

Legislative Mapping

Technology Facilitated Gender-Based Violence

Abstract

The digital space provides women with opportunities for empowerment through platforms that are often less regulated compared to traditional spaces. However, it also introduces a new dimension of gender-based violence known as Technology-Facilitated Gender-Based Violence (TFGBV). Despite some recognition in the Jordanian cybercrime law, TFGBV lacks comprehensive acknowledgment in local legislation.

This research aims to bridge this gap by conducting a thorough legal mapping analysis within the context of Jordan. It will examine existing laws such as the Jordanian Penal Law, Jordanian Cybercrimes Law, Telecommunication Law, Anti-Human Trafficking Law, and the Protection from Domestic Violence Law. Furthermore, international frameworks including The Convention on the Elimination of All Forms of Discrimination Against Women, The Commission on the Status of Women Sixty-seventh session Beijing Declaration and Platform for Action, and The Istanbul Convention will be analysed.

Through this study, recommendations will be proposed for enhancing legal mechanisms to combat TFGBV in Jordan. The goal is to create a more robust legal framework that effectively addresses the challenges posed by TFGBV in the digital age, ensuring greater protection and empowerment for women in Jordanian society.

Keywords

[Technology-Facilitated Gender-Based Violence, Jordanian Cybercrime Law, Digital Spaces, Analytical Legal Research]

Contextualizing TFGBV

As social media platforms have proliferated in recent years, it has emerged as powerful tools for women in Jordan, providing them with a digital space to express themselves and share their narratives. This empowerment is particularly significant in a region where women often encounter limited representation in formal political spheres. Through the digital realm, women can amplify their presence and voice, leveraging less regulated platforms to foster empowerment. However, amidst this empowerment, the digital landscape introduces a distinct challenge in the form of technology-facilitated gender-based violence (TFGBV).

Technology-facilitated gender-based violence (TFGBV) is an act that is committed or amplified using digital tools or technologies and causes physical, sexual, psychological, social, political, or economic harm to individuals based on their gender, specifically women and girls. These forms of violence are part of a larger pattern of violence against women, including intimate image abuse, doxing (revealing personal information), trolling (online harassment) and the sharing of deepfake¹ images². It also encompasses misogynistic hate speech and efforts to silence and discredit women online, including threats of offline violence. Digital violence against women can exacerbate offline forms of violence—including sexual harassment, stalking, intimate partner violence, trafficking, and sexual exploitation—using digital tools like mobile phones, Global Positioning System (GPS), and tracking devices.

Over the past few years, interest in technology-facilitated gender-based violence has surged, particularly regarding women’s issues in technology in Jordan and other countries. This has spurred research initiatives aimed at examining the status of women in digital public spaces and has led to national discussions about empowering women in the public sphere. Despite these efforts, a comprehensive system to protect women from technology-facilitated gender-based violence has yet to be developed.

Based on a survey conducted by JOSA during 2021³, alarming statistics and findings were revealed, as the majority of women participating in the questionnaire stated that the consequences of Technology Facilitated Gender Based Violence may reach the point of being killed by a family member (such homicides are known in Jordan as “Honor Killing”). Over 35% of female participants reported online bullying, and approximately 31% of reported cases involved hacking. Similarly, a study by the “Al Hayat Center—RASED”⁴ highlights the detrimental impact of cyber violence, with over 60.4% of respondents expressing harm from cyberbullying.

It is also important to mention that JOSA conducted multiple studies and reports as part of the AI-model, Nuha⁵, developed by JOSA. The study was based on classifying over 70,000 comments from 419 posts, monitored across 60 women’s accounts in Jordan, the study’s findings indicate that 23.5% of the comments were classified as Online Gender Based Violence, with the remaining 68% distributed

1 The Portmanteau of “deep learning” and “fake” are synthetic media that have been digitally manipulated to replace one person’s likeness convincingly with that of another. It can also refer to computer-generated images of human subjects that do not exist in real life. [Source](#)

2 <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/tech-facilitated-gender-based-violence#:~:text=Technology%2Dfacilitated%20gender%2Dbased%20violence,girls%20because%20of%20their%20gender>

3 https://fra1.digitaloceanspaces.com/assets.josa/portal/15_98fdcdb6a.pdf

4 <http://www.hayatcenter.org/ar/publications/questionnaire-on-cyber-bullying-against-active-women-in-social-media/>

5 NUHA is an open source AI developed by JOSA that can detect Online Gender Based Violence against women in Jordan in the Arabic language, website: <https://nuha.josa.ngo/>

across, other categories – positive feedback, neutral opinion, disagreement, vague and not related, and not applicable⁶.

Additionally, a number of case studies were conducted on three well known Jordanian women, targeted for their advocacy of women's rights and gender equality. Hate speech against them often used religious discourse and gender stereotypes. The attacks were driven by misconceptions about feminism and traditional values. The hate speech included sexist, homophobic, and religiously motivated content. Researchers also faced challenges in interpreting culturally specific language, highlighting the need for culturally sensitive moderation algorithms to combat online gender-based violence⁷.

Despite technological advancements and the widespread use of online platforms, there is a significant gap in addressing TFGBV at the national level. This gap is glaringly evident in the prevalence of cybercrimes targeting women and girls, such as online bullying, hacking, and cyberbullying. Moreover, existing legislative measures, including the Jordanian Cybercrime Law, are inadequate in effectively tackling TFGBV, leaving victims vulnerable to digital threats and violence due to insufficient resources and legal loopholes.

TFGBV is a grave issue that must be further researched in Jordan, and here comes the importance of this legislative mapping as it aims to address the inadequacies in Jordan's legal framework and the lack of institutional responses concerning TFGBV.

This research seeks to analyse how existing laws intersect with TFGBV in Jordan, with a focus on identifying gaps, inconsistencies, and opportunities for legal reform. The first chapter delves into examining 17 articles from key legislation, the Jordanian Cybercrime Law No. 17 of 2023, the Jordanian Telecommunication Law No. 13 of 1995, the Jordanian Penal Law No. 16 of 1960, the Jordanian Anti-Human Trafficking Law No. 9 of 2009, and the Protection from Domestic Violence Law No. 15 of 2017, which collectively shape the legal landscape surrounding TFGBV in Jordan. These laws were selected and analysed due to the fact that they address various aspects relevant to TFGBV issues, such as arguments related to the Jordanian street, connections to perpetrators and victims, the T aspect of TFGBV, and the impact on every Jordanian family, specifically on women and girls.

Additionally, the research delves into the international framework concerning TFGBV, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Commission on the Status of Women's Sixty-seventh session (CSW67), the Beijing Declaration and Platform for Action (BPfA) and the Istanbul Convention. These discussions provide valuable insights into how the international community addresses TFGBV in alignment with United Nations Human Rights Standards, contributing to the global discourse on combating TFGBV.

The findings of this paper, underscore the significance of various measures to address digital violence in Jordan. These include encouraging individuals to report incidents and ensuring recommendations align with national priorities. Efforts to empower proactive women through training initiatives and enhance representation in legislative bodies are crucial. Additionally, specialised training for judges and employees within the Human Trafficking and Cybercrime Unit is recommended. It is essential to exclude anti-trafficking law penalties from general amnesties and eliminate discriminatory practices from relevant legislation. Confidential handling of cybercrime cases and discreet reporting mechanisms are vital for protecting and educating girls. Moreover, disseminating studies on gender-based digital violence to relevant authorities is imperative to ensure widespread awareness and informed decision-making.

6 Full Report: <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/65b21f4539b6e.pdf>

7 Full Report: <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/65b3ac4f522ce.pdf>

Methodology

“Analytical Legal Research Methodology: Mapping the Legal Landscape of Technology-Facilitated Gender-Based Violence in Jordan”

In undertaking the systematic mapping of the legal landscape surrounding TFGBV in Jordan, this study employed an Analytical Legal Research Methodology⁸. Meticulously selecting five pivotal laws; the Jordanian Penal Law, Jordanian Cybercrimes Law, Telecommunication Law, Anti-Human Trafficking Law, and the Protection from Domestic Violence Law. The English translations of these laws were quoted from official authorities’ websites and international organizations’ websites.

This analytical approach involved a detailed examination of specific articles within each law, seeking correlations with TFGBV. The study scrutinised these articles to determine their relevance, aiming to identify gaps in legal provisions and assess the adequacy of the existing framework in addressing TFGBV. For each law, a systematic assessment identified such articles, highlighting shortcomings, and finally providing concrete recommendations to overcome them and to strengthen the overall legal measures against TFGBV.

The resulting analysis, presented within the document, provides a comprehensive overview of how the selected laws intersect with TFGBV concerns. This not only maps the legal landscape but also serves as a practical guide for policymakers, legal professionals, and stakeholders combating TFGBV in Jordan. The recommendations offer a roadmap for potential legal reforms, ensuring alignment with the dynamic challenges posed by TFGBV. This methodology, rooted in a careful analysis of specific legal provisions, underscores the researchers’ commitment to meaningfully contribute in creating a safer digital space for women in Jordan.

In order to improve the preliminary draft, the (JOSA) collaborated with the Danish Institute for Human Rights (DIHR) and the International Media Support (IMS). A two-day workshop was jointly orchestrated, and spearheaded by lawyer Fatima Alkhadire, who is a significant contributor to the research initiative. This workshop combined legal professionals, NGOs, and various experts, it provided a dynamic platform for the refinement and enrichment of the document. The diverse perspectives shared during the workshop contributed to a more robust set of recommendations and analyses, incorporating insights from individuals actively engaged in combating TFGBV in the field. This process strengthened the document and allowed the team of researchers to gather valuable insights, incorporating practical perspectives and nuanced understandings of the challenges in addressing TFGBV, which resulted in the paper becoming more reflective of practical real-world considerations.

The uniqueness of this legal mapping project lies not only in the comprehensive analysis of relevant laws, but also in the iterative refinement process facilitated by the workshop. The inclusion of external expertise from lawyers and NGOs, combined with the research team’s dedication, significantly contributed to the document’s depth and effectiveness.

Started in October 2023 and concluding in March 2024, this mapping reflects the collective effort, collaboration, and commitment dedicated to addressing TFGBV in Jordan. It contains a comprehensive compilation of knowledge, experiences, and recommendations, intended to be a valuable resource for policymakers, legal professionals, and stakeholders working towards a safer digital environment.

8 <https://doi.org/10.1093/oso/9780199493098.003.0006>

I

How Does the Jordanian Law Address the TFGBV?

In this chapter, five key Jordanian laws are thoroughly examined and analysed, namely the Cybercrime law, Penal Code, and communication law, with a focus on selected articles from each. Additionally, we delve into the Anti-Human Trafficking Law and the Protection from Domestic Violence Law. Our approach involves penning dedicated sections for each law, scrutinising the chosen articles, identifying gaps related to TFGBV, and conducting a legal analysis. This detailed process allows us to formulate recommendations for each article, contributing to a nuanced understanding of the legal landscape in Jordan concerning TFGBV.

Jordanian Cybercrime law No. 17 of 2023⁹

In this section on Jordanian Cybercrime legislation, our analysis will focus on specific provisions outlined in Cybercrime Law Articles 3, 4, 5, 13, 14, and 15. Through a legal analysis, we will explore how these articles address various aspects of Cybercrime within the context of evolving digital interactions. We will identify potential gaps in the legal framework, offering targeted recommendations for improvement to better address (TFGBV). This exploration aims to foster a comprehensive understanding of the legal landscape, stimulating informed discussions about the intersection of technology, crime, and gender-based violence in the Jordanian context.

Cybercrime Law Article (3)

Article (3) addresses unauthorised access to websites, information networks, information systems, or information technology means. It specifies penalties based on the nature and purpose of the unauthorised access.

3.A

“Whoever intentionally accesses a website, information network, information system, or information technology means or any part thereof by any means without authorization or in violation or excess of an authorization shall be punished by imprisonment for a period not less than one week and no more than three months, or by a fine of not less than (300) three hundred dinars and no more than (600) six hundred Dinars, or both penalties”.

3.B

“Where the access stipulated in paragraph (a) of this Article is for the purpose of cancelling, deleting, destroying, disclosing, posting, re-posting, damaging, blocking, altering, changing, transferring, or copying data or information, or breaching the confidentiality of data, or encoding, stopping, or disabling the operation of an information network, information system, information technology, or any part thereof, the perpetrator shall be punished by imprisonment for a period not less than three months and no more than one year and a fine of not less than (600) six hundred Dinars and no more than (3000) three thousand Dinars. The penalty shall be imprisonment for a period not less than one year and no more than three years, and a fine of not less than (3000) three thousand Dinars and no more than (15000) fifteen thousand Dinars if he achieves the result.”

3.C

“Whoever intentionally accesses a website to change, cancel, destroy, or alter its contents, or occupy, encrypt, stop, or enable it, or assumes its identity or the identity of its owner, shall be punished by imprisonment for a period not less than three months and a fine of not less than (600) six hundred Dinars and no more than (3000) three thousand Dinars.”

I. Relevance to TFGBV

Article 3 in the Cybercrime law outlines the legal consequences for unauthorised access and malicious activities related to information systems and networks. In the context of TFGBV, this law can be relevant in addressing instances where Cybercrimes are committed with a gender-based motive or impact. For instance, revenge, harassment, or the intention to harm the victim’s personal or professional life, as explained in the scenario below.

Consider a situation where an individual

intentionally accesses a woman’s social media account without authorization with the intent to post or share compromising or harmful content, such as: cyberbullying, the spreading of false accusations and private information disclosure. This action could fall under the provisions of Cybercrime Law, Article 3, as below.

- Unauthorised Access: Based on paragraph A, the perpetrator gains unauthorised access to a victim’s social media account to extract personal information.
- Malicious Actions on Data or Information:

Based on paragraph B, the perpetrator not only gains unauthorised access but also posts harmful and defamatory content on the victim's social media profile.

- Identity Theft: Based on paragraph C, the perpetrator not only gains unauthorised access but also assumes the identity of the victim to post false information or engage in activities that harm the victim's reputation

II. Legal Analysis

- Unauthorised Access: The article criminalises intentional, unauthorised access to websites or information systems. This provision is vital in addressing Cybercrime, as unauthorised access can lead to various malicious activities.
- Penalties for Unauthorised Access: Penalties for unauthorised access are proportionate to the severity and purpose of the intrusion. The range includes imprisonment and fines, with the severity of penalties increasing for more damaging actions.
- Data Manipulation and Destruction: The article recognizes the seriousness of actions such as cancelling, deleting, destroying, or altering data. This is critical in combating cyber threats that may lead to data breaches or losses, contributing to TFGBV concerns related to privacy violations.
- Identity Theft: Addressing identity theft is crucial in the context of TFGBV. Assuming the identity of a website or its owner is recognized as a punishable offence, aligning with the broader goal of protecting individuals, including women, from online impersonation or identity-related crimes.
- Penalties for Achieving Results: The article introduces higher penalties if the unauthorised access achieves specific results. This approach acknowledges the increased severity of harm resulting from successful cyber intrusions.
- Website Alteration and Occupation: Penalizing intentional alteration or occupation of a website, including identity assumptions, contributes to safeguarding online spaces and identities. This is significant for preventing online harassment and potential defamation.

Cybercrime Law Article (4)

Article (4) of the Jordanian Cybercrimes Law focuses on unauthorised access to information networks, technology systems, or critical infrastructure owned by various entities. It includes specific provisions for actions impacting national security, foreign relations, public safety, or the national economy.

4.A

“Whoever enters or accesses without permission or in violation of or exceeds the permit to an information network, information technology, information system, or any part thereof belonging to ministries, government departments, public official institutions, public, security, financial, or banking institutions, or companies owned or contributed by any of these entities or critical infrastructure and has access to data or information not available to the public and affects the national security, foreign relations of the Kingdom, public safety or the national economy shall be punished by imprisonment for a period not less than six months and no more than three years and a fine of no less than (2500) two thousand five hundred Dinars and no more than (25000) twenty-five thousand Dinars.”

4.B

“Where the entry or access stipulated in Paragraph (a) of this Article is to cancel, damage, destroy, modify, alter, transfer, copy, publish, re-publish, breach the confidentiality of, encrypt, delete, add, block, disclose, or capture data or information, the perpetrator shall be punished with temporary servitude and a fine of no less than (5000) five thousand Dinars and no more than (25000) twenty-five thousand Dinars and shall be punished by temporary servitude for a period of no less than five years and a fine of (25000) twenty-five thousand Dinars if he achieves the result.”

4.C

“Whoever intentionally enters or accesses a website belonging to ministries, government departments, public official institutions, public security, financial, or banking institutions, or companies owned or contributed by any of these entities or critical infrastructure, with the aim of accessing data or information not available to the public and affecting the national security, foreign relations of the Kingdom, public safety, or the national economy shall be punished by imprisonment for a period not less than six months and no more than three years and a fine of no less than (2500) two thousand five hundred Dinars and no more than (25000) twenty-five thousand Dinars”.

4.D

“Where the entry or access stipulated in Paragraph (c) of this Article is to cancel, destroy, modify, alter, transport, copy, delete, add, block or encrypt such data or information, the perpetrator shall be punished by temporary servitude and a fine of no less than (5000) five thousand Dinars and no more than (25000) twenty-five thousand Dinars, and he shall be punished by temporary servitude for a period of no less than five years and a fine of (25000) twenty-five thousand Dinars if he achieves the result.”

4.E

“Attempts to commit crimes stipulated in this Article shall be punished by the penalty prescribed for the same crimes.”

I. Relevance to TFGBV

Article 4 emphasises unauthorised access to information networks, systems, or critical infrastructure that could impact national security, public safety, and the national economy. In the context of TFGBV, these provisions can be relevant when the unauthorised access is motivated by gender-related factors, and aims to harm individuals or groups through the misuse of sensitive data or information.

For instance, a female executive working for a government department became the target of a gender-based cyberattack when a perpetrator intentionally accessed the information network of her department. The attacker obtained sensitive personal information, including the executive's home address, contact details, and other confidential data. Additionally, the perpetrator gained unauthorised access to the executive's private cloud storage that contains personal and professional documents, as well as private images. The main goal of the attacker was to use the obtained information and content to facilitate gender-based harassment or stalking, which included distributing the content on various online platforms. Such actions fall under Article 4 of the Cybercrime law, as below.

- Unauthorised access: Based on paragraph A, the perpetrator could be penalised under the first set of clauses for unauthorised access to information networks, impacting national security or public safety. The penalties may include imprisonment and fines, depending on the severity of the breach.

II. Legal Analysis

Unauthorised Access: The article criminalises intentional, unauthorised access to websites or information systems. This provision is vital in addressing Cybercrime, as unauthorised access can lead to various malicious activities.

Penalties for Unauthorised Access: Penalties for unauthorised access are proportionate to the severity and purpose of the intrusion. The range includes imprisonment and fines, with the severity of penalties increasing for more damaging actions.

Data Manipulation and Destruction: The article recognizes the seriousness of actions such as cancelling, deleting, destroying, or altering data. This is critical in combating cyber threats that may lead to data breaches or losses, contributing to TFGBV concerns related to privacy violations.

Identity Theft: Addressing identity theft is crucial in the context of TFGBV. Assuming the identity of a website or its owner is recognized as a punishable offence, aligning with the broader goal of protecting individuals, including women, from online impersonation or identity-related crimes.

Penalties for Achieving Results: The article introduces higher penalties if the unauthorised access achieves specific results. This approach acknowledges the increased severity of harm resulting from successful cyber intrusions.

Website Alteration and Occupation: Penalizing intentional alteration or occupation of a website, including identity assumptions, contributes to safeguarding online spaces and identities. This is significant for preventing online harassment and potential defamation.

Cybercrime Law Article (5)

Article (5) of the Jordanian Cybercrimes Law focuses on the creation of false accounts or entities on social media platforms, falsely attributing them to a natural or legal person. It also covers the fabrication or design of programs, applications, websites, emails, etc., falsely attributed to someone.

5.A “Whoever creates an account, page, group, channel, or similar on social media platforms and falsely attributes the same to a natural or legal person shall be punished by imprisonment for a period of no less than three months or a fine of no less than (1500) one thousand five hundred Dinars and no more than (15000) fifteen thousand Dinars, or both penalties.”

5.B “Whoever fabricates, creates, or designs a program, application, website, e-mail, or the like and falsely attributes the same to a natural or legal person shall be punished by imprisonment for a period of no less than six months and a fine of no less than (9000) nine thousand Dinars and no more than (15000) fifteen thousand Dinars”.

5.B “Whoever fabricates, creates, or designs a program, application, website, e-mail, or the like and falsely attributes the same to a natural or legal person shall be punished by imprisonment for a period of no less than six months and a fine of no less than (9000) nine thousand Dinars and no more than (15000) fifteen thousand Dinars”.

If the acts committed in accordance with the provisions of Paragraphs (a) and (b) of this article were falsely attributed to an official body or a public servant, or by impersonating his identity by virtue of his position, the penalty shall not be less than temporary servitude and a fine of no less than (15000) fifteen thousand Dinars and no more than (45000) forty-five thousand Dinars.

I. Relevance to TFGBV

The relevance of Article 5 to TFGBV becomes evident in instances where individuals exploit digital platforms to engage in gender-based offences, as explained in the following cases.

Example of False Impersonation for Harassment: Offenders may fabricate social media profiles or use a fake email address to impersonate someone, often with the motive to take advantage of their gender. In one case, the perpetrator created a false online identity mimicking an activist and shared private photos without consent. Additionally, they used the fake email to distribute these images along with defamatory content to harass the activist.

Deceptive Digital Content: Fabrication of

programs, applications, or websites attributed to a specific person could be used to disseminate false and damaging content, contributing to online abuse with gender-based implications.

II. Legal Analysis

Explicit Targeting of False Attribution: The article explicitly targets false attribution on social media platforms, recognizing the prevalence of deceptive practices in the digital space.

Creation of False Entities: Penalising the creation of false entities, such as accounts, pages, groups, or channels, with severe consequences, including imprisonment and fines.

Fabrication of Programs and Applications: The inclusion of programs, applications, websites, and emails expands the scope, reflecting the comprehensive nature of the law.

Differentiated Penalties: Penalties are correlated with the nature of the offence, with severity increasing for fabricating programs or falsely attributing acts to official bodies or public servants.

Impersonation of Official Bodies or Public Servants: Recognition of heightened severity when false attribution involves impersonating official bodies or public servants, reflecting potential harm to public trust and order.



Cybercrime Law Article (13)

Article 13 of the Jordanian Cybercrimes Law addresses offences related to the dissemination, production, and promotion of pornographic content through information networks and technology.

13.A

Whoever sends, publishes, prepares, produces, saves, processes, displays, prints, buys, sells, transmits, or promotes pornographic activities or works using an information network, information technology, information system, or website, shall be punished by imprisonment for a period of no less than six months or a fine of no less than (3000) three thousand Dinars and no more than (6000) six thousand Dinars.

Prosecution for the crimes paragraph in Clause (1) of this Paragraph shall be carried out based on the complaint of the victim who has completed eighteen years of age, and the public right lawsuit shall be dropped by the forgiveness of the victim.

If the purpose of the acts stipulated in paragraph (1) of this Paragraph is to direct or incite to commit a crime or with the intent of sexual exploitation, they shall be prosecuted without the need for a complaint, and the penalty shall be imprisonment for a period of no less than one year and a fine of no less than (6000) six thousand Dinars and no more than (15000) fifteen thousand Dinars.

13.B

The actions stipulated in paragraph (1) of Paragraph (a) of this Article shall be punishable by imprisonment for a period of no less than one year or a fine of no less than (6000) six thousand Dinars and no more than (30000) thirty thousand Dinars if this content is sexually stimulating images, recordings, drawings, or others of sexual organs, real or virtual sexual acts, or simulated sexual acts of a juvenile under eighteen years of age, or if the content is related to a person with a mental illness or a disability.

The acts stipulated in paragraph(3) of Paragraph (a) of this Article shall be punished by imprisonment for a period of no less than two years and a fine of no less than (9000) nine thousand Dinars and no more than (30000) thirty thousand Dinars if the content is sexually exciting images, recordings, drawings, or others of sexual organs, real or virtual sexual acts, or simulation of a juvenile under eighteen years of age, or is designed to lure him, or the purpose is to direct or incite him to commit a crime, or with the intent to exploit him, or if this content is related to a person with a mental illness or mental disability.

Whoever possesses images, recordings, drawings or other data within the information system or data storage support, or sexually suggestive of real, virtual, or simulated sexual organs or sexual acts of a juvenile under eighteen years of age, or if the content relates to a person with a mental illness or mental disability, shall be punished by imprisonment for a period of no less than six months or a fine of no less than (3000) three thousand Dinars and no more than (6000) six thousand Dinars.

I. Relevance to TFGBV

Article 13 of the Jordanian Cybercrimes Law is highly relevant to combating cybercrime, specifically offences related to the dissemination, production, and promotion of pornographic content through information networks and technology. In the context of Technology-facilitated gender-based violence, this article addresses activities that can be instrumental in exploiting and harming women, both adults and minors.

Consider a scenario where the Cybercrime Unit in Amman received a report from concerned parents regarding the online exploitation of their teenage daughter, an unknown individual had gained access to their daughter's social media accounts and were using them to disseminate sexually explicit content, falsely attributed to her.

II. Legal Analysis

Criminalising Pornographic Activities: Article 13 comprehensively criminalises various actions related to pornographic content. This is particularly significant in the context of TFGBV, where such content can be weaponized to target and harm women.

Age and Mental Health Considerations: The law acknowledges the vulnerability of specific groups by imposing stricter penalties when the content involves minors or individuals with mental illnesses or disabilities. This demonstrates an understanding of the potential harm to these segments of the population, including women.

Protection of Minors and Persons with Disabilities: Article 13 extends its protection to juveniles under eighteen years of age and individuals with mental illnesses or disabilities. This inclusivity is crucial in combating TFGBV, as perpetrators may exploit these vulnerable groups.

Legal Response Without Victim Complaint: Notably, the law allows for prosecution without the need for a victim's complaint when the purpose of the act is to direct or incite a crime or sexual exploitation. This provision recognizes the urgency of addressing offences related to TFGBV promptly.

Possession of Explicit Content: The law penalises the possession of explicit content involving minors or individuals with mental illnesses or disabilities. This is essential in preventing the storage and distribution of harmful material that can contribute to TFGBV.

Gradation of Penalties: Article 13 outlines a gradation of penalties based on the severity of the offence. This nuanced approach is crucial in addressing different forms of TFGBV, ensuring that penalties align with the gravity of the harm caused.

Focus on Intent: The inclusion of intent in the law, particularly in cases of directing or inciting crimes or sexual exploitation, shows a commitment to addressing not just the act itself but the underlying motivations that contribute to TFGBV.

Cybercrime Law Article (14)

Article 14 sets strict penalties for digital facilitation of prostitution and exploitation, especially targeting vulnerable individuals.

14.A “Whoever uses an information network, information technology, information system, or establishes a website to facilitate, promote, incite, assist, or exhort prostitution and debauchery, or seduce another person, or expose public morals, shall be punished with imprisonment for a period of no less than six months and a fine of no less than (9000) nine thousand Dinars and no more than (15000) fifteen thousand Dinars.”

14.B “Whoever uses an information network, information technology, information system, or establishes a website for the purposes stipulated in paragraph (a) of this Article to exploit those who have not completed eighteen years of age or who suffer from a mental illness or a mental disability in prostitution shall be punished by temporary servitude and a fine of no less than (15000) fifteen thousand Dinars and no more than (45000) forty-five thousand Dinars.”¹⁰

I. Relevance to TFGBV

Article 14 of the Jordanian Cybercrimes Law is highly relevant to combating Cybercrime, specifically offences related to the use of information networks and technology to facilitate, promote, incite, assist, or exhort prostitution and debauchery. In the context of Technology-Facilitated Gender-Based Violence, this article addresses activities that exploit vulnerable individuals, particularly those affecting women and girls in the digital space.

For example, a group of individuals operating under the guise of an online entertainment platform was discovered to be engaging in illegal activities related to prostitution and debauchery. The group used social media channels and encrypted messaging apps to solicit clients and arrange illicit services, exploiting vulnerable individuals, including women and minors.

II. Legal Analysis

Criminalising the Facilitation of Prostitution: This Article criminalises the use of information networks and technology to facilitate, promote, or incite prostitution. This is crucial in the context of TFGBV, where the digital space is increasingly utilised for exploiting vulnerable individuals, with women being disproportionately affected.

Protection of Vulnerable Individuals: The law extends protection to individuals under eighteen years of age or those suffering from mental illness or disability. This reflects an understanding of the heightened vulnerability of these groups to exploitation, this consideration aligns with efforts to combat TFGBV.

Penalties Reflecting Severity: Varied and stringent penalties are imposed based on the severity of the offence. The gradation of penalties demonstrates a nuanced approach, recognizing the gravity of exploiting minors or individuals with mental health concerns.

¹⁰ A victim-centric approach refers to an approach in which the well-being, rights, and needs of the victim are at the forefront of legal and support systems. It involves recognizing that victims of crimes, including TFGBV, often experience various challenges beyond the immediate legal consequences of the offence.

Prevention of Online Exploitation: By explicitly addressing the use of information networks and technology to exploit vulnerable individuals in prostitution, the law aims to prevent online spaces from becoming platforms for TFGBV.

Protection of Public Morals¹¹: The inclusion of the protection of public morals as a ground for punishment aligns with societal values and norms. This provision aims to maintain ethical standards and prevent undermining public morality using the digital space.

Temporary Servitude for Exploitation: The law introduces the concept of temporary servitude as a penalty for those exploiting vulnerable individuals in prostitution. This signifies a strong deterrent against actions that contribute to TFGBV.

Broad Scope of Application: The law applies not only to individuals directly involved in prostitution, but also to those who establish websites or use information technology to promote or facilitate such activities.

Consistency with TFGBV Efforts: This article aligns with broader efforts to combat TFGBV by addressing specific digital manifestations of gender-based violence, such as the use of technology to facilitate exploitative activities.

11 The term “public morals” is broad and subject to interpretation. There may be a lack of clarity regarding what constitutes an offence against public morals in the digital realm. Example: Cultural and religious values often contribute significantly to the shaping of public morals



Cybercrime Law Article (15)

This article primarily focuses on the criminalization of intentionally spreading fake news through digital platforms, with a specific emphasis on its targeting of national security and community peace. The legislation outlined in the article enables prosecution by the Public Prosecution without the necessity of a formal complaint, particularly when false information is directed at state authorities, official bodies, or public administrations. Additionally, the article highlights the broader relevance of the legal framework in the context of Cybercrime, emphasising the need to address and prevent the intentional spread of false information in digital spaces. It also underscores the connection to combating technology facilitated gender based violence.

“Whoever intentionally sends, resends, or publishes data or information through an information network, information technology, information system, website, or social media platforms that include fake news targeting national security and community peace, or defames, slanders, or contempt, shall be imprisoned for a period of not less than three months or a fine of not less than (5000) five thousand Dinars and no more than (20000) twenty thousand Dinars, or both penalties.

The crimes stipulated in paragraph (a) of this Article shall be prosecuted by the Public Prosecution without the need to file a complaint or claim a personal right if they are directed at one of the authorities in the state, official bodies, or public administrations.

I. Relevance to TFGBV

Article 15 of the Jordanian Cybercrimes Law is highly relevant to combating Cybercrime, particularly offences related to the intentional dissemination of fake news through information networks, technology, systems, websites, or social media platforms. In the context (TFGBV) against women, this article addresses the intentional spread of false information, which can be a tool to harm women’s reputations and safety. For instance, an individual creates a website that falsely accuses a group of women politicians of engaging in illegal activities, claiming they are a threat to national security. The website spreads false information that disrupts community peace and defames the politicians’ reputations.

II. Legal Analysis

- **Combating Disinformation and Defamation:** Criminalising the intentional spread of fake news targeting national security, community peace, or defaming, slandering, or contemplating any person is crucial in the context of TFGBV, where false information can harm women.
- **Protection of National Security and Peace:** By targeting the dissemination of fake news threatening national security and community peace, the law indirectly contributes to protecting women from TFGBV by addressing potential threats resulting from false information.
- **Defamation and Slander Considerations:** Criminalising defamation, slander, or contempt through digital means is relevant in the context of TFGBV, where women may be disproportionately targeted by false and damaging information affecting their personal and professional lives.
- **Special Prosecution for Certain Targets:**

Allowing prosecution without a complaint if the target is a state authority, official body, or public administration recognizes the severity of potential harm to individuals, including women in public roles.

- **Stricter Penalties Reflecting Seriousness:** Substantial penalties, including imprisonment and fines, indicate the seriousness with which the legislature views the intentional spread of false information and its potential to cause harm.
- **Public Prosecution Initiative:** Allowing public prosecution to initiate proceedings without a complaint acknowledges the broader societal impact of false information, aligning with efforts to comprehensively address TFGBV.

Cybercrime Law Gaps in Relation to TFGBV and Recommendations

- **Lack of Specific Reference to Gender-Based Offences:** While all the analysed articles mentioned above address unauthorised access, they do not explicitly mention offences of a gender-based nature. A more explicit inclusion of gender-specific cyber offences would enhance the legal framework's effectiveness in addressing Technology-Facilitated Gender-Based Violence (TFGBV).
- **Lack of Online Harassment as a Distinct Offence:** While none of the analysed articles mentioned above address online harassment, it is considered the most common cyber-threat that women and girls potentially face. To enhance the legal framework's inclusivity and effectiveness, there should be an explicit mention of online harassment to recognize and penalise this common form of (TFGBV).
- **Absence of Clear Definitions for Key Terms:** The legal texts do not provide clear definitions for critical terms such as 'public morals' and 'obscenity.' It is essential to articulate precise definitions for these terms within the legal framework. Establishing clear definitions will ensure uniform enforcement and interpretation, thereby strengthening the legal measures against TFGBV.
- **Potential Infringement on Freedom of Expression:** Articles 15 and 16 may impinge upon the fundamental right to freedom of opinion and expression. It is advisable to assess the feasibility of repealing Articles 15 and 16 to ensure they do not encroach upon the rights to free speech and expression. This evaluation should consider the balance between protecting individuals from cyber threats and upholding essential freedoms.
- **Insufficient Protection for Women in Public Roles:** The current legal provisions do not specifically safeguard women in public positions from the distinct challenges presented by the digital environment. The legal framework should be amended to extend the provision for prosecution without a complaint, thereby offering explicit protection to women in public roles. This change would acknowledge and address the unique vulnerabilities they encounter in the realm of digital communication and interaction.
- **Lack of a Periodic Review Mechanism:** The current framework does not include a system for regular reassessment and updating in response to new cyber threats and technological changes. A provision should be introduced mandating a biennial review of the relevant articles, to evaluate their efficacy in combating new manifestations of TFGBV. This will facilitate necessary amendments and ensure the legal framework remains effective and current.

Jordanian Telecommunications Law No. 13 of 1995

In this exploration of Jordanian telecommunication law, our focus turns to Article 56 within the framework of Telecommunications Law No. 13 of 1995. Titled “Telephone calls and private communications are considered confidential matters that are prohibited from interception, both ethically and under the umbrella of legal responsibility” that delves directly into the realm of privacy and communication rights.

Through meticulous legal analysis, we will scrutinise the intricacies of Article 56, emphasising its role in safeguarding the confidentiality of telephone conversations and private communications. This examination will not only shed light on the ethical considerations embedded in the prohibition of interception but will also navigate the legal responsibilities imposed by this article.

Therefore, we aim to contribute to a comprehensive understanding of the legal landscape surrounding telecommunications in Jordan, fostering informed discussions on the intersection of technology, privacy, and legal accountability. As we delve into Article 56, we will explore its implications within the broader context of evolving digital interactions and consider its role in addressing contemporary challenges, including potential intersections with Cybercrime and technology-facilitated gender-based violence. This analysis seeks not only to unveil the nuances of the law but also to identify any gaps that may exist, offering targeted recommendations for improvement to fortify the legal framework and ensure the effective protection of privacy rights in telecommunications.

Telecommunications Law Article (56)¹²

“Telephone calls and private Telecommunications shall be considered confidential matters which may not be violated, under legal liability”.

I. Relevance to TFGBV

Article 56 of the Telecommunication Law plays a significant role in protecting privacy as a safeguard against (TFGBV). By addressing the confidentiality of communications, ensuring consent and control over personal data, implementing cybersecurity measures, advocating for legal protections, and raising awareness, privacy becomes a crucial tool in preventing digital violence against women in the context of TFGBV.

For example: A telecommunications company in Jordan discovered that an employee had accessed private telephone calls without authorization. The company terminated the employee’s access and reported the incident to legal authorities, citing a violation of Telecommunications Law Article (56), which protects the confidentiality of such communications.

II. Legal Analysis

The legal protection of the secrecy of communications made over the phone or through private telecommunications channels is emphasised under Article 56 of the telecommunications Law. Violating this confidentiality is subject to legal liability, highlighting the importance of privacy in such communications. This legal principle helps safeguard individuals’ rights to privacy and contributes to preventing unauthorised access to personal- conversations, which is crucial in contexts where privacy violations can lead to digital violence against women and other forms of harm.

Telecommunications Law Gaps in Relation to TFGBV and Recommendations

- **Lack of Digital Communication methods Coverage:** The legal framework does not currently cover digital communication methods, which does not adequately address the evolving landscape of technology. It is recommended to extend the legal framework to cover digital communication methods, adapting to the evolving landscape of technology and ensuring a more comprehensive response to potential risks associated with online interactions.
- **Lack of Explicit Coverage of TFGBV:** The article does not explicitly address forms of TFGBV, such as cyberstalking, harassment, or non-consensual sharing of private content. Thereby, enhancing protections for women and girls' safety in digital spaces.
- **Absence of Remedies:** The lack of specific legal remedies for victims of TFGBV within the article may limit its effectiveness in addressing gender-specific privacy violations. It is recommended to include distinct legal remedies for TFGBV victims, enhancing the framework's ability to tackle gender-specific privacy issues.
- **Deficiency in Gender-Sensitive Language:** The absence of gender-sensitive terminology within the article fails to acknowledge the distinct challenges women encounter concerning privacy violations in the sphere of TFGBV. It is recommended to consider amending the article in a way that incorporates gender-sensitive language and recognizes the specific privacy violations that are unique to women, especially in the context of TFGBV.

Jordanian Penal Law No. 16 of 1960

In this section, we will analyse specific articles from the Jordanian Penal Law, including Article 188, 189, 292, 293, 304, 306, and 348. Our focus will be on examining their implications and applicability to instances of TFGBV. Through this analysis, we aim to highlight key provisions, identify potential gaps, and provide recommendations for addressing these issues.

Penal Code Article (188)

Defamation, Insult and Abasement

1. Defamation is the imputation of a certain matter to a person, even if it was done with doubt, which might negatively affect his or her honour, and dignity and expose him/her to the hate and scorn of society, regardless of whether such matter is punishable by law or not.
 2. Insult: assaulting the dignity and honour of another person or his or her reputation, even if it was done with doubt, without accusing him or her of a specific matter.
 3. If the name of the victim was not mentioned when the crimes of defamation and insult were committed, or if the accusation was ambiguous, but there was evidence that leaves no doubt in linking the matter to the victim, the perpetrator of the defamation or insult shall be considered as if he or she mentioned the name of the victim.
 - Through the use of what is published and disseminated among people or distributed among a group, whether writing, drawings, comic drawings, or draft drawings (drawings before being coloured and decorated)
 - Through the mailing of open letters (not sealed) and postcards to the victim.
 4. Defamation and insult through publication, which is required to take place as follows:
 - Through the use of daily or periodic newspapers.
 - Through the use of any type of publication or publication means.
-

I. Relevance to TFGBV

The Penal Code for the Year 1960, specifically Article (188) on Defamation, Insult, and Abasement, holds significant relevance to the realms of Cybercrime and (TFGBV). In the digital age, the use of electronic means for communication has become prevalent, creating a new avenue for committing offences such as defamation and insult. The ease of spreading information online poses unique challenges in preserving the honour and dignity of individuals, especially considering the global reach of the internet. Additionally, the potential linkage between these offences and TFGVBV raises concerns about the intersection of traditional legal frameworks with emerging forms of harm facilitated by technology.

To illustrate this, picture a prominent activist advocating for women's rights in Jordan, who one day finds herself targeted by defamatory and

insulting statements that was spread through various forms of media. The accusations aimed to tarnish her reputation, dignity, and honor in the eyes of society, exposing her to hate and scorn.

II. Legal Analysis

Article 188 of the Penal Code addresses defamation, insult, and abasement, providing a legal framework for protecting an individual's honour, dignity, and reputation. Defamation involves imputing a matter to a person, even with doubt, that could negatively affect their standing in society. Insult, on the other hand, pertains to assaulting the dignity and honour of another person without necessarily accusing them of a specific matter. The provision acknowledges the importance of considering the mode of publication, encompassing various forms such as written publications and drawings.

The legal analysis reveals a comprehensive approach to addressing offences against reputation and dignity, emphasising the broad scope of actions that can constitute defamation or insult. The inclusion of ambiguous accusations and the use of evidence to establish a link to the victim highlight the adaptability of the law to evolving circumstances.

Penal Code Article (189)

“For defamation and insults to be punishable, they must be committed according to one of the following:

1. In-person (face-to-face) defamation and insults that are required to have taken place:
 - In a gathering while facing the victim.
 - In a place where other people can hear, regardless of their number.
 2. In absentia, defamation and insults must take place while meeting with several individuals, either together or separately.
 3. Written defamation and insult:
 - Through the use of what is published and disseminated among people or distributed among a group, whether it is writings, drawings, comic drawings, or draft drawings (drawings before being coloured and decorated).
 - Through the mailing of open letters (not sealed) and postcards to the victim.
 4. Defamation and insult through publications, which are required to take place as follows:
 - Using daily or periodic newspapers.
 - Through the use of any type of publication or publication means.”
-

I. Relevance to TFGBV

Penal Law Article (189) establishes the criteria for the punishable commission of defamation and insults, maintaining relevance to Cybercrime law and TFGBV. The delineation of scenarios, particularly in written and publication contexts, is pertinent in the age where online communication platforms can amplify the impact of defamation and insults. Examining these criteria provides insight into the legal framework’s adaptability to emerging challenges in the realm of Cybercrimes and TFGBV.

II. Legal Analysis

Article (189) provides a structured framework for determining the punishable nature of defamation and insults, categorised based on the mode of commission. In-person scenarios require face-to-face interactions, either in gatherings or places where others can hear. In absentia, situations involve meetings with several individuals, emphasising the collective nature of the offence. The article further encompasses written forms, such as writings, drawings, memes, and postcards, as well as publication through newspapers or other means.

The legal analysis reveals a nuanced understanding of the diverse contexts in which defamation and insults may occur. The inclusion of various scenarios reflects an awareness of evolving communication methods while maintaining a

balance between traditional and modern forms.



Penal Code Article (292) and Article (293)

Article (292) “1. Whoever has sexual intercourse with a female—other than his wife—against her will by the use of force, threats, trickery, or deception shall be punished with temporary imprisonment with hard labour for a period not less than ten years.

2. Whoever rapes a girl who does not reach fifteen years of age shall be punished by the death penalty.”

Article (293) “Whoever has sexual intercourse with a woman—other than his wife, who could not resist because of a physical, emotional, or mental limitation shall be punished by temporary imprisonment with hard labour for a period not less than ten years.”

I. Relevance to TFGBV

Articles (292) and (293) are directly related to sexual offences and provide the legal consequences for such acts. While these articles address physical acts of sexual violence, (TFGBV) often involves the use of technology to commit or amplify gender-based violence, which can include sexual offences. In the context of these laws, if technology is used to facilitate the offences described—such as using digital means to coerce, threaten, or deceive a person into non-consensual sexual acts or the public morals—then it could be considered TFGBV. The laws provide a framework for addressing the physical acts but do not highlight the technological aspects of such offences, including acts of sexual violence perpetrated through digital means, such as online platforms or virtual spaces, nor do they mention the emerging crimes such as virtual rape¹³ to fully protect individuals from all forms of gender-based violence.

II. Legal Analysis

Article (292) of the legal code outlines the criminalization of non-consensual sexual intercourse through force, threats, trickery, or deception. The severity of punishment, including temporary imprisonment with hard labour and, in cases involving victims under fifteen, the death penalty, emphasizes the gravity with which the legal system approaches rape offences. Article (293) extends the scope to include cases where victims are unable to resist due to physical, emotional, or mental limitations.

The legal analysis reflects a stringent approach to combating sexual offences against women, emphasising the protection of bodily autonomy, and acknowledging the vulnerability of certain groups. However, the existing legal framework may not explicitly address virtual rape, necessitating a review to ensure comprehensive coverage.

13 Virtual rape, defined as an act of forcing an unwilling sexual act on someone in a virtual environment. It could involve a non-consensual touch, exposure, or manipulation of the character representation. <https://blog.ipleaders.in/concept-virtual-rape/#:~:text=However%2C%20virtual%20rape%2C%20in%20simple,manipulation%20of%20the%20character%20representation.>

Penal Code Article (302): Abduction

“Whoever abducts a person—whether a male or a female—through deception or force and flees to a place shall be punished by the following:

1. Imprisonment of two to three years if the abducted person is a male under fifteen years old.
2. Temporary imprisonment with hard labour if the abducted person is a female.
3. Temporary imprisonment with hard labour for a period not less than five years if the abducted female is a married one or below fifteen years of age
4. Temporary imprisonment with hard labour for a period not less than ten years if the abducted person, whether male or female, was assaulted by either rape or indecent acts
5. Temporary imprisonment with hard labour for a period not less than ten years if the abducted female was married and below fifteen years of age and was sexually assaulted
6. Temporary imprisonment with hard labour for a period not less than seven years if the abducted female was married and above fifteen years of age and was sexually assaulted.”

I. Relevance to TFGBV

This part, focusing on abduction in Article 302, is pertinent to crime and TFGBV. As technology plays an increasing role in facilitating crimes, understanding how existing laws address abduction, particularly in cases involving deception or force, is crucial. The analysis should extend to how the legal framework adapts to instances of abduction that occur through digital means or involve technology-facilitated harm.

As an example, a young woman in Jordan, had been communicating with someone she met on a dating app for several weeks. They had exchanged messages, phone calls, and even video calls, building a virtual connection. Nour felt comfortable with this person and eventually agreed to meet them in person at a public location.

However, when Nour arrived at the agreed-upon meeting place, she realized that the person she had been communicating with was not who they claimed to be. They had used deceptive tactics, including fake photos and false information, to lure Nour into meeting them.

Feeling uneasy and realizing the danger, Nour attempted to leave, but the individual forcibly abducted her and took her to a secluded location. Nour’s family, alarmed by her sudden disappearance, immediately reported the abduction to the authorities.

The investigation uncovered the perpetrator’s use of technology, including fake profiles and online deception, to commit the abduction. This case highlighted the intersection of technology and crime, particularly in cases of abduction involving deception or force, which are often linked to (TFGBV).

The legal analysis of Article 302 of the Jordanian Penal Law, which addresses abduction through deception or force, became crucial in understanding and addressing the crime. It emphasized the need for the legal framework to adapt to instances of abduction facilitated by digital means or involving technology-facilitated harm, ensuring comprehensive protection for victims of TFGBV in the digital age.

II. Legal Analysis

Article (302) outlines the punishment for abduction, considering the gender and age of the victim, as well as the occurrence of sexual assault. The legal code specifies imprisonment durations ranging from two to three years for abducted males below fifteen, temporary imprisonment with hard labour for abducted females, and varying sentences for sexual assault depending on the victim's marital status and age. This nuanced approach demonstrates the legal system's consideration of the different circumstances of abductions.

Penal Code Article (304): Seduction and Violating Women's Quarters

1. "Whoever seduces a virgin over fifteen years of age with the promise of marriage and makes her lose her virginity shall be punished, if his act does not require a stricter penalty, with imprisonment from three months to one year in addition to compensation for loss of virginity.
 2. The evidence applicable in the case of seduction through the promise of marriage is the confession of the accused before the investigation judge or the court or the existence of letters or other written papers.
 3. Whoever incites a woman, whether married or not, to leave her home in order to follow a man not related to her or to breach the marital bond shall be punished by imprisonment of no less than three months".
-

I. Relevance to TFGBV

Article 304 addresses the crime of seduction through the promise of marriage and incitement to breach marital bonds. The relevance to Cybercrime and (TFGBV) lies in the potential for these offences to extend into the digital realm, where promises, seduction, and incitement can occur through online platforms. Evaluating how the legal system addresses such crimes in the context of evolving digital interactions is essential.

For instance, an individual could use social media, messaging platforms, or dating applications to seduce or manipulate someone with false promises of marriage. They might engage in a romantic relationship, leading to the sharing of intimate images or information. If the perpetrator then breaks the promise and exploits the victim's trust, it could be considered a form of digital seduction, akin to the article's description of seduction with the promise of marriage. The evidence in such cases could include digital communications like texts, emails, or direct messages. If the victim is coerced into leaving their home or breaking marital vows due to such online interactions, it would also align with the article, highlighting the crossover between traditional forms of seduction and modern, technology-facilitated methods.

II. Legal Analysis

The article reflects a traditional gender bias as it concentrates on the seduction of women, specifically virgins, without adopting a gender-neutral perspective. This bias has the potential to perpetuate stereotypical views about women and their societal roles.

In terms of TFGBV, the article fails to address modern dynamics, such as online seduction and manipulation. Updating the legal framework is imperative to encompass emerging forms of gender-based violence facilitated by digital platforms.

The article lacks a clear emphasis on the significance of informed and voluntary consent, particularly in situations involving coercion or manipulation. This is crucial in combating TFGBV, where digital platforms are frequently utilised for manipulative purposes.

The provision's focus on compensating for the loss of virginity may reinforce harmful stereotypes linking a woman's value to her virginity. A victim-centric approach would involve compensating for emotional distress, harm, or any violation of personal autonomy.

While the article establishes an age threshold, a more nuanced approach considering factors

beyond age, such as maturity and capacity to consent, would be beneficial. This is especially relevant in the digital age, where individuals may encounter complex situations that extend beyond simplistic age distinctions.

The term “Violating Women’s Quarters” lacks clarity and may not effectively address various forms of privacy invasion, including online breaches. A more explicit provision covering privacy violations, especially in the digital realm, is crucial for addressing the complete spectrum of TFGBV.



Penal Code Article (306): Proposition of Immoral Acts to Minors

“Whoever proposes to a male or female, less than fifteen years of age, an immoral act or directs to them immoral words shall be punished by a period not to exceed six months or a fine not to exceed twenty-five dinars.”

I. Relevance to TFGBV

Article 306 addresses the protection of minors from immoral acts, such as sexual exploitation and abuse. In the digital age and the context of TFGBV, the proposition of immoral acts and the use of immoral words can occur through technology, such as social media, messaging apps, or online platforms, necessitating an examination of how the legal system addresses such offences in the context of evolving digital interactions.

For instance, an adult could use online gaming platform chat to send immoral messages to a minor under fifteen years old. The law could apply here, as it criminalizes such acts, emphasizing the need for examining how the legal system can further protect minors from predatory behaviour.

II. Legal Analysis

Article 306 criminalises the proposition of immoral acts or the direction of immoral words towards a male or female under the age of fifteen. The punishment involves a period not exceeding six months of imprisonment or a fine not exceeding twenty-five dinars. The article is concise in its scope, clearly outlining the prohibited acts and the corresponding penalties. However, it does not explicitly address the digital dimension of these offences.

Penal Code Article (348): Violation of the Sanctity of the Home¹⁴

1. “Whoever sneaks through breakage or violence against persons or any place other than the ones stipulated in article 306 that is owned by a person and not open for the public, or stays in such places against the will of the person who has the right to eject him/her from it, he/she shall be punished by imprisonment for a period not to exceed one week or a fine not to exceed ten dinars.
2. The perpetrator can only be prosecuted based on a complaint by the harmed party.”

I. Relevance to TFGBV

concerning surveillance devices.

Penal Law Article (348), addressing the violation of the sanctity of the home; entry of private spaces without consent. In the digital age, the violation of personal spaces can extend beyond physical intrusion to include unauthorised access or invasion through online means.

For instance, a woman lives alone in her apartment. One day, she notices suspicious activity on her CCTV cameras inside her home. Upon investigation, she discovers that an unauthorised person has gained access to her CCTV system and has been monitoring her activities without her knowledge or consent. She immediately reports the incident to the authorities, citing a violation of her privacy and the sanctity of her home.

The authorities launch an investigation into the unauthorised access to her CCTV system. They trace the intrusion back to a neighbour who had remotely hacked into her security cameras. The neighbour claims that they were merely curious and did not intend any harm.

In this scenario, the unauthorised access to her CCTV system constitutes a violation of the sanctity of her home under Penal Code Article 348. The neighbour’s actions of intruding into her private digital space without her consent are punishable under the law, emphasising the importance of respecting individuals’ privacy rights within their homes, including digital privacy

14 Penal code Article (306): Proposition of Immoral Acts to Minors

II. Legal Analysis

Article (348) outlines the punishment for individuals who sneak through breakage or violence into private places owned by others, not open to the public, or stay in such places against the will of the rightful owner. The penalty includes imprisonment for up to one week or a fine not exceeding ten dinars. Notably, the perpetrator can only be prosecuted based on a complaint by the harmed party, emphasising the need for a direct complaint to initiate legal proceedings.

The legal analysis reveals a focus on protecting the sanctity of private spaces and the importance of the harmed party complaint in initiating legal action.



Jordanian Penal Law Gaps in Relation to TFGBV and Recommendations

- **Absence of Clear Definitions for Key Terms:** Article 188 lays the groundwork for addressing defamation and insult however, its adaptability to Cybercrimes and (TFGBV) may be constrained. The conventional language of the law might not fully capture the subtleties of online communication and the distinct challenges posed by digital platforms. Potential gaps may arise in tackling the swift dissemination of harmful content through social media, instant messaging, or other electronic means. Moreover, the law may not explicitly address the specific dynamics and manifestations of TFGBV in the digital realm, highlighting the need for a thorough review to ensure its relevance and effectiveness in the contemporary context. The phrase “in the context of doubt and questioning” remains ambiguous, which challenges precise interpretation and evaluation.
- **Enhance Legal Clarity and Address Evolving Challenges:** It is recommended to reassess and potentially rephrase existing provisions within the Penal Code. Special attention should be given to accommodating the intricacies of cybercrimes, including those related to defamation and TFGBV. Introducing specific clauses tailored to digital offences would contribute to a more comprehensive and effective legal framework in addressing contemporary issues arising in the digital realm. This proactive approach ensures that the law remains clear, adaptable, and capable of addressing emerging challenges in the evolving landscape of technology-related offences.
- **Lack of Training of the Workforce on Issues of Defamation, Libel, and Disparagement:** To handle and adapt to cases and to review the judgments of the Court of Cassation, removing the phrase “in the exhibition of doubt and questioning” due to the difficulty in assessing it and to avoid leaving total authority of such assessment to the judge, the evidence must be conclusive and decisive rather than based on doubt and speculation.
- **Inability to clearly express address online offences :** For instance, sexual offences are committed through online platforms or virtual spaces, commonly referred to as virtual rape.
- **Digital Coercion:** The legal code may not explicitly cover situations where technology is used to coerce or manipulate individuals into engaging in non-consensual sexual acts.
- **Non-Consensual Distribution of Intimate Images:** Crimes involving the non-consensual distribution of intimate images may not be explicitly covered by the current legal framework.
- **Enhance Non-Consensual Image Distribution Laws:** Strengthen legislation related to the non-consensual distribution of intimate images to comprehensively cover crimes such as revenge porn¹⁵

15 sexually suggestive images of someone, typically a former romantic partner, that are posted online or otherwise shared without the person's consent. <https://www.dictionary.com/browse/revenge-porn>

Jordanian Anti-Human Trafficking Law No. 9 of 2009¹⁶

In this section, we will conduct a detailed analysis of key provisions within the Jordanian Anti-Human Trafficking Law, specifically delving into the nuances of Article 3 and Article 9. The examination will extend beyond conventional perspectives, seeking to highlight the relevance of these articles to the context of TFGBV. Furthermore, our analysis will identify gaps within the legal framework and provide targeted recommendations to enhance its efficacy in addressing the multifaceted challenges posed by human trafficking, particularly in the digital realm.

16 [قانون منع الاتجار بالبشر الاردني.pdf](#)

Anti-Human Trafficking Law Article (3)

- A. “For the purposes of this law, “Human Trafficking Crimes” shall mean:
2. Transporting, moving, lodging, or receiving of people for the purpose of abusing them, whether through using or threatening the 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
 3. Transporting, moving, lodging, or receiving people who are under the age of 18 for the purpose of abusing them, whether through using or threatening 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 of the following cases:
1. Committed to 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 organised gang that has criminal activities in more than one country.
 4. committed to a country, and its effect extends to another country.”

I. Relevance to TFGBV

Anti-Human Trafficking Law Article 3 assumes significant relevance to TFGBV, encompassing a comprehensive range of human trafficking crimes. In the digital era, traffickers exploit technology to perpetrate these offences, underscoring the need to evaluate how the legal system addresses such activities within the context of evolving digital interactions. It is crucial to note that human trafficking, as covered by Article 3, includes coercive practices such as forcing individuals into prostitution and subjecting them to sexual abuse, with women and minors disproportionately vulnerable to such exploitation.

II. Legal Analysis

Article 3 defines “Human Trafficking Crimes”, encompassing the transportation, movement, lodging, or receiving of individuals for abusive purposes. This abuse can occur through various means, including force, coercion, abduction, fraud, abuse of power, abuse of vulnerability, or through financial inducements. The law specifically recognizes the trafficking of individuals under the age of 18, providing additional protection for minors. The definition of “abuse” includes forcing individuals into work without charge, slavery, servitude, organ removal, prostitution, or any form of sexual abuse.

Additionally, the law recognizes the transnational nature of human trafficking crimes, covering scenarios where offences cross international borders or involve organised gangs with criminal activities in multiple countries.

Anti-Human Trafficking Law Article (3)

“Penalty for Recruiting Individuals Under Eighteen

Whoever recruits an individual below the age of eighteen shall be punished by temporary labour for a period not less than seven years and a fine not less than five thousand dinars, but not exceeding twenty thousand dinars. This applies to anyone who:

- A. Sells a person who has not reached the age of eighteen, offers them for sale, purchases them, or promises to do so.
- B. Commits any of the human trafficking crimes stipulated in item (2) of paragraph (A) of Article (3) of this law.
- C. Commits any of the human trafficking crimes in one of the following cases:
 1. If the perpetrator of the crime has established or managed an organised criminal group, joined it, or participated in it.
 2. If the perpetrators or the victims are plural, or if among the victims there is a female or a person with a disability,
 3. If the crime is committed through exploitation in prostitution or any form of sexual exploitation or organ removal,
 4. If the crime is committed through threats of murder, serious harm, physical or psychological torture, or by someone carrying a weapon,
 5. If the victim is permanently disabled or suffers from an incurable disease as a result of committing one of the crimes stipulated in this law,
 6. If the perpetrator of the crime is the spouse, relative, branch, guardian, or custodian of the victim, or has authority over them,
 7. If the perpetrator of the crime is a public servant or entrusted with public service and commits it by exploiting his position or public service.”

I. Relevance to TFGBV

Article 9 prescribes severe penalties for recruiting individuals under eighteen, emphasising human trafficking crimes. Although Article 9 concentrates on human trafficking, it has indirect relevance to TFGBV, particularly when crimes involve women, girls, or persons with disabilities, and certain forms of exploitation like sexual exploitation, sextortion, prostitution, non-consensual pornography, or organ trafficking.

For example, a 16-year-old girl living in Jordan, had dreams of pursuing higher education and finding a fulfilling career. One day, she met a man,

who promised to help her achieve her goals by offering her a job opportunity. The man seemed trustworthy, and as the girl was eager for a better future, she accepted his offer and travelled to the city with him.

Upon arriving, she realised that his promises were false. He had deceived her and forced her into a situation of exploitation and servitude. He and his associates coerced her into working long hours without pay, subjected her to physical and verbal abuse, and restricted her freedom. The victim’s family were worried about her sudden disappearance and lack of communication, they contacted the authorities to report her as a missing

person. Through thorough investigation and collaboration with law enforcement agencies, the victim's location was traced, and she was rescued from the exploitative situation.

II. Legal Analysis

Article (9) imposes severe penalties for recruiting individuals below the age of eighteen, including temporary labour for a minimum of seven years and a fine ranging from five thousand to twenty thousand dinars. The article broadly encompasses various forms of recruitment, including selling, offering for sale, purchasing, or promising to do so. It also explicitly references human trafficking crimes specified in Article (3), with additional considerations for organised criminal groups, multiple perpetrators or victims, sexual exploitation, organ removal, threats of violence, disabilities, familial relationships, public servants, and transnational character.

The legal analysis reveals a comprehensive approach, emphasising the gravity of recruiting minors and considering various factors that aggravate the offence.



Anti-Human Trafficking Law Gaps in Relation to TFGBV and Recommendations

- **Lack of Explicit Provision for Digital Exploitation:** The legislation may not explicitly cover cases where traffickers exploit digital platforms to recruit, deceive, or control victims, particularly in the context of TFGBV. It is recommended to amend the legislation to include specific language addressing the exploitation of digital platforms in human trafficking, ensuring comprehensive legal safeguards against TFGBV.
- **Insufficiency in Addressing Online Coercion and Fraud:** The current legal framework, while encompassing various aspects of human trafficking, falls short in specifically addressing the intricacies of coercion and fraud perpetrated through online channels. The incorporation of clear provisions targeting the digital mechanisms to combat TFGBV is recommended.
- **Deficiency in Online Victim Protection:** While the law addresses human trafficking broadly, it does not distinctly delineate safeguards for victims trafficked via digital avenues, like online sexual exploitation. A deliberate enhancement of the legal provisions to include specific protective measures.

Protection from Domestic Violence Law No. 15 of 2017¹⁷

In this law, we embark on a focused analysis of Article 5 within the framework of the Protection from Domestic Violence Law No. 15 of 2017. Delving into this specific legal provision, we aim to scrutinise its implications, identify potential gaps related to TFGBV, and offer a nuanced legal analysis. By concentrating on Article 5, we seek to contribute valuable insights to the ongoing discourse surrounding domestic violence laws and their intersection with the challenges posed by TFGBV.

¹⁷ [http://mosd.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A7%D9%84%D8%AD%D9%85%D8%A7%D9%8A%D8%A9_%D9%85%D9%86_%D8%A7%D9%84%D8%B9%D9%86%D9%81_%D8%A7%D9%84%D8%A7%D8%B3%D8%B1%D9%8A_%D8%B1%D9%82%D9%85_\(15\)_%D9%84%D8%B3%D9%86%D8%A9_2017.pdf](http://mosd.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A7%D9%84%D8%AD%D9%85%D8%A7%D9%8A%D8%A9_%D9%85%D9%86_%D8%A7%D9%84%D8%B9%D9%86%D9%81_%D8%A7%D9%84%D8%A7%D8%B3%D8%B1%D9%8A_%D8%B1%D9%82%D9%85_(15)_%D9%84%D8%B3%D9%86%D8%A9_2017.pdf)

Protection from Domestic Violence Law Article (5)

“Article 5: Any court that specialises in personal status matters must provide the Family Protection Administration with a copy of the case file if, during the examination of the application, it is revealed that a domestic violence situation exists concerning individuals who lack legal capacity or have impaired capacity.”

I. Relevance to TFGBV

The connection to TFGBV lies in the contemporary digital landscape, where various forms of abuse may manifest online. This legal provision addresses the disclosure of domestic violence situations, specifically those involving individuals with legal incapacity. The legal provision mentioned focuses on disclosing instances of domestic violence, especially those concerning individuals who are legally incapacitated. With digital platforms being potential spaces for abuse, it's important to comprehend how the legal system deals with and addresses cases of domestic violence, particularly those involving individuals who may have impaired capacity. This understanding is essential in the larger discussion about TFGBV and highlights the significance of legal responses and protections in digital environments.

II. Legal Analysis

Article 5 mandates that any court specialising in personal status matters must provide the Family Protection Administration with a copy of the case file if, during the examination of the application, it is revealed that a domestic violence situation exists concerning individuals lacking legal capacity or having impaired capacity. This emphasises the importance of identifying and addressing domestic violence situations involving vulnerable individuals and ensuring that relevant authorities are informed and involved in addressing such cases.

Protection from Domestic Violence Law Gaps in Relation to TFGBV and Recommendations

- **Lack of digital Recruitment:** The legislation does not explicitly cover cases where recruitment of individuals under eighteen occurs through digital means, such as online grooming, coercion, or manipulation. It is recommended to complete amendments that include different age groups.
- **Age Specification and Protection:** The article specifies protections for individuals under eighteen, but it does not outline specific measures or protections for adults who may also be vulnerable to online exploitation or abuse.
- **Inadequate Attention to Cyber Threats:** Integrate provisions that consider cases where threats leading to the recruitment of minors occur online, acknowledging the role of cyber threats in these offences.
- **Acknowledge the significant role of cyber threats:** develop targeted measures to prevent and respond to such situations effectively.

II

How does the international framework address the TFGBV?

The comprehensive international legal framework addressing gender-based violence (GBV) is shaped by a nuanced interplay of both hard and soft law, organised into three distinct tiers. At its core, this framework encompasses the international human rights framework, regional human rights instruments, and the Southern African Development Community (SADC) human rights system.

Within the realm of international human rights, a multitude of resolutions and declarations have been meticulously adopted by the General Assembly. While these legal instruments may fall under the category of soft law, lacking inherent legal binding force, they frequently serve as a crucial precursor for the development of subsequent binding international treaties, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Additionally, the General Assembly receives and discusses reports by treaty-based bodies and through the Economic and Social Council, further contributing to the evolution of the international legal landscape.

In establishing customary international law, these resolutions play a pivotal role, which emanates from ‘a general and consistent state practice that States follow out of a sense of legal obligation.’ State practice is exemplified by active participation in treaty-making processes, underscoring the interconnectedness of legal instruments with the evolution of binding international legal obligations. In essence, the international and regional legal frameworks on GBV are dynamic, evolving systems that draw strength from both hard and soft law instruments, shaping the trajectory of global efforts to combat gender-based violence.

I. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

On December 18, 1979, a significant milestone in the international effort to address gender-based discrimination was reached with the adoption of the CEDAW by the United Nations General Assembly. Subsequently, in 1992, the CEDAW Committee articulated a crucial perspective in its General Recommendation No. 19, wherein violence against women was formally recognized as a manifestation of discrimination. This encompasses gender-based violence directed at a woman solely because of her gender or that disproportionately affects women.

The committee's definition of violence against women, as outlined in General Recommendation No. 19, is expansive, covering acts causing physical, mental, or sexual harm or suffering, as well as threats of such acts, coercion, and other deprivations of liberty. This comprehensive definition reflects a commitment to addressing the multifaceted nature of gender-based violence and its detrimental impact on women's well-being.

In tandem with these developments, the Vienna Declaration and Programme of Action in 1993 acknowledged the imperative to eliminate violence against women in both the public and private spheres as a fundamental human rights obligation. This recognition underscores the global commitment to fostering environments free from violence and discrimination, aligning with the principles enshrined in CEDAW.

Furthermore, the interconnections of attitudes towards women, the proliferation of pornography, and the commercial exploitation of women as sexual objects are acknowledged as contributing factors to gender-based violence. Recognizing the broader societal implications, addressing these attitudes becomes integral to the overarching goal of eliminating violence against women and promoting a more equitable and respectful society. The combined efforts articulated in CEDAW,

subsequent recommendations, and international declarations highlight the ongoing commitment to creating a world where all individuals, irrespective of gender, can live free from violence and discrimination.

As of December 2021, the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) has issued 38 general recommendations. Notably, the committee has played a pivotal role in expanding the scope of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) from being solely an anti-discrimination treaty to a broader framework addressing gender-based violence.

By bringing "violence against women within the jurisdiction of international law," the CEDAW Committee has transformed the Convention, recognizing the interconnections between discrimination, gender-based violence, and violations of human rights. In General Recommendation No. 35, the committee goes further to acknowledge that the prohibition of gender-based violence against women has become a principle of customary international law, which binds all states. In essence, this means that preventing gender-based violence is now considered a universally accepted legal norm that all countries are expected to uphold.

Numerous evaluations and data analyses have been conducted to understand the challenges better and manage cases of gender-based sexual violence to which women, girls and boys are exposed. Physical assault is the most significant issue within the Syrian refugee community and is often a by-product of increased tension resulting from the violence engendered by refugee conditions. Physical violence by husbands and relatives is one of the most common types of violence mentioned by female Syrian refugees. According to a 2013 study

conducted at the Zaatari camp, cases of domestic violence are the most common among girls in the 12-18 age group but are the least discussed because of custom, tradition, and the private nature of Syrian family relations.

However, Jordan does not consider itself bound by the following provisions of CEDAW: 1. Article 9, paragraph 2; Article 15, paragraph 4 (a wife residence is with her husband) Article 16, paragraph (1) (c), relating to the rights arising upon the dissolution of marriage with regard to maintenance and compensation; Article 16, paragraph (1) (d) and (g). In addition, Jordan expressed its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention on the Rights of the Child, which grant the child the right to freedom of choice of religion and concern the question of adoption.



II. The Commission on the Status of Women Sixty-seventh session (CSW67)

The Economic and Social Council (ECOSOC) held a session on March 20, 2023, focusing on the follow-up to the Fourth World Conference on Women and the twenty-third special session of the General Assembly. The priority theme for this session was “innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls.”

The Commission on the Status of Women, in its reaffirmation, emphasized the importance of implementing the Beijing Declaration and Platform for Action, the outcome documents of the twenty-third special session of the General Assembly, and declarations adopted on various anniversaries of the Fourth World Conference on Women. The commission stressed the need to strengthen the implementation of these foundational documents further.

Furthermore, the Commission reiterated the significance of international legal frameworks, including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. It acknowledged that these, along with other relevant conventions and treaties, provide a comprehensive set of measures for realizing gender equality and the empowerment of all women and girls. The commission highlighted the importance of implementing these measures throughout the life course of women and girls.

A key focus of the session was the recognition that the Beijing Declaration and Platform for Action, along with the outcome documents of its reviews, serve as a solid foundation for sustainable development. The full, effective, and accelerated implementation of these documents was identified as crucial for contributing to the implementation of the 2030 Agenda for Sustainable Development. The commission acknowledged the foundational role played by these documents in achieving gender

equality and empowering women and girls.

Moreover, the Commission emphasized the interconnected relationship between achieving gender equality, the empowerment of women and girls, and the full implementation of the Beijing Declaration and Platform for Action. It recognized the pivotal role of women and girls as agents of change for sustainable development. The commission highlighted that their full, equal, effective, and meaningful participation and decision-making in the context of innovation, technological change, and education in the digital age are essential for achieving sustainable development goals, promoting inclusive societies, ensuring economic growth, ending poverty, and ensuring the well-being of all. The importance of gender-responsive implementation of the 2030 Agenda was underscored throughout the session.

The ECOSOC session provided a comprehensive overview of the critical intersections between gender equality, technological innovation, and education in the digital age, emphasizing the need for robust implementation strategies to achieve sustainable development and empower women and girls globally.

III. Beijing Declaration and Platform for Action (BPFA)

In 1995, the Fourth World Conference on Women held in Beijing resulted in the Beijing Declaration and Platform for Action (BPFA), a significant document that has played a pivotal role in advancing women's rights and global gender equality. This landmark declaration outlines a comprehensive agenda spanning 12 critical areas to realise the human rights of women and girls, including issues such as poverty, education, health, violence against women, armed conflict, the economy, power and decision-making, institutional mechanisms, human rights, media, the environment, and the girl child.

The BPFA serves as a foundational framework, affirming principles that guide future actions and strategies for women's empowerment. It emphasises integrating women's concerns into national plans and policies, setting the stage for transformative change.

One notable aspect of the BPFA is its call for gender mainstreaming—a strategy to ensure that a gender perspective is incorporated into all policies and programs at the national, regional, and international levels. This commitment reflects a broader understanding of the importance of addressing gender disparities across various sectors.

In alignment with the BPFA, there have been subsequent international efforts, including calls to criminalise and prohibit all forms of violence against women. These efforts emphasise victim-centred approaches, ensuring perpetrator accountability. Moreover, there are calls for crime prevention and criminal justice responses to combat the production, possession, and dissemination of materials, including games and images, that depict or glorify violence against women and children. This extends to addressing the impact of such materials on public attitudes, particularly through new information technologies like the Internet,

and underscores the need for collective action to reshape societal perspectives and foster a safer environment for women and children. Numerous documents mention Jordan's position, including papers on the Beijing+20 review and appraisal process¹⁸.

Integrated measures to prevent and eliminate violence against women and girls, in response to areas (f) and (l) of the Beijing Declaration and Platform for Action and SDG Goal 5.3, include several key initiatives. Firstly, the Penal Code underwent significant amendments in 2017, with Article 308 repealed and other articles addressing violence against women amended. Advocacy campaigns, notably on Twitter using the hashtag “#repeal_308,” garnered widespread support and participation. While these efforts led to positive changes, such as the passing of the Law on Protection from Domestic Violence in 2017 and the adoption of regulations on shelters for at-risk women in 2016, some demands, such as repealing Article 340 on murder in cases of unlawful sexual intercourse and addressing abortion rights for victims of rape and incest, remains unmet. Additionally, the issue of disability rights was historically approached from a charitable perspective until the adoption of the Law on the Rights of Persons with Disabilities in 2017, signaling a shift towards a rights-based approach.

Furthermore, the Jordanian National Action Plan (JONAP) for implementing UN Security Council resolution 1325¹⁹ was approved by the Cabinet, focusing on women's active participation in preventing extremism and violence and building national and regional peace. This strategic objective aligns with Resolution 2242 (2015) and marks a significant step in activating women's roles in combating extremism and violence. However, there's a need to integrate this action with the national strategy to combat extremism,

18 <https://jordan.unwomen.org/sites/default/files/Field%20Office%20Jordan/Attachments/publications/UN%20women%20EN%20book2.pdf>

19 <https://jordan.unwomen.org/en/digital-library/publications/2017/12/jordanian-national-action-plan>

mainstream gender responses, and coordinate efforts effectively.

Additionally, to enhance preventive measures against violence, the National Team for Family Protection developed the National Framework Document for the Protection of the Family from Violence in 2016 and 2022²⁰. A guide on procedures for service providers assisting victims of sexual abuse was also published in 2017, outlining regulations, procedures, and quality controls for services. These initiatives collectively contribute to a comprehensive approach aimed at preventing and addressing violence against women and girls in Jordan.

20 <https://ncfa.org.jo/en/album/policies-and-legislation#>

IV. The Istanbul Convention²¹

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, commonly known as the Istanbul Convention, is a significant human rights treaty established by the Council of Europe. The convention, initiated on 11 May 2011 in Istanbul, Turkey, focuses on combating and preventing violence against women and domestic violence. It represents a commitment to addressing the urgent need for global action against these pervasive forms of violence.

The primary objectives of the Istanbul Convention include the prevention of violence, protection of victims, and the eradication of impunity for perpetrators. By addressing these key areas, the convention aims to create a comprehensive framework for countering violence against women and domestic violence.

As of March 2019, the Istanbul Convention has garnered signatures from 45 countries and the European Union, reflecting a broad international consensus on the necessity of collective efforts to combat such forms of violence. Turkey holds the distinction of being the first country to ratify the convention on 12 March 2012. Subsequently, 37 other countries and the European Union ratified the convention between 2013 and 2023. The list includes a diverse range of nations, such as Albania, Austria, Belgium, Croatia, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom, among others.

It is noteworthy to mention that, as of the provided information, Jordan is not a member of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, commonly known as the Istanbul Convention. While numerous countries and the European Union have signed and ratified this significant human rights treaty, Jordan's absence from the list of ratifying nations indicates

that it has not yet become a party to the convention.

Each country's decision to join international treaties and conventions is voluntary and subject to its own national considerations and processes. The status of Jordan's membership or potential future involvement in the Istanbul Convention should be verified based on the latest information and updates from official sources.

The Istanbul Convention officially came into force on 1 August 2014, marking a crucial milestone in the collective commitment to combat violence against women and domestic violence. The convention stands as a testament to the international community's dedication to addressing and preventing these human rights violations, emphasising the importance of collaboration and shared responsibility in the pursuit of a world free from such violence.

In its preamble, the convention makes explicit reference to several key international instruments, reinforcing its commitment to a comprehensive human rights framework. These include the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter, the Council of Europe Convention on Action against Trafficking in Human Beings, as well as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Furthermore, the Istanbul Convention acknowledges global initiatives, referencing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its subsequent general recommendations, the United Nations Convention on the Rights of the Child, and the United Nations Convention on the Rights of Persons with Disabilities.

By drawing on these international instruments, the Istanbul Convention positions itself as an integral component of a broader, concerted effort to address gender-based violence, emphasising the interconnections of human rights and gender

equality on a global scale.

The aforementioned elements collectively contribute in responding holistically to various forms of violence against women, making the Istanbul Convention distinct in its comprehensive approach. This crucial legal treaty uniquely addresses the multifaceted challenges associated with gender-based violence, recognizing the intricate interplay between human rights, discrimination, and the pursuit of gender equality.

While the Istanbul Convention does not explicitly mention the digital dimension of violence against women, its expansive scope, as articulated in Article 2, implicitly encompasses violence committed in the digital space. The drafters intended this inclusive interpretation, and several articles within the convention are directly applicable in the digital context. For instance, Article 40 pertains to online and technology-facilitated sexual harassment, defined as any unwanted conduct of a sexual nature with the purpose or effect of violating a person's dignity in the digital realm.

Furthermore, the convention's provision on stalking (Article 34) extends to online and technology-facilitated stalking, recognizing intentional threatening conduct directed at another person that causes fear for safety, regardless of the medium used. The explanatory report to the convention explicitly affirms the extension of Article 34's scope to the digital sphere, classifying active contact through modern communication tools and ICTs as unwanted contact within the provision's meaning.

Considering the profound psychological impact of various online and technology-facilitated forms of violence on women and girls, the Istanbul Convention's requirement to criminalise psychological violence (Article 33) gains significant importance. By encompassing these aspects, the convention addresses the evolving nature of violence in the digital age and underscores the need for legal measures to protect individuals from harmfully relevant instruments for combating online and technology-facilitated violence.

The Istanbul Convention emerges as a participant's women, standing out as the most far-reaching legally binding human rights treaty covering all

forms of violence against women and domestic violence. This recognition positions the convention as a vital tool in promoting the rights and safety of women in the digital realm and reaffirms its comprehensive commitment to combating gender-based violence in all its manifestations.



Conclusion

The culmination of “Analytical Legal Research Methodology: Mapping the Legal Landscape of Technology-Facilitated Gender-Based Violence in Jordan” brings forth significant insights garnered through comprehensive legal mapping. Through meticulous analysis of five pivotal laws—the Jordanian Penal Law, Cybercrimes Law, Telecommunication Law, Anti-Human Trafficking Law, and Protection from Domestic Violence Law—the study has illuminated both the strengths and shortcomings of Jordan’s legal framework in addressing technology-facilitated gender-based violence (TFGBV). The research revealed that while certain aspects of TFGBV are recognized within existing legislation, such as cyber extortion and harassment, significant gaps remain, particularly concerning the treatment of bullying as a separate offense. Additionally, vague, and broad terminology in the cybercrime law poses challenges, potentially leading to misinterpretation and abuse.

The findings of this research underscore the need for future endeavours aimed at refining and fortifying legal measures against TFGBV in Jordan. Potential areas for future work include advocating for legislative reforms to address identified gaps, enhancing awareness-raising efforts to combat digital gender-based violence, and strengthening collaboration between stakeholders to ensure effective implementation of legal provisions. Furthermore, this research highlights the importance of fostering a reporting culture and integrating recommendations into national priorities to foster a safer digital environment for women and girls.

While this study has attempted to provide valuable insights into the legal landscape surrounding TFGBV in Jordan, certain gaps remain that could be addressed in future research endeavours. For instance, further exploration is needed to assess the effectiveness of existing legal mechanisms in protecting individuals sexual abuse from digital gender-based violence. Additionally, the inclusion of provisions addressing digital exploitation and online recruitment in legislative frameworks warrants closer examination to combat emerging threats in the digital realm effectively.

As this research concludes, it leaves behind a blueprint for future action, drawing on lessons learned, and successes achieved. The collaborative approach employed in this study, including engagement with stakeholders and the incorporation of real-world insights, serves as a model for future research endeavours aimed at tackling complex societal challenges. By building on the foundations laid by this research, we aim to pave the way for a more robust and effective response to technology-facilitated gender-based violence in Jordan and beyond.

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About JOSA



The Jordan Open Source Association (JOSA) is a non-profit organisation based in Amman, Jordan. The association is among the few non-profits registered under the Jordan Ministry of Digital Economy and Entrepreneurship.

JOSA's mission is to promote openness in technology and to defend the rights of technology users in Jordan. We believe that information that is non-personal – whether it's software code, hardware design blueprints, data, network protocols and architecture, content – should be free for everyone to view, use, share, and modify. Our belief also holds that information that is personal should be protected within legal and technological frameworks. Access to the modern Web should likewise remain open.

To find more about the Jordan Open Source Association, visit <https://www.josa.ngo>.

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International Media Support (IMS)

The International Media Support (IMS) is an international non-profit organisation working across four continents. Our staff of around 160 employees of more than 45 different nationalities work from headquarters in Copenhagen, Denmark, as well as from regional country offices around the world.

Founded in 2001 in the wake of conflicts in Rwanda and the Balkans where media was used as a tool to incite war, IMS works in a context-sensitive manner, carefully assessing the needs of local media in each country before entering into close dialogue with local organisations and international peers and adjusting our work as the situation changes.

IMS programmes are attentive towards gender balance and minorities, as they strongly believe in the importance of enabling women and members of marginalised groups to participate equally and freely in the media as an integral part of democratic development.

To find more about the International Media Support, visit:

<https://www.mediasupport.org/>

Annex I: Glossary and Definitions

Word	Definition
Legal mapping Research	A legal mapping is the results of research to identify the key provisions of law on a particular issue, identifies patterns in the nature and distribution of laws, and defines important questions for evaluation research, legal analysis and policy development.
Perpetrator	Someone who has committed a crime or a violent or harmful act.
Analytical Legal Research Methodology	Analytical Legal Research is a style of qualitative inquiry. It is a specific type of research that involves critical thinking skills and the evaluation of facts and information relative to the research being conducted. Lawyers often use an analytical approach to their legal research to find the most relevant information. From analytical research, a person finds out critical details to add new ideas to the material being produced.
Online Gender Based Violence	Technology-facilitated gender-based violence is any act that is committed or amplified using digital tools or technologies causing physical, sexual, psychological, social, political, or economic harm to women and girls because of their gender.
Intimate Image Abuse	Intimate image abuse, also referred to as ‘revenge porn’, is the sharing of private, sexual materials, either photos or videos, of another person without their consent and with the purpose of causing embarrassment or distress.
Doxxing	Doxxing (sometimes written as Doxing) is the act of revealing identifying information about someone online, such as their real name, home address, workplace, phone, financial, and other personal information. That information is then circulated to the public — without the victim’s permission.
Trolling	Trolling is when someone posts or comments online to ‘bait’ people, which means deliberately provoking an argument or emotional reaction.

Word	Definition
Misogynistic Hate Speech	Misogyny is hatred of, contempt for, or prejudice against women or girls. It is a form of sexism that can keep women at a lower social status than men, thus maintaining the social roles of patriarchy. Misogyny has been widely practised for thousands of years. It is reflected in art, literature, human societal structure, historical events, mythology, philosophy, and religion worldwide.
Intimate Partner Violence	Describes physical, sexual or psychological harm by a current or former partner or spouse.
Honour Killings	Honour crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family.
Cyberbullying	Cyberbullying is the use of technology to harass, threaten, embarrass, or target another person. Online threats and mean, aggressive, or rude texts, tweets, posts, or messages all count. So does posting personal information, pictures, or videos designed to hurt or embarrass someone else.
Immoral Act	Morally wrong, or outside society's standards of acceptable, honest, and moral behaviour.
Social norms	Social norms are the perceived informal, mostly unwritten, rules that define acceptable and appropriate actions within a given group or community, thus guiding human behaviour.

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