

2019

Guidance for the provision of legal support to victims of gender-based violence

This document aims to support legal service providers operating in the context of the Syrian response in Jordan.



Table of Contents

DISCLAIMER.....	2
GRATITUDE.....	2
INTRODUCTION.....	3
Section A	4
Applying a survivor-centered approach within legal service provision.....	4
1. Definition.....	4
2. Interviewing and information gathering Skills.....	4
3. Survivor centered- attitude and communication skills.....	5
4. Presentation of legal solutions and explaining the pros and cons:.....	6
5. Access to justice and referrals to other service providers.....	7
Section B	8
Jurisprudence analysis.....	8
Section C	10
Challenges facing SGBV victims.....	10
Section D	11
Legal Articles; Stipulating Penalties and Protection Procedures in Terms of Crimes instituted on Gender.....	11
Jordan Penal Code law No. 16 of 1960, as amended in 2017.	11
Labor law No. 8 of 1996.....	20
Cyber Crimes law No. 27 of 2015.....	20
Telecommunications law No. 13 of 1995.....	21
Protection against domestic violence law of 2017.....	21
Personal affairs law No. 36 of 2010.....	25
Annex (i).....	27
Safe referrals of SGBV survivors by non-specialized actors to SGBV case management organizations.....	27
Introduction.....	27
Responsibilities and actions required.....	27
Listen.....	28
Provide information.....	28
Ask for informed consent.....	29
Timely refer.....	29
Annex (ii).....	30
Survivor centred communication with adult survivors.....	30
Survivor centred communication with child and adolescent survivors.....	34
Annex (iii): SGBV Coordination Focal Point Contact & Meeting Calendar in Jordan.....	36



النهضة العربية للديمقراطية والتنمية
Arab Renaissance for Democracy & Development



DISCLAIMER

By ARDD

This document, while intended to help stakeholders understand the law, does not constitute legal advice. Thus, before making any decision with potential legal consequences, stakeholders should consult ARDD or a local attorney. ARDD disclaims any responsibility for any legal or financial consequences resulting due to misuse of the contents. All rights are reserved for ARDD.

By UNHCR

UNHCR disclaim any liability or responsibility arising from the use of this document. UNHCR shall not be liable for any financial or other consequences whatsoever arising from the use of the content of the document, including the inappropriate, improper, or fraudulent use of such content. The responsibility for opinions expressed rests solely with their authors.

GRATITUDE

This guidance document was supported by UNHCR with funding from United Nations Action Against Sexual Violence in Conflict (UN Action).

INTRODUCTION

This Guidance seeks to provide legal service providers involved in humanitarian assistance and their organizations with practical information on the Jordanian legal framework pertaining to gender based violence (*infra* GBV) and key skills to apply a survivor-centered approach in their daily work.

GBV in humanitarian setting is broadly defined as: any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.¹ GBV and SGBV are used interchangeably (the latter is used by UNHCR to highlight the particular risks of sexual violence faced by refugees).

Throughout the guidance, the terms “survivor” and “victim” will be used interchangeably. “Survivor” is usually preferred by GBV experts and social work practitioners as it is perceived as more empowering for persons who were subjected to GBV incidents. “Victim” is used by legal actors.

In particular, the Guidance is centered on four independent sections that have particularly important implications for work within the humanitarian field, in addition to related annexes:

- A.** Applying a survivor centered approach within legal service provision
- B.** Jurisprudence analysis
- C.** Challenges facing SGBV victims
- D.** Legal articles related to SGBV compiled from current Jordanian Legal Articles; Stipulating Penalties and Protection Procedures in Terms of Crimes instituted on Gender

It is important to underscore from the outset that this Guidance focuses almost exclusively on Jordanian law. While it seeks to be comprehensive in this regard, readers must bear in mind that typically humanitarian professionals must abide by several layers of regulations, such as those of their professional associations and employers. Thus, while the Guidance provides practical advices with respect to the four main issues above, its ability to be comprehensive and definitive is limited by the fact that other considerations likely apply based on one’s professional capacity and the overall context. In short, this paper embodies ARDD’s best effort to clarify the law and thereby help key stakeholders avoid and mitigate important protection risks going forward.

¹ IASC Guidelines for integrating Gender-based Violence interventions in humanitarian action, https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015_IASC_Gender-based_Violence_Guidelines_full-res.pdf

Applying a survivor-centered approach within legal service provision

1. Definition

As per the global IASC GBV guidelines, the survivor-centered approach implies that survivor's rights, needs and wishes are prioritized at all stages of programming.²

Legal service providers should therefore apply this approach during service provision and ensure that:

- Survivors feel that their experiences are validated: many survivors do not seek help because they think that service providers or close ones will not believe them. Legal staff will ensure that his/her attitude towards the survivors shows that s/he believes her/him. This is essential to build trust with survivors.
- Survivors are empowered throughout service provision: "GBV incidents may take away a person's control over their body and mind. Our interactions with a survivor should aim to restore their sense of control by making sure they are the decision-makers throughout the helping process".³ Legal staff will ensure that survivors are empowered by placing them at the centre of the process. At no time the survivor should feel pressured to choose a certain course of action, survivors should feel free to express their wishes and the legal staff will ensure that those are respected. Empowering the survivors is also supported by the provision of quality information to the survivor so that s/he can take informed decisions.
- Interactions will aim at building trust with survivor and promoting resilience: legal staff will thrive to build trust with survivors at all times. They will acknowledge the survivors' strengths in order to support healing and resilience.

2. Interviewing and information gathering Skills

- Survivors/victims should be consulted on whether they prefer a male or a female lawyer. Female survivors of violence feel usually more comfortable disclosing incidents to female staff.

² IASC Guidelines for integrating Gender-based Violence interventions in humanitarian action, https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015_IASC_Gender-based_Violence_Guidelines_full-res.pdf

³ Inter-agency gender based violence case management guidelines, UNHCR/UNICEF/UNFPA/IRC/IMC, 2017 <http://gbvresponders.org/response/gbv-case-management/>

- First of all, a lawyer must have a thorough knowledge of the subject of gender-based violence in terms of its concept and other concepts associated with it, its forms and types, the distinction between them, , and the ability to define indicators of violence.
- Determine the period of time necessary to the lawyer to gather the necessary information to build the legal study and determine the legal solutions and non-prolongation and the repetition of questions and at the same time give sufficient space for the victim to talk and not to interrupt the victim. In addition, not to shorten the time of the interview which may mean a lack of interest to the victim. Therefore, it is important the time management of the interview be balanced between listening to the victim, asking questions, gathering information and assessing the legal situation.
- Acquire the skills of how to collect facts and legal information from the victim and asking direct and clear questions, simplify the terms and questions related and important to the subject, not to discuss other aspects of the problem irrelevant to the subject and / or try to know sensitive and personal details about the victim that may affect the psychological condition of the victim if such information is ineffective and unimportant to determine the legal situation of the victim and may cause suffering and embarrassment to the victim and may lead to the victim collapse psychologically, making it difficult to obtain details and information by focusing on the main point of the subject and related to the legal aspect aside from, for example, the victim's childhood and / or side talk side conversations irrelevant to the legal situation. Therefore, it is important that the questions are directly focused on the facts of the incident such as place, occurrence and time of the incident, and the committer of the incident. Lawyers should refrain from making statements implying that victims are to blame for what happened to them. Lawyers should emphasize that only perpetrators of violence should be blamed for GBV incidents.
- -Strict confidentiality and non-disclosure of secrets. To consider confidentiality when interviewing, and interview the victim in private so that the room is not full with people even if they are working in the same place to ensure not causing embarrassment or fear to victim.

3. Survivor centered- attitude and communication skills

- To demonstrate sensory awareness of the story of the victim and readiness to listen to the victim, maintain the position of providing care for the victim, regardless of the form of intervention to be undertaken.
- Treat all survivors in a dignified manner regardless of their (biological) races, social backgrounds, ethics, nationalities, or incident conditions.



- Concentration, listening and non-preoccupation with side things such as the phone, computer, papers or other files, or external effects such as a person's entrance, interrupting the interview or not looking directly at the victim.
- Not using signals, expressions, or movements that may be misunderstood, such as whistling, or unnecessary hand movements such as hand signal in the sense of rejection or raising eyebrows, and avoid unnecessary and exaggerated emotion.
- It is important to ensure the physical and psychological safety of the victim(s) / survivor(s) in terms of direct observation of violence effects on the face and hands and by asking direct questions or infer them through the information provided by the victim per the nature of the violence the victim subjected to, and to avoid direct questions about seeing the location of the injuries or trying to see them and / or discover them and just to ask question. Psychologically, they could be noticed through some indicators such as tension, fear and involuntary movements. Therefore, it is necessary to calm down and reassure the victim.
- The victim should be informed of the available services and their quality so that s/he can choose the type of care and support s/he wants, and to verify whether the victim understood the information in full, and adapt the information, if necessary, to match the capacity of the victim.

Detailed guidance on survivor centred communication skills with adults and children can be found in Annex 2. Detailed guidance on steps recommended to safely refer GBV survivors to specialized services is available in Annex 1.

4. Presentation of legal solutions and explaining the pros and cons:

- The lawyer must always be clear in terms of his role and the type of legal aid and assistance s/he can provide, and not to give promises s/he cannot fulfill.
- In the presentation of solutions, an integrated plan should be suggested to the beneficiary in a simple and easy way. That implies that expressions, language and terminology use will be adapted to ensure the beneficiary's full understanding. In addition, these options will be explained in a simplified and detailed manner, clarifying the positive and negative effects of each option as well as potential outcomes. Legal challenges will be highlighted to the victim.
- The lawyer will repeat the main legal advice at the end of the interview in order to ensure the beneficiary's understanding of the situation as well as options and implications thereof, the consequences and legal procedures related to the subject.
- The lawyer will respect the beneficiaries' decisions, give them space and time to understand the options and take decision.
- Periodic follow-up with the beneficiaries will be implemented by the lawyer. This follow-up is important and necessary to ensure the beneficiary's full understanding of the legal situation and solutions available; while being informed about any new legal development.

5. Access to justice and referrals to other service providers

- The Lawyer will seek consent of the victim/survivor to proceed with legal action only after providing full information as described above. If the victim/survivor declines referral to competent authorities, the lawyer will respect her/his opinion and will not put pressure on her/him. For children, the best interests of the child must be considered first. The children must be able to participate in decisions related to their lives. However, the child's age and abilities must be taken into consideration when due consideration is given to the wishes and best interests of children.
- The lawyer should also discuss immediate safety issues with victim/survivor (does s/he have a safe place to go/will he/she face the offender / does s/he need emergency health care?). The lawyer should be familiar with available safety options.
- The lawyer must be familiar with services mentioned in the SGBV referral pathways such as SGBV case management, psycho-social support, security services, health , shelter, in-cash and in-kind assistance).
- As per guidance of the SGBV sub-working group in Jordan (see Annex 1), it is recommended to inform victims/survivors about SGBV case management services. SGBV case managers will provide basic psycho-social support and thanks to their in-depth knowledge of all GBV related services will be best place to inform survivors about options (and accompany them to services if required). If survivors decline case management services, lawyers can also refer them directly to other type of services as per SGBV referral pathways. Updated SGBV referral pathways can be obtained by contacting relevant field SGBV coordinators as per Annex 3.
- The lawyer shouldn't make promises that could not be implemented, but instead should clarify the referral procedures and respect the beneficiary's opinion and decision.



Section B

Jurisprudence analysis

Practical legal practices and jurisprudence of courts on gender-based violence:

❖ The crime of rape:

• Decision of the Court of Cassation No. 2272/2016 dated 21/12/2016:

Legal principle:

In Article (294/1) of the Penal Code, the legislator criminalized whoever has sexual intercourse with a female – other than his wife - who reached fifteen years of age and under eighteen years, without violence or coercion. The agreement and consent of the victim shall not be considered and the legislator did not consider it adultery but a rape to maintain the family ties and cohesion of society.

- The consent considered in the rape crimes is the victim's consent who exceeds the age of legal protection.

((This decision makes it clear that the courts do not accept the consent of the minor, and impose the penalty of rape in case sexual intercourse was a female – other than the wife - if she has not completed the age of eighteen. The legislator also imposed punishment of the perpetrator of this offense and determined the punishment depending on the age of the minor. This refers to the protection of the victim which is guaranteed by the law for this type of crimes))

• Decision of the Court of Cassation No. 716/2018 dated 7/3/2018

Legal principle:

Having sexual intercourse with a female – other than the wife- against her will by trick or deception constitutes a crime of rape in violation to Article (292/A/1) of the Penal Code.

((It should be noted that the law dealt with the subject of deception and the use of fraudulent methods and considered that this sexual intercourse took place without agreement))

❖ Crime of indecent act:

• Decision of the Court of Cassation No. 206/2019 dated 6/2/2019

Principle

The legislator prohibited the use of the mitigating reasons for the offense of indecent act committed by the accused pursuant to the provisions of Article 308 bis of the Penal Code.

The decision says:

In the application of the law, the accused's touching of genitals of the victim who has not reached the age of 15 years on the date of the incident constitutes all elements of the crime of indecent act in accordance Article 298/2 of the Penal Code in terms of punishment:

The sentence of the Grand Criminal Court falls within the legal limit of the crime attributed to the accused.

Since the Grand Criminal Court has reached the same conclusion which we reached in terms of facts and legal applications, its decision is in accordance with the law.

Since the appealed judgment is in compliance with its legal requirements in terms of the reasoning and punishment, and free of any defect to be challenged referred to in Article 274 of the Rules of Penal Trials Code, the judgment must be supported.

With regard to attaching a reconciliation deed by the accused and a waiver of the personal right, the legislator in Article 308 bis of the Penal Code prohibits the use of mitigating causes in the indecent act crime attributed to the accused, therefore it must be dropped.

We therefore decide to support the appealed decision and remand the case.

((It is clear from this decision that just touching the genitals of the victim is considered indecent act by the offender. This also indicates intensify protection from the sex crimes.))

• **Decision of the Court of Cassation No. 1576/2018 dated 20/5/2018**

Legal principle:

The considered consent in the indecent act crimes is the consent of the victim who exceeds the age of legal protection.

It is conditional to commit the indecent act and rape crimes that they must be committed against the will of the victim and without her agreement and inactivate her resistance and the means used by the criminal inactivate the resistance of the victim, paralyze her will and consent (Penal Code, 811/2001).

❖ **Family violence:**

- Decision No. 14741 for the year 2018 dated 25/11/2018 (Irbid Court of Magistrate)

Judgment Summary:

Given the above, the court finds that through the testimony of the complainant and the final medical report that the defendant committed the offense of harm attributed to him by beating the defendant, which was proven by the medical examiner examination of the body of the complainant, where there was a redness in the left eye and a slight swelling in the eyelids and bleeding under the left hand conjunctiva. All these signs indicate that the criminal behavior took the form of beatings on the tissues of the body and where the will of the defendant tended to hit the complainant and where it is proven that he is aware of the crime elements as no one is excused on the ground of ignoring the law, where it was proved that the injuries described in the medical report was caused by these actions, and where the evidence of the public prosecutor proved that without being contradicted, this means that the defendant is guilty and must be convicted with the crime attributed to him and sentenced to the penalty prescribed for him.





Regarding the request of the complainant to be protected because she fears that the defendant would come to the house of her family and harm her because the children are in her possession, the court will deal with this matter in the judgment clause, as stipulated in the Protection from Family Violence Law No. 15 of 2017.

For this, and based on the above, the court decides the following:

1. Pursuant to the provisions of Article 177 of the Rules of Penal Trials Code, to convict the defendant with the offense of harming in violation of the provisions of Article 334 of the Jordanian Penal Code No. 16 of 1960 and its amendments, and pursuant to the provisions of Law No. 334/1 of the same law, and imprisonment of one month and the fees, and his detention period shall be calculated as part of the imposed sentence.
2. Pursuant to the provisions of Article (16) of the Protection from Family Violence Law No. (15) of 2017, the defendant is obliged not to disturb the complainant or any of the family members or incite them under the perjury of punishment provided for in Article 17 of the same law.

((In this decision, which emphasizes the subsequent protection measures that may be taken and as a result of the complainant's fear of the offender, she asked for protection, the court decided to take protective decisions that protect her and prevent the offender from disturbing her or any of her family members in accordance with the Protection from Family Violence Law, in addition to the punishment issued by the Court))

Section C

Challenges facing SGBV victims

Fear of social stigma is a major factor which takes part of the reluctance of victims to follow legal action of gender-based violence.

Most of the victims usually lack confidence in the legal solutions provided and their success in solving the legal challenge, especially with the length of the litigation process, patience and understanding of the judicial procedures and their confidence in the lawyer. Most victims have false or incomplete information about legal procedures and do not have the correct knowledge about available legal procedures and solutions, and therefore hesitate to seek legal assistance. The cost of litigation and the ensuing fees, expenses and travel allowance to and from the Court is also a major barrier to accessing justice, as these add up to court fees and attorney fees.

SGBV victims are at times reluctant to engage in legal proceedings as they fear being subjected to threats and violence from the perpetrator. The decision to pursue legal action is particularly difficult if the perpetrator is a close family member and/or if the victim depends financially on the perpetrator. The lack of adequate safeguards to protect the victim from the perpetrator during and after the litigation process is a concern, especially in light of the fact that alternatives to institutionalization in safe shelters are limited in Jordan.

Some victims also fear being referred to the police to file a complaint due to lack of knowledge of the investigation procedures. Some refugee survivors of SGBV expressed concerns over confidentiality standards within the police and fear that their wishes would not be respected throughout the procedure. When perpetrators are Jordanians, refugee survivors also fear that police would be biased or unable to protect them from threats from Jordanian families and tribes, due to their vulnerable situation as a refugee.

Many victims lack the support of their family and relatives, who might exercise pressures on the victims to ensure they do not file complaints or waive their personal right. Families are concerned over their honor and social stigma. Also, in some cases the victims' families faces pressures and threats from the perpetrator's family not to pursue any legal action or dropping the case.

The above challenges are also considered added challenges to the lawyers work, therefor; it is essential for lawyers who are providing legal services to SGBV victims to be equipped with information on other services available for victims of violence such as psycho-social support, health assistance, basic needs and cash assistance; and to be aware of referral procedures for all the services provided from governmental entities, international and national organizations. Lawyers also requires training on survivor-centred specialized communication skills to be able to tackle all the above mentioned challenges, fears and misconceptions facing the victims, in order for the lawyers to gain their trust and empower them to access to justice.

Section D

Legal Articles; Stipulating Penalties and Protection Procedures in Terms of Crimes instituted on Gender

➤ First

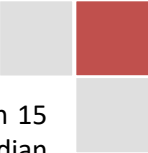
Jordan Penal Code law No. 16 of 1960, as amended in 2017.

Article No. 289

- 1 Any person who leaves minor under 15 years old, without justified or reasonable reason, in a way that may subject his life for danger or may cause permanent damages to its health is subject to sanction of 3 months-one year imprisonment.
- 2 The Sanction is increased to One year – 3 years if the Minor age is less than 12 years old or was disabled whatever his age is.

Article No. 290

Anyone is penalized from 3 months – one year if he is:

- 
1.
 - a. Father, guardian or custodian of a minor kid whose age is less than 15 years old, or suffering disability whatever his age is; or was appointed custodian or proxy on a minor to care of his affairs, and refused or neglected to provide him food, clothes, bed or other necessary services, while he can offer such services, and his act caused damage to the minor health.
 - b. Father, guardian or custodian of a minor kid whose age is less than 15 years old, or suffering disability whatever his age is; or was appointed custodian or proxy on a minor to care of his affairs, and leaves him intentionally, without legal or reasonable reason, even though he is able to offer such sustenance him and leaves him free from any mean to sustain himself.
 2. The sanction in any of the cases referred to in Para 1. of this article, is six months-two years if the minor does not complete his 12 years old.

Article No. 291

Infringement of Minor guarding

- 1/a Any person who kidnaps or deports minor who does not complete his 18 years old, even under the minor satisfaction, for the purpose of practicing his power over who owes him guardianship or guarding right, is subject to be sentenced for one month-two years and penalty ranged from 30-100 JODs.
- 1/b Sanction is increased to read 3 months-two years and penalty of 50-200 JODs if the minor kid does not complete his 12 years old.
- 2 If the minor is deported or kidnapped via force or fraud, the imposed sanction shall be imprisonment from six months – 3 years.

In the crimes, delinquency in honor, or public moral and indecent offenses.

Article No. 292

- 1 Minor's Rap and Adultery**
 - a. Any person who practices adultery with female (rather than wife) without her consent, whether by force, threat or fraud is subject to be sentenced by temporary work for at least 15 years.
 - b. Such sanction is twenty year if the victim completed her 15 years old and did not complete her 18 years old.
- 2 Any person raps female who is less than 15 years old is subject to hanging punishment.

Article No. 293

Any person who practices adultery with a female (rather than wife) who cannot resist due to her weakness, physical, psychological or mental disability is considered as committing crime stipulated for in Article 292 herein and is charged by the same sanctions stipulated in referred to Article.

Article No. 294

- 1 Any person who practices adultery with female (rather than wife) who completed her 15 years old and under the 18 years old, shall be subject to be sentenced, at least, seven temporary work years
- 2 If the female victim age completes the 12 years of her age and does not reach 15 years old, the sanction minimum sentence is fifteen years.
- 3 Should the female victim is under 12 years old then the criminal is considered as perpetrator of the crime stipulated for in Para 2, article 292 of this law and is subject to sanction assigned thereto.

Article No. 295

- 1/a If the female completes her 15 years old but does not complete her 18 years old, and the criminal is one of her descent family; whether legitimate (Share'a) or otherwise, one of her unmarriageable persons, who is assigned to raise, care of her or has legal or legitimate authority over her; the criminal is sentenced for 20 years work.
- 1/b The sanction shall be work for life, if the victim completes her 12 years and less than 18 years old.
- 1/c If the criminal has guardianship over the female victim, he shall be deprived from such guardianship.
- 2 Same sanction referred to in the previous Para applies to the criminal who is religious person or recruitment office director or working therein and commits the act in breach to his authority or facilities he derives from such authority.

Article No. 296

- 1 Anybody who practice indecent offense or threatening thereof, is subject to be sentenced for four years hard work.
- 2 The sanction minimum limit is five years if the victim completes his 15 years old and does not complete his 18 years old.
- 3 The sanction minimum limit is seven years if the victim completes his 12 years old and does not complete his 15 years old.



Article No. 297

Anyone who practices indecent offense of any human who lacks resisting such offense due to bodily disability or psychological effect or practiced fraud means or caused him to commit, is subject to be sentenced for temporary hard work sanction.

Article No. 298

- 1 Anyone, who practices indecent offense with kid; male or female at his 15 and did not complete his 18 years old, without violence or threats, or caused him to practice indecent offense act, is subject for a sentence of maximum ten years temporary work.
- 2 Sanction minimum limit shall read five years if the victim completes 12 and did not complete his 15 years old.

Article No. 299

Anyone who practices indecent offense against a boy or girl, who does not complete his 12 years old, or caused him to practice indecent offense, by using violence, threats or otherwise, is sentenced by five years temporary hard work.

Article No. 301

- 1 Sanction imposed on Crimes stipulated for in the previous Articles of the 1st. chapter, is increased by adding one third to half of it if:
 - a. Is committed by two persons or more to overcome the victim resistance or the obscenity sequences practiced by such persons.
 - b. If the victim suffers sexual disease or the victim lost her virginity.
- 2 If any of the pre-mentioned crimes led to:
 - a. Willful death of the victim, the sanction shall be 15 years temporary hard work.
 - b. The victim suffering immune disease and the committing person know about his suffer from such disease; the sanction shall be work for life.

Article No. 302

Kidnapping

Anyone, who uses fraud or force to kidnap another person; male or female, and took him to any place, is subject to the following:

- 1 From one year – 3 years sentence, if the kidnapped person is male at his 18 years old and the penalty is not less than two years if he does not complete his 18 years old.
- 2 Temporary work if the kidnapped person is female:
- 3 Shall be sentenced by at least five years; if the victim is married, whether she is 15 years old or otherwise.

- 4 Shall be sentenced by at least ten years; if the victim is male or female and is subject to rap or indecent offense.
- 5 Shall be sentenced by at least ten years if the kidnapped female is married, does not complete 15 years old and is subject to indecent offense.
- 6 Shall be sentenced for at least seven years if the kidnapped female is married and exceeds her 15 years of age and is subject to indecent offense.
- 7 The stipulated for in Para (1), (6) above, are subject to be increased by one sixth or one third if the criminal is disabled person.

Article No. 303

Any person is subject to be sentenced for one month-one year if he brought the kidnapped back, by himself, during 48 hours to safe place and released him without being subject to any indecent act or other crime that forms crime or offense.

Article No. 304

Seduction, defamation and violation of the sanctity of places reserved for women

- 1 Anybody who deceives a virgin over 18 years old via marriage promise and practiced defloration with her or caused pregnancy thereto, is subject to sanction, if his act does not deserve any severer penalty, of six months-3 years imprisonment and is committed to protecting the dignity of the woman.
- 2 Any person who incited a woman, whether married or otherwise, to leave her marital house to join strange person or corrupted her to leave her husband in his way to corrupt the marital connection, is subject to imprisonment of not less than 3 months up to two years.

Article No. 305

Imprisonment sanction of not less than one year is imposed on any person who patted in an impudent way:

- 1 Person who is less than 18 years whether male or female
- 2 Person either male or female and completes 18 years old and against his wish.

Article No. 306

Imprisonment sanction of not less than six months is imposed on any person displayed immoral act or addressing any phrases or started immoral movements I an impudent way via verbal, by acting or hint; expressed or implied in any way when such harm falls on

- 1 A person who is less than 18 years old
- 2 A person, male or female, who completes 18 years old against his wish



Article No. 307

Any male who disguised with a female dress and enters to any place foe women or specified for women at such time, he will be sanctioned for a period not more than six months.

In promotion of immorality and exposure to morality and public morals

Article No. 309

Promotion of immorality

The brothel herein means any house, room or many rooms in any house that two or more women reside to practice prostitution or one woman visited by more than one man

Article 310

Sanction from six months – three years and penalty of JD200-500 is imposed on everybody who led or tried to lead:

- 1 A female, under 20 years old; to practice indecent offense with in illegal manner in the Kingdom or abroad and the said female is not prostitute or known as moral corruptive, Or
- 2 Female to become prostitute inside and outside the Kingdom, Or
- 3 Female to leave the Kingdom to establish brothel or keep visiting thereof, Or
- 4 Female to leave her normal domicile in the Kingdom, and such domicile is not brothel, for the purpose to reside in brothel inside or outside the kingdom or keep visiting thereof to practice prostitution, or
- 5 A person, who does not complete his 18 years old, in order to commit sodomy act.

Article No. 311

Any person is subject to imprisonment sanction from one year – 3 years who:

- 1 Led or try to lead female under threats or intimidation to commit illegal incident inside or outside the kingdom.
- 2 Led female; who is not prostitute or known by bad behavior, via false allegation or via fraud mean to be practice sex with another person in illegal manner.
- 3 Gave female or caused to be given drug, material, or other things to anesthetize her or overcome her to enable any person to practice sex with her in illegal manner.

Article No. 315

- 1 Every male person dependent on what any female earns from protestation is subject to sanction of 6 months-two years in prison.
- 2 If any person is proven to live with prostitute or used to practicing sex with her, control her, affect her movements; in a way showing that he helps her, force her to practice prostitution with another person or practicing thereof in general; is considered as

dependant to earn his living from the prostitute earnings under his knowledge; until he proves otherwise.

Article No. 317

Any person is subject to imprisonment sanction from two months – two years who kept the woman against her wish:

- 1 In any place to practice sex with particular person, in illegal manner, whether such man is known or otherwise; Or
- 2 In brothel

Article No. 318

If a woman attends in a house to practice sex with a person in illegal manner, or is caught in brothel; the person who left her in such house or brothel is considered that he left her, willfully, in such places if he did not give her any of her clothes or money for the purpose of forcing her or leading her to stay therein.

Article No. 323

- a. Any person who caused, willfully, woman abortion against her will is subject to maximum sanction of 10 years sentence.
- b. The said sanction is same if such abortion or used means caused death to such woman.

Article No. 332

Detainment for at least five years is imposed on the mother who causes, to avoid shame- via act or left, willfully, the infant to die after his birth.

Article No. 336

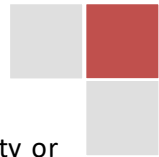
Any person, who causes, via violent mean or assault stipulated for in article 333, a woman abortion and is aware of her pregnancy, is subject to penalty of temporary work for maximum ten years.

Article No. 333

Abusing other persons

Everybody who, hits, abuses or injures, willfully, via any violent mean or assault that causes disease, temporary disability to joint his work for a term exceeding 20 days, is subject to sanction to be sentenced for 3 months-3 years.





Article No. 334

- 1 If acts shown in the previous Article do not cause disease, temporary disability or cause disease or temporary disability less than 20 days, the perpetrator is subject to be sentenced for maximum one year, maximum penalty of JD25.00 or both sanctions.
- 2 If the acts referred to in the previous Article do not cause disease or temporary disability, exceeds ten days, the case is not allowed to be pursued without submitting a complaint by the injured person, whether verbal or in writing. In this case the complainant is entitled to waive his complaint until the court award acquires the absolute degree, after which the public right is waived.

Article No. 340

- 1 Anyone can gain benefit from the light sentence in case suddenly finds his wife, or mother, sister making sex or in illegal manner and kills her or the person whom she sleeps with or kills both or assault any of them or both causing injuring or harming or permanent handicap or death.
- 2 The wife gains the same benefit who suddenly finds her husband making sex or in illegal manner and kills her or the person whom she sleeps with or kills both or assault any of them or both causing injuring or harming or permanent handicap or death.

B – It shall not be applied on who uses the light sentence the heavier sentence.

Article No. 346

In crimes affecting freedom and honor

- 1 deprivation of liberty

Anybody who arrested another person and deprived him from his liberty in illegal manner, is subject to be sentenced for maximum one year Or penalty of maximum JD50.00. If such person detained the other person, by falsely alleging that he fills official office or carries legal arrest notice, is subject to sentence of six months-two years. If such acts fall on an employee while practicing his job or due to what he made within his office capacity, or on disabled person of whatever age, the imposed sanction ranges from six months-3 years.

Article No. 350

Anybody, who threatens another person by a crime, and the sanction imposed thereon is hanging or work for life or 15 years temporary work, whether via closed writing or via third person, is subject to be sentenced for six months-3 years, if such threat includes order to perform a business; even legal or un-performing thereof.

Article No. 354

Any threats to cause unrealized damage, if takes place via statement or in any means referred to in Article 73, and such threats affects, severely, the victim, are subject to the sentence, subject to complaint, for maximum one week or penalty of maximum JD5.00

Article No. 358

Dispraising, mocking and humiliation

Any person who dispraises another person in any mode stipulated for Article No. 188, is subject to sentence of two months-one year

Article No. 359

Any person who addresses slander to anybody via any mean referred to in Articles 188,189 and humiliation taking place via images stipulated for in Article No. 190, is subject to be sentenced for one week – three months or penalty of JODs5-25.

Article No. 360

Any person who humiliates another person, away from slander or dispraising, either via words or deed, face to face, or in written mean and intends the victim to read thereof, or using special sign or bad treatment, is subject to imprisonment of maximum one month or penalty of maximum JD10.00

Article No. 415

- 1 Any person who threats another person to disclose her secrets or spread news about him to degrade him or his honor or any of its relatives, or honor, is subject to sanction of imprisonment of 3 months- two years and penalty of 50-200 JODs.
- 2 Anybody, who swindles another person to force him bringing illegal benefit for him or T.P, is subject to be sentenced for not less than 3 months and penalty of JDs50-200.
- 3 The imprisonment sanction is two years and penalty of JD50.00 if the alleged matter relates to traffic accident and does not include threat or is not intended to degrade such person, his honor or honor of any of his relatives.

Article No. 418

Any person who, utilizes another person's need, who is less than 18 years old and suffering psychological or mental disability; or utilizes his weakness or passion and takes from him, in bad manner, document including that he lent him money in cash, borrowing things, waiver of commercial papers, else, undertaking or acquittal, whatsoever fraud method is, shall be subject to sanction of imprisonment from six months-3 years and penalty ranged from 200-500 JODs.



➤ **Second**

Labor law No. 8 of 1996

Article No. 27

Taking into consideration paragraph (B) of this article, it is not permitted for the employer to end the employee services or send a notice to end such services in any of the following cases:

- 1- The pregnant women commencing from the beginning of the sixth month from her pregnancy or during the maternity period.

Article No. 67

Any women works for any establishment that appoints more than ten employees to have a unpaid vacation for a period not more than one year to raise up her children, and she has the right to return to work after the vacation, but she loose this right if she worked with paid salary for other establishment/s during this period.

Article No. 72

The employer who appoints not less than twenty female employees has to establish the suitable place for a qualifies governess for children less than four years old. However, the number of children shall not be less than ten children.

Article No. 29

- a. The laborer is entitled to quit his work, without notice, and in the same time maintaining his legal rights; i.e. service end allowance, damages and days off (temporary disability) compensations; in any of the following cases:
 - 6 If the employer or its representative attacks the laborer during his work or due to his work by hitting, humiliation or via any mode of the sexual harassment which is subject to Articles rules in force.

➤ **Third**

Cyber Crimes law No. 27 of 2015

Article No. 9

- a. Any person who expedites or publishes, deliberately, via information system, internet or any Audible, visible or readable mean, Pornographic works he participate therein or relating to sexual exploitation for those who do not complete their 18 years old; is subject to be sentenced for minimum 3 months and penalty of ranged from JD300.00-5000.
- b. Any person who uses information systems, internet, in willful manner, in preparing, saving, treating, displaying, printing, publishing or promoting pornographic works to influence persons under 18 years old, disabled person (psychological or mental), or

- directing him or inciting him to commit a crime; is subject to be sentenced for minimum two years and penalty ranged from JD1000-JD5000.
- c. Any person who uses, deliberately, information system or internet to exploit kids under 18 years old or disabled person (psychological or mental) to practice to practice Prostitution or pornography; is subject to be sentenced by temporary hard work and penalty of JD5000 up to JD15,000.00

➤ **Fourth**

Telecommunications law No. 13 of 1995

Article No. 75/a

Anybody who forwards, via any telecommunication mean, threat messages, humiliation, immoral messages, or transfers fabricated news to thrilling panic, is subject to imprisonment for at least one month up to one year OR penalty from JD300-2000, OR both. Para (b) of same Article states " Anybody who offers or contributes in offering telecommunications services in beach to Public rule or morals; is subject to sanctions stipulated for in Para (a) herein in addition to the rules referred to in Article No. 40 of the subject law"

➤ **Fifth**

Protection against domestic violence law of 2017

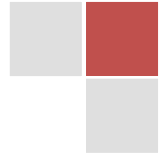
Article No. 3

For the purposes of this law the family members mean:

- a. Spouse
- b. Relatives under descent category until 3rd degree
- c. Relatives under marriage category until 2nd degree
- d. Relatives under descent category from 4th degree and relatives under marriage from 3rd and 4th degrees provided to reside in the family house.
- e. Child, who is under the custodianship of natural person or alternative family; pursuant to bylaws and Articles in force.

Article No. 4

- A) 1- Any health, education and social suppliers in both public of private sectors to notify in case of any domestic violence in whatsoever manner.
2-The notification shall not be executed unless the injured permission if he is in legal capacity and he was subject to any act consider as an offense.
- B) The identity of the notifying party shall not be disclosed in case of domestic violence unless the needs for other legal transactions.
- C) Anyone how violates paragraph (A) of this article; he will be subject for a sentence not more than one week or fine not more than fifty dinars or both.



Article No. 5

Should, in case of hearing lawsuit before any competent court to hear personal affairs matters, there is a matter of domestic violence case, relating to unqualified or ineligible persons, the court may provide copy of the case file to the domestic protection management.

Article No. 6

- a. Family protection directorate binds to respond to every complaint, call, assistance or protection demand relating to domestic violence ASAP. All entities, once receiving any complaint or call of any domestic violence, have to refer thereof to the family protection directorate for necessary action as to such matter.

- b. When the family protection directorate receives any complaint, call, assistance or protection demand relating to domestic violence, or being referred thereto from any entity, it shall take the following procedures, after verifying such incident:
 - 1 Register the complaint or the detailed information
 - 2 Organizing the minutes solely for each case
 - 3 Transporting the damaged person to the nearest hospital or Health center, if necessary.
 - 4 Carrying the damaged person, upon its approval, to safe place, if necessary under coordinating with the Ministry
 - 5 Taking necessary procedures to protect the reporters and witnesses under system issued for such purpose.

Article No. 7

- a. Notwithstanding the provisions of any other legislation, family protection directorate shall take over disputes settlement in domestic violence cases offenses provided to observe obtaining both parties approval and their legal representatives for such settlement, attending its sessions. Such settlement shall be limited to the criminal act and the complaint of concern.
- b. Family protection directorate shall not conclude settlement in case the act forms a crime and in this case, it shall refer the case file to the competent Attorney General for necessary legal procedure.
- c. For the purposes of concluding settlement stipulated for in Para (a) above, the competent legal court shall take over, based on family protection directorate demand, appointing representative of the ineligible or unqualified person in case the interest of any of them is in conflict with its representative interest.

Article No. 8

Family protection directorate bounds to complete the following procedures, once settling the disputes:

- a. Calling parties, holding settlement session and confirming the foregoing in the file

- b. Consider the family's status and circumstances.
- c. Confirming the signed settlement between dispute parties, preparing report of such settlement; with social study prepared by the social and psychological specialist attached therewith.
- d. Accomplishing settlement's procedures, during 14 days from date of the initial session. The family protection directorate may extend this period once for similar term if settlement possibilities are available after taking the social and psychological opinion on such matter.

Article No. 9

- a. After the elapse of the term referred to in Para (d) of Article No. 8, the settlement file shall be referred to the competent court; whether settlement is reached at or otherwise.
- b. The competent court may authorize such settlement without setting out a condition imposes calling both parties, during maximum seven days from date of settlement file being deposited in the court divan.

Article No. 10

- a. Should the competent court does not authorize the settlement decision or not issuing its approval thereof due to unjustified decision during the term stipulated for in Para (b) Article No. 9 herein, in such case the settlement is considered denied.
- b. Disputes parties are entitled to challenge the competent court decision, which is issued under Para (a) rules herein, during ten days from next day following decision issuance date. In such case the court of appeal may hear the appeal and adjudicating thereof during maximum ten days from date of depositing the file in the court divan. Appeal court decision's is considered final and absolute.

Article No. 11

- a. The competent court, based on the social and psychological specialist report, may take any of the following arrangements, provided to be included in the settlement's authorization decision:
 - 1 Imposing the domestic violence's perpetrator to perform public service for maximum forty working hours in any of public utilities or societies accredited by the Minister and approved by parties of concern.
 - 2 The perpetrator is prohibited to attend in any place or stores for maximum period of six months.
 - 3 Engaging the disputes parties to social or psychological rehabilitation sessions and programs organized by the Ministry, any society or any entity accredited by the Minister for maximum period of six months.
- b. Any party who does not carry out any of the arrangements stipulated for in Para (a) above; either in partial or in full, shall be sentenced for maximum 3 months.
- c. All procedures and affairs relating to arrangements referred to in Para (a) above shall be organized via a system issued for such purpose.



Article No. 12

The Attorney General or the competent court, if necessary, may use modern technology, if any, to protect the victim who is less than 18 years old or Juvenile witness in witnesses hearing procedures, discussions and confrontation, provided that such means shall not enable any opponent from debating with the Juvenile or witness during the trial

Article No. 14

Family protection directorate shall take over following up domestic violence perpetrator in carrying out imposed arrangements based on Article No. 11 hereinabove, and shall forward a report in such regard to the court that authorized the settlement decision.

Article No. 15

- a. The competent court shall hear any case relating to domestic violence, directly after being referred thereto. Sessions are not allowed to be postponed for more than 3 days, save in necessary cases, for reasons which shall be fixed in the minute
- b. The competent court must adjudicate the offenses lawsuits which are not settled, settlement thereof is refused or not authorizing settlement decision during 3 months since date of depositing thereof at court divan.

Article No. 16

The competent court shall issue, once being convinced of the damaged person or any of its family members' protection, based on demand from any of them, and in the absence of presence of the perpetrator; the protection order including binding the perpetrator by the following:

- a. Stop opposing the damaged party, any of its family members or inciting others to do so.
- b. Keeping away from the house of damaged person or his family members.
- c. Not to causes damages to personal property of the above.
- d. Enabling he damaged person, family members or their representative to enter the family house in the presence of any of family protection directorate personnel to fetch his personal property and delivering thereof to concerned party via minute organized for such issue.
- e. Any matter the court deems fit to provide protection to the damaged person or any of his family that expected to be subject to harm.

Article No. 17

- a. Should the domestic violence perpetrator violate protection order stipulated for in Article No. 16 hereunder or any of its provisions, he shall be sentenced; for maximum one month, penalty of maximum JD100.00 or both.
- b. If protection order violation is repeated for more than twice, the perpetrator is subject to sanction of minimum 3 months in prison and penalty of not less than JD100.00

➤ **Sixth:**

Personal affairs law No. 36 of 2010

Article No. 65

Should the attending spouse refuse to pay his wife alimony, and the wife demanded such alimony, the Judge shall issue its order to impose wife alimony on the husband since demand date and order the husband to pay in thereto.

Both couples' duties

Article No. 77

Each couple shall treat other couple in good manner and cohabitation. Every couple has to maintain his virtue, exchanging mutual respect, love, mercy and maintain the family interests.

Separation due to conflict and discord

Article No. 126

Any of couples may seek to have separation due to conflict and discord, if he claims damages from the other couple which makes marital life impossible, whether such damage is physical; i.e. abuse by act or speech or moral. Any bad behavior or immoral damage that causes implied abuse to the other party as well as other party insists to violate the marital duties and rights referred to in Chapter 3 of section 3 in this law in a way that

- a. If Separation demand is launched by the wife, and the judge verified her allegation, the court shall exploit its efforts to conclude reconciliation settlement between them. If such attempt fails, the judge shall warn the husband to improve his status and postpones the case for not less than one month. If reconciliation settlement is not reached at, and the wife insists on her stand, the judge shall refer the file to Arbitrators.
- b. If the plaintiff is the husband, and confirms the disputes between him and his wife, the court shall exploit its efforts to conclude reconciliation settlement between them. If such attempt fails, the judge shall warn the husband to improve his status and postpones the case for not less than one month. If reconciliation settlement is not reached at, and the husband insists on his stand, the judge shall refer the file to Arbitrators.
- c. Arbitrators shall fulfill conditions; i.e. fair, able to conclude reconciliation, one of them shall be from the wife family and the another from the husband family if possible. If such condition is not available, the judge shall select two of acquires expertise, fairness and ability to conclude reconciliation settlement between both parties.





- d. The arbitrators shall discuss the disputes with the couples or any body they deem fit in their discussions and they have to write their investigations via minute signed by them. If arbitrators finds out that reconciliation is possible in satisfactory mode they confirm it and write it in a minute offered to the court.
- e. Should the arbitrators fail to reach reconciliation, and they verified the damages to be from the wife, they shall may issue separation decision against compensation they deem fit provided not to exceed the dowry and its related issues. If he disputes are proved to be from the husband side, they shall confirm the separation via revocable divorce and the wife is entitled to claim her un-collected dowry and related issued as well as waiting period alimony.
- f. If arbitrators find out that the disputes are caused by both couples, they shall decide separation against part of the dowry depending on the damages rate of each of them. If it is difficult to determine the disputes causing person and fail to assess the damage rate they shall separate both couples based on compensation they both couples deems fit provided not to exceed the dowry and other related issues.
- g. If the court orders compensation on the wife and she is the party who seeks separation, then she has to pay certain amount of money before the arbitrators issue the separation recommendations, unless the husband refuses to postpone it. If the husband approves on the postponement the arbitrators shall decide separation on the allowance they deems fit and the judge shall issue its order accordingly. If the husband is the party that demanding separation and the arbitrators decide that the wife has to pay compensation, the judge shall issue its award to separate both couples and allowance based on the arbitrators decision.
- h. Should arbitrators are in conflict as to presented matter, the judge shall appoint other arbitrators or select third arbitrator who shall have the casting vote and the majority decision shall be adopted.
- i. The arbitrators shall refer their report to the judge who shall issue its award if its decision is in conformity with this Article rules.



Annex (i)

Safe referrals of SGBV survivors by non-specialized actors to SGBV case management organizations

Introduction

This note provides guidance to non-SGBV specialized humanitarian service providers⁴ on what to do when a SGBV survivor discloses a SGBV incident. It is common for non-SGBV specialized actors to be the entry point to GBV referral pathways, if survivors disclose a SGBV incident then require (and consent to) referral.

When assisting a SGBV survivor the main priorities of a non-SGBV specialized service provider are to provide basic emotional support as well as information on the services which may be able to assist them, details on how to access these, and appropriate support to survivors to access the services. It is imperative that non-SGBV specialized service providers know how to assist in a survivor-centred way. The first information and messages provided to survivors could influence whether they go on to disclose their experiences and access further care when appropriate. This guidance note developed in consultation with partners and in line with SOPs and best practices is to be considered as companion guide to referral pathways and training package that the SGBV WG and partners are offering to non-specialized actors.

Responsibilities and actions required

Any service provider may receive disclosure of a GBV case, in which case they should take immediate action. Take immediate action following those steps: listen, provide Information, ask for informed consent, and refer survivor to appropriate support services. Non-GBV specialist service providers or community volunteers should NOT attempt to actively identify survivors of GBV as this can put survivors and staff/volunteers at risk. Immediate actions non-specialized service providers should take are: **L-PAT**

⁴ SGBV Specialist: A SGBV specialist is someone who has received SGBV-specific professional training and/or has considerable experience working on GB programming. A GBV-specialized agency is one that undertakes targeted programmes for the prevention of and response to SGBV. SGBV specialists include: health practitioners, community psychosocial support workers, case managers, and GBV technical specialists.

Non-SGBV Specialist: Agencies and individuals who work in humanitarian response sectors other than SGBV and do not have specific expertise in SGBV prevention and response programming. Non-SGBV Specialists include WASH, CCCM, education and other humanitarian service providers.

Listen

- ✓ Remove survivor from immediate danger if safe to do so. Find a safe, confidential and quiet space to talk.
- ✓ Ask if you can provide help. Listen in case they want to talk about what happened.
- ✓ Listen actively: give your full attention, gently nod your head, make eye contact, use body language which shows that you are engaged with what they are saying (this may vary by culture, age, and sex).
- ✓ Ask survivors only relevant questions: you will only do a referral and someone else will provide continuous care to survivor (telling stories multiple times is traumatizing): ask only for name, sex, age, place of residence, contact number, type of incident and approx. date, current safety concerns. Do not ask detailed questions about the incident to the survivor. Remember that it is not your role to decide whether the person is saying the truth or not, whether s/he really needs help or not.
- ✓ Help the person to feel comfortable, e.g. provide water if you can. Although some needs may be obvious, such as a blanket or covering for someone whose clothing is torn, always ask what people need and what their concerns are.
- ✓ Do not pressure the person to talk and do not expect her/him to display particular emotional reactions.
- ✓ If she/he is very distressed, help her/him to calm down and ensure they are not left alone. Comfort the survivor using healing statement such as: “It’s not your fault”, “I believe you”, “I am very glad you told me”, “I am sorry this happened to you”, “You are very brave for telling me”.

Provide information

- ✓ Inform the survivor about SGBV case management services: briefly explain that case management service providers have specialized staff who assist persons who faced the same problem as him/her. The staff will listen to them and help her/him in reaching the different type of assistance they want; including psycho-social assistance, medical assistance, legal assistance, and assistance to find safe shelter if needed. All these services are free of charge. If relevant, explain that specialized medical assistance is available for survivors of sexual violence and can be provided after the incident notwithstanding how long time elapsed. All are assisted without any discrimination, information is confidential and nothing will be done without the express consent of the survivor.
- ✓ You shouldn’t advice/encourage the survivor to seek a certain types of services. Limit your interaction to providing information and not advising the survivor on your preferred option. Providing assistance to a survivor is about empowering survivors to make their own decisions about their own lives. It is up to the survivor to decide the best way to solve her/his problems.
- ✓ Do not raise expectations – be honest and accurate (e.g.do not say: they will give you money; they will solve all your problems).

Ask for informed consent

- ✓ Ask her/him if she/he gives you the consent to contact other services to give them her/his name and describe which information you will share. For non-specialized providers this can be done verbally, a written documents is not advisable, if confidentiality procedures are not known or cannot be followed.
- ✓ If survivor is unwilling to be referred for assistance, you need to respect her/his wishes and can simply provide him/her with SGBV hotline numbers if available so they'll be able to seek help whenever they feel ready.
- ✓ The following are limits to confidentiality and informed consent principle:
 - When a survivor threatens his/her own life, threatens to harm another person
 - When person is non responsive (i.e. unconscious) or a person without capacity of discernment
 - When child abuse and it is in the best interest of the child
 If one of the above limits to confidentiality applies, it is important to explain to the survivor that unfortunately you will have to refer him/her anyway prior to doing so.

Timely refer

- ✓ If you are a non protection staff, identify SGBV case management focal point closest to survivor's area of residence, ensure you are in a confidential environment (no one else can hear you), then call the focal point as per referral pathway.
- ✓ If you are a protection staff and your organization has an established and safe referral procedure by e-mail, then use a referral form. E-mail should only be sent to the relevant focal points from the referral pathway, others who are not involved in managing the case should not be copied. **Mail to:** focal point **Mail CC:** back-up
Subject: SGBV referral
Content of e-mail: Kindly find attached referral. **Attachment:** word document title "referral form" (password protected and password to be shared separately through SMS or phone call). Name of survivor should not appear on the form, instead use a code (name of survivor can be shared by phone).
- ✓ Hard copy of forms should be kept in locked cabinet, soft copy should be kept password protected on computers


SGBV case management organizations will only acknowledge receipt of the referral and indicate their ability to provide the requested service. If they cannot provide services to the client for any reason they should inform the referring organization that they cannot do so and, if appropriate, the reason. If the organization is not responsive please contact the SGBV coordination focal point in your field location or national SGBV co-chairs below.


Once SGBV case management organizations start supporting a survivor, due to confidentiality standards, they will not provide any other type of feedback on the case. If the referring organization provides regular support to survivors (for example, if a MHPSS service provider), the 2 organizations can share information through a case conference only if needed to support the survivor and with her/his consent.

Annex (ii)

Survivor centred communication with adult survivors⁵

DO'S, DON'TS AND WHAT TO SAY

For children and adolescents,
go to page 16
 



LOOK

DO'S	DON'TS
<ul style="list-style-type: none"> ✓ DO allow the survivor to approach you. Listen to their needs. ✓ DO ask how you can support with any basic urgent needs first. Some survivors may need immediate medical care or clothing. ✓ DO ask the survivor if s/he feels comfortable talking to you in your current location. If a survivor is accompanied by someone, do not assume it is safe to talk to the survivor about their experience in front of that person. ✓ DO provide practical support like offering water, a private place to sit, a tissue etc. ✓ DO, to the best of your ability, ask the survivor to choose someone s/he feels comfortable with to translate for and/or support them if needed. 	<ul style="list-style-type: none"> ✗ DO NOT ignore someone who approaches you and shares that s/he has experienced something bad, something uncomfortable, something wrong and/or violence. ✗ DO NOT force help on people by being intrusive or pushy. ✗ DO NOT overreact. Stay calm. ✗ DO NOT pressure the survivor into sharing more information beyond what s/he feels comfortable sharing. The details of what happened and by whom are not important or relevant to your role in listening and providing information on available services. ✗ DO NOT ask if someone has experienced GBV, has been raped, has been hit etc.

Examples of what to say...

- "You seem to be in a lot of pain right now, would you like to go to the health clinic?"
- "Does this place feel OK for you? Is there another place where you would feel better? Do you feel comfortable having a conversation here?"
- "Would you like some water? Please feel free to have a seat."

⁵ IASC Guidelines, GBV pocket guide, p.7-10: https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV_PocketGuide021718.pdf



LISTEN

DO'S

- ✓ **DO** treat any information shared with confidentiality. If you need to seek advice and guidance on how to best support a survivor, ask for the survivor's permission to talk to a specialist or colleague. Do so without revealing the personal identifiers of the survivor.
- ✓ **DO** manage any expectations on the limits of your confidentiality, **if applicable in your context.**²
- ✓ **DO** manage expectations on your role.
- ✓ **DO** listen more than you speak.
- ✓ **DO** say some statements of comfort and support; reinforce that what happened to them was not their fault.

DON'TS

- ✗ **DO NOT** write anything down, take photos of the survivor, record the conversation on your phone or other device, or inform others including the media.
- ✗ **DO NOT** ask questions about what happened. Instead, listen and ask what you can do to support.
- ✗ **DO NOT** make comparisons between the person's experience and something that happened to another person. Do not communicate that the situation is "not a big deal" or unimportant. What matters is how the survivor feels about their experience.
- ✗ **DO NOT** doubt or contradict what someone tells you. Remember your role is to listen without judgment and to provide information on available services.

Examples of what to say...

- "How can I support you?"
- "Everything that we talk about together stays between us. I will not share anything without your permission."
- "I will try to support you as much as I can, but I am not a counselor. I can share any information that I have on support available to you."
- "Please share with me whatever you want to share. You do not need to tell me about your experience in order for me to provide you with information on support available to you."
- "I'm sorry this happened to you."
- "What happened was not your fault."



LINK

DO'S

- ✓ **DO** respect the rights of the survivor to make their own decisions.
- ✓ **DO** share information on all services that may be available, even if not GBV specialized services.
- ✓ **DO** tell the survivor that s/he does not have to make any decisions now, s/he can change their mind and access these services in the future.
- ✓ **DO** ask if there is someone, a friend, family member, caregiver or anyone else who the survivor trusts to go to for support.
- ✓ **DO** offer your phone or communication device, if you feel safe doing so, to the survivor to contact someone s/he trusts.
- ✓ **DO** ask for permission from the survivor before taking any action.
- ✓ **DO** end the conversation supportively.



DON'TS



- ✗ **DO NOT** exaggerate your skills, make false promises or provide false information.
- ✗ **DO NOT** offer your own advice or opinion on the best course of action or what to do next.
- ✗ **DO NOT** assume you know what someone wants or needs. Some actions may put someone at further risk of stigma, retaliation, or harm.
- ✗ **DO NOT** make assumptions about someone or their experiences, and do not discriminate for any reason including age, marital status, disability, religion, ethnicity, class, sexual orientation, gender identity, identity of the perpetrator(s) etc.
- ✗ **DO NOT** try to make peace, reconcile or resolve the situation between someone who experienced GBV and anyone else (such as the perpetrator, or any third person such as a family member, community committee member, community leader etc.)
- ✗ **DO NOT** share the details of the incident and personal identifiers of the survivor with anyone. This includes the survivor's family members, police/security forces, community leaders, colleagues, supervisors, etc. Sharing this information can lead to more harm for the survivor.
- ✗ **DO NOT** ask about or contact the survivor after you end the conversation.



Examples of what to say...

- "Our conversation will stay between us."
- "I am not a counselor, however, I can provide you with the information that I have. There are some people/organizations that may be able to provide some support to you and/or your family. Would you like to know about them?"
- "Here are the details of the service including the location, times that the service is open, the cost (if applicable), transport options and the person's name for who you can talk to."
- "Is there anyone that you trust that you can go to for support, maybe a family member or a friend? Would you like to use my phone to call anyone that you need at this moment?"
- "When it comes to next steps, what you want and feel comfortable with is the most important consideration."
- "Do not feel pressure to make any decisions now. You can think about things and always change your mind in the future."
- "I cannot talk to anyone on your behalf to try to resolve the situation. But what I can do is support you during our conversation and listen to your concerns."
- "It sounds like you have a plan for how you would like to go from here. That is a positive step."

Survivor centred communication with child and adolescent survivors⁶

DO'S	DON'TS
IF SOMEONE ASKS YOU FOR HELP ABOUT A CHILD/ADOLESCENT IN NEED...	
<ul style="list-style-type: none">✓ DO provide accurate, up-to-date information on available services to the individual who asked you for support.✓ DO respect confidentiality.⁴	<ul style="list-style-type: none">✗ DO NOT investigate a rumor or seek to find/interview the child/adolescent.✗ DO NOT discuss or share the details of what you learned with anyone.⁴
IF THE CHILD/ADOLESCENT SEEKS YOUR HELP...	
 LOOK	
<ul style="list-style-type: none">✓ DO ask the child/adolescent if they want to find a quiet and private place to talk. Make sure it is a place where others can see you, but not hear you.✓ DO ensure that you are sitting at their eye level. Maintain open body language.✓ DO ask girls and boys if they want to talk to an adult woman or man of the same gender.	<ul style="list-style-type: none">✗ DO NOT direct the child/adolescent to go to a quieter or private place, or isolate the child against their will.✗ DO NOT touch, hug or make physical contact as this can be traumatizing, uncomfortable and distressing.
 LISTEN	
<ul style="list-style-type: none">✓ DO listen attentively and pay attention to non-verbal body communication.✓ DO be calm and patient, accepting what is being said without passing judgment.✓ DO let the child/adolescent express themselves and use their own words.	<ul style="list-style-type: none">✗ DO NOT interview or assess. Do not write anything down, take pictures or verbally share information about the child/adolescent or their experience.✗ DO NOT display shock, disbelief, anger or any other reactions that may cause the child/adolescent distress.✗ DO NOT use big words or speak more than the child/adolescent.

⁶ IASC guidelines, GBV pocket guide, p.18-19: https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV_PocketGuide021718.pdf

DO'S**DON'TS****COMFORT**

- ✓ **DO** reassure the child/adolescent that it is OK s/he told you what happened.
- ✓ **DO** respect the child's opinion, beliefs and thoughts.
- ✓ **DO** use comforting statements appropriate to the cultural context... examples include:

"I believe you" – build trust

"I am glad that you told me" –

builds a relationship with the child

"Thank you for sharing your experience" – expresses empathy

"You are very brave to talk with me" – reassuring and empowering

- ✗ **DO NOT** make promises you cannot keep such as saying "everything will be OK" when it is not within your control to assure a child's well-being.
- ✗ **DO NOT** force the child/adolescent to continue talking with you if s/he does not want to.

**LINK**

- ✓ **DO** ask if there is someone that the child/adolescent trusts, and if s/he wants help in reaching out to this person, or accompaniment to find this person.
- ✓ **DO** stay with the child/adolescent until s/he feels safe or are in the care of someone who s/he identifies as safe and trusted.
- ✓ **DO** provide the child/adolescent and adult s/he trusts with accurate, relevant information on services that are available and how to access them
- ✓ **DO** say what you know and what you do not know. Say "I do not know" or "I do not have that information" if you do not have the information requested.

- ✗ **DO NOT** force a child/adolescent to have their caregiver or any other person with them when s/he talks to you as these individuals may have perpetrated the violence, or the child/adolescent may not want to share their experience with them.
- ✗ **DO NOT** leave a child/adolescent unattended while s/he is in distress (for example, crying, angry or in shock).
- ✗ **DO NOT** try to solve the situation yourself, make a plan or make decisions for the child/adolescent.

Annex (iii): SGBV Coordination Focal Point Contact & Meeting Calendar in Jordan

Meeting Calendar SGBV coordination Jordan

	National	South coordination/referral meetings Coverage: Karak, Tafilah, Maan, Aqaba	Irbid referral coordination meeting Coverage: Irbid, Ajloun, Jerash	Mafraq SGBV SWG Coverage: Mafraq (except Zaatari camp)	Azraq CP/SGBV SWG	Amman referral coordination meeting Coverage: Amman, Madaba, Balqa, Zarqa (except Azraq camp)	Zaatari CP/SGBV SWG
Co-Chairs	UNFPA: Pamela Di Camillo, 0797281277 dicamillo@unfpa.org UNHCR: Emilie Page, 0796225314 page@unhcr.org	UNHCR: Diana Suleiman, 0777281911 Suleiman@unhcr.org DRC: Carmen Issa, 0789111245 carmen.issa@drc-jordan.org	UNHCR: Serin Bitar Bitar@unhcr.org Osman Ishag 0780083568 ishag@unhcr.org CARE International: Widad M. ALTamimi, 0797117326 widad.altamimi@care.org	UNHCR: Mays Zatari, 0798740342 zatari@unhcr.org IRC: Hana Jalboush 0785582556 Hana.Jalboush@rescue.org	UNHCR: Nouran Yahya 079-9365629 vehiano@unhcr.org IRC: Zahra Damer 079 5752252 Zahra.damer@rescue.org	UNHCR: Yafa Arman, 078-9790120 arman@unhcr.org DRC: Carmen Issa, 0789111245 carmen.issa@drc-jordan.org SGBV focal point: Diana Suleiman, 0777281911 Suleiman@unhcr.org	IFH: Isra shakboua, 079501955 e.shagpouaa@ifh.org.io IMC: Hala Shamayleh, 0790224029 hshamayleh@InternationalMedicalCorps.org
When	Last Tuesday of every month	Every First week of each month	Last Wednesday of every month	Last Wednesday of every month	Second Wednesday of every month	Last Sunday of every month	The second Wednesday of every month
Location	UNHCR BO Amman, Khalda	Rotational basis, each month in a province in the south.	UNHCR Irbid- Zabdeh	UNHCR Mafraq SO	Azraq camp – base camp	UNHCR BO Amman, Khalda	Zaatari Base camp



www.unhcr.org



ARDD

www.ardd-jo.org