

Rights of Family Bond Losers in Jordan: Reality and Challenges

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Abstract

This study tackles the issue of rights of family bond losers and the legal challenges they encounter. The researchers here attempt to determine the meaning of the term family bond and the reasons behind aggravating this problem. The study also elaborates on the extent by which laws face discriminatory acts against family bond losers and to what extent are such laws functional in obtaining losers rights besides the legal challenges they encounter. To validate the study, the researchers designed an applicable questionnaire to detect the extent which family losers are aware of their rights and the way to obtain them. The study concludes with numerous findings and recommendations, the foremost of which is the need to abrogate all discriminatory terms and to approve the convention on child's rights.

Introduction

Both residents of nursing homes and those who already left encounter several problems in community life; most of them are subjected to abuse, negligence, suffering, and legal challenges. Every year when youths of family bond losers become 18 years of age, they find themselves facing difficult challenges with neither family support, nor qualifications by which they can make their living or meet their needs.

1.1 Statement of the problem

The current study attempts to unravel the impact of Jordanian legislature on empowering family bond losers, their communal integration, their independence and to detect the most significant legal challenges they encounter.

1.2 Questions of the study

The study poses the following questions:

- Who are family bond losers?
- What are the reasons behind their presence?
- What are the legal challenges they encounter?
- To what extent do Jordanian laws and legislations meet the rights of those losers?

1.3 Significance of the study

The significance lies in the study's focus on the problems family bond losers encounter in order to solve them out via enacting legislations which protect them from all forms of discrimination in order to integrate with the community.

1.4 Objectives of the study

The objective is to limit inequality and legal discrimination that family bond losers, residing or already left nursing homes face, besides securing official support for those who left nursing homes to mitigate the potential challenges of moving from alternative nursing to discretion stage and integration with the society.

1.5 Study methodology

The researchers adopt the analytical inductive approach, by presenting the challenges the losers encounter, in order to analyze the legal items and discriminatory legal terms to provide solutions to abolish that discrimination.

2.0 Discussion and analysis

The researchers in this part of the study will discuss two topics with the requisites for each of them as follows:

2.1 First topic- The identify of family bond losers

This part of the study will discuss the identity of losers, interpret definitions and terminology relevant to this group, and the reasons behind the loss of family bond. In light of this, the research will be divided into the following:

First requisite: Determining family bond losers

Second requisite: Reasons behind this loss

2.1.1 First requisite

Family bond losers are those children or youths who lost their family bonds with parents or family in general. They lost the propitious family ties for several reasons and are known in Jordan as orphans. The term involves the child, male or female youth, who lost one or both parents or whose mother or father is unknown, or with a known mother, but of an unknown father or a victim of a disintegrated family and are denied care or attention legally stipulated upon.

The term also involves juveniles who are sponsored by the Ministry of Social Development in Jordan, due to the absence of good family ambience.

- It is also defined as the male or female youth who is still sponsored by (SOS) in Jordan, or the one who left the nursing home at 18 and started his/her own life independently.

Family bond losers involve two groups of children:

First group which includes "illegal children" who are born as a result of illegal marriage and face the problem of determining their lineage, as stipulated upon in Jordanian social status law.

This group is divided into three categories as follows:

1- Unknown lineage group: this applies to the child whose mother is known but the father isn't, or to the person who is not legally attributed to his father.

2- Bastards (abandoned children): These are the children whose both mothers and fathers are unknown. They are referred to in article (5/3) of Jordanian nationality law which ascertained that whoever was born in the kingdom from parents with unknown lineage is granted Jordanian nationality, pending the opposite was not the case.

3- Incest children: They are the children who are born of an incest relationship which is criminalized by Jordanian law of penalties.

Second group: Legal children

These are the children who are born within the framework of marriage bond, but neglected as a result of family disputes, family abuse, maltreatment of one of the parents, or abandonment. This also involves multi-marriages, divorce, breadwinner emigration, death of one parent, or difficult economic situation that hinders children care.

Concerning the term family bond losers in Jordanian legislation, the term isn't commonly used. There are other common ones such as orphans, illegal child, a child of unknown lineage, unknown parents, or bastards. Such terms are considered discriminatory. The term family bond, for example, is commonly used in the legislature of countries like Tunisia and France, but in Jordan it is of limited use. The researchers prefer to call this category (the abandoned children), as such term coincides with the positive names used in Jordanian legislations, viewed as discrimination terms, like bastards or of unknown parents. Therefore, in the Jordanian legislation there is no clearer definition for such a community group.

Though Jordan is one of the countries that ratified the convention of child rights in 1990, still there is no specific law pertaining such rights in Jordanian statutes, but just a reference to those rights. As Jordan is one of the parties of the convention, it is requested to present a periodic report on the measures it took to activate such rights stated in the convention. Among the points of contention is the term used in classifying family bond losers. Jordan signed the convention in 1990, ratified it via a royal decree in 1993, and issued the first report in 1993. In that report, terms like bastard and illegal son were used.

The periodic report issued in 1998 also used terms like: bastard, of unknown parents, unknown lineage, and child of non- marriage bond.

Those terms were still used between 2005-2014, when the committee on child rights eliminated the use of terms like illegal children or incest ones. Although international circles showed a great interest in child and childhood, there are some countries which still use such terms without achieving any progress through international community in this respect.

2.1.2 Second requisite: Causes of family bond loss

There are many reasons by which children lose family bonds; parents might be one of those basic causes. Still, there might be other reasons that could contribute to such loss such as: difficult economic conditions, illegal relations extraneous to marriage bond, or armed conflicts. The researchers will hereunder tackle the most important problems which might be one of the factors behind family bond loss as follows:

1- Divorce: It is the marital bond dissolution which badly affects children as it leads to family disintegration which obliges the child in most cases to live away from one of his parents; while in other times away from both. This issue deprives the child from an integrated family life which might push him to delinquency or deviation.

2- Child abandonment: It is an attempt to relinquish children born extraneous to marriage bond. Those are known as bastards who might be left in streets or in public places.

3- Wars and armed conflicts: wars greatly contributed to children displacement away from their families or through death of their parents. This might lead to obligatory refuge to neighboring countries like the case of Syrians who took refuge to neighboring countries like Jordan from 2011 until now, so the number of children of unknown lineage increased.

Natural disasters also play a role in children's loss of their families, so they lose who cares and qualifies them for life.

2.2 Second topic: Legal Challenges for family bond losers.

In this part of the study, the researchers will tackle the legal challenges these people face, specifically those who left nursing houses in Jordan. Most of them are not aware of their plenary legal rights, and the majority among them can't integrate with the society for being discriminated against especially in search for work or in their attempt to get a personal identity. Although there are some legal provisions in the laws of direct relevance to protect family bond losers, yet there is shortage in some legal aspects regarding those losers, especially the youth group of 18 years old and above.

The researchers in this study tried to relate theory to application through distributing a questionnaire to male and female youths of those in nursing houses and those who left. The researchers accordingly divided this topic into two requisites:

First: Legal problems family bond losers face.

Second: Legal challenges losers encounter in practice.

2.2.1 First requisite on legal problems.

The legal framework that organizes rights of losers is clearly stated in the Jordanian law as stipulated on in article (6) which ascertains that all Jordanians are equal in front of law and that the government sponsors youngsters and children. There are also other enacted laws that are specifically concerned with people who don't enjoy family care in Jordan among which is nationality law No. It is very important for family bond losers for it grants them Jordanian nationality regardless of being from unknown parents, or from a parent of unknown lineage or without any nationality. They are considered Jordanians by virtue of birth in the kingdom from which political and social rights ensue. This confirms egalitarianism for all Jordanians without any discrimination.

Jordanian juvenile law No. articles (31) and (32), specified people who need protection and care into nine categories, giving a title for each of them without elaborating on the nature of procedures taken towards each category.

Articles (23, 24) of the civil status law highlighted problems of documenting marriage contracts, divorce, lineage affirmation or denial and registration through seven days from decisive ruling issuance.

In Jordan, there is also the protection and care system according to which the Ministry of Social Affairs and Labor is in charge of family bond losers in the kingdom. It is the body that protects them through government nursery houses or through the private licensed ones, and also through alternative families in the alternative care program.

Through reviewing laws and legislations related to family bond losers, one finds that most of them don't cope with neither with child rights convention nor with the UN directives in the field of family alternative care. The optimal solution is to enact a law on child rights. Since 2002, there was law project on child rights which was developed and sent to the parliament that in turn returned it for modification. At the present, there is another more developed law project on child's rights that is very much consistent with the convention and principles of alternative family guidance

With regard to integrating youths of family bond losers into the community, a large sect of them sees that there are some legal issues which hinder such integration. From their view point, the most important are the following:

- Lineage proof issue and its corollary of estate devolution: The losers whose mother is known faces a problem of lineage proof even if the mother confesses her motherhood and illegal father of the child. In case the father doesn't confess his fatherhood of the illegal son, the child won't have the right to inherit him. In addition, lineage proof of the losers takes long time. In many cases such issues are either neglected or the father declines of doing the (DNA) test as that makes the child or youth lose his right of lineage and its corollary ending up with legal, social, and psychological suffering.

- Negligence of rights of losers when abused or exploited: family bond losers are not well represented in the court whenever they are victims or exploited in nursing houses our outside them, while attempting to integrate into the community.

- Marriage conditions and inability to gain marriage rights, in addition to sequential suffering: Girls suffer from such conditions when convinced to marry retarded ones, persons of criminal precedents or from diseased persons. These girls accept such marriages for the local community does not encourage to marry them because they don't belong to any family. The outcome of such marriage will be abuse, battering, somatic and psychological abuse and finally divorce.

Thus, they lose their rights including dowery, alimony, and other rights.

- Legal sponsorship: violators of family bond losers are not sponsored whenever they violate law or commit an offence because they don't have first class relatives.
- Inability to get investment loans whether from the government or from the private sector and that leaves its impact on chances of integration, independence, and success in business.
- The national numbers given to losers are discriminatory as they being with (2000). Such a number creates several problems to them, the foremost is their inability to compete for government jobs or even jobs in the private sector.
- Health insurance: only children of family bond losers enjoy health insurance, provided by the ministry of social development, till they become 18 years old when that stops. Thus, most of them do not have insurance.
- Discriminatory labelling such as bastard, illegal son, or unknown lineage are legal challenges that losers encounter and that affects their dignity.

2.2.2 Second requisite: Legal challenges in practice for family bond losers

To identify the extent of legal rights and the awareness of such rights besides the challenges family bond losers encounter, it was necessary to conduct a field study on nursing houses to relate the theoretical side to the practical one of the study. Therefore, the researchers randomly selected (100) persons to secure having a satisfactory number for this study.

A questionnaire was distributed to losers in three governorates (Amman, Irbid and Aqaba). The questionnaire included a set of questions on losers' awareness of their legal rights in addition to the challenges they encounter at work and in the field of personal status.

The researchers, in addition, tried to identify the extent to which laws satisfy losers' needs to pinpoint the shortages in such laws. They started by choosing places where family bond losers reside to identify the social structure of such places. They found out that males outnumber females.

3.0 Study instrument

The researchers designed a questionnaire which they detailed as follows:

Table (1): Questionnaire fields and number of items

No	Questionnaire Scale	Number of items
1	Range of awareness of family bond losers of their legal rights	6
2	Challenges losers encounter at work	6
3	Challenges losers encounter in the field of personal status	6
	Total	18

3.1 Mechanism of analysis (Correction)

To identify the range of awareness of study sample members regarding their legal rights and the challenges they encounter in the fields of work and personal status and in compliance with the questionnaire used, the researchers adopted the five-point scale measurement (1-5) distributed as follows: (5) strongly agree, (4) agree, (3) neutral, (2) don't agree, (1) strongly disagree.

In consultation with some research colleagues and scholars of evaluation and measurement, the following formula was used:

Category length = (highest score – lowest score) ÷ number of levels.

Therefore, the length of the category (1-5) ÷ 3 = 1.33. In this case, the gained arithmetic means constitute the level of awareness outcome of comparing sample members with regard to their legal rights and challenges they encounter at work and social status. Table no. (2) illustrates the scale of comparison adopted for this study.

Table no. (2): Scale of comparing the awareness of study sample members regarding their legal rights

Arithmetic mean	Level
1 – 2.33	Low degree
2.34 – 3.67	Medium
3.68 – 5	High degree

3.0 Study results and discussion

3.1 First: Results related to the second question: "What is the range of awareness of family bond losers regarding their legal rights and the challenges they encounter at work and personal status?"

Data were collected from the questionnaire distributed to study sample members, arithmetic means and standard deviations were calculated to determine the level of each item.

The following illustrates findings of the study for every field of the three mentioned before:

First field: Range of awareness of losers of their legal rights.

This field comprises six items. Arithmetic mean, standard deviations, and level of awareness of these items were calculated as illustrated in table (3).

Table (3): Range of awareness of family bond losers of their legal rights

Items	First field	Mean	Standard deviation	Rank	Degree of awareness
1-	I know my legal rights	3.42	0.76	1	Medium
2-	Law is fair with family bond losers	2.57	0.81	5	Medium
3-	I can deal with legal problems when encountered	2.49	0.87	6	Medium
4-	Law allows me to file a proof lineage case to parents through DNA test	3	0.69	2	Medium
5-	Family bond losers are discriminated against in the national No that begins with (2000) is good to legally identify me for authorities	2.63	0.71	4	Medium
6-	Law allows me to file a proof lineage case against the suspected father through DNA test	2.76	0.91	3	Medium
	Total average of the first filed	2.81	0.89		Medium

Table (3) reveals that the overall average of losers' awareness was (2.81) and ranked medium (2.34 - 3.67); the table also shows that all six items of this field ranked medium with a variation of means ranging between (2.49 – 3.43).

The items are: (awareness of legal rights, fairness of law, ability to deal with legal problems, ability of lineage proof through DNA, and discrimination marked by number 2000). This might be attributed to the need of losers to increase their level of awareness regarding their rights. Such a result might also be attributed to insufficient awareness of their rights.

3.2 Second field: challenge they encounter at work.

Table (4): illustrates the responses of sample members to challenges as numerated in items of this field.

Table (4): Challenges losers encounter in the field of work

Items	Second field Challenges family bond losers encounter at work	Mean	Standard deviation	Rank	Degree of challenge
1-	I face difficulty in getting a job, being bond loser	3.47	0.78	1	Medium
2-	I feel that some sectors don't like to ...	3.46	0.83	2	Medium
3-	I am subject to exploitation at work	3.5	0.69	3	Medium
4-	Unable to hire a lawyer	2	0.76	6	Medium
5-	Am able to get...	2.5	0.96	5	Medium
6-	Law allows me to work in government bodies	2.51	0.71	4	Medium
	Total average of the second field	2.57	0.75	...	Medium

Table (4) shows that the final average of field of challenges at work was (2.57), a degree of medium challenge. The table also reveals that five items of this field ranked "medium", while one item (4) ranked "low" with an arithmetic mean (2).

This might be attributed to lack of encouraging such losers to integrate with work community. It might be also attributed to unwillingness to work or to inability to merge with the society.

3.3 Third field: challenges losers encounter with respect to personal status:

Table (5) illustrates such challenges in accordance with responses to items of this field.

Items	Second field Challenges family bond losers encounter in social status	Mean	Standard deviation	Rank	Degree of challenge
1-	Treated without discrimination	2.81	0.88	4	Medium
2-	Find difficulty to get married	3.69	0.85	1	High
3-	Don't find who represents me	2.73	0.79	5	Medium
4-	I waive my rights	2.98	0.96	2	Medium
5-	In case of divorce	2.85	0.66	3	Medium
6-	Legally permissible	2.14	0.91	6	Medium

	Total average of the second field	2.87	0.67	Medium
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Table (5) shows that the total average of the challenge field on personal status was (2.87) and ranked medium.

The table also reveals that five items of the field ranked medium, while only one ranked high (item 2) with an arithmetic mean (3.69). This might be attributed to losers awareness that they couldn't get married to any lady extraneous to nursing houses. It might also be attributed to their experience of past marriage failure.

To make the picture clearer, responses of individuals of the sample were compared with reference to gender (male, female). Table (6) illustrates final averages males and females gained in each of the three fields of the study.

Table (6): Final arithmetic means for both males and females in fields of the study

Fields	Mean for males	Level	Mean for females	Level
Range of awareness of family bond losers with regard to legal rights	2.87	Medium	2.61	Medium
Challenges losers encounter in the field of work	3.19	Medium	3.18	Medium
Challenges losers encounter in the field of social status	2.65	Medium	3.68	High

Table (6) shows that male arithmetic mean in the first field was (2.87) while for females was (2.61). This indicates that males are more aware of their legal rights than females and that might be attributed to the higher percentage of education in men than women.

As for the second field (field of work), both males and females got two close averages: men (3.19) and women (3.18). Such a result reflects that both encounter close challenges in the field of work which might be attributed to their desire to be self-dependent.

With regard to the third field, (social status), males got (2.65) mean while females got (3.68) which implies that females encounter challenges greater than those of males (high), while males (medium). The reason behind this might be unequal marriage, in addition to violence which they were exposed to in past marriages.

4.0 Conclusion and recommendations

4.1 Conclusion

Researchers of the current study tackled an issue related to a sect in the society that didn't gain its plenary rights and couldn't merge into the local community due to the suffering through which this group (known as family bond losers) went with regard to shortages in the legal field. Thus, they came up to the following findings:

- Though Jordan ratified child rights convention in 1991, yet discriminatory names against family bond losers, such as bastard, illegal son, and unknown lineage, are still used.
- The role of special governmental institution in accommodating family bond losers stops at age 18 and never extends beyond.
- Losers are unable to have work chances to be self-dependent and that hinders them from merging into the community.
- Extant laws don't provide enough protection to these people because the present legislations don't grant them plenary rights.
- No law on child's rights was enacted so for though many law projects were prepared and developed, but never actualized.
- The majority of losers are unaware of the rights they enjoy because such majority is not familiar with those rights.

4.2 Recommendations

In light of the previous findings, the researchers would like to recommend the following:

- To enact a law project on child's right for 2002 to achieve the optimal interest for children of family bond loss.
- To abolish all discriminatory terms and to use ones that cope with international conventions, ratified by Jordan, to enable family bond losers to merge into the society, depend on themselves, and run a normal life with honored dignity.
- To recommend the legislator not to discriminate family bond losers by their national number that begins with (2000) and to give them non-discriminatory ones which help them find jobs in public or private sectors.
- To recommend the legislator to impose a work quota for family bond losers as that facilitates finding jobs and merging into the community, thus becoming self-dependent.

- To encourage all spectrums of the society to help and sponsor family bond losers after the age of 18 through programs which assist them to complete their study and merge into the society.
- To start an awareness campaign to enlighten family bond losers with their legal rights in accordance with the rights endowed to them by legislations and national regulations.

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