



## Submission to the Human Rights Council of the United Nations Universal Periodic Review of

### Jordan (Fourth Cycle, Jan. – Feb. 2024) – 45<sup>th</sup> Session

**Submitted by:** Save the Children – Jordan, SOS Children’s Villages Jordan and Information, Research Center King Hussein Foundation. (A Joint Submission)

**Organization website:** <https://www.savethechildren.org.jo/> , <https://sos-jordan.org/en/> and <https://irckhf.org/>

#### **SAVE THE CHILDREN JORDAN**

Save the Children Jordan is a national non-profit organization operating in Jordan since 1974. Established under the patronage of HRH Princess Basma Bint Talal, reaches more than half a million children and their families every year. Including different areas of the refugee camps, hosting communities, and governorates. SCJ is the only Arab member of the 29 Save the Children organizations that operate in 117 different countries.

SCJ vision is a world in which every child attains the right to survival, protection, development and participation. While the mission is to inspire breakthroughs in the world's treatment of children, achieve immediate and lasting change in their lives.

#### **SOS Children’s Villages Jordan**

SOS Children’s Villages Jordan is a national non-profit organization established in 1983 that cares for over 30% of children in Jordan who lack parental care in 32 houses, 3 villages, and 8 youth houses in the cities of Amman, Irbid, and Aqaba.

Our Vision: Every child belongs to a family and grows up with love, respect, and security.

Our Mission: We build families for children in need, we help them shape their own futures, and we share in the development of their communities.

#### **Information and Research Center King Hussein Foundation**

The Information and Research Center – King Hussein Foundation (IRCKHF) was initially launched in 1996 as part of the National Task Force for Children. Today, the IRCKHF mobilizes knowledge for positive social change. IRCKHF promotes the welfare of children, youth, women, families, communities, and vulnerable groups by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the region, enabling effective socio-economic planning and decision-making.

## Challenges related to Children's rights in Jordan

### Part I: Child Marriage

#### Introduction

1.1 During the third cycle of the UPR, Jordan accepted four recommendations pertaining to ending child marriage<sup>1</sup>, while eleven recommendations requesting the amendment of the personal status laws to prohibit child marriage were noted<sup>2</sup>.

1.2 Even though a new personal status law (Personal Status Law No. 15/2019) was enacted in 2019, no legislative amendments have been made regarding child marriage. Article 10/b of the current laws states, "The judge may, with the approval of the Chief Justice and after ascertaining the availability of consent and choice, authorize, in special cases, the marriage of a person who has reached the age of sixteen, in accordance with instructions he issues for this purpose, if there is a necessity in his marriage required by the interest, and whoever marries accordingly acquires full capacity in all matters pertaining to marriage." The 2017 Instructions for Granting Marriage Permits to Individuals Under the Age of 18 remain in effect.

#### Statistics and Numbers

1.3 According to figures from the Supreme Sharia Judge Department listed below, the number of child marriages in Jordan fluctuated between 2010 and 2022, averaging approximately 11.5% of all marriages.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No. of Child Marriages: Males below 18	152	211	267	272	386	372	334	299	284	295	194	241	134
No. of Child Marriages: Females below 18	8,042	8,093	8,859	9,618	10,834	10,866	10,907	10,434	8,226	7,224	7,964	8,037	5,824

Total No. of Marriages < 18	8,194	8,304	9,126	9,890	11,220	11,238	11,241	10,733	8,510	7,519	8,158	8,278	5,958
% Change		1%	10%	8%	13%	0.2%	0.0%	-5%	-21%	-12%	8%	1.5%	-11%
Total No. of Marriages	61,771	64,257	70,400	72,860	81,209	81,373	81,343	77,700	70,734	67,696	67,389	75,360	63,834
% Change from Previous Year		4%	10%	3%	11%	0.2%	0.0%	-4.5%	-9.0%	-4.3%	-0.5%	12%	-15%
% of Child Marriages from Total Marriages in Jordan	13%	13%	13%	14%	14%	14%	14%	14%	12%	11%	12%	11%	9%

Source: Supreme Sharia Judges Department statistics.

1.4 According to the table below, the proportion of female marriages before the age of 18 varies significantly across governorates, averaging around 28% in Amman, 20% in Irbid and Zarqa, and 12% in Mafraq throughout 2019-2021.

#### Average Percentage Distribution of Child Marriages among Females Registered in Jordan during 2019-21 according to Governorate

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

Source: Supreme Sharia Judges Department statistics.

#### Practice

1.5 In 2022, Save the Children Jordan did indicative research (not representative) titled Policy and Practice of Instructions for Granting Marriage Permits to Those Under the Age of 18 in Jordan: A Field Perspective. For data collection and analysis, a combination of perception surveys and interviews with key informants were used. For sampling, and because the study aimed to reach a specific target group (i.e., females and parents of females who were married after the issuance of the 2017 Instructions), a snowball sample approach was adopted using beneficiaries of Save the Children Jordan's programs and field partners in governorates. A total of 132 respondents were interviewed from people who benefit from Save the Children Jordan's programs and field partners in governorates, as follows:

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

1.6 Article (3) of the Instructions stated that a judge has the discretion to approve the marriage of a minor who has completed the age of 15 and is under 18 years old when such marriage is considered a necessity to achieve an interest. The Instructions further included that the first instance Sharia court should consider the following when granting the exemption permission:

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

1.7 The Instructions stipulate that all approval requests of underage marriages submitted to Sharia courts in Jordan can be referred to the Family Reconciliation and Mediation Offices

(FRMO) for examination and review and accordingly a recommendation would be issued (approval/rejection). While the number of child marriages after 2017 Instructions issuance dropped steadily to reach 7,519 in 2019 (after it reached a high of 11,241 in 2016), the 2020-2021 numbers show that child marriage cases started to increase again.

Furthermore, an examination of the Supreme Sharia Judge Department's records regarding approvals for underage marriages involving females reveals that the FRMOs approved 95% of petitions. Contrary to what the legislature intended with Article 10/b of the Personal Status Law and related instructions; this implies that the trend in terms of giving permits is not on an exception basis. Given that not all applications are referred to the FRMOs, the actual number of approvals is actually higher. For example, there were 7,964 child marriages in 2020, but only 6,401 were endorsed by FRMOs. This means that 1,563 instances (20%) were granted with no referral to FRMOs, given that the choice to refer the request to FRMOs is discretionary and optional for the court.

### **Summary of findings:**

1.8 The 2017 Instructions do not provide a concrete definition of marriage as an interest or necessity, nor do they provide any examples. From the responses, it is clear that there is confusion or a lack of clarity toward the concept of necessity nor interest.

1.9 While examining the manner in which judges verify the suitor's competency, the most common methods were taking the testimony of witnesses and family members and requiring the suitor to swear an oath to his religious and social commitment. As for financial competence, around half of the interviewed parents indicated that the judge did not verify the suitor's financial means or ability to provide a home. Interviewees also indicated that the suitor did not present any evidence to confirm his financial competence.

However, since the beginning of 2023, the Supreme Sharia Judge Department has started applying the electronic link system to ensure the suitor competency, including financial competence.

1.10 The majority of females (92%) dropped out of school after marriage, indicating that the regulations' efficacy in guaranteeing girls' rights to education was modest, based on the comments of the girls questioned. This may be due to the absence of follow-up methods and accountability measures in the event of noncompliance.

1.11 Article (8) of the instructions states that both spouses must take a premarital course provided by the Supreme Sharia Judges Department for the marriage of minors to be permitted. Premarital courses were not held during the COVID-19 pandemic period. However, these sessions are currently being offered remotely, and although this option provides easier access, it also raises questions about the extent of their benefit.

#### **1.12 Recommendations:**

- ***In the short term:***
  - ***Sharia Judges should interpret article 10b of the Personal Status Law of 2019 and article 3 of the 2017 Regulations strictly and provide detailed justification that the conditions of necessity and best interest can be met to justify early marriage.***
  - ***Concerned public entities should immediately raise awareness about the negative effects of early marriage, including limited access to education and opportunities, increased health risks associated with early pregnancies, economic dependency, increased likelihood of domestic violence, psychological and emotional challenges, disruption of social development, and perpetuation of intergenerational cycles of poverty and gender inequality. These efforts should involve civil society, as well as community and religious leaders.***

- ***In the Long Term:***

***Amend the Personal Status Law to eliminate all exceptions that permit the legalization and practice of juvenile marriage.***

## **Part II: Observations and Recommendations Regarding Law No. 17 of 2022 on the Child rights Law (CRL).**

1.1 The long-awaited-for law did not meet expectations and did not meet international standards as stipulated in the Convention on the Rights of the Child. It should be noted Jordan ratified this convention through Law No. 50 of 2006, and according to the Constitutional Court it is not permissible to issue a law that completely contradicts the obligations established by a treaty ratified by law.<sup>3</sup>

1.2 Article 4 of the CRL contains language tying the enjoyment of a child's legal rights to existing legislation, giving precedence to legislation over the implementation of the CRL.

- **Recommendation: This article contradicts the intent of the law, which is to improve the lives of children by reinforcing previous legislation.**

1.3 Article 6. The Child Rights Law lacked any provisions pertaining to children born outside of wedlock, instead relying on what was already stipulated in the Personal Status and Civil Status Laws.

- **Recommendation: Add to the text of Article 6 a paragraph that protects children born outside of wedlock from all forms of discrimination.**

1.4 Article 15. The CRL did not include free and mandatory early childhood education, according to the ministry of education, mandatory education starts at grade one and continues through grade 10.

- **Recommendation: amend relevant legislation to make kindergarten mandatory and free.**

1.5 Article 20. The current law emphasizes Article 62a of the Penal Code, which permits corporal punishment and removes protections for children. Sometimes it may even be interpreted as justification for physical violence against children by the parents.

- **Recommendations: (a) Repeal of Penal Code Article 62a, (b) Amending Article 20 of the Child Rights Law by removing the phrase "Considering the rights of the parents or whomever substitutes them supervision and education in line with the applicable legislation.", (c) Commitment to the Convention on the Rights of the Child's Articles 18 and 19**

1.6 Article 24. The law restricted legal aid to children in conflict with the law, excluding child victims and those in need of protection and care, in accordance with juvenile law.

- **Recommendation: Amending CRL to include protection and legal aid for child victims and those in need of protection, as well as enhancing Juvenile Law No. 2014 to this end.**

### Part III: Children with No Family Ties

3.1 Children with no family ties include, among others, abandoned children by their families, orphans, and infants left near hospitals and mosques. SOS Jordan provides care, accommodation, education, skills, protection, social inclusion, food Security, physical health, livelihood, and social and emotional well-being. The SOS Children's Villages concept is based on four main pillars: a mother, brothers and sisters, a home, and a village. An SOS mother cares for 5 to 7 children in a house that replicates the setting of a family. Because official categories and definitions of children in this situation are inconsistent, it is challenging to obtain a precise picture of the number of children and youth without family ties.

3.2 In Jordan, children and adolescents without familial ties are severely stigmatized. Children without parental care in Jordan are expected to thrive within citizenship structures that assume the centrality of family, even though they are not part of a family, resulting in their social alienation and exclusion.

3.3 Jordan has made some progress in response to CRC recommendations over the years in relation to children and youth without family ties, but many problems remain unresolved. Despite the fact that multiple strategies and plans have been established, some of them have yet to be implemented. Other strategies and plans were well-structured, but there were no public reports of their implementation or success, making it difficult to evaluate their efficacy, strengths, and potential for enhancement.

3.4 One of the main challenges abandoned children face is proving their ancestry. The term unknown lineage is used in national legislation (Personal Status Law of 2019) or even for illegitimate children (Civil Status Law of 2001). These include a child whose mother is known, and father is unknown, or whose lineage has not been substantiated to the father legally; children of unknown maternal and paternal lineage; and Children of incest (Penal Law of 1960).

3.5 Although the Personal Status Law of 2019 allows proving lineage with peremptory scientific means, a marriage contract still needs to exist. Children born out of wedlock or incest cannot prove their lineage.

3.6 Among the beneficiaries of the Jordanian SOS Children's Villages Association are youth with psychological conditions that prevent their complete self-reliance or graduation from the association's services after the age of 23, such as mild mental disability, behavioral disorder, and severe depression. Neither the Ministry of Social Development nor the Higher Council for People with Disabilities have centers for this category; therefore, they are admitted into centers for severe cases of mental disability.

### **3.7 Recommendations:**

- ***In legislation, official documents, and national strategies, eliminate all derogatory or demeaning references to children and youth without family ties.***
- ***After leaving care centers, develop and implement national strategies to aid and support youth without family ties.***
- ***Recognize the child's right to demonstrate ancestry regardless of the existence of a marriage certificate for the parents.***
- ***Establish affordable health care centers for adolescents without families who have a mild mental impairment.***

## **Part IV: Adoption and Foster Care**

4.1 Jordan ratified the Convention on the Rights of the Child (CRC) via Law No. 50/2006 but made reservations regarding Articles 14, 20, and 21.

4.2 Jordan believes that the traditional concept of adoption is incompatible with Islam; consequently, it is forbidden for an adopted child to have the name of the adopted parent. The adopted child's birth certificate includes a different mother's name. The first name of the mother resembles the name of the adoptive mother, but her father's, grandfather's, and family's are changed.

4.3 In 2013, the Ministry of Social Development issued regulations to govern alternative family care under the Islamic system of (kafalah) and fostering arrangements.

4.4 In accordance with Article (10) of the 2013 regulations, alternative care and foster care arrangements are terminated in 10 circumstances upon a court order or the minister of social development. For instance, alternative care and foster care arrangements are terminated if the child's parentage is established by a court order. However, the procedure does not consider the situation of the biological parents, their ability to care for the child, or whether it is in the child's best interest for him other to reside with his biological parents. Clearly, the best interest of the child is not being considered.

3.6 Foster parents do not receive the same benefits as biological parents, including:

- Having medical and educational expenses for children exempt from income tax<sup>4</sup>.
- Biological offspring are entitled to a portion of a deceased parent's pension<sup>5</sup>.
- When biological parents register immovable property in the name of their children, they pay only 0.5% of the immovable property's value in fees, whereas adoptive parents must pay 3%, which is the fee charged when a transaction is conducted between two unrelated individuals<sup>6</sup>.

3.7 There is no legal basis for allowing working adoptive parents to add their adopted child to their employer-provided health insurance plans.

3.8 Current practice dictates that the adopted child is not added to the Family Book<sup>7</sup>; rather, the adopted child has a distinct family book. This complicates the daily tasks that parents typically perform for their children. Also, the chosen name for the child, which does not relate to adoptive parents, further complicates these tasks.

3.8 It is difficult to establish the linkage between the adoptive parents and the child due to the practice of giving the adopted child a name that is unrelated to the adoptive parents on the birth certificate. In practice, there are numerous complications, especially when obtaining a visa from a foreign embassy or acting on behalf of the child in education or health-related matters.

## **Recommendations:**

- **All procedures pertaining to an adopted child should be guided by the child's best interests. Child best interests should be added to the mere presence of biological parents as sufficient grounds for terminating an adoption and removing a child from his or her adoptive parents.**
- **The adopted infant should not be discriminated against in any way.**
- **Adoptive parents should have the same rights as biological parents regarding tax exemptions, entitlement to a portion of the deceased parent's pension, and reduced fees for transactions involving immovable property that include the parents and the adopted child.**
- **Perform the necessary steps to add the adopted child to the Family Register of the adoptive parents.**
- **Take the necessary steps to have the adoptive parents' names included on the adopted child's birth certificate.**

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<sup>1</sup> Human Rights Council Fortieth session, Universal periodic, Report of the Working Group on the Universal Periodic Review, Jordan, A/HRC/40/10, 7 January 2019, paragraphs 135.34, 135.78, 135.113 and 135.114

<sup>2</sup> Human Rights Council Fortieth session, Universal periodic, Report of the Working Group on the Universal Periodic Review, Jordan, A/HRC/40/10, 7 January 2019, paragraphs 137.25, 137.28, 137.29, 137.29, 137.30, 137.31, 137.33, 137.40, 137.52, 137.67 and 137.70

<sup>3</sup> The Constitutional Court, Explanatory Decision No. 1/2020.

<sup>4</sup> Income Tax Law No. 34/2014, article 9.

<sup>5</sup> Social Security Law No. 1/2014, article 80

<sup>6</sup> Land Registration Fees law No. 26/1958, Table 1.

<sup>7</sup> The Family book is the official document that has the names of all of family members.