

Jordanian Penal Code No. 16 of 1960²⁴

Title VI

Chapter II

Offences against the Family

Article 279: Offences Relating to Marriage

A prison sentence for a period of one (1) to six (6) months shall be imposed upon any person who:

1. Knowingly performed, or assisted in performing, a marriage ceremony in contradiction with the provisions of the Family Rights Law, or any other law that applies to the spouses; or,
2. Marries a girl or, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under fifteen (15) years of age; or,
3. Marries a girl, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under eighteen (18) years of age, without having previously acknowledged that the guardian of the girl gave his consent to such a marriage.

Article 280: Bigamy

1. A prison sentence for a period of six (6) months to three (3) years shall be imposed upon any person, male or female, who gets married to another person during the lifetime of his/her spouse –independently of whether the later marriage is void or not, or can be annulled or not – unless it is proven that:
 - a. The previous marriage was annulled by a competent court or a religious authority;

or,

- b. The marriage legislation applicable to the husband on the date of his previous or later marriage allows him to marry more than one wife.
2. The same penalty shall be imposed upon any person who knowingly performs the marriage ceremonies mentioned above.

Article 281: Registration of Divorce

A prison sentence for a period up to one (1) month, or a fine not exceeding fifteen (15) Dinars, shall be imposed upon any person who does not refer to a judge, or his deputy, within fifteen (15) days of the date of divorce, an application to register the divorce in accordance with the Family Rights Law.

Article 282: The Adulterous Woman and Her Partner

1. A prison sentence for a period of six (6) months to two (2) years shall be imposed upon a woman who voluntarily commits adultery.
2. The same penalty shall be imposed upon the partner if he is married; otherwise, he shall be imprisoned for a period of three (3) months to one (1) year.
3. The following elements constitute admissible evidence against the partner: catching the partner in the act with the adulterous woman; a confession made by the partner before the inquiry judge or in court; or, letters and other relevant written documentation.

²⁴ Applicable in the West Bank.

Article 283: The Adulterous Husband

A prison sentence for a period of one (1) month to one (1) year shall be imposed upon a husband that commits adultery in the marital house, or if he has publicly taken a mistress in any place.

Article 284: Prosecution for Adultery

1. Prosecution for adultery can only be launched by a complaint filed by the husband as long as the spouses are united by marriage, and for a period up to four (4) months after the date of a divorce, or by her guardian if the woman does not have a husband. No prosecution can be launched against a husband who commits adultery, as set out in the Article above, except by a complaint filed by his wife. The action and the penalty shall be dismissed if the complaint is dropped.
2. No prosecution can be launched against the partner, except jointly with the adulterous wife.
3. A complaint shall not be admissible after the lapse of three (3) months starting on the date on which the husband or the guardian is informed of the offence.
4. The complaint shall be dropped if the husband allowed his wife to return, and in the event of the death of the husband, the guardian, the adulterous woman or her partner.

Article 285: Incest

A prison sentence for a period of two (2) to three (3) years shall be imposed in the case of incest committed between ascendants and descendants, whether they are legitimate or not, brothers and sisters, half-brothers and half-sisters, all relatives by marriage in the same position, or if one of the offenders has legal or *de facto* authority.

Article 286: Prosecution of Incest

The prosecution of a case of incest, as set out in the Article above, can be launched by a complaint filed by a relative, or a relative by marriage, of one of the offenders up to the fourth degree.

Title VII

Offences against Public Ethics and Morality

Chapter I

Offences against Honour

Article 292: Rape

1. Any person who has forced sexual intercourse with a female, other than his wife, shall be sentenced to at least five (5) years of temporary hard labour.
2. The sentence shall not be less than seven (7) years if the victim is less than fifteen (15) years of age.

Article 293: Rape of a Vulnerable Female

Any person who has forced sexual intercourse with a female, other than his wife, who cannot defend herself due to a physical disability, a cognitive impairment, or as a result of any form of deception, shall be sentenced to temporary hard labour.

Article 294: Sexual Intercourse with a Female under Fifteen (15) or Twelve (12) Years of Age

1. Any person who has sexual intercourse with a female that is under fifteen (15) years of age shall be sentenced to temporary hard labour.
2. The sentence shall not be less than five (5) years if the victim is less than twelve (12) years of age.

Article 295: Sexual Intercourse with a Female between Fifteen (15) and Eighteen (18) Years of Age

1. Any person who has sexual intercourse with a female who has reached fifteen (15) years of age, but is less than eighteen (18) years of age, and is an ascendant, whether legitimate or not, step-father, the husband of the paternal grandmother, or the caregiver of the girl, shall be sentenced to temporary hard labour.

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

Article 296: Attacking, by Violence or Intimidation, the Honour of a Person

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

Article 297: Attacking the Honour of a Vulnerable Person

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

Article 298: Attacking, without Violence, the Honour of a Person

1. Any person who attacks, without having recourse to violence or intimidation, the honour of a child, whether a boy or a girl, who is less than fifteen (15) years of age, or forces the said child to commit such an act, shall be sentenced to temporary hard labour.
2. The sentence shall not be less than five (5) years if the victim, whether a boy or a girl, is less than twelve (12) years of age.

Article 299: Attacking the Honour of a Person between Fifteen (15) and Eighteen (18) Years of Age

Any person mentioned in Article 295 above who attacks the honour of another person, whether a male or a female, who has reached fifteen (15) years of age but is less than eighteen (18) years of age, or forces the latter to commit such an act, shall be sentenced to temporary hard labour.

Article 300: Aggravating Circumstances

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

Article 301: Aggravating Circumstances

1. The penalties for the crimes provided for in the Articles of this Chapter shall be increased by one-third (1/3) to one-half (1/2):
 - a. If two persons committed the crime in order to overcome any resistance by the victim, or if the victim was successively attacked by the perpetrators.
 - b. If the male victim contracted a venereal disease, or if the female victim lost her virginity as a result of the crime.
2. The sentence shall not be less than ten (10) years of hard labour if the victim dies after the commission of one of the abovementioned crimes, provided that the perpetrator did not intend to cause such an outcome.

Article 302: Abduction

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

1. A prison sentence of two (2) to three (3) years, if the abducted person is a male and has not reached fifteen (15) years of age;
2. Temporary hard labour, if the abducted person is a female;
3. Hard labour for a period of no less than five (5) years, if the abducted person was a married female who has reached, or not, fifteen (15) years of age;
4. Hard labour for a period of no less than ten (10) years, if the abducted person, male or female, was raped or attacked;
5. Hard labour for a period of no less than ten (10) years, if the abducted person was a married female, who has not reached fifteen (15) years of age, and who was sexually assaulted;

6. Hard labour for a period of no less than seven (7) years, if the abducted person was a married female, who has reached fifteen (15) years of age, and who was sexually assaulted.

Article 303: Release of the Abducted Person

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

Article 304: Seduction

1. Unless a harsher sentence is deserved, a prison sentence for a period of three (3) months to one (1) year shall be imposed upon any person who deflowers a virgin, who has reached fifteen (15) years of age, after promising to marry her. The perpetrator shall also guarantee her virginity.
2. The following elements constitute admissible evidence against the accused: a confession made by the accused before the inquiry judge or in court; or, the existence of letters and other relevant written documentation.
3. A prison sentence for a period of no less than three (3) months shall be imposed upon any person who incites a woman, married or not, to leave her residence and take up with an unknown man, or attempts to separate by corruption the said woman from her husband to break the marriage bond.

Article 305: Unwanted Sexual Contact

A prison sentence for a period not exceeding one year shall be imposed upon any person who engages in unwanted sexual contact with:

1. Another person, male or female, under fifteen (15) years of age; or,
2. A woman or a girl, who has reached fifteen (15) years of age, but without their consent.

Article 306: Indecent Acts and Words

A prison sentence for a period up to six (6) months, or a fine not exceeding twenty-five (25)

Dinars, shall be imposed upon any person who exposes a boy who is less than fifteen (15) years of age, or a female, to indecent acts or words.

Article 307: Entrance into Places Reserved for Women

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

Article 308: Discontinuance and Resumption of the Prosecution

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

Chapter II

Incitement to Debauchery and Breach of Public Ethics and Morality

Article 309: Definition of Brothel

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

Article 310: Incitement to Debauchery

A prison sentence of one (1) month to three (3) years, in addition to a fine of five (5) to fifty (50) Dinars, shall be imposed upon any person who leads, or attempts to lead:

1. A woman under twenty (20) years of age to have illegal sexual intercourse with another person in the country or abroad, provided

that such a woman is not a prostitute, and is not known for her immoral character;

2. A woman to become a prostitute inside or outside the country;
3. A woman to leave the country to reside in, or regularly frequent a brothel;
4. A woman to leave her ordinary place of residence in the country, provided that such place of residence is not a brothel, to reside in, or regularly frequent, a brothel inside or outside the country with a view of engaging in prostitution; or,
5. A person under fifteen (15) years of age to be sodomized.

Article 311: Coerced Debauchery

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

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

Article 312: Establishment, Management and Ownership of a Brothel

A prison sentence for a period up to six (6) months, or a fine not exceeding one hundred (100) Dinars, or both, shall be imposed upon any person who:

1. Established, managed, or assisted in the management, or worked in a brothel;
2. Was renting, or was responsible for a house, and knowingly allowed the house, or any part thereof, to be used as a brothel; or,
3. Was the owner of a house, or the representative of the owner of the house, and

rented the said house, or any part thereof, with the knowledge that it would be used as a brothel, or has intentionally participated in its continuous use as a brothel.

Article 313: Owner or Tenant of a House Used as a Brothel

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

Article 314: Children Residing in a Brothel

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

Article 315: Earnings Generated by Prostitution

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

Article 316: Helping or Obliging a Person to Engage in Prostitution

A prison sentence for a period up to one (1) year, or a fine not exceeding fifty (50) Dinars,

shall be imposed upon any woman, who for lucrative purposes, interferes with the freedom of movement of a prostitute in a manner suggesting that the said woman assists, or obliges, the prostitute to engage in prostitution with another person, or in general.

Article 317: Obliging a Woman to Engage in Prostitution

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

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

Article 318: Obliging a Woman to Continue Engaging in Prostitution

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

Chapter III

Abortion

Article 321: Self-induced Abortion

A prison sentence for a period of six (6) months to three (3) years shall be imposed upon any woman who aborts by using, or allowing another person to use, any instrument to that effect.

Article 322: Abortion with a Woman's Consent

1. A prison sentence for a period of one (1) year to three (3) years shall be imposed upon any person who uses any method for abortion with a woman's consent.
2. Should the abortion, or the method used to perform such an abortion, lead to the death of the woman, the perpetrator shall be sentenced to temporary hard labour for a period of no less than five (5) years.

Article 323: Abortion without a Woman's Consent

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

Article 324: Honour-related Abortion

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

Article 325: Aggravating Condition

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

Chapter VIII

Crimes and Misdemeanours against Human Beings

Chapter I

Article 331: Intentional Killing of a Newborn Child

A woman that causes, through an intentional act or omission, the death of her newborn child, who is less than one (1) year of age, shall be sentenced to death. The death penalty shall be substituted by a sentence of no less than five (5) years of detention if the court is convinced that the woman, at the moment of causing the death of her newborn child, had not fully recovered her consciousness as a result of the delivery or the breastfeeding of the said newborn child.

Article 332: Intentional Killing of a Newborn Child in the Case of Incest

A mother who causes, through an intentional act or omission, the death of her newborn child to avoid dishonour in the case of incest shall be sentenced to detention for a period of no less than five (5) years.

Article 336: Intentional Infliction of Harm Causing Abortion

Any person who causes, as a result of the commission of a violent act provided for in Article 333 above, the abortion of a woman he knows to be pregnant shall be sentenced to temporary hard labour for a period not exceeding ten (10) years.

Article 340: Excuse

1. A husband who surprises his wife or a close female relative in the act of adultery with another person, and kills, injures or harms either of them, or both, shall benefit from a mitigating excuse.
2. The perpetrator of a killing or an injury shall benefit from a mitigating excuse if he surprises a spouse, ascendant, descendent, or sibling with another person in an unlawful bed.