**Submission for OHCHR Report on Child, Early & Forced Marriage in Humanitarian Settings**

**Humanitarian context in Jordan**

As of 10th August 2018, 668,123 Syrian refugees have sought official refuge in the Hashemite Kingdom of Jordan [1, 2]. This places Jordan as having the second greatest ratio of refugees to citizens in any country across the world, and fifth in absolute numbers of refugees [3]. The government of Jordan is not a signatory of the United Nations’ 1951 Convention Relating to the Status of Refugees. Therefore a Memorandum of Understanding (MOU) was established in 1998 between UNHCR and the Government, partially amended in 2014. The MOU forms the basis for the UNHCR's activities in Jordan and defines parameters for cooperation between the UNHCR and the Government. It also outlines Jordan’s rights and responsibilities in relation to refugees, which since 2014 has restricted free access to health care [4], but has more recently opened up employment opportunities in some sectors. Nonetheless, the Government refers to Syrians as refugees, stressing the need to develop an environment that facilitates protection. While there are 5 camps for Syrian refugees in Jordan, 84% of registered Syrian refugees live in host communities, in addition to those who are not registered with the UNHCR [5]. This has particular implications for the care and protection of refugees. It is estimated by the UNHCR that, partly due to the protracted nature of the ‘crisis’, 86% of Syrian refugees now live below the poverty line, predominantly in host communities, facing challenges in accessing sufficient health, education services and reliable livelihoods to ensure they dwell in a ‘protective space’ [5]. This has placed a significant strain on Jordanian social and economic infrastructure and has required an unprecedented response by the Jordanian Government and the humanitarian community in every sector of governance [6].

**Child marriage amongst Syrian refugee in Jordan**

The legal minimum age of marriage in Jordan was increased to 18 years of age in 2001[7-9]. However, under personal status law (Personal Status Law (No 36) of 2010) there remains a clause which allows a child to legally marry from 15 years of age in exceptional circumstances, if it is deemed to be an “utmost necessity”[9]. The regulations Granting Marriage Permission to those between 15 and 18 years of age were recently updated and published by the Supreme Judge Department in July 2017 (9, 15). Data from the Sharia Courts in Jordan shows that the proportion of all registered Syrian marriages which include a child has risen from 12% in 2011, to 18.4% in 2012, to 25% in 2013, to 32.3% in 2014 and to 34.6% in 2015 [7, 8]. Yet the proportion of marriages which include a child across other groups in Jordan have remained fairly static [7, 8]. This has led to significant critique of how the exceptional circumstances clause has been used in Jordan [7, 10]. Child marriage amongst the Syrian refugee community, in particular, has also been raised as a significant protection concern by various governmental and humanitarian actors in Jordan. It is widely acknowledged that displacement has increased rates of child marriage and associated risks amongst this community, although prevalence data supporting this reality is limited [7, 8, 11-17].

**Submission based on original research by Terre des homes (Tdh) and Dr Hutchinson, University of Bedfordshire**

2. **What measures were taken to strengthen data gathering, contextual analysis and analysis of social factors contributing to child, early and forced marriage in humanitarian settings?**

A multi-method study has been completed on Child Marriage within the Syrian refugee community in Jordan to improve knowledge and develop a contextually and culturally relevant framework of risk and protective factors associated with child marriage. The study uses an ecological framework which is cognisant of, and informed by, cultural and religious thought, and community processes. The research specifically explores the social processes underpinning the nature of child marriage, the impact of displacement, community-based protection strategies and responses to child marriage by key stakeholders in Jordan. Data has been collected through a systematic mapping of the literature in Jordan, a basic assessment tool of 191 girls living in 140 households receiving support from Tdh child protection case managers, 9 in-depth qualitative interviews with married girls, 11 family in-depth qualitative interviews, 4 qualitative interviews with engaged and unmarried girls, 4 focus groups with young people aged 15-21, 4 focus groups with parents, 17 semi-structured qualitative interviews with professionals and policy makers involved in the response to child marriage, 8 qualitative interviews with faith-based actors and a policy-mapping exercise. The (largely) qualitative data collected provides an in depth understanding of how child marriage is conceptualised and understood, on the decision-making processes underpinning child marriage, and responses to child marriage (18,19,23).

3. **What are the specific challenges and gaps in the prevention and eliminating of the practice of child, early and forced marriage in humanitarian settings? How could such challenges and gaps be overcome?**

Through 17 semi-structured qualitative interviews with professionals and policy makers involved in the response to child marriage in Jordan we found a number of challenges and gaps in the prevention and eliminating of child marriage in humanitarian settings (see table below).

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| Challenges and gaps | Recommendations |
| - *Terminology:*  The use of terms like ‘child marriage’ can sometimes be unwelcome in communities. On the other hand, the use of a wide range of terms could reduce the consistency of messages on child marriage*- Ensuring efficient and effective multi-sectorial coordination and knowledge exchange:* Whilst the National Committee for Child Marriage is responsible for multi- agency and multi-sector coordination and actions plans, it will take time to develop the ‘real’ partnerships needed at all different levels- *Difficulties in responding because of the social acceptability of child marriage:* Participants said that families will find ways to facilitate child marriage if they believe it to be best. The humanitarian community has less experience in responding to ‘cultural’ or socially acceptable practices which make responses less effective- *The legal context which allows marriage from 15-17 years:* Although the minimum age of marriage is 18 in Jordan, because of the possibility of marrying from 15, most people consider 15 to be the minimum age of marriage. The exceptions make it difficult for practitioners to prevent child marriage or say it is ‘wrong’ because it is legally permissible. - *Identifying affective approaches to prevent and respond to child marriage:* It was not clear to participants which approaches were effective in responding to child marriage, and how these approaches could be monitored and evaluated. Are specialised or general programmes more effective? Awareness message? Efforts to prevent the drivers of child marriage?- *Framing of child marriage as largely a ‘Syrian’ problem:* This can result in child marriage being considered as purely a ‘cultural’ practice rather than as a result of displacement and crisis, and also takes attention away from child marriage that occurs in other groups. I can also lead to unhelpful generalisations about the Syrian community.- *Child marriage reduces resettlement options* - *Widespread lack of appreciation of the negative consequences of child marriage and level of harm* make it difficult to prevent child marriage- *Keeping child marriage a priority for different stakeholders is not easy.* It is not always seen as a priority when taking to account the wide range of needs and risks that Syrian face- *Conceptions of consent are difficult to challenge* as many girls will believe that they have given their consent to marry, without the nature of this consent being examined or investigated.*-Religious associations with child marriage* can make it difficult for agencies without religious authority to engage *-Identifying cases before a marriage happens* is difficult which reduces the effectiveness of targeted prevention work - *Bench-marking of legal age of marriage with other countries* causes difficulties because many other countries legally allow marriage under 18 years of age, weakening the argument to change legislation- *Ensuring significant investment in Syrian refugees is challenging* as the crisis is prolonged and as the Jordanian economy continues to struggle. Questions remain about the long term future of refugees- *Married girls risk falling between service gaps*. Despite their age, girls function in society as neither children or adults, and once a marriage has taken place then services can only mitigate or reduce risks, and there is no further role for prevention work- *Inconsistencies in measurements of child marriage* which can weaken arguments about the nature and extent of the problem in the Syrian refugee community- *Child marriage is sometimes perceived as only a concern for ‘westerners’*- *Ethical dilemmas* may arise through prevention and protection interventions, such as whether to provide cash to married girls or whether to challenge child marriage as a ‘cultural’ practice | - *Evaluate responses to child marriage* to ensure that resources are invested in strategies what work- *Ensure there are alternatives to marriage for adolescent girls,* as these are essential for prevention work- *Develop specialised work with boys and men* to support prevention strategies- *Identify rates and impact of child marriage amongst boys*- *Develop and strengthen educational policy on child marriage:* including policies on how education can prevent child marriage and facilitate educational access for married girls- *Focus on adolescent girls* in all programmes due to vulnerability- *Invest in robust, reliable and in-depth data on drivers and outcomes of child marriage* to tailor responses to child marriage across different community groups- *Invest in training and knowledge sharing,* ensuring better sharing of tools and practice responses across agencies and sectors- *Recognise and examine the inter-sectionality of child marriage with disability and mental health*- *Increase resources for child marriage specifically in contexts of emergency* (including time, financial, and expertise) |

Participants particularly highlighted difficulties in preventing child marriage because of the social acceptability of child marriage and the widespread lack of appreciation of the level of harm which can result from child marriage. Many believe that despite protective marriage laws, awareness campaigns and service provision, families will find ways to facilitate marriage if they believe it to be ‘best’ for their daughters. Linked to this, it was felt that the humanitarian community has limited experience in responding to ‘cultural’ or ‘socially acceptable’ practices, making responses less effective. It was not clear to participants which approaches were effective in responding to child marriage, nor how these approaches could be monitored and evaluated, nor how ‘development’ practices can be used or adapted for humanitarian contexts. For example, are specialised or general programmes more effective, should they focus on awareness messages or preventing the drivers of child marriage? More attention to nuanced ‘social norms’ interventions are needed in the humanitarian sector, especially in protracted emergencies, and for an active engagement with those focused on these types of interventions in the development sector. It must also be recognised that emergencies impact social norms and ‘cultural practices’, and these readapted processes must be properly understood, particularly as they may provide opportunities which are not present in a ‘development’ context.

Participants also highlighted that although the minimum age of marriage is 18 in Jordan, because of the possibility of marrying from 15 years of age most people in the Syrian community actually consider 15 as the minimum age of marriage. This is especially true because in the past it has not been difficult to legally marry from 15 years of age in Jordan (7,10). The very existence of the ‘exceptions’ clause make it difficult for practitioners to say child marriage is ‘wrong’ because it is legally permissible and is not crime. It also gives the community mixed messages. Although the Supreme Judge Department in Jordan have recently reissued guidance on validating marriages under 18 years of age, it is yet unclear if this will actually the number of child marriages or change perceptions of the marriage law across the Syrian community. While there are many active civil society organisations campaigning against child marriage in Jordan it was noted that they all have different goals in relation to the law (i.e. some think the age for exceptions should be increased to 16, some think the regulations should be tightened and enforced, others think the exceptions should be removed completely). This makes it difficult for organisations to work and campaign together (which they have recently done to repel article 308, which allowed rapist to marry their victims to avoid punishment).

Other significant gaps include lack of evaluations of responses to child marriage to ensure that resources are invested in strategies that work, a lack of alternatives to marriage for adolescent girls which are essential for prevention work, specialised work with boys and men to support prevention strategies, reliable data on rates and drivers of child marriage, any educational policy on child marriage and sufficient training and knowledge sharing between practitioners and agencies. It is believed that closing these gaps would increase the effectiveness of efforts to prevent and respond to child marriage.

5. **What impact have exacerbating factors had on child, early and forced marriages in humanitarian settings?**

Research on the impact of displacement on the social processes underpinning child marriage amongst Syrian refugees in Jordan, based on qualitative interviews, indicates that there are multiple factors which exacerbate child marriages in humanitarian settings as shown in figure 1 [18]. Deciding ‘when’ and ‘who’ a girl will marry is not usually a pre-planned ‘one-off’ event, and different factors have varying impact on; a) the general expectations held by families about when and who a girl will marry, b) the response to an actual proposal and c) the shape of the marriage arrangements after proposals are accepted. Many factors are exacerbated by displacement, such as poverty, insecurity and poor educational access and attainment; however there are also specific displacement-related factors at play such as the hopelessness associated with being a refugee, the difficulties in planning for a future, ‘keeping girls safe’ (fears of sexual and gender-based violence were not addressed explicitly) in an unknown community, few ways to transition to adulthood and severe overcrowding. Providing for, and protecting, adolescent girls places a significant strain on refugee families, such as the provision of feminine hygiene products, giving them their own room or own space, or ensuring they are safe in public. Most parents interviewed did not ‘plan’ for their daughters to marry at a particular age, and state that their daughters married ‘early’ largely because of displacement and lack of any other options or alternatives for girls. In their minds, for a 15 year old girl who is living in a rented two bedroom flat with parents, grandparents and siblings, who is inactive at home with no ambition or ability to ‘progress’ or ‘thrive’, marriage appears to be the ‘best’ or ‘only’ way to forge a future, to transition to adulthood, to give her purpose or ensure adequate provision. It is clear that child marriage is not a response to a single dominant factor, such as poverty, culture or poor educational access [18, 19]. (Child) Marriage is a socially acceptable strategy which appears to ‘solve’, or at least reduce, many problems that refugee families face – which is highly appealing for families with limited resources.



While child marriage is largely considered to be a ‘traditional’ practice, or social norm, for some Syrian communities prior to the conflict, it appears that displacement has created an adapted ‘culture’ of child marriage in Jordan – one in which child marriage is not considered ‘ideal’, but as necessary for survival due to lack of rights and alternatives [18]. As a result, the families and girls interviewed largely had ambivalent attitudes to child marriage (i.e. they have mixed and sometimes contradictory feelings, attitudes and practices related to child marriage), and a limited understanding of the risks and harms caused. Any harms or risks that were acknowledged by families tended to be minimised by references to encountering married girls who ‘appear’ to be happy and fine, or who are negatively affected because a ‘bad’ match was made (and this can be avoided by making a ‘good match). Families also associated a lot of the negative consequences of child marriage with displacement rather than child marriage, or considered some difficulties, such as conflict with in-laws or social isolation (or even domestic violence) as normal and to be anticipated in married life. This raises questions about the effectiveness of prevention strategies based only on informing families and girls about the negative consequences of child marriage, and how these messages are perceived and understood.

6. **What measures (e.g., legislative, regulatory, policy and programmatic) are in place or have been adopted to address the root causes and exacerbating factors of child, early and forced marriage?**

Following a significant study on child marriage in Jordan by UNICEF in 2014 [20], and other major research-based reports [12, 17], child marriage has become a priority for many organisations concerned with child protection and sexual and gender-based violence (SGBV) [19, 21-23]. For example, child marriage is a key area of work for the Child Protection Sub Working Group and cases are recorded and reported through the Gender-Based Violence Information Management System (GBVIMS) [24]. A child marriage task force was established under the SGBV sub-working group, operating from April to October in 2017. The aim of this task force was to share good practice, tools, responses and research, and coordinate prevention strategies and approaches. In March 2016, the National Committee on Child Marriage, was established by the Jordanian Government to ensure a comprehensive cross-sectorial response to child marriage, especially at a policy level. It brings together a range of actors to develop national action plans across and within all participating sectors [19].

As a result of significant advocacy by many organisations, and the work done by the National Committee on Child Marriage, the Supreme Judge Department issued new regulations in August 2017 for *Shari’a* court judges granting marriage permission to those 15-17 years [36]. The Family Protection Department and Public Security Department (with the support of UNHCR) also published a report in 2018 on the Standards of the Best Interests of the Child in Accordance with Jordanian Legislation, Islamic Shariah and International Standards [37].

Terre des hommes found two main types of programmes used to prevent child marriage in Jordan [19]. The first is through various awareness-raising and advocacy activities, as listed below. The second is through working to reduce the ‘main’ drivers of child marriage. A range of organisations (governmental, non-governmental, humanitarian or faith-based) have developed programmes to reduce poverty such as cash assistance, increase educational access, provide PSS/life skills/empowerment activities, address social and cultural norms which encourage child marriage and provide sexual and reproductive health (SRH) education. However, very few of these prevention programmes specifically target child marriage, and very few programmes include monitoring or evaluation measures specifically related to child marriage. These programmes usually target the ‘most vulnerable’ to increase protection at a more general level, which in theory should also reduce child marriage. Lack of data means that we are unable to confirm whether this is the case or not [19]. Moreover, programmes are usually designed to tackle one driver at a time and prioritise what appear to be the main drivers, such as poverty, rather than some of the socially constructed and culturally shaped drivers. Most prevention activities also target the drivers present at stage one of the decision-making process highlighted in figure 1 rather than stage 2

8. **What measures are/have been taken to effectively engage family members, community and religious leaders in raising awareness about, and countering child, early and forced marriage in humanitarian contexts?**

One of the main methods used to prevent child marriage by different agencies in Jordan is to inform girls and their families about the negative consequences of child, early and forced marriage, and to challenge the social norms and values held at a community level that encourage the practice, as well as to advocate for better legal protections nationally [19]. This is largely in response to the cultural underpinnings and social acceptability of child marriage perceived to be present in Syrian (and some Jordanian) families.

Programme reports and interviews with professionals responding to child marriage reference the following strategies for awareness raising around child marriage: **Activities:** Interactive theatre; Peer to peer awareness-raising; Tailored sessions to different groups; Small group awareness raising and discussion (may be led by community based child protection actors or case managers); Awareness sessions as part of courses or youth focused activities such as life skills or empowerment programmes; Broad stakeholder engagement and widespread advocacy campaigns with religious leaders, health and education professionals, government ministers, community leaders and other people in positions of power or influence; Campaigns targeting a change in the law to raise the age of marriage to 18 without any exceptions. **Tools:** Amani Campaign messages [25]; Videos of affected girls speaking about their experience (to be screened before discussions); Standardized messages on Child Protection/ Sexual and Gender based Violence.

However, many practitioners noted that simply telling people that child marriage is ‘wrong’ or ‘harmful’ is not effective nor is it always appropriate. There is also a lack of evaluation data outlining the effectiveness of these strategies. In response to this, UNFPA Jordan are currently finalising a COMBI tool which will involve targeted messages directed the household decision-maker, and a wider advocacy engagement. Furthermore, there is a lack of positive messages on the marriage of two consenting and educated adults.

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