**o\_tarawneh@nchr.org.jo/** **kierenfizpatrick@asiapacificforum.net**

**Q.1- Measures taken to implement the recommendations of preventing and eliminating child, early and forced marriage (By the NCHR)**

* A- In Article (6) of the Jordanian Constitution, the principle of equality between all Jordanian citizens was guaranteed; it has been stated in the Constitution as follows: “Jordanians shall be equal before the law, concerning of their rights and duties, and regardless of their race, language or religion”. Many amendments have been done and adopted in the Constitution, thereof the amendments: ‘the assertion that the family is the base of society, which is formed by religion, morality and patriotism, and that the law does preserve its’ legal entity and reinforces its’ bonds, principles and values. The amendments has encompassed as well that the law does protect motherhood, childhood, and defends people with disabilities from any violations, abuse or exploitation. Moreover the Convention on the Elimination of All Forms of Discrimination against Women (2007) as well as the Convention on the Rights of the Child (2006), were both published on the Official Gazette, accordingly, they are now considered to be a part of the National legislation system.
* B- A temporary Personal Status law No. 36 of 2010 was issued in the Official Gazette; the law has contained a number of substantive issues, which are concerned to acquire qualitative development (that was not being mentioned and practiced in the previous law). The temporary Personal Status law of 2010 has tackled the issues related to women and children rights; cases of custody, vision and prostitution. Regarding the issue of determining the age of marriage for both men and women, the law has equated the age for both sexes to be 18 years old.
In spite of the positive effect of stating the legal marriage age to be 18 years old (compared to the previous law), however the current law in Article (10,B) has legitimated that the judge with the authority of Chief justice, may (in special cases) authorise marriage of a fifteen years old child; according to instructions issued for the particular purpose of the marriage; ex. If the marriage is a necessity for the sake of public matter. Whoever gets married at the age of 15 (accordance to the instructions) acquires a full eligibility in everything related to her/his marriage, band, and what follows. Whoever gets to marry someone at the age of 15 years old has to follow instructions of Article (1,2017) to grant the permission of the marriage; the conditions that must be provided when allowing the marriage is not to exceed 15 years difference between the couple, the male should not be married, and marriage should not be a barrier for dropping out of school education, the man who shall be marrying the 15 years old girl should afford and prove the ability of spending money on her, pay dowry and build a stable martial home.
* C- According to the National Center for Human Rights, it is essential to abide by the general rule of law that the age of marriage is ‘18 years’, considering that early marriage is not permitted and consistent with the International Labor Conventions and the Jordanian Labor Law; which does not authorise work for the youngsters and adolescents who are below the age of 16. As for this affects the wife’s right to expenditure and the husband’s ability to finance and form a stable family. In this regard, NCHR stresses the need to correspond to the National legislations included in the Personal Status law with the International standards and the Kingdom's obligations in this respect.
1. The penal code law amendment (No. 27, 2017) was issued in the Official Gazette, which included the cancelation of article (308); that allows the rapist to forgo the punishment by marrying the victim, thus early marriage was allowed if a man raped a girl under the age of 18 with the aim of avoiding the punishment.
2. Many awareness workshops, seminars, conferences and awareness sessions were implemented and achieved in all governorates of the Kingdom by the government, National institutions, civil society institutions, sociologists, clerics and doctors to all segments of society; especially in the Ministry of Education schools, such awareness lectures were engaged on revising the risks of early marriage to both sexes.
3. Preparing research studies and reports on the marriage of minors and explaining its’ causes and consequences by the Higher Population Council, the Jordanian National Committee for Women's Affairs and the National Centre for Human Rights through its’ annual report on the human rights situation in Jordan.
4. The National Centre for Human Rights (NCHR) established the "Eidak Maa" network; which is a group of civil society organizations concerned with children rights, which was distributed in all the governorates of the Kingdom by giving many awareness workshops regarding the protection of children from violence and exploitation. Early marriage is considered to be a form of violence against children, as well as a violation of the rights in the Convention on children rights.
5. The Department of Statistics has prepared a data analysis for the 2015 census of population and housing. The analysis concluded the percentage of women married by 2015 and under the age of 18 in 2015 of the total number of married women in 2015 is (18.1%), whilst among Jordanian married women was (11.6%), Syrian married women (43.7%) and (13.5%) were married to other nationalities. In the simplest form, women (in general) under the age of 18 in 2015 numbered two out of ten women got married at the National level and one out of 10 were Jordanian women.

 **Q.2- The National Centre for Human Rights monitory for the situation of women in remote areas (areas deprived of services)**

* It was perceived and monitored that the majority of girls do not complete their school education; some of the reasons would be the lack of schools secondary classes. Hence, the Education Law stipulates that education is compulsory until the 10th grade (when the girl is 16 years old). **However, NCHR believes that it is necessary that the law should follow policies which:**
1. Force girls to complete their secondary school education.
2. Raise the compulsory education to the second grade of the high-school level.
3. Schools should provide review improvement lessons to girls who face difficulties in studying (after school classes).
4. Help and support girls who are affected by outsider issues of the society or family problems; to take them back on the right track.
5. The school on its part should legally report girls who dropout from school immediately; thus according to the notification, legal authorities would follow up the violation of the law.

**Q.3- Measures of which have been taken to protect women from violence
(Represented by legal and awareness protection)**

* Issuing several articles in Laws, such as: The Protection of Domestic Violence Act (No. 15 of 2017), in addition to the amended Law of Penal Code (No. 27 of 2017).
* The National Centre for Human Rights and civil society organizations made efforts in providing awareness programs to protect women from violence. However, there is still a need for more awareness programs and workshops for both sexes; especially those who live in remote and distanced areas, schools, universities and shelters for victims of violence.

**Therefore, NCHR considered that the violence against women is still facing many challenges and obstacles, the most remarking are**:

1. The endless continuity of holding into the traditions and habits that is still being defined as acceptable.
2. There is still some discriminatory legislation against women.
3. The work of relevant institutions does not give a clear picture of the extent of the actual issues the country is facing at its’ National level. Considering that there is no agreement between these institutions on a specific concept of violence, and the absence of a National monitoring system for any violence case; which is why it’s difficult to determine the proportion of violence against women in Jordan (each institution gives a percentage of the violence against women depending on what has been identified and received from the women (victims) who suffered from violence.
* NCHR has hosted the 11th International Conference of the International Coordinating Committee of National Human Rights Institutions on the title of: "The Human Rights of Women and Girls; Promoting Gender Equality: The Role of National Human Rights Institutions", which was held in Amman from the 5-7th of November/2012. The Conference adopted Amman’s Declaration and Program of Action containing the regional action plans embraced by the regional working groups of the National human rights institutions, to be implemented as a procedural guide to their field work of protecting and promoting Women’s rights, girls and gender equality.
* **The Plan of Action carries out specific tasks for National human rights institutions; pointing out in**:
- Review and document the National legislation that discriminates women in rights.
- Analyse and assess the policies observation, monitor and document the violations on women’s rights and work to eliminate them,
- Oblige governments to implement their commitments concerning women’s rights on the National and International levels.
- Activate the role of the National institutions through enhancing the coordination among all the International and the National partners, including partnership with civil society organizations; which initiated its’ preparatory meeting for the Conference on the 4th-5th of November in Amman ahead of the actual date of the main conference. The Conference published the **"Amman Statement"** on its’ website (in Arabic/English) and through various media channels.
- An informative statement brochure was prepared and distributed to the National community by visiting 84 remote areas; where the violations of women’s rights have been monitored and documented. Thus, submitted a report to the Council of Ministers, which then was circulated to the ministries and the related parties.
1. Specific actions are taken to prevent forced and early marriages, by giving awareness sessions with leaders and parents of the community, as well as engaging the refugee girls in the prevention management.
* A Sharia court was launched in the Za’tari camp, besides the opening of an office in the camp that is linked to the Mafraq Legal Court; to document marriage contracts in order to prove legal marriages, lineage and to stop exploiting women.
* The Civil Status Department had set up an office in the camp; to document birth certificates, where it has given 3,000 birth certificates to the children of Syrian refugees.
* To assure the promise of the Government of Jordan in providing protection and care for the women and youngsters, a branch of the Family Protection Department was opened in Za’tari camp, as well as establishing an inter-agency task force, which mainly aimed at implementing a risk reduction and mitigation the consequences of early and forced marriage.
* “Centre for counseling and support” was opened in “Al Daleel” (north-east of Jordan) to serve Jordanian women and Syrian women refugees; to assist the violence issues on the field of gender-equity, detect the violations women experienced, thence provide the appropriate services.

**Q.4- NCHR monitoring of the discriminatory legislations against women**

- NCHR has identified 11 laws that discriminate women; the centre stresses through its’ annual report on the human rights situation in Jordan, and ‘shadow report’ to the government report (the Convention on the Elimination of all Forms of Discrimination against women), to amend the discriminatory legislation and its’ conformity with the constitution and the International standards.

* An implementation was made via the collaboration between the NCHR and CARE global organization called “Protection Project 1”; 1. Summarized on the protection of women and young girls (8-18 years old), from gender-based violence; aiming to raise awareness of the society members in order to protect them from violence in six governorates[[1]](#footnote-1).
* An adoption of the draft law on children’s rights ensures the category protection from violence.
* Another protection project (Protection 2) was implemented by the NCHR to protect women and girls from the gender-based violence, which aimed to promoting gender equity, raising the capacity of service providers from relevant official agencies and civil society institutions; to eliminate gender-based violence. The project targeted remote areas in the governorates of Mafraq and Zarqa through the implementation of six training workshops[[2]](#footnote-2). The project has also established six local coordinating committees in Zarqa and Mafraq governorates.

**Q.5-** The NCHR appreciates the government's response to the directed recommendation by establishing the ‘Karama House’ (which was opened on the 12th of September/2015 and is correlated to the Ministry of Social Development); for protecting the victims of trafficking, and receiving the beneficiaries of Article 7 of the Prevention of Human Trafficking Law( No. 9/ 2009), aiming on providing all social, psychological, health, economic and housing services) and was previously received at the House of Reconciliation.

* Issuing a new scheme to the shelters for women at risk (No. 171 of 2016), which aimed to protect, and offer temporary shelters’ to those who are in risk, and to provide social care, psychological, health, guidance, cultural and legal services for the beneficiary; until their case is solved and no danger would threatens their lives.
* NCHR participates with the Ministry of Social Development, the Ministry of the Interior, the Judicial Council, the Public Security and civil society organizations in the preparation of the draft executive instructions for women at risk shelters.

**Q.6-**  Answers are at the last report; “Adopted procedures used to implement the final recommendations”.

**Q.7- Challenges in addressing the issue of early marriage**

1. **Cultural and Social Challenge**: The social and cultural reality of families of all nationalities living in the Kingdom encourages the growth of this phenomenon and impedes ways of reducing it.
2. The **existence of a legislative text** that allows the marriage of minors; on the Personal Status Law in Article (10,B) (as been mentioned previously).
3. There is **no National strategy** to control and reduce the marriage of minors.
4. **Funding** is needed to diminish early marriage phenomenon; as the Jordanian government cannot by itself afford paying for awareness programs, as well as implementing the National Strategy for Early Marriage Reduction.

**Overcoming the challenges:**

1. **Cancellation of Article (10 / B)** of the Temporary Personal Status Law (No. 36 of 2010), which allows marriage at the age of fifteen.
2. **Prepare a National strategy** to reduce the early marriage phenomenon.
3. **Prepare and implement a comprehensive awareness plan** on early marriage and its’ negative effects on individuals, families and the society.
4. Address the issue of female students dropping out of schools and raising compulsory education up to the high school.
5. **Provide financial support** to the girl’s families’, who compel to the early marriage of their daughters because of poverty.
1. **The Six governorates:** Amman, Zarqa, Irbid, Mafraq, Al-Karak and Ma’an. [↑](#footnote-ref-1)
2. **The six training workshops have concluded:**

 - The concept of gender-based violence.

 - Protecting women from violence according to International standards and local legislation.

- The concept of advocacy and leadership for 190 participants.

- Sessions on the economic women empowerment (by managing the economic projects) [↑](#footnote-ref-2)