

## Opinion Paper on the Recent Regulations Granting Marriage Permission to those between 15 and 18 years of age

### Introduction:

Upon the issuance of the new regulation regarding the granting of marriage permissions, a great media fuss has occurred amid subsequent misunderstanding of the matter. This has led us to highlight the most prominent challenges and set forth recommendations in order to illustrate such regulations in a detailed and comprehensive manner. The foregoing was established on the basis of justice, equality, support and advocacy of all efforts directed to generate the development of official and non-official entities for the devotion to the highest principles of human rights, and further our everlasting pursuit to apply an accurate understanding of respective regulation and clarification to such an issue. Moreover, we are trying to eliminate any difficulties and challenges that may be witnessed once regulations have been applied on the ground. Since children are the leaders of tomorrow, they are our main concern for a better future and security in a way that suits our country's leadership directives, the Jordanian constitution and child rights agreement. It is important to refer herein to challenges that may be raised in dealing with the most vulnerable children, especially refugees and others who are separated from their families.

Undoubtedly, Arab Renaissance for Democracy and Development - ARDD understands the comparison between the new regulations and those which preceded. Along with their focus to organize and restrict marriage incidents for females whose ages range from 15 to less than 18 years of age, the organization calls to prohibit such marriages and further amending the law that restricts such marriages. ARDD is fully aware how such marriages affect the girls, regardless of the precautions put in place. We do hereby assess the pursued efforts of all entities that contribute to maintain care, protection, and stake keeping in the best interest of such children.

- 1) **The regulations issued by Supreme Judge Department; granting marriage permission of those who reach between 15 to less than 18 years of age:**
  - **Firstly we have to revisit legal provision and legislative origin to issue such instructions; as per article 10 of personal affairs law;**

Quote:

- a) "The marriage eligibility requires the fiancée and fiancé be of legal age; reaching 18 calendar years old.
- b) In spite of the context of Para (a) in this article, the judge may, under supreme judge permission, allow such marriage in certain cases (of those reaching 15 years of age), pursuant to instructions issued for such purpose, if the marriage is necessary and fulfills the married person's interests. A person who marries in such a case acquires full eligibility as to marriage, divorce and effects thereof".

We may notice that the above article legitimized marriage for those who reach 15 years of age if such marriage is a necessity in the best interests of the couple, and is **based on instructions issued by the Supreme Judge Department.**

- Based on article 10 of personal affairs law, the cabinet issued new regulations as to grant marriage permission; **regulations No. (1) of 2017, effective 01/08/2017**. In our efforts to explain such regulations, we stipulate hereinafter the most prominent conditions and restrictions thereof as follows:
  - a. **The aforesaid regulations state that the court shall verify the fulfillment of a pool of conditions before issuing marriage permit to those reach between 15 to less than 18 years of age , which are:**
    - 1) The fiancé is eligible for the fiancée in terms of religion and financial capability. The latter means that the fiancé is able to pay advance dowry and wife alimony.
    - 2) The judge has to verify the interest of such a marriage; either to generate benefit or avoid corruption.
    - 3) Difference of both individuals' ages shall not exceed 15 years.
    - 4) The fiancé is not married.
    - 5) Judge verification of both individuals' mutual acceptance for such marriage.
    - 6) Marriage shall not be a reason to terminate the education enrolment issue.
    - 7) Verifying the fiancé's capability to pay marital expenses and the advance dowry.
    - 8) Submitting a medical test certificate.
    - 9) Legal proxy approval on such marriage.
    - 10) The fiancée advance dowry shall not be less than that paid for her father relatives or the fiancée community.
    - 11) Make known to the fiancée her right to set out conditions that meet her interest.
    - 12) Presentation of fiancée's certificate of success from the course held for those who intend to marry. Such courses shall be held in the legal judiciary institute under the control of competent judges, and include subjects and programs aiming to spread awareness and rehabilitate those who intend to marry while under 18 years of age . The Supreme Judge Department served recommendations and documentations of such courses to legal courts in Amman & Al Zarqa, which shall be followed in order to establish said courses in other regions inside the Kingdom.
    - 13) The court may also refer any marriage demand, for those who are under 18 years old, to the family reform and reconciliation office to study any case referred thereto, so to provide the court with its point of view on such marriage.
    - 14) The regulations also set out conditions in cases where the fiancé is male and under 18 years of age; to present the approval of the directorate of heritage and juvenile affairs on such a marriage. A specialized session shall be held by competent judges to verify the fiancé's material capability to support himself and fulfill his family expenses. This shall be carried out via new restrictions and standards, and if not met, the foregoing directorate shall set forth its point of view on such cases.
    - 15) Should the court decide to grant marriage permission, then the marriage contract shall be issued in due course after determining the absence of any legal restrictions that prevent such marriage.

## Recommendations:

Through the aforementioned conditions and restrictions, it is clear that the regulations do not legitimize early marriage, as the concern was raised via social media sites. It is an organizational and controlling process for what is stipulated in the law provisions of personal affairs, which defined the marriage age as 18 years old or more. Also it sets out the terms for the exceptional imposition of those who are 15 to less than 18 years of age, based on reasons and necessities. Therefore, the aforementioned are not provisions to legitimize early marriage, as the concern was recently raised. We are calling for cancelling the article 10/a of personal affairs law, to prevent such early marriages, and we are fully aware of the damages which such an early marriage can cause, practically, for females. On the other hand, we understand the necessity to set forth conditions and restrictions as to the marriage issue for females whose ages are 15 to less than 18 years old based on circumstances and challenges imposed by the surrounding environment and cases on ground as well as practical application. Accordingly, we offer the following recommendations:

- a. The minimum age limit for marriage shall be replaced by a minimum of 18 years old instead of 15 years old.
- b. To define in a detailed and accurate manner, the needs and justifications as they pertain to the interest demanded (of the marriage), and how it may be beneficial or prevent harm, should it take place.
- c. The regulations shall state defined conditions supported by documents to verify the financial capability of the fiancé and his eligibility for marriage in terms of money and religion, and to be able to pay the advance dowry, wife alimony, and bind him to present guarantees to confirm thereof.
- d. The age difference between both couples is not to exceed 15 years if not less.
- e. The importance of girl's continued educational enrollment must be stressed. The couple must be willing to sign a guarantee of the continuation of education as a condition in the marriage contract.
- f. Local and international organizations must continue outreach campaigns for girls, women, boys and men in order to understand the effects of early marriages from all aspects: legal, health, psychological, social and economic rights.
- g. All stakeholders must continue in their efforts to protect the vulnerable groups - particularly children and females.

In conclusion, we offer our gratitude to the Supreme Judge Department and its staff for their valuable efforts as well as the local and international organizations who seek, through their advocacy efforts, to achieve justice, equality, applying rule of law, human rights protection and face the challenges of protecting vulnerable groups, especially women and children.

**Arab Renaissance for Democracy & Development**

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