Marka	Al-Ayadi Al-Bayda Charitable Society
		Jordanian Women's Federation (Wihdat)
		Khriebet El-Souq Women's Charitable Society
		The Quran and Sunnah Charitable Society
		Jordanian Women's Union
		Salamatic
Irbid	Irbid Qasabah	Family and Childhood Protection Charitable Society
	Al Aghwar Shamaliyah	Sharhbeel Bin Hasna Charitable Society
		JHAS
Zarqa	Al Russeyfah	Prince Talal Housing Development Charitable Society
Jarash	Jarash Qasabah	Jarash Women's Charitable Society
		The Women's Programs Center Society, Souf Refugee Camp Zaka Center Association , Gaza Camp
Mafraq	Al Za'atari Camp	QuestScope
		International Medical Corps
		Noor Al Hussein Foundation
		Jordan Medical Aid Society
		The Quran and Sunnah Charitable Society
	Mohamed Mikdadi	NCFA
	Suha Al-Hasan	NCFA
	Dr. Naser Al-Shomali	Jordan Medical Association
	Yusra Abd Al-Hadi	Salamatak
	Baha' Mhedat	JHAS

Annex 3 – Key indicators for girls, by nationality

	Jordanian		Syrian	
	2011	2012	2011	
Disaggregation by nationality of marriages for girls aged 15-17	94	94	0.5	
Girls aged 15-17 (as a percentage of all women of same nationality married that year)	13	13	12	
Marriages for girls aged 15-16 (as percentage of marriages for all girls of the same nationality)	51	44	71	
Marriages for girls aged 17 (as % of all marriages for girls 15-17)	49	56	29	
Average age of girls at time of marriage	16.3	16.6	15.9	
Nationality of men marrying girls aged 15-17		95% Jordanian 3% Palestinian 2% Other		64% 3% 4%
Age of men marrying girls 15-17				
• ≥ 25	67.8	65.3	47.6	
• 26-29	22.9	25.1	45.2	
• 30+	9.3	10.3	7.1	
Age gap (husband* - wife**)				
• ≥ 9 years	68.0	68.3	50.0	
• 10-14 years	25.8	24.8	45.2	
• 15+ years	6.2	7.0	4.8	
Percentage of girls and their spouses who are literate	99.6	99.6	98.8	
Employment status of girls 15-17 who married (percentage unemployed)	99.6	98.9	100	
Marital status for the wife at time of marriage** (as a percentage)	94.5	94.5	97.6	
• First marriage	5.2	5.3	2.4	
• Divorced	0.2	0.2	-	
• Widowed				
Marital Status for the husband* at time of marriage (as a percentage)				
• Single	99.0	88.5	97.6	
• Married	0.5	2.8	2.4	
• Divorced	0.5	8.5	-	
• Widowed	0.1	0.2	-	
Governorates with highest prevalence of child marriage (as a percentage)		Jarash* 18.1 Aqaba 17.2 Zarqa 16.2 Mafraq 13.2		Amman Irbid Maan Zarqa
Districts with highest prevalence of child marriage (as a percentage)		Al Ramtha* 25 Sahab 23 Al Rwaished 23		Al Qadisiyah

* Prevalence for Jordanians

** Prevalence for non-Jordanians

** Girls aged 15-17

* Any age

	Iraqi		Palestinian	
2012	2011	2012	2011	2012
1.7	2.0	0.2	4.3	3.6
81	4	3	20	18
59	71	60	51	52
41	29	40	49	48
16.2	16.1	16.0	16.3	16.3
100% Jordanian 80% Syrian 10% Gulf states 2% Other		20% Jordanian 33% Iraqi 20% Gulf states 27% Other		70% Jordanian 29% Palestinian 1% Other
52.7 25.7 21.6	57.1 42.9 -	66.7 26.7 6.7	70.4 21.5 8.1	65.1 25.2 9.8
52.7 25.7 16.2	57.1 42.9 0.0	66.7 26.7 6.7	73.0 22.3 4.6	70.4 23.3 6.3
99.7	100	100	99.9	99.7
98.7	100	100	100	98.1
97.3 2.7 -	100 - -	100 - -	92.2 7.2 0.6	94.0 6.0 -
83.8 5.4 8.8 2.0	100 - -	100 - -	99.7 - 0.3 -	85.8 2.8 11.3 -
Amman** 47 Irbid 21 Hafraq 11 Zarqa 10		Amman** 80 Zarqa 13 Balqa 7		Amman** 43 Zarqa 37 Jarash 12 Balqa 4
Qwaismah** 16		Amman Qasabah** 67		Al Qwaismah** 29 Al Russeyfah 27

Annex 5 – Unofficial translation Personal Status Law (No. 36) of 2010

Special Instructions to Grant Marriage Permission for Those Who Are Below 18 Years of Age

Effective from the date it was issued in the National Gazette - January 16, 2011

- The Judge, and based on approval from Department of the Chief Justice (*Qadi al-Qudah*), is permitted to grant authorization to marry to those who are 15 years of age if the marriage is deemed necessary in accordance with the following:
 1. The prospective husband must be fit to marry the prospective wife in accordance with the requirements stipulated in article 21, paragraph (a) of the Personal Status Law.⁴⁸
 2. The judge must verify and assess the agreement and consent of all involved, along with the freedom of choice and overall satisfaction;
 3. The court must ascertain whether the marriage serves the interest be it economic, social or security, and leads to reaping the benefits, or warding off the evils. This is done by any means or measure the court finds suitable in order to check and to ultimately confirm that there is a real need or necessity for the marriage.
 4. The court has to take into consideration, to the extent possible, and in accordance to the details of each case that there is an apparent benefit from the marriage, that any age difference between the applicants is deemed suitable, that the marriage is not repeated⁴⁹, nor is it a reason for discontinuing school education.
 5. The guardian [of the prospective spouse aged below 18] must provide consent for the marriage in accordance with articles 17, 18 and 20 of the Personal Status Law.
 6. The Court must provide proper documentation of the recommendation justifying the authorization to marry. The application and supporting documentation is then submitted to the Department of the Chief Justice (*Qadi al-Qudah*) – for review and approval.
 7. After the issuance of the approval of Department of the Chief Justice (*Qadi al-Qudah*), the approval is documented in accordance with the proper procedures and regulations.
 8. The marriage is registered after double-checking that there are not any legal or shari'a reasons to forbid authorization of the marriage.

Qadi al-Qudah, Imam al-Hadrah Al-Hashemiyeh
A.D. Ahmad Mohammad Hillael

⁴⁸ It is required, as a condition of marriage, that the man is “equal or equivalent to the woman” in religion and wealth (that is, the man has the capability to pay the dowry and to financially provide for his spouse).

⁴⁹ This is to ensure that the aim of the marriage is to form a long-term union and establish a family.

**التعليمات الخاصة بمنح الإذن بالزواج لمن هم دون سن الثامنة عشرة
صادرة استناداً إلى المادة (١٠) من قانون الأحوال الشخصية رقم (٣٦)
لسنة ٢٠١٠ ويعمل بها من تاريخ نشرها في الجريدة الرسمية**

- يجوز للقاضي وبموافقة قاضي القضاة أن يأذن بزواج من أكمل الخامسة عشرة سنة شمسية من عمره إذا كان في زواجه ضرورة تقتضيها المصلحة وفقاً لما يأتي :
 ١. أن يكون الخاطب كفواً للمخطوبة وفق عناصر الكفاءة المنصوص عليها في الفقرة (أ) من المادة (٢١) من قانون الأحوال الشخصية .
 ٢. أن يتحقق القاضي من الرضا والاختيار التامين .
 ٣. أن تتحقق المحكمة من الضرورة التي تقتضيها المصلحة سواء أكانت الضرورة اقتصادية أو اجتماعية أو أمنية أو غيرها مما يؤدي إلى تحقيق منفعة أو درء مفسدة و بما تراه مناسباً من وسائل التحقق وعلى أن تنزل الحاجة منزلة الضرورة في ذلك.
 ٤. أن تراعي المحكمة ما أمكن وحسب مقتضى الحال وجود مصلحة ظاهرة في الإذن بالزواج كأن يكون فارق السن بين الخاطبين مناسباً وأن لا يكون الزواج مكرراً وأن لا يكون الزواج سبباً في الانقطاع عن التعليم المدرسي .
 ٥. أن يجري العقد بموافقة الولي وذلك مع مراعاة أحكام المواد (١٧) و(١٨) و (٢٠) من قانون الأحوال الشخصية .
 ٦. أن تنظم المحكمة ضبطاً رسمياً يتضمن تحقق المحكمة من الأمور المذكورة والتي اعتمدها لأجل الإذن بالزواج وتنسيبها بخصوصها ثم ترفع المعاملة مع الضبط إلى دائرة قاضي القضاة لتدقيقها و اتخاذ القرار المناسب بشأنها
 ٧. بعد صدور موافقة قاضي القضاة تسجل حجة إذن بالزواج حسب الأصول .
 ٨. يتم إجراء عقد الزواج بعد التحقق من انتفاء الموانع الشرعية والقانونية .

قاضي القضاة/إمام الحضرة الهاشمية
أ. د. أحمد محمد هليل

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