

A legislative guide demonstrating the position of the Jordanian law
from
Sexual and Gender-Based Violence (SGBV)

Introduction

This booklet aims at collecting the provisions and articles contained in the Jordanian laws which are applied in the course of investigation, prosecution or considering the violence committed against or because of the gender of a victim; in which the sexual motive constitute an essential element, or more broadly what is termed to be called "Sexual and Gender-Based Violence".

On the basis of the fundamental rule in the science of Criminal Law; which says that: "no crime nor a punishment except under a legal provision" which means that the law is the only entity that can criminalize any act regardless of whether this behavior was acceptable by the society or not; as the law also the only entity to say that this act does not constitute a crime and require a punishment, and regardless also if the society considers it a prohibited or detestable act; therefore, we will not find a precise or clear definition for this concept.

And in order to develop the necessary definition here, we will divide our title into two main parts:-

- 1- Sexual violence: as we have said, it has no specific definition in the Jordanian laws, as it also has no explicit definition in an international competent reference, so we can describe it by saying that it is every act or say that comes from a person to another carrying a sexual nature so that it leads to a transgression against a person's body, their privacy, feelings making them feel uncomfortable, threatened, insecure, fearful, disrespected, intimidated, humiliated, abused, or that he/she is mere a flesh¹.
- 2- ... that relies on gender basis : and it has no definition in the Jordanian laws; however, the internationally agreed upon definition as stated by the guidelines of the Inter-Agency Standing Committee with regard to the gender-based violence states that: "it is an umbrella term that includes any offensive act committed against one's will; such act relies on the differences the society establishes between males and females, and the nature and

¹ Nadrah (View) Website for Women's Studies - <http://nazra.org/2014/01/%D9%88%D8%B1%D9%82%D8%A9-%D8%AA%D8%B9%D8%B1%D9%8A%D9%81%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AE%D8%AA%D9%84%D9%81%D8%A9-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A-%D8%B6%D8%AF-%D8%A7%D9%84%D9%86%D8%B3%D8%A7%D8%A1>

extent of specified types of gender-based violence differs from one culture to another, from one country to another and from one area to another."

Hence, we note that the definition of gender-based sexual violence involves acts and behaviors the law does not criminalize even though they are listed, in the local and international social norms, under this definition; an example of this is someone's "closer" look to another's body in a manner that suggest sexual motivations which is a widespread crime that is committed repeatedly; however, law did not provide for it and thus it is not considered as a crime in legal terms, as such we find some types of sexual violence is not treated on this basis but rather they are provided for by law in another context; for example, when someone addresses another one with words that involve sexual overtones or mention sensitive parts of that person's body; where the Jordanian law classifies these acts within the scope of libel, slander and humiliation crime and it is treated with exactly as dealing with any other profanity directed by the offender to the victim and they don't fall within the concept of sexual crimes, this in addition to the fact that the Jordanian law does not recognize the sexual harassment which its concept implies the offender's attempt to reach out the victim in an exaggerated manner, unwanted interest, tracking, giving comments with a sexual impression, or sending sexual images or other actions.

Based on the above definition, this booklet was developed or this legislative encyclopedia which includes all legal provisions related to sexual violence in the Jordanian law; whether the project aimed at addressing this issue or aimed to achieve another interest in which we see a specific link to our issue, while stressing here that we do not claim perfection and we may overlooked a legal provision here or there. However, we argue that we have put in this guide all the provisions we come across in the Jordanian law relating to the terms "harassment" or "sexual abuse" or of which sense has the meaning of sexual violence in its different forms, in addition to all provisions which the research in sexual abuse had led us to. Shortage or increase (if any) may be ascribed to our own point of view which excludes or includes the legislative provision from/in the concept of sexual violence; this is an issue in which we will be pleased to accept criticism and will be welcoming whomever wants to discuss it.

Finally, we have drafted this booklet in accordance with a methodology which we decided to adopt; this methodology divides the booklet into four sections, the first includes the legal article that directly address the issue of gender-based sexual violence even they don't name it so, the second includes the legal articles that indirectly refer to this issue and make it punishable within a different legal description and under titles that are far from sexual violence in general which

can be included in the subject matter of our present booklet, the third includes legal articles which research in gender-based sexual violence cases sometimes leads us to view them, and the fourth section includes the legal articles which the researcher needs to diagnose the SGBV within the framework of marital relationship in accordance with the personal status law, and some legal solutions to terminate the marital relationship that suffer from this problem.

First part: SGBV crimes in the Jordanian law

These legal provisions in the Jordanian law addressed the SGBV issue directly, and the aim of the project was to tackle this issue, and it did not come but in this context where we reported the name of the law and the provision of the article talking about it.

- **First: Jordanian Penal Code, as amended, No. 16 of 1960**

Article (292)

- A- Rape and sexual intercourse with a minor
- 1- Any person, who has forced sexual intercourse with a female, other than his wife, by force or threats or by deception or tricking, shall be sentenced to at least five (5) years of temporary hard labor.
 - 2- Any person, who has raped a girl less than fifteen years of age, shall be sentenced to death.
- B- The sentence of hard labor shall be twenty years if the victim was in fifteen-years-old but did not reach the age of eighteen.

Article (293)

Any person who has forced sexual intercourse with a female, other than his wife, who cannot defend herself due to a physical disability, a cognitive impairment, or as a result of any form of deception, shall be deemed a perpetrator of the crime provided for in article (292) hereof and shall be punished as described therein.

Article (294)

Any person who has sexual intercourse with a female who has reached fifteen (15) years of age, but is less than eighteen (18) years of age, shall be sentenced to temporary hard labor.

And if the victim completed twelve years of age, but less than fifteen, then the minimum of the said sentence shall be fifteen years.

If the victim was under the age of twelve, the offender will be perpetrator of the crime provided for in paragraph (2) of the article (292) hereof, and shall be punished as described therein.

Article (295)

- A- Any person who has sexual intercourse with a female who has reached fifteen (15) years of age, but is less than eighteen (18) years of age, and is an ascendant, whether legitimate or not, step-father, the husband of the paternal grandmother, or the caregiver of the girl, shall be sentenced to twenty years of hard labor.
- B- The sentence shall be eternal hard labor if the victim completed twelve years of age, but less than fifteen.

The same penalty shall be imposed if the perpetrator of the act is a clergyman, or a director of a public office, or an employee therein, who commits such an act by abusing the power or privileges granted to him.

Article (296)

- A- Any person who attacks the honor of another person by using violence or intimidation shall be sentenced to at least four (4) years of hard labor.
- B- The sentence shall not be less than seven (7) years if the victim is less than five (5) years of age.

Article (297)

Any person who attacks the honor of another person, and the latter cannot defend themselves due to a physical disability, a cognitive impairment, or as a result of any form of deception, or forces the latter to commit such an act, shall be sentenced to temporary hard labor.

Article (298)

- 1- Any person who attacks, without having recourse to violence or intimidation, the honor of a child, whether a boy or a girl, who is less than fifteen (15) years of age but did not reach eighteen yet, or forces the said child to commit such an act, shall be sentenced to hard labor for no more than ten years.
- 2- The minimum sentence shall be five (5) years if the victim is less than twelve (12) years of age.

Article (299)

Any person who attacks the honor of child, whether a boy or a girl, who did not reach twelve (12) years of age, or forces the latter to commit such an act, shall be sentenced to temporary hard labor for a period no less than 8 years.

Article (300)

The penalties for the crimes provided for in Articles 292, 293, 294, 296, 297, 298 and 299 shall be increased by one-third (1/3) to one-half (1/2) if the accused is one of the persons mentioned in Article 295 above.

Article (301)

- 1- The penalties for the crimes provided for in the two previous clauses of this 1st Chapter shall be increased by one-third (1/3) to one-half (1/2):
 - A- If two persons committed the crime in order to overcome any resistance by the victim, or if the victim was successively attacked by the perpetrators.
 - B- If the male victim contracted a venereal disease, or if the female victim lost her virginity as a result of the crime.

If one of the aforementioned crimes led to:

- a- Death of the victim while the perpetrator did not want this outcome, the punishment shall be temporary hard labor sentence for fifteen years.
- b- The victim's infection with HIV while the perpetrator was aware of their own infection, the punishment shall be sentence to eternal hard labor.

Any person who abducts, by using a ruse or coercion, another person, whether male or female, and escapes with the abducted person to any place, shall be sentenced to:

- 1- A prison sentence of two (2) to three (3) years, if the so abducted person is a male who has reached eighteen (18) years of age; and the sentence shall no less than two years if the abducted person did not reach eighteen (18) years of age;
- 2- Temporary hard labor, if the abducted person is a female;
- 3- Hard labor for a period of no less than five (5) years, if the abducted person was a married female whether she reached fifteen (15) years of age or not;
- 4- Hard labor for a period of no less than ten (10) years, if the abducted person, male or female, was raped or attacked;
- 5- Hard labor for a period of no less than ten (10) years, if the abducted person was a married female, who has not reached fifteen (15) years of age, and who was sexually assaulted;
- 6- Hard labor for a period of no less than seven (7) years, if the abducted person was a married female, who has reached fifteen (15) years of age, and who was sexually assaulted.

Article (303)

A prison sentence for a period of one (1) month to one (1) year shall be imposed upon the abductor if they voluntarily release and return, within forty-eight (48) hours, the abducted person to a secure place, provided that the abducted person was not subject to any attack to their honor or reputation, or any other act that amounts to a crime or a misdemeanor.

Article (304)

- 1- Unless a harsher sentence is deserved, a prison sentence for a period of six (6) months to three (3) year shall be imposed upon any person who deflowers a virgin, who has exceeded eighteen (18) years of age, after promising to marry her. The perpetrator shall also guarantee her virginity.
- 2- The following elements constitute admissible evidence against the accused: a confession made by the accused before the inquiry judge or in court; or, the existence of letters and other relevant written documentation.
- 3- A prison sentence for a period of no less than three (3) months and no more than two (2) years, shall be imposed upon any person who incites a woman, married or not, to leave her residence and take up with an unknown man, or attempts to separate by corruption the said woman from her husband to break the marriage bond.

Article (305)

- 1- A prison sentence for a period from one month to two years shall be imposed upon any person who in an indecent manner teases:
 - A- Another person, male or female, under eighteen (18) years of age; or,
 - B- A woman or a girl, who has reached eighteen (18) years of age, but without her consent.
- 2- In case of reoccurrence, prison punishment may not be replaced with a fine.

Article (306)

A prison sentence for a period up to six (6) months, or a fine between thirty (30) and two hundred (200) JDs, shall be imposed upon any person who offered another person who is less than eighteen (18) years of age, an indecent act or exposed to indecent acts or words.

Article (307)

A prison sentence for a period up to six (6) months shall be imposed upon any man, disguised as a woman, who enters into a place reserved, or restricted, for the use of women at the time of commission of his act.

Article (308)

- 1- If a valid marriage is concluded between the perpetrator of one of the crimes provided in this Chapter and the victim, the prosecution shall be discontinued, and the execution of any sentence rendered against the perpetrator shall be stayed.
- 2- If the marriage ends with the divorce of the woman without a legitimate reason, the Prosecutor General may, before the lapse of three (3) years starting on the date of the commission of a misdemeanor, or five (5) years starting on the date of the commission of a crime, resume the prosecution of a case, and the execution of a sentence.

Article (309)

For the purposes of this Chapter, a brothel means any house, room, or a set of rooms in a house, in which two women or more reside, or regularly frequent, to engage in prostitution.

Article (310)

A prison sentence of six (6) months to three (3) years, in addition to a fine of two hundred (200) to five hundred (500) Dinars, shall be imposed upon any person who leads, or attempts to lead:

- 1- A woman under twenty (20) years of age to have illegal sexual intercourse with another person in the Kingdom or abroad, provided that such a woman is not a prostitute, and is not known for her immoral character;
- 2- A woman to become a prostitute inside or outside the Kingdom;
- 3- A woman to leave the Kingdom to reside in, or regularly frequent a brothel;
- 4- A woman to leave her ordinary place of residence in the Kingdom, provided that such place of residence is not a brothel, to reside in, or regularly frequent, a brothel inside or outside the Kingdom with a view of engaging in prostitution; or,
- 5- A person under eighteen (18) years of age to be sodomized.

Article (311)

A prison sentence of one (1) to three (3) years shall be imposed upon any person who:

- 1- Leads or attempts to lead a woman by coercion or intimidation to have illegal sexual intercourse inside or outside the Kingdom;
- 2- Leads a woman who is not a prostitute, and not known for her immoral character, by making false claims or by other means of deception, to have illegal sexual intercourse with another person; or
- 3- Gives to a woman, or causes her to be given, a drug or another substance with the intent of subduing her to have illegal sexual intercourse with another person.

Article (312)

- 1- A prison sentence for a period up to six (6) months, or a fine not exceeding one hundred (100) Dinars, or both, shall be imposed upon any person who:
 - A- Was renting, or was responsible for a house, and knowingly allowed the house, or any part thereof, to be used as a brothel;
 - B- Was the owner of a house, or the representative of the owner of the house, and rented the said house, or any part thereof, with the knowledge that it would be used as a brothel, or has intentionally participated in its continuous use as a brothel.

- 2- A prison sentence for no less than six (6) months in addition to a fine of five hundred (500) to two thousand (2000) JDs, shall be imposed on the person who provided, administered, worked or helped in administration of a brothel.

Article (313)

- 1- A court may annul a tenancy agreement, order the evacuation of the rented property, and its restitution to the owner, if a house tenant is convicted of establishing or managing a brothel in a house or any part thereof, or working in it, or assisting in the performance of such actions, or knowingly permitting the use of the house or any part thereof as a brothel.
- 2- A court may make a closure order of a house in accordance with Article 35 of this law, if a house owner is convicted of any of the charges mentioned in the paragraph above.

Article (314)

A prison sentence for a period up to six (6) months, or a fine not exceeding twenty (20) Dinars, shall be imposed upon the caretaker of a child, between six (6) and sixteen (16) years of age, who permits the said child to reside in, or regularly frequent, a brothel.

Article (315)

- 1- A prison sentence of six (6) months to two (2) years shall be imposed upon any male who totally or partly bases his livelihood on what a female earns from engaging in prostitution.
- 2- Unless otherwise proven, a man shall be deemed to knowingly base his livelihood on earnings generated by prostitution if he lives or cohabitates with a prostitute, or if he controls or influences her actions in a manner suggesting that he assists her, or obliges her, to engage in prostitution with another person, or in general.

Article (316)

A prison sentence for a period up to one (1) year, or a fine not exceeding fifty (50) Dinars, shall be imposed upon any woman, who for lucrative purposes, interferes with the freedom of movement of a prostitute in a manner suggesting that the said woman assists, or obliges, the prostitute to engage in prostitution with another person, or in general.

Article (317)

A prison sentence for a period of two (2) months to two (2) years shall be imposed upon any person who retains a woman against her consent:

- 1- In any place to have illegal sexual intercourse with another man, or in general; or
- 2- In a brothel.

Article (318)

If a woman is present in a house or a brothel to have illegal sexual intercourse with another person, the said person is deemed to retain the woman against her will in the said house or brothel if the person does not give her any clothing or money with the intent to coerce her to stay in that house or brothel.

- **Second: Information Systems Crime Law No. 30 of 2010**

Article (8)

- A- Anyone who intentionally transmits or publishes through an information system or any information network anything heard (audio), read or graphic containing pornographic materials involving or relating to sexual exploitation of those who have not attained eighteen years of age, shall be sentenced to prison for a term not less than three months or to a fine of no less than (300) JDs and not more than (5.000) JDs.
- B- Anyone who intentionally uses an information system or any information network to prepare, store, process, display, print, publish, or promote pornographic activities or works with the aim of influencing those who have not attained eighteenth years of age or those who are psychologically or mentally disabled, or direct or incite such persons to commit a crime, shall be sentenced to prison for a term not less than two years or to a fine not less than one thousand (1.000) JDs and not more than five thousand (5.000) JDs.
- C- Anyone who intentionally uses an information system or any information network with the aim of exploiting those who have not attained eighteen years of age or those who are psychologically or mentally disabled for prostitution or pornographic activities, shall be sentenced to temporary penal

servitude and to a fine of no less than five thousand (5.000) JD's and no more than fifteen thousand (15.000) JDs.

- Third: Military Penal Code No. 58 of 2006

Every person who has a homosexual intercourse with another person, shall be sentenced to prison for a period no more than two (2) years.

Second section: article that address a sexual motive and can be subject of research when talking about the sexual violence meant by this booklet.

In this section we mentioned the legal provision that dealt with the acts criminalized by law which are committed by an offender based on sexual motives which sometimes may, or not, be associated with the Gender-Based Sexual Violence; depending on the circumstances surrounding that act, and depending on the victim's view if considered themselves as affected by these acts, and if they were committed against them through fraudulent or coercion means or any other means beyond the victims control and they were unable to resist it.

First: Jordanian Penal Code, as amended, No. 16 of 1960

Article (319)

A prison sentence of a period no more than three (3) months, or a fine no more than fifty (50) Dinars, shall be imposed on every person who:-

- 1- Sold or made with the purpose of sale or distribution any printed or manuscript obscene material or any photograph, drawing, sample, or any other thing that leads to the corruption of morals, or printing or reprinting such materials and things by any other means with the aim of selling or distributing them;
- 2- Introduced in a public place any obscene photograph, film, drawing, or sample or any other thing that may lead to the corruption of morals, or distributed such materials to be introduced in a public place;
- 3- Managed or participated in the management of a store that deals with the selling, distribution or displaying of such any obscene photograph, film, drawing, or sample or any other thing that may lead to the corruption of morals;

- 4- Announced or broadcasted by any means, that someone is dealing with the sale, print, re-print, display or distribution of such obscene materials.

Note: this article is not classified within the crimes of sexual violence; however, if this act was accompanied with obliging an individual or a group to watch them, it may be considered as sexual violence as is the case when the cabling system is hacked (in places that use it) and pornographic material are broadcasted through it.

Article (320)

Every person who acts contrary to modesty, or shows an indecent expression in a public place or in a society in general in a manner that enables people present in a public place to see him/her, shall be sentenced to prison for a period no more than six months or to a fine of no more than fifty (50) Dinars.

Article (323)

- 1- Any person who intentionally causes an abortion without a woman's consent shall be sentenced to hard labor for a period not exceeding ten (10) years.
- 2- The penalty shall not be less than ten (10) years if the abortion or the method used to perform such an abortion, led to the death of the woman.

Article (324)

A woman who performs an abortion on herself to protect her honor, and a person who commits the crimes provided for in Articles 322 and 323 to protect the honor of a descendant, or a relative up to the third degree, shall benefit from a mitigating excuse.

Article (325)

The penalty shall be increased by one-third (1/3) if the perpetrator of the offences provided for in this Chapter is a physician, a surgeon, a pharmacist or a midwife.

Article (340)

- 1- A husband, who surprises his wife or a close female relative in the act of adultery with another person, and kills, injures or harms either of them, or both, shall benefit from a mitigating excuse.
- 2- The perpetrator of a killing or an injury shall benefit from a mitigating excuse if he surprises a spouse, ascendant, descendent, or sibling with another person in an unlawful bed.
- 3- The Sharia self-defense right may not be used against those who benefit from this excuse.

- **Third: Labor Law, as amended, No. 8 of the year 1996**

Article (29)

The employee shall have the right to leave work with no notification while keeping his/her legal rights related to the end of service and the arising compensations of damages in any of the following cases:

- A- If the Minister found that the employer or their representative assaulted or exercised any kind of sexual abuse on their employed workers; the Minister may provide for closure of that institution for the period they deem appropriate, taking into account the provisions of any other applicable legislations.

- **Fourth Human Trafficking Law No. 9 of 2009**

Article (3)

- A. For the purposes of this Law “Human Trafficking Crimes” shall mean:
 - 1- Transporting, moving, lodging, or receiving of people for the purpose of abusing them, whether through using or threatening of use of force, or through any form of coercion, abduction, fraud, deceit, abuse of power, abuse of vulnerability, or through giving or receiving financial gifts or any other privileges to secure the consent of a person who has control over those people; or
 - 2- Transporting, moving, lodging, or receiving of people who are under the age of 18 for the purpose of abusing them, whether through using or threatening of use of force, or through any of the means stated in item (1) of this paragraph .

- B- For the purposes of paragraph (A) of this article, “Abuse” shall mean; abusing people by forcing them to work without charge and under coercion, slavery, servitude, removal of organs, prostitution or any other form of sexual abuse.
- C- A crime shall be deemed “transnational” in any the following cases:
 - 1- Committed in more than one country;
 - 2- Committed in a country but the preparation, planning and direction take place in another country;
 - 3- Committed in any country by an organized gang that has criminal activities in more than one country; or
 - 4- Committed in a country and its effect extends to another country.

Article (8)

A person commits any of the crimes provided for under item (1) of paragraph (A), Article (3) of this Law shall be sentenced to imprisonment for a period of not less than six months or to a fine of an amount not less than JD1000 and not more than JD5000 or to both penalties.

Article (9)

In spite of what is mentioned in article (8) of this Law, the punishment shall be temporary imprisonment with hard labor for a period not less than ten years and a fine not less than JD5000 and not more than JD20000 if:

- A- Any of the human trafficking crimes stipulated in item (2), of paragraph (A) of article (3) of this Law is committed.

Third section: the legal provision that address other types of violence which shares the Gender-Based Sexual Violence some certain common factors:

In this section, we reported the legal article that talk about certain crimes or acts that share with the issue of SGBV common factors whether in terms of relating to the sexual process in general, or in terms of providing for actions which we believed will have an effect over the sexual privacy which represents the subject of violation in the issues of SGBV.

Article (188)

- 1- Defamation: the attribution of a certain description- albeit in the course of doubt and question- to a person, that would affect their honor or dignity or

expose them to people's contempt; whether such a crime required punishment or not;

- 2- Vilification: assaulting other's honor or dignity or considering them –albeit in the course of doubt and question- without providing any proof.

Article (279)

A prison sentence for a period of one (1) to six (6) months shall be imposed upon any person who performed, or assisted in performing, a marriage ceremony in contradiction with the provisions of the Personal Status Law, or any other applicable law.

Article (280)

- 1- A prison sentence for a period of six (6) months to three (3) years shall be imposed upon any person, male or female, who gets married to another person during the lifetime of his/her spouse –independently of whether the later marriage is void or not, or can be annulled or not – unless it is proven that:
 - A- The previous marriage was annulled by a competent court or a religious authority; or
 - B- The marriage legislation applicable to the husband on the date of his previous or later marriage allows him to marry more than one wife.
- 2- The same penalty shall be imposed upon any person who knowingly performs the marriage ceremonies mentioned above.

Article (281)

A prison sentence for a period up to one (1) month, or a fine of thirty (30) JDs to one hundred (100) JDs, shall be imposed upon any person who does not refer to a judge, or his deputy to register the divorce within the period specified in the Personal Statuses Law.

Article (282)

- 1- A prison sentence for a period of one (1) to three (3) years shall be imposed upon a woman and man who voluntarily commit adultery.

- 2- The sentence shall be no less than two years' imprisonment for the married adulterer whether man or woman.
- 3- The adulterer, whether man or woman, shall be sentenced to prison for three (3) years if adultery was committed in the marital house to either of them.

Article (283)

The following elements constitute admissible evidence against the partner: catching the partner in the act with the adulterous woman; a confession made by the partner before the inquiry judge or in court; or, letters and other relevant written documentation.

Article (284)

- 1- Prosecution for adultery can only be launched by a complaint filed by the husband as long as the spouses are united by marriage, and for a period up to four (4) months after the date of a divorce, or by her guardian if the woman does not have a husband. No prosecution can be launched against a husband who commits adultery, as set out in the Article above, except by a complaint filed by his wife. The action and the penalty shall be dismissed if the complaint is dropped.
- 2- A complaint shall not be admissible after the lapse of three (3) months starting on the date on which the husband or the guardian is informed of the offence; provided that this period shall not exceed, in all cases, one year as from the date when the offence was committed.

Second: Crime Prevention Law No. 7 of 1957

Article (3)

if the administrator knew, or had a reason to believe that there is someone in the area of his competence who belong to any of the below listed classes, and believed that there are sufficient reasons to take actions; he may issue for the mentioned person a summon in the form mentioned in the first annex to this law, in which he requires that person to appear before him to prove if he/she has reasons that protect him/her from being subject to a binding pledge, either by guarantors' guarantee or not, according to the form shown in the second appendix to this law, in which they will pledge to be of good conduct during the period which the

administrator deems appropriate; provided that such period must not exceed one (1) year.

- 1- Every person who is found in a public or private place in conditions that convince the administrator that such person was about to commit any offence or help in committing such offence.

- **Third Family Protection Law No. 6 of 2008**

Article (4)

- A- Notwithstanding the provisions of the Penal Code or any other relevant legislation, the provisions of this law apply to domestic violence cases;
- B- All procedures and information related to domestic violence heard by any relevant body including courts are dealt with the utmost confidentiality;
- C- The court may take into consideration the reports related to domestic violence that are submitted to it by formal competent bodies.

- **Fourth Press and Publications Law, as amended, No. 8 of 1998**

Article (38)

It is prohibited for the printing press to publish the following in any form:

- A- What contains any contempt or harm to any of the religions and denominations whose freedom is guaranteed under the Constitution;
- B- What contains abuse or offend to the prophets, whether in writing, drawing, imaging, or symbolizing or any other means;
- C- What forms an insult to the religious belief, or incites sectarian or racial feelings of prejudice.
- D- What harms the dignity, personal freedoms, or reputation of individuals, and what contains false information or rumors.

- **Fifth Reform and Rehabilitation Centers' Law No 9 of 2004**

- A- No inmate may be entered to the Center except if decision is issued against them by a competent authority, and no inmate may be retained in the Center after the expiry of the period defined by such decision, unless the detention period is lawfully renewed.

- B- An inmate may not be entered to, released or taken out from the Center except after being inspected; and a female inmate may not be inspected except by a member of Women's Police.
- C- Male and female inmates shall be separated in independent sections in the Center so that seeing, talking, and communicating becomes impossible between them.

Article (14)

- A- Members of the Women's Police will be entrusted to the management of the place designed for female inmates within the Center, and any person shall be prohibited from entering that place unless accompanied by a member of Women's Police.
- B- The place designed for female inmates may not be examined except by a member of Women's Police.

- **Sixth Regulation for offices working in recruitment and use of non-Jordanian domestic workers, No. 89 of 2009, as amended, No. 15 of 2014.**

Article (16)

The Minister may, based on reports issued by the competent authorities, close the office at once without a warning, or withdraw its license if the violations committed were among those which constitutes a serious violation of the human rights or legislations in force, including:-

- A- Bringing in workers illegally or with forged documents;
- B- Bringing in workers under the legal age;
- C- Using workers in other than domestic works, or as day laborers, or in a house other than the one in which a worker is authorized to work;
- D- Economic exploitation of workers and the seizure of their wages or any part thereof;
- E- Assaulting workers either physically or sexually or treating them in an ill manner, of facilitating the same; or
- F- Moving workers to other countries in an illegal manner.

Seventh Instructions on Students' Discipline in Public and Private Schools, No. 1 of 2007

Article (8)

- 1- The punishment of dismissal from public and private schools shall be imposed on students based on a recommendation from the Board, placement by the Manager and decision by the Minister (while taking into account the content of article (10) of the Education Law No. 3 of 1994 as amended) in the following cases:-
 - A- Repeating any of the offenses contained in article (7);
 - B- Offending any of the dignitaries, and the Jordanian symbols and characters whether in word or deed.
 - C- Committing an act that is contrary to chastity and morality, such as immoral behavior, sexual assault or exercising a sexual behavior.
 - D- Defamation of others, and causing discord between colleagues and others (for example, but not limited to the same).
 - E- Attacking one of the teachers of school's staff in person or by agreement with others, insider or outside the school.
 - F- Intentionally harming a student using a sharp or solid tool.
 - G- Promotion of drugs, alcohol or intoxicating substance or psychotropic Substances.

- **Eighth Appendix of Labor Standards of 2009**

Article (1)

Note: any institution's request that aims at benefiting from the Golden List Program will not be considered before the passage of one year at least, from the date when that request was submitted, if the Ministry found that the institution deliberately violates any of human rights such as: (child labor, forced labor, physical assault, sexual harassment ...etc) or before the passage of six months at least from the date when that request was submitted, if the Ministry found that the institution has provided incorrect information to benefit from this program.

- **Ninth: principles and criteria for the adoption of institutions in the Golden List Program related to training and employing the trainees of the National Company for Employment and Training, of 2009.**

Article (4)

10- Institutions will be selected and included within the golden list according to the criteria specified in the annex attached hereto.

11- No institution will be included in the assessment for Golden List Program before the passage of one year at least from the date of applying, if the Company of the Ministry found that such institution deliberately violated any human rights such as: (child labor, forced labor, physical assault, sexual harassment ...etc).

- **Tenth: Instructions on Movie Censorship No. 1 of 1990.**

E- Movies that include a violation to the morals and public modesty and public order.

F- Shameful movies that encourages moral decay and social disintegration, or outline crime, violence and deployment of drugs and how to abuse them.

G- Movies based on excitement and sex in terms of form and content, or on forbidden relationship, or in any other way or means.

- **Eleventh: Decision on Regulating Eastern Antiques Manufacture and Sale, No. 5 of 1953, and its amendments.**

Article (7)

Each antiques seller must work under the following terms and conditions:

- A- To show their license in a prominent place in their shop;
- B- To put on the antiques offer for sale the retail price in apparent manner that convinces the Director of Tourism Department or its employee appointed by the Director in writing for this purpose.
- C- To give the purchaser a bill that shows the things sold, the price taken, and the date of sale.
- D- Not to tempt tourists, visitors or tour guides and not to harass them in any manner when they approach his shop.
- E- The tour guide shall not be given more than 10% of the value of purchases in the form of commission.
- F- To allow the director of Tourism Department or the employee he appoints in writing for this purpose, to enter the seller's shop for inspection or to obtain any information or statistics required from them.

Fourth section: legal provision that should be taken into consideration when examining the issue of SGBV and study the solution that benefit it.

In this section, we have mentioned the legal articles needed by researcher when dealing with the issues related to sexual violence within the framework of marital relationship or outside, where such marital relationship when considered valid, it results in the necessity of such terms and provisions to be available, in addition to the legal provisions the can be studied to talk about alternatives to tackle the issue of sexual violence with the marital relationship, such as the issues of separation and ransoming.

First - Personal Status Law No. 36 of 2010

Part III - the effects of the marriage contract

Chapter III - housing and follow-up

Article (74)

A husband may not his family and relative to dwell in his house without the consent of his wife for whom such house was prepared; and she may cancel such consent. His sons under the age of 18, his daughters, and his poor parents on whom he cannot spend and he has to dwell them in his house, provided that they don't harm the wife; and their presence at the house does not prevent her from marital cohabitation.

Article (75)

A husband may not make his second wife to dwell with his first one in one house without the latter's consent.

Article (76)

A wife may not make her children of another husband or her relatives to dwell in the same house without the consent of her present husband if he prepared that house, otherwise she may make her children and parents to dwell in that house.

Article (77)

Every one of the spouses must cohabitare with the other in a good manner and treat them kindly; they must share respect, compassion and maintain the interest of the family.

Article (78)

A husband shall not prevent his wife from visiting her close relatives and her relatives in general; and wife must obey her husband in permissible things.

Article (79)

A polygamist shall treat all his wives equally in terms of housing and expenses.

Part IV – termination of marriage contract

Chapter I – Divorce

Article (92)

Subject to the provisions of Article (81) of this law, revocable divorce will not terminate marital at once, and the husband will be have the right to return and cohabitate with his wife during her waiting period in words or deeds.

Article (98)

A husband may have his revocable-divorced wife back in his house during her waiting period in words or deeds, and this right will not be waived by defaulting. Wife's return will not require her consent; and no new dowry will be paid.

Part IV – termination of marriage contract

Chapter IV – judicial separation

Article (114)

B- If the wife, after the actual commencement of marriage and copulating, filed a lawsuit requesting separation with her husband and stated clearly that she hates living with him, that there is no way for the continuation of such marriage between them, and that she fear not to obey God's orders, and redeemed herself by waiving all her marital rights and returned her dowry to the husband, the court will attempt to reconciliation between the spouses, if not possible, the court will send two arbitrators to continue reconciliation efforts between the spouses within a period no more than thirty (30) days, if reconciliation was impossible; then the court will rule termination of that marriage contract.

Article (119)

If the wife proved that her husband has been absent for one year and more, and his domicile was known, then his wife may ask the judge to terminate marriage contract if she was affected by the husband's absence even he gave her money for expenses.

Article (120)

If the absent husband can be reached by means of contact, the judge will determine a term and call upon him to come and reside with his wife, take her to the place where he reside, or divorce her. If the term elapsed without the husband doing any of the mentioned remedies, and did not give an acceptable excuse, the judge will separate them by termination of their marriage contract after they administer the oath.

Article (121)

If the husband was absent in a known place and he cannot be contacted, or his domicile was not known and the wife proved her claim by evidences and swore an oath according to the lawsuit, the judge will separate that spouse by termination of marriage contract without excuses or term. In case the wife was not able to prove the same, or refused to swear the oath; then the lawsuit will be dismissed.

Article (122)

If the wife proved her husband's abandonment and his reluctance to live with her in the marital house for one year or more, and she requested their marriage contract to be terminated, the judge will give him a time limit no less than one month to go back to his wife or divorce her. If he did not do so, and did not give a reasonable excuse, the judge may separate them by the termination of the marriage contract.

Article (126)

Either of the spouses may request separation for discord and conflict if they claimed a damage caused to them by the other party that prevent the continuation of marital life; whether such damage was verbal, physical or moral; a moral damage will be a disgraceful act or behavior that breach the good manners which causes to the other party a moral abuse, as well as the other party's insistence to breach their marital duties mentioned in Chapter III of the Part III hereof, so that:-

- A- If the separation request was filed by the wife and the judge verified her claim, the court will make efforts for reconciliation between the spouses, if impossible; the judge will warn the husband to improve himself with the wife and will delay the lawsuit for one month at least. In case of no reconciliation

and the wife insisted on her request, the judge will refer the case to two arbitrators.

- B- If the plaintiff was the husband and he proved the discord and conflict, the court will make efforts for reconciliation between the spouses, if impossible; the judge will delay the lawsuit for one month at least hoping for reconciliation. After the expiration of such period and the husband insisted on his request, the judge will refer the case to two arbitrators.

Article (128)

A woman who is intact from any illness that prevents her copulation may go to the judge and request separation with her husband if she knew that he suffers from an illness that prevents him from effective copulation such as impotence or castration. The request by a woman who suffers from an illness that prevents her from copulation shall not be heard.

Article (129)

The wife who was informed before the marriage contract of her husband's illness which prevents him from copulation with her, or the wife who accepts explicitly or implicitly with that illness after marriage contract, will have no right to request separation, except for impotence; if she knew before the marriage contract that her husband is impotent, shall will continue having the right in separation even if she accepted that illness.

Article (130)

If the wife went to the judge and requested separation for an illness suffered by the husband; if such illness was not curable, separation will be decided by the judge forthwith. If such illness was curable such as "impotence", the husband will be given a time limit of one year from the date of actual commencement of marriage or from the date when the husband recovered if he was sick. If one of the spouses fell sick during the said time limit in a manner that prevents copulation or the wife was absent, the period so elapsing will not be calculated from the said time limit; be the days of woman's period will be calculated, if the illness did not disappear during this time limit and the husband dissatisfied with the divorce while the wife insists on her request, the judge will decide separation.

Article (131)

If the wife, after actual commencement of marriage and copulation, found that the husband suffers an illness the prevents her from staying with him; such as leprosy, tuberculosis, syphilis or AIDS, or he suddenly was infected with such diseases, she will have the right to request separation with her husband by a decision from the judge.

Article (132)

The husband will have the right to request termination of marriage contract if he found in her wife a sex disease the prevent copulating with her or an infectious disease that prevent living with her without damages, and the husband was not aware of it before the contract, of accepted it explicitly or implicitly after contract.

Article (133)

Marriage contract termination request that are submitted by the husband will not be heard if the illnesses suffered by wife were incidental after the actual commencement of marriage.

Article (143)

For the missed man whose life or death is not known by his wife, the wife may request termination of the marriage contract because of being affected by his absence even if he left her monies for her expenses; In this case the judge may terminate the marriage contract after the elapse of one year at least from the date when the husband was missed, after search and investigation.

Conclusion

After the reader has a look at this set of articles and read its provisions, we had here to explain that we work on a systematic basis that relies on translating the work "VIOLENCE" contained in the term "SEXUAL AND GENDER-BASED VIOLENCE" not only in the sense of being violent, but also in the sense of "infringement" because we found that the international reports that dealt with this issue around the world had moved closer to this sense, although we maintained the use of the word "violence" since it is the most common one.

We also tried to expand in our guide on a basis that resembles what a legislature usually does in terms of using the imagination in anticipating behaviors and actions that can be exercised by the perpetrators of gender-based sexual violence crimes as we have done in the legal provisions that address deployment of pornography; where we believed that this behavior in its simple form is not associated internationally with the gender-based sexual violence, even perhaps it is approved and its activities are regulated by several laws, and often it is considered as an allowed activity but if it was exercised under duress in the manner we have previously mentioned (through hacking a cabling system or websites) or was exercised on children, then it will have such a sense of violence.

We should also point out that our priority was to mention all legal articles to which research in the issue of gender-based sexual violence would inevitably lead us whether they are related directly or indirectly to this issue; this from the reality of our experience and the reality of legal advice to which we responded over the course of several years in this issue. In addition, we saw that the most beneficiaries of this subject are those social workers, psychologists, and non-Jordanians who don't know a lot about the Jordanian laws and who are interested in knowing how Jordanian laws deal with this subject.

Asking the Almighty Allah to grant us success

**ARDD – Legal Aid Work Team
Legal Departments (Statutory and Sharia)**