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# Strengthening the Domestic Violence Protection Law (DVPL) in Jordan

## Policy Brief



**Spanish  
Cooperation**

KING HUSSEIN FOUNDATION  **مؤسسة الملك الحسين**  
مركز المعلومات والبحوث  
INFORMATION AND RESEARCH CENTER





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### **Abstract:**

This policy brief analyzes the Domestic Violence Protection Law No. 15 of 2017 (DVPL) in Jordan, identifying legal gaps, enforcement challenges, and institutional weaknesses that hinder its effectiveness. It provides evidence-based recommendations to enhance legislative provisions, judicial procedures, law enforcement capacity, and survivor protection mechanisms. The brief also integrates insights from stakeholder consultations, legal reviews, and comparative analysis of international best practices to propose practical reforms ensuring a comprehensive, survivor-centered response to domestic violence in Jordan.

2025

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# List of abbreviations

AECID	Spanish Agency for International Cooperation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organizations
DVPL	Domestic Violence Protection Law
EU	European Union
FGDs	Focus Group Discussions
FPJD	Family Protection and Juvenile Department
GBV	Gender-Based Violence
IFH	Institute for Family Health
JCLA	Justice Center for Legal Aid
JRF	Jordan River Foundation
MoH	Ministry of Health
MoJ	Ministry of Justice
MoSD	Ministry of Social Development
NCFA	National Council for Family Affairs
NSFP	National Strategy for Family Protection
SOPs	Standard Operating Procedures
SIGI	Solidarity is Global Institute
UNFPA	United Nations Population Fund
UPR	Universal Periodic Review





# 1. Executive Summary<sup>1\*</sup>

## Overview of the DVPL's Objectives and Importance in Jordan

The project “Improving Access to Comprehensive Gender-based Violence Services in Jordan” is funded by the European Union (4 M EUR during 42 months) and implemented by the Spanish Agency for International Development Cooperation (AECID), in collaboration with the United Nations Population Fund (UNFPA) and Jordanian organizations. The project aims to enhance access to essential gender sensitive prevention and protection services for refugees and host communities, especially women and girls. It adopts the “One-Stop Shop Model” to provide integrated legal, psychological and medical services, increasing the capacity of frontline service providers. With a focus on holistic approaches and sustainability, the project integrates prevention, response, and capacity-building measures.

The Domestic Violence Protection Law No. 15 of 2017 (DVPL) was enacted to provide a structured legal framework for addressing domestic violence in Jordan. The law aims to:

- Prevent domestic violence through legal and institutional mechanisms.
- Ensure protection and rehabilitation for survivors by improving access to legal, social, and psychological services.
- Hold perpetrators accountable while integrating a restorative justice approach.
- Strengthen institutional coordination among law enforcement, the judiciary, and social services to enhance case management and enforcement of protective measures.

Despite these efforts, challenges persist in effectively implementing the DVPL, necessitating legal and institutional reforms to enhance the protection of survivors and ensure efficient enforcement of the law.

## Summary of Key Challenges in Enforcement and Legal Gaps

While the DVPL represents a significant step forward in addressing domestic violence, its implementation faces multiple challenges, including:

### 1. Legal Gaps

- **Limited Definition of Domestic Violence:** The law does not explicitly include psychological, emotional, and economic abuse, limiting protection for survivors of non-physical violence.
- **Inconsistent Enforcement of Protection Orders:** The mechanism for issuing and enforcing Protection Orders remains weak, leading to continued risks for survivors.
- **Insufficient Clarity and Implementation of Reporting Obligations:** While the law establishes mandatory reporting obligations for certain professionals (e.g., healthcare workers, educators) in specific situations—particularly involving minors or persons lacking legal capacity—it does not provide comprehensive guidance or effective mechanisms for consistent application in practice.
- **Lack of a Witness and Survivor Protection Framework:** Although the DVPL mandates the issuance of a regulation to protect whistleblowers and survivors,

1.\* This policy brief was prepared by Professor Ayman Halaseh, Director of the Information and Research Center – King Hussein Foundation (IRCKHF), with contributions from the IRCKHF research team, including legal analysis by Feda'a Al Hmoud. The authors gratefully acknowledge the technical guidance and support provided by the Spanish Cooperation Office in Jordan (AECID) and the United Nations Population Fund (UNFPA) – Jordan throughout the preparation of this brief.

this regulation has yet to be enacted.

## 2. Institutional Challenges

- **Weak Coordination Among Agencies:** There are gaps in inter-agency collaboration between law enforcement, social services, and the judiciary, causing delays and inefficiencies in case management.
- **Absence of Specialized Domestic Violence Courts:** Cases are handled in general criminal courts, leading to delays and inconsistent application of the DVPL.
- **Limited Resources for Shelters and Survivor Support Services:** Many shelters lack adequate funding, staffing, and accessibility, particularly in rural areas.
- **Inadequate Law Enforcement Training:** Some officers lack specialized training in handling domestic violence cases sensitively and effectively.

## Major Recommendations for Legislative and Procedural Improvements

To address these challenges, comprehensive legal and procedural reforms are required. The following recommendations outline key steps for strengthening Jordan's domestic violence response framework:

### 1. Strengthening the Legislative Framework

- **Expand the Legal Definition of Domestic Violence** to include psychological, emotional, and economic abuse, aligning with Article 6 of the Jordanian Constitution (amended in 2022) and international best practices.
- **Improve the Mechanism for Protection Orders**, ensuring swift issuance, clear enforcement procedures, and penalties for non-compliance.
- **Strengthen Compliance with Mandatory Reporting Obligations** for healthcare providers, educators, and social workers, ensuring full implementation of Article 4 of the DVPL. Current provisions require these professionals to report cases involving minors or legally incompetent individuals without consent and adult cases classified as misdemeanors with consent. Strengthening compliance and raising awareness among mandated reporters about existing obligations and protections (including confidentiality provisions) will ensure effective early intervention in domestic violence cases.
- **Introduce a Legal Framework for Witness and Survivor Protection**, ensuring confidentiality, security, and access to legal support for those reporting domestic violence cases.

### 2. Enhancing Institutional and Law Enforcement Capacity

- **Establish Specialized Domestic Violence Courts**, ensuring judges and prosecutors are trained in survivor-centered legal procedures.
- **Mandate Law Enforcement Training** on gender-sensitive and trauma-informed approaches to improve survivor interactions and case handling.
- **Strengthen Inter-Agency Coordination** by enhancing existing case management systems to ensure better integration between law enforcement, the judiciary, and social service providers. This includes improving data sharing, referral mechanisms, and follow-up procedures to provide more coordinated and survivor-centered responses. Creating a centralized case management system linking law enforcement, the judiciary, and social service providers.
- **Increase Funding for Shelters and Survivor Support Services**, particularly in underserved regions, ensuring safe housing, legal aid, and psychological support.





### 3. Improving Access to Justice for Survivors

- Develop a Digital Case Management System to track domestic violence cases, ensuring data-sharing between agencies and accountability in case resolutions.
- Expand Legal Aid Services for Survivors, providing free legal representation and accessible legal support through shelters and community organizations.
- Implement Alternative Dispute Resolution Mechanisms, including mediation and restorative justice, while ensuring that survivor safety remains a priority.

While the DVPL provides a critical legal framework for combating domestic violence in Jordan, significant gaps remain in its implementation, enforcement, and accessibility. Addressing these legal and institutional weaknesses through targeted reforms will be essential to ensuring a comprehensive, survivor-centered response to domestic violence.

Urgent action is needed to strengthen legislation, improve institutional coordination, and enhance access to justice for survivors, ultimately ensuring greater protection and accountability within Jordan's domestic violence response system.



## 2. Introduction

### 2.1 Background on Domestic Violence in Jordan and the Legal Response

Domestic violence remains a critical issue in Jordan, affecting individuals across various socio-economic backgrounds. While efforts to combat GBV have progressed, domestic violence cases continue to be significantly underreported. This is largely due to persistent social stigma, fear of retaliation, and systemic barriers in accessing support services. Research highlights additional challenges such as low awareness, restrictive shelter admission policies, and geographic disparities, all of which limit survivors' ability to seek help. Over the years, Jordan has introduced legislative measures to address domestic violence, culminating in the enactment of the Domestic Violence Protection Law No. 15 of 2017 (DVPL). This law aims to provide protection mechanisms for survivors and hold perpetrators accountable.

However, despite the legal advancements, challenges persist in the implementation, enforcement, and accessibility of protection mechanisms. Issues such as ambiguities in legal definitions, procedural inefficiencies, weak enforcement of Protection Orders, and gaps in institutional coordination have hindered the full realization of the law's objectives. This policy paper seeks to analyze these challenges and propose concrete reforms to improve the effectiveness of Jordan's domestic violence legal framework.

### 2.2 Overview of Jordan's Commitment to Family Protection

Jordan has demonstrated a strong commitment to addressing domestic violence through legislative reforms, national strategies, and international treaty ratifications. One of the most significant legislative developments was the 2022 amendment to Article 6 of the Jordanian Constitution, which obligates the state to protect women from all forms of violence and discrimination. This constitutional amendment reinforces Jordan's commitment to strengthening legal protections against domestic violence and ensuring gender equality.

#### **Key initiatives include:**

- **Ratification of International Treaties:** Jordan is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has participated in the Universal Periodic Review (UPR) process, both of which emphasize the need for stronger domestic violence protections.
- **National Strategies:** The National Strategy for Family Protection (NSFP)<sup>2</sup> and the National Framework for Family Protection from Violence<sup>3</sup> provide policy guidelines to combat domestic violence.
- **Institutional Efforts:** Governmental bodies such as FPJD, MoSD, NCFA, and MoJ play key roles in implementing protective measures for survivors.

Despite these commitments, gaps in implementation and enforcement remain a challenge. This policy paper aims to bridge these gaps by providing evidence-based recommendations to enhance Jordan's response to domestic violence.

2. The National Strategy for Family Protection, issued by the NCFA in 2004, provided a comprehensive approach to safeguarding the family as an integrated entity, emphasizing its existence, structure, and cultural values while promoting openness to other cultures. It also aimed to integrate families into societal development. However, the strategy was not reissued, as it was later replaced by the National Framework for Family Protection from Violence.
3. The National Framework for Family Protection from Violence, developed by Jordan's National Council for Family Affairs (NCFA), provides a structured approach for handling domestic violence cases. It ensures institutional coordination, aligns with national legislation, and aims to enhance victim support, accountability, and compliance with international standards.

## 2.3 Purpose and Scope of the Policy Paper

The primary objective of this policy paper is to analyze the legislative and institutional challenges hindering the effective implementation of the DVPL and propose policy recommendations to strengthen Jordan's domestic violence response. Specifically, this paper aims to:

- Assess the legal gaps in the DVPL, including the definition of domestic violence, enforcement of Protection Orders, and mandatory reporting obligations.
- Evaluate institutional challenges, including law enforcement response, judicial inefficiencies, and inter-agency coordination.
- Identify best practices from international and regional frameworks that can be adapted to the Jordanian context.
- Provide actionable policy recommendations to improve legal and institutional responses to domestic violence.

This paper targets policy-makers, legislators, civil society organizations, and international partners engaged in domestic violence prevention and response efforts. It seeks to serve as a roadmap for legal and institutional reforms, ensuring stronger protections for survivors and a more effective domestic violence legal framework in Jordan.

## 2.4 Methodology

This policy paper employs a mixed-methods approach, combining legal analysis, stakeholder consultations, focus group discussions (FGDs), and desk reviews to provide a comprehensive understanding of GBV data management and domestic violence response mechanisms in Jordan. The methodology includes:

### Legal Analysis

A legal review was conducted focusing on:

- The Domestic Violence Protection Law (DVPL) and its alignment with the Penal Code, Criminal Procedure Law, and other relevant legislation.
- Existing gaps in defining domestic violence, enforcement of Protection Orders, and procedural challenges.
- International treaties ratified by Jordan, including CEDAW and relevant UN resolutions, to assess compliance with global standards.

### Stakeholder Consultations

Focus Group Discussions (FGDs):

Two FGDs were conducted:

- The first included 10 participants from civil society organizations (CSOs), such as the Jordanian Women's Union Association, NCFA, JRF, SIGI, JCLA, Save the Children, IFH, and Dar Amneh.
- The second included representatives from government entities, including FPJD, MoSD, the Judicial Council, and MoJ, along with UNFPA as observers.

### Interviews:

In-depth interviews were conducted with key entities involved in GBV data collection, including the MoH, MoSD, FPJD, and MoJ. These interviews were conducted informally by directly reaching out to concerned staff members, bypassing bureaucratic procedures that often delay formal data collection.

The informal approach fostered a more open and candid discussion, allowing participants to speak freely about the challenges in data collection, inter-agency coordination, and service provision. This method proved effective in generating richer insights that significantly contributed to the depth and quality of the findings.

### **Desk Review**

A review of previous studies, court decisions, and international best practices was conducted to:

- Analyze existing research on domestic violence trends, legal frameworks, and enforcement challenges in Jordan.
- Examine court rulings related to domestic violence cases to identify patterns in judicial interpretations and sentencing practices.
- Compare Jordan's legal and institutional responses with regional and global best practices to highlight gaps and opportunities for reform.
- Inform the policy recommendations by integrating evidence-based insights from prior research, legal precedents, and international standards.

### **Official Data Collection**

- Official letters were sent to MoH, FPJD, MoSD, MoJ, and the Judicial Council to obtain official statistics on reported domestic violence cases from January to October 2024.
- The data collected from these agencies provided valuable insights into the trends, reporting gaps, and institutional responses to domestic violence cases in Jordan.

The mixed-methods approach ensures a holistic understanding of domestic violence response mechanisms in Jordan by integrating legal analysis, stakeholder insights, international comparisons, and official data. This comprehensive approach strengthens the policy recommendations, making them more evidence-based, actionable, and aligned with Jordan's legal and institutional realities.





# Section One: Legislative Analysis of the Domestic Violence Protection Law (DVPL)<sup>4</sup>

## 3. The Legal Framework for Domestic Violence Protection

### 3.1 The DVPL and Its Objectives

The Domestic Violence Protection Law No. 15 of 2017 (DVPL) was enacted to provide a legal framework for protecting family members from domestic violence in Jordan. The primary objectives of the law are to:

- Prevent domestic violence and mitigate its effects through legal and institutional measures.
- Ensure victim protection and rehabilitation by facilitating access to social, psychological, and legal support.
- Hold perpetrators accountable while promoting restorative justice mechanisms.
- Enhance coordination among law enforcement, judicial bodies, and social service providers to improve case management and enforcement of protective measures.

Despite these objectives, the law alone is insufficient to comprehensively address domestic violence, as its effectiveness relies on its integration with other national laws and the institutional capacity to implement it.

### 3.2 Relationship Between the DVPL and Other National Laws

While the DVPL establishes a dedicated legal framework for addressing domestic violence, it does not introduce new criminal offenses. Instead, it classifies specific crimes already defined under the Penal Code as domestic violence offenses when committed among family members, as defined by the DVPL. The effectiveness of the DVPL is thus closely tied to the Penal Code, the Criminal Procedure Law, and other legal instruments that regulate how domestic violence cases are prosecuted, investigated, and adjudicated.

#### A. The Penal Code

The Jordanian Penal Code criminalizes several acts related to domestic violence, including:

- Physical assault and bodily harm (Articles 333-338).
- Sexual offenses and harassment (Articles 292-299).
- Threats and intimidation (Articles 349-354).
- Psychological abuse in some cases, though not explicitly defined.

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4. This section is crucial because it highlights the challenges in implementing the Domestic Violence Protection Law (DVPL) rather than merely restating previous legal analyses. While numerous studies have examined the legal structure of the DVPL, our focus here is to analyze the law in the context of its practical enforcement difficulties. By identifying gaps, inconsistencies, and procedural barriers, this section aims to provide a clearer understanding of why certain provisions of the DVPL remain ineffective and how these challenges impact the protection of survivors and legal accountability for perpetrators.



However, the Penal Code does not contain a distinct category for domestic violence offenses. Rather, the DVPL designates these pre-existing crimes as domestic violence when they occur among individuals classified as family members under its provisions. Additionally, certain legal loopholes, such as the waiver of personal rights,<sup>5</sup> can lead to case dismissals if the survivor withdraws their complaint, limiting the full enforcement of domestic violence protections.

### **B. The Criminal Procedure Law**

The Criminal Procedure Law governs the investigation, prosecution, and adjudication of domestic violence cases. However, it presents several challenges when applied to DVPL cases:

- Lack of expedited legal procedures for domestic violence cases, leading to delays.
- No specialized courts or judges assigned to handle domestic violence cases.
- Survivor testimony requirements can lead to re-traumatization due to repeated interrogations.

The absence of clear procedural safeguards tailored to domestic violence cases limits the DVPL's effectiveness in providing rapid legal relief to survivors.

### **C. Other Relevant Legal Instruments**

Several other laws intersect with the DVPL and influence its enforcement:

- The Juvenile Law: Provides specific protections for minors but does not fully align with the DVPL's mandates.
- Personal Status Law: Governs marriage, custody, and divorce but lacks clear integration with domestic violence protections.
- Shelter and Social Services Regulations: Outline protection measures for survivors but suffer from implementation gaps and resource constraints.

While these laws collectively contribute to domestic violence prevention and response, gaps and inconsistencies between them often lead to confusion and delays in enforcement.

## **3.3 The Family as Defined by DVPL**

DVPL adopted an extended family definition, including:

- Blood relatives up to the third degree and in-laws up to the second degree, regardless of whether they reside in the same household.
- Blood relatives of the fourth degree and in-laws of the third and fourth degrees, provided they live in the same household.

5. In Jordanian law, waiver of personal rights refers to the act of the complainant, victim, or injured party in criminal cases relinquishing their personal right against the accused. Personal rights are distinct from public rights; the latter cannot be waived, as they represent society's collective right to seek justice and hold offenders accountable. In contrast, personal rights constitute the portion of the punishment that belongs to the complainant as compensation for the harm suffered.



The Family as Defined by DVPL	
Degree of Kinship	Relatives Included
<b>First-Degree Relatives</b>	- Father, Mother / Father-in-law, Mother-in-law - Son and Daughter
<b>Second-Degree Relatives</b>	- Grandfather, Grandmother - Grandfather and Grandmother of the spouse - Brother and Sister - Son and Daughter of the Son - Son and Daughter of the Daughter - Brother and Sister of the spouse
<b>Third-Degree Relatives</b>	- Uncle and Aunt (Father's Side and Mother's Side) - Uncle and Aunt of the spouse - Nephews and Nieces (Children of Brothers and Sisters) - Children of the spouse's brothers and sisters - Son-in-law and Daughter-in-law - Brother-in-law and Sister-in-law (Husband's Brother, Wife's Brother, Husband's Sister, Wife's Sister)
<b>Fourth-Degree Relatives</b>	- Great-Grandfather and Great-Grandmother - Great-Grandfather and Great-Grandmother of the spouse - Great-Uncle and Great-Aunt (Father's Side and Mother's Side) - Great-Uncle and Great-Aunt of the spouse - Children of Great-Uncle and Great-Aunt - Children of the spouse's Great-Uncle and Great-Aunt

A child placed in the custody of a natural person or an alternative family in accordance with the provisions of applicable legislation.

Although this expansion aims to offer broader protection to family members against various forms of violence, as outlined in Article 3 of the law, certain concerns arise regarding the definition of “family members” under the DVPL:

### 1. Ambiguity in the Definition of the Family Home

- Article 2 of the DVPL defines the “family home” as “the place where family members usually reside.” However, this definition lacks clarity regarding whether it refers to a single-unit home with one roof and entrance or whether it includes multi-unit buildings, adjacent houses enclosed by a shared fence, or even clusters of tents or traditional dwellings in certain communities.
- Additionally, the definition does not specify whether residence must be permanent or temporary, creating challenges in enforcement.

### 2. Challenges in the Expanded Definition of Family

- DVPL extended the definition of family to include third-degree relatives without requiring cohabitation in the family home. While this expansion aims to broaden legal protections, it significantly increases the caseload for law enforcement agencies, potentially diverting focus from the most vulnerable groups—first- and second-degree relatives who are at higher risk of domestic violence.
- The shift in family structures over time, with society moving away from extended family living arrangements toward nuclear family models, raises concerns about the practicality of applying such an expansive family definition in modern contexts.

These ambiguities and enforcement challenges highlight the need for clearer legislative guidelines and refined definitions to ensure the law is applied efficiently and effectively while prioritizing the protection of those most at risk.

## 4. Legal Gaps in the DVPL

### 4.1 Lack of a Clear Definition of Domestic Violence

The DVPL defines domestic violence narrowly, referring only to “crimes against persons committed by a family member against another family member.” This definition:

- Excludes psychological, emotional, and economic abuse, which are critical components of domestic violence.
- Fails to recognize coercive control<sup>6</sup> as a form of abuse.
- Relies on Penal Code offenses, meaning that acts not explicitly criminalized in the Penal Code are not considered domestic violence.

Comparative legal analysis suggests that broadening the definition of domestic violence—as seen in international best practices—would strengthen legal protections for survivors.

### 4.2 Limited Scope of Protection for Survivors

The DVPL provides protection only to immediate and extended family members (up to the third or fourth degree). However, this approach:

- Excludes cohabiting partners who may experience domestic violence. While cohabitation is not widely recognized legally in Jordan, cases of violence within such arrangements do occur, particularly among marginalized or underserved communities. Including this point highlights the legal protection gap for individuals in vulnerable domestic settings, even if these relationships are not formally recognized.
- Fails to address domestic violence in non-traditional family settings. By “non-traditional family settings,” we refer to domestic arrangements that fall outside the typical nuclear or extended family model—for example, households involving caregivers, domestic workers, or blended families. These settings may still involve power dynamics and violence but are not fully covered under the current legal definition in the Domestic Violence Protection Law (DVPL).
- Lacks provisions for marginalized groups who may face domestic violence.

Expanding the scope of protection to include all persons in a domestic setting—as seen in many global models—would ensure greater legal coverage.

### 4.3 Weak Legal Provisions for Protective Measures (e.g., Protection Orders)

The DVPL allows courts to issue Protection Orders, but these are underutilized due to:

- Lack of survivor awareness regarding their availability.
- Unclear procedural steps for obtaining and enforcing these orders.
- Limited enforcement mechanisms, as law enforcement agencies, lack clear guidelines on their role.

Reforming Protection Order mechanisms by simplifying procedures and ensuring immediate enforcement would significantly improve survivor safety.

6. The term coercive control refers to a pattern of controlling behaviors such as isolation, threats, and psychological manipulation, aimed at dominating the victim and restricting their freedom without the use of physical violence. Several countries, including the United Kingdom, Australia, and Scotland, have recognized it as a form of gender-based violence and classified it as a criminal offense.





## 4.4 Inconsistencies in Procedural Safeguards for Survivors

Unlike other laws (e.g., the Juvenile Law), the DVPL lacks:

- Dedicated judicial processes for domestic violence cases.
- Clear guidelines on handling survivor testimony to prevent re-traumatization.
- Expedited trial requirements for urgent cases.

This results in delays, inconsistent sentencing, and legal uncertainty for survivors.

## 4.5 Challenges in Mandatory Reporting and Witness Protection

While mandatory reporting of GBV cases aims to enhance protection and ensure timely intervention, it may conflict with a survivor-centered approach by inadvertently limiting survivors' autonomy and choice. Mandatory reporting can diminish survivors' control over their personal circumstances, potentially increasing risks such as retaliation, stigma, isolation, or financial insecurity. Additionally, survivors may refrain from seeking essential health, legal, or psychosocial services due to fears about confidentiality breaches or unintended exposure. Therefore, effective mandatory reporting frameworks must carefully balance protective objectives with survivors' rights to autonomy, informed consent, confidentiality, and safety. Enhancing clarity around reporting obligations, providing thorough training to professionals, and ensuring strong survivor protections (including witness protection and confidentiality safeguards) are critical steps toward addressing these challenges and building survivor trust in available support systems.

The DVPL imposes mandatory reporting requirements only on:

- Healthcare professionals.
- Social workers.
- Teachers (if the victim is a minor).

However, the law does not:

- Require police officers or court officials to report suspected domestic violence.

It should be noted that DVPL mandates the issuance of a regulation to protect whistleblowers reporting domestic violence; however, this regulation has not yet been enacted. As a result, no protective measures are currently in place for witnesses and whistleblowers within the FPJD or security centers. This absence of legal safeguards often discourages individuals, particularly family members, from reporting domestic violence cases due to fear of retaliation from the perpetrator.

## Section Two: Practical and Institutional Challenges in Implementation

### 5. Institutional Challenges in Applying the DVPL

While the DVPL establishes a legal framework for responding to domestic violence, its effective implementation faces numerous institutional challenges. These challenges arise from gaps in enforcement, lack of resources, and coordination issues among relevant agencies. Addressing these barriers is essential to ensuring comprehensive protection for survivors and accountability for perpetrators. With the NCFA planning a comprehensive assessment of the DVPL in 2025,<sup>7</sup> this policy brief aims to complement—not duplicate—those efforts by identifying key barriers and proposing actionable recommendations that can inform and support the upcoming assessment.

#### 5.1 Role of FPJD and Gaps in Enforcement

The FPJD is the primary entity responsible for handling initial investigations in domestic violence cases. As part of Jordan's law enforcement apparatus, the FPJD plays a crucial role in gathering evidence, assessing risks, and ensuring survivor protection. However, there are key gaps and challenges in the legal and procedural framework governing its operations:

- **Limited presence across all regions:** Many remote areas lack FPJD branches, forcing survivors to report cases at general security centers that may not be well-equipped to handle domestic violence cases.
- **Jurisdictional challenges:** While FPJD is mandated to investigate domestic violence cases, certain crimes within the family, such as honor crimes or severe physical assault, are often handled by the Criminal Investigation Department, creating inconsistencies in case management.
- **Weak coordination with other service providers:** Despite inter-agency cooperation mechanisms, delays in processing cases often arise due to lack of streamlined communication among law enforcement, the judiciary, and social services.
- **Insufficient training for law enforcement officers:** Some officers dealing with domestic violence survivors lack gender-sensitive training, which can lead to victim-blaming attitudes and inadequate case handling.

#### 5.2 Challenges in Case Management and Law Enforcement Coordination

- **Delays in case referrals:** Survivors often report cases to general security centers that may not promptly refer them to FPJD, delaying protective interventions.
- **Lack of survivor-centered protocols:** Some officers still view domestic violence as a private family matter rather than a criminal offense, affecting the urgency of responses.
- **Data-sharing constraints:** There is no integrated system linking the FPJD, judicial bodies, and social services, leading to inefficiencies in tracking cases and ensuring follow-up services.

7. Hadeel Ghboun, "[Miqdadi: 'Protection from Domestic Violence Is New... and Prevention Requires Intensive Work.'](#)" *Al Ghad*, February 16, 2025.





### 5.3 Lack of Specialized Units for Handling High-Risk Domestic Violence Cases

- **No dedicated high-risk assessment units:** There are no specialized teams within the FPJD focusing exclusively on high-risk domestic violence survivors, such as those facing repeated abuse or life-threatening situations.
- **Inconsistent risk assessment practices:** Some cases are processed without adequate evaluation of the survivor's risk level, leading to inadequate protective measures.

### 5.4 Delays in Processing Cases in the Judicial System

- **Bureaucratic hurdles:** Lengthy administrative procedures in referring cases to courts contribute to delays in granting protection orders and legal recourse for survivors.
- **Overburdened judicial system:** Courts handling domestic violence cases also deal with other criminal cases, leading to delays in adjudication and enforcement of protective measures.

### 5.5 Lack of Comprehensive Legal Guidelines for FPJD Investigations

- The DVPL does not outline all necessary investigative procedures for FPJD officers beyond the general provisions of Article 6, leaving many aspects unregulated.
- Similarly, the Criminal Procedure Law lacks specific provisions guiding FPJD's investigative responsibilities in domestic violence cases, instead relying on general rules for all criminal cases.

### 5.6 Absence of Clear Mandates for Site Visits and Arrest Procedures

- The FPJD is not legally mandated to visit crime scenes or arrest suspected perpetrators unless specific conditions under Article 99 of the Criminal Procedure Law are met.<sup>8</sup>
- Survivors often face difficulties reporting abuse due to logistical and financial constraints, making FPJD site visits critical. However, due to legal ambiguities, officers may not proactively intervene unless explicitly requested.

### 5.7 Unclear Responsibilities for Case Referrals and Data Sharing

- Article 6 of the DVPL states that all relevant entities must refer domestic violence cases to FPJD, but it does not specify whether this includes courts, prosecution offices, or other government agencies.
- The lack of a centralized data-sharing system among law enforcement, judiciary, and social services creates delays in case processing and survivor assistance.

8. Article 99: Law enforcement officers may arrest a suspect present at the scene if sufficient evidence exists in the following cases: (1) felonies, (2) misdemeanors punishable by more than six months in cases of flagrante delicto, (3) misdemeanors punishable by imprisonment if the suspect is under police surveillance or lacks a fixed residence in Jordan, and (4) misdemeanors involving theft, fraud, aggravated assault, resisting law enforcement with force, public indecency, or offenses against public morals.



## 6. Challenges in Court Procedures and Legal Access for Survivors

### 6.1 Jurisdictional Issues and the Absence of Dedicated Domestic Violence Courts

- **Lack of specialized courts:** Domestic violence cases are often handled by general criminal courts, which may not have the specialized expertise needed to handle such cases efficiently and sensitively.
- **Inconsistent application of the law:** Different judges interpret and apply the DVPL in varying ways, leading to disparities in legal outcomes for survivors.

### 6.2 Lack of Survivor-Centered Legal Procedures

- **Limited use of trauma-informed approaches:** Court proceedings often require survivors to repeatedly recount their experiences, which can be re-traumatizing.
- **Absence of remote testimony options:** Survivors, particularly those at high risk, lack access to mechanisms that would allow them to testify remotely and securely.
- **Restricted access to legal representation:** Many survivors lack legal assistance during court proceedings, limiting their ability to navigate the legal system effectively.

### 6.3 Delays in Case Resolution and Inconsistent Sentencing

- **Lengthy trial processes:** Many domestic violence cases take months or even years to resolve, leaving survivors without adequate legal protection in the interim.
- **Leniency in sentencing:** Some courts impose light penalties on perpetrators, undermining deterrence and the protective function of the law.

### 6.4 Weak Enforcement of Protection Orders

- **Limited monitoring mechanisms:** There is no systematic enforcement mechanism to ensure compliance with protection orders.
- **Lack of emergency response mechanisms:** Survivors facing immediate danger often struggle to get quick enforcement of protection orders due to administrative delays.



## Section Three: Policy Recommendations and Reform Strategies

### 7. Strengthening the Legislative Framework

#### 7.1 Expanding the Legal Definition of Domestic Violence

- The current legal definition of domestic violence is limited in scope, primarily addressing physical abuse while neglecting psychological, emotional, and economic abuse.
- **Recommendation:** Amend the Domestic Violence Protection Law (DVPL) to explicitly include psychological coercion, economic control, and emotional abuse within the definition of domestic violence.
- **Justification:** Expanding the definition aligns with Article 6/6 of the Jordanian Constitution, as amended in 2022, which obligates the state to protect women from all forms of violence and discrimination, international treaties ratified by Jordan, and international best practices. This ensures greater protection for survivors, particularly those who experience coercive control and non-physical forms of abuse.

#### 7.2 Improving the Protective Orders Mechanism

- The current mechanism for issuing Protection Orders lacks clarity and is often difficult to enforce.
- **Recommendation:** Introduce a clear procedural framework to ensure that Protection Orders are:
  - Issued promptly and without requiring a criminal complaint.
  - Enforced effectively with specific penalties for violations.
  - Accessible to survivors without unnecessary bureaucratic obstacles.
- **Justification:** Protection Orders are a critical tool in preventing ongoing abuse but remain underutilized due to legal ambiguities and enforcement gaps.

#### 7.3 Establishing Clear Legal Obligations for Mandatory Reporting

- The DVPL currently lacks comprehensive provisions mandating professionals to report suspected domestic violence cases.
- **Recommendation:**
  - Develop clear legal guidelines for healthcare providers, educators, and social workers, specifying when reporting suspected domestic violence is mandatory (such as in cases involving minors, legally incapacitated persons, or imminent risk of serious harm), and when survivor consent must be prioritized. Ensure these guidelines protect survivors' autonomy, confidentiality, and safety, mitigating risks such as retaliation, stigma, or economic hardship.
  - Clarify which agencies should receive reports and outline response protocols.
  - Ensure that mandatory reporting provisions include safeguards to protect reporters from retaliation.
- **Justification:** Mandatory reporting enhances early intervention, reducing the likelihood of repeat victimization.



## 7.4 Introducing a Legal Framework for Witness and Survivor Protection

- Although the DVPL mandates the issuance of a regulation for protecting witnesses and survivors, this regulation has not yet been enacted.
- **Recommendation:**
  - Expedite the issuance of a witness and survivor protection system.
  - Establish specialized units within law enforcement agencies to oversee protection measures.
  - Provide legal and financial assistance to witnesses and survivors at risk.
- **Justification:** The absence of protective measures discourages survivors and witnesses from reporting abuse, leading to low conviction rates and recurring violence.

## 8. Enhancing Institutional and Law Enforcement Capacity

### 8.1 Establishing Specialized Domestic Violence Courts

- **Current situation:** Domestic violence cases are handled in general criminal courts, which lack specialized knowledge and often delay case resolution.
- **Recommendation:**
  - Establish specialized domestic violence courts with judges and prosecutors trained in gender-sensitive legal procedures.
  - Implement fast-track court procedures for urgent domestic violence cases.
- **Justification:** Specialized courts ensure faster, more survivor-centered adjudication and consistent application of the DVPL.

### 8.2 Mandating Law Enforcement Training on Victim-Centered Approaches

- **Current situation:** Some law enforcement officers lack training in handling domestic violence cases sensitively.
- **Recommendation:**
  - Integrate mandatory training programs on trauma-informed responses, survivor confidentiality, and legal protections.
  - Develop standard operating procedures (SOPs) for handling domestic violence complaints.
- **Justification:** Training law enforcement officers enhances trust in the system and improves survivor experiences in reporting cases.

### 8.3 Strengthening Inter-Agency Coordination

- **Current situation:** There are gaps in communication between police, judiciary, shelters, and social services.

- 
- **Recommendation:**
    - Create a centralized case management system linking police, prosecutors, courts, and shelters.
    - Conduct regular coordination meetings between agencies handling domestic violence cases.
  - **Justification:** Effective coordination enhances efficiency in case resolution and survivor protection.

## 8.4 Improving Resource Allocation for Shelters and Survivor Support Programs

- **Current Situation:** Although Jordan has shelters for survivors of domestic violence, these facilities face several significant challenges that limit their accessibility and effectiveness. Key barriers include societal stigma around utilizing shelters, limited awareness among survivors regarding available support services, restrictive eligibility criteria, and uneven geographic distribution, particularly impacting rural and underserved communities. Despite these barriers, occupancy rates in existing shelters often do not reflect a high demand for additional facilities, suggesting that the main issue is not necessarily the number of shelters but rather their accessibility, quality, and effectiveness.
- **Recommendation:**
  - Improve the quality and accessibility of existing shelters by addressing restrictive eligibility criteria and administrative barriers.
  - Invest in comprehensive outreach and awareness-raising campaigns to reduce stigma and inform survivors about available services.
  - Strengthen referral mechanisms between shelters, law enforcement, healthcare providers, and social service agencies to ensure survivors receive timely and coordinated support.
  - Prioritize geographic equity by enhancing the accessibility of existing services, particularly for survivors in rural and underserved regions.
  - Ensure adequate and sustainable funding for essential survivor support services such as legal aid, psychological counseling, and vocational training.
- **Justification:**
  - Research, including a 2019 ESCWA report,<sup>9</sup> indicates that barriers such as stigma, low awareness, restrictive admission policies, and geographic disparities significantly impact survivors' access to shelter services in Jordan. Rather than solely increasing the number of shelters, addressing these critical barriers will enhance the effectiveness of existing resources, ensuring that survivors receive comprehensive support to rebuild their lives safely and sustainably.

9. United Nations Economic and Social Commission for Western Asia (ESCWA). Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region. Beirut: ESCWA, 2019.

## 9. Improving Access to Justice for Survivors

### 9.1 Expanding and Strengthening the Use of the Family Violence Tracking System

- **Current situation:** Jordan has developed and launched a Family Violence Tracking System aimed at improving coordination and case follow-up. However, its use remains inconsistent across relevant actors, and there is a need to expand access and standardize its integration into institutional procedures.
- **Recommendation:**
  - Expand access to the Family Violence Tracking System to all relevant stakeholders, including law enforcement, judiciary, social services, and healthcare providers.
  - Ensure consistent and mandatory use of the system across institutions involved in responding to domestic violence cases.
  - Invest in training and capacity-building for personnel to use the system effectively and in line with survivor-centered principles.
  - Strengthen secure data management protocols to protect survivor confidentiality and prevent misuse of information.
- **Justification:** Expanding and standardizing the use of the existing Family Violence Tracking System will enhance case coordination, reduce procedural delays, and improve accountability across institutions, while also ensuring survivors' safety and data protection.

### 9.2 Expanding Legal Aid Services for Survivors

- **Current situation:** Many survivors lack financial resources to hire legal representation.
- **Recommendation:**
  - Ensure free legal aid services for survivors of domestic violence.
  - Establish legal clinics within shelters and family protection centers.
- **Justification:** Access to legal representation empowers survivors and increases successful prosecution rates.

### 9.3 Strengthening Safeguards in Settlement and Alternative Dispute Resolution Procedures

- **Current situation:**
  - The PDVL allows for the settlement of domestic violence disputes classified as misdemeanors, provided both parties consent and attend the settlement sessions (Article 7[a]). However, felony cases are excluded from settlement and must be referred to the competent prosecutor (Article 7[b]). In theory, these procedures are designed to offer a more flexible and less adversarial path to resolution. Yet, their implementation presents serious challenges that can compromise survivor safety, autonomy, and access to justice.
  - Key concerns include the misclassification of offenses due to legal ambiguity, inadequate psychosocial assessments that focus disproportionately on perpetrators, and logistical issues such as the arbitrary reassignment of settlement officers, which undermines the continuity and trust essential to the process. Furthermore, survivors





often enter settlement agreements under pressure or without fully understanding their implications—particularly when cultural stigma, financial dependency, or family coercion are involved.

- **Recommendation:**

- **Clarify eligibility criteria** for settlement procedures by enhancing training for Family Protection Department (FPD) officers to accurately distinguish between misdemeanors and felonies, with judicial oversight at early stages.
- **Mandate comprehensive psychosocial assessments** that consider the perspectives and risks facing both survivors and perpetrators. Reports must be conducted by qualified social workers or psychologists, with adequate staffing across FPD branches and availability beyond standard working hours.
- **Ensure informed and voluntary consent** of survivors by establishing clear protocols that explain the legal implications of settlement. Survivors must be informed of their rights and alternative pathways, including access to legal representation.
- **Empower judges** to reject settlements that do not align with the survivor's best interest or where there is doubt about the perpetrator's intent to reform, in line with Article 10 of the PDVL.
- **Guarantee consistency in personnel** by limiting the reassignment of settlement officers mid-process unless absolutely necessary. Any changes must be justified and communicated transparently to the parties involved.
- **Exclude high-risk cases** (e.g., those involving coercive control, repeated violence, or threats to life) from settlement procedures altogether.
- **Monitor implementation rigorously**, ensuring that ADR mechanisms remain optional, trauma-informed, and subject to robust safeguards and survivor-centered standards.

- **Justification:**

- While Articles 7–10 of the PDVL provide a legal framework for settlement in domestic violence cases, implementation challenges have revealed gaps in protection and procedural fairness. Without strong oversight and survivor-centered safeguards, these processes risk re-traumatizing survivors, reinforcing power imbalances, and undermining justice. Strengthening the criteria, capacity, and monitoring of settlement procedures can help ensure that alternative dispute resolution mechanisms offer genuine relief—not additional harm—to those experiencing domestic violence.



## 10. Conclusion

### 10.1 Summary of Key Findings and Policy Priorities

- The DVPL framework remains incomplete, with key gaps in legal provisions, enforcement mechanisms, and survivor support systems.
- Institutional and procedural challenges hinder the law's effectiveness, requiring comprehensive reform measures.
- Strengthening the legal framework, institutional capacity, and access to justice is critical for ensuring greater protection for survivors.

### 10.2 Call for Urgent Legislative Amendments and Institutional Coordination

- Legislative reforms should include expanding the definition of domestic violence, improving Protection Orders, and enhancing mandatory reporting obligations.
- Institutional improvements require specialized courts, improved law enforcement training, and better coordination among agencies.
- Increased funding is necessary to enhance shelter services, legal aid, and survivor protection programs.

### 10.3 Recommendations for Stakeholder Collaboration

- Government agencies should prioritize the issuance of pending regulations and ensure cross-sectoral coordination.
- Civil society organizations must play a role in legal advocacy, survivor support, and public awareness campaigns.
- International partners can provide technical assistance and funding for implementing the recommended reforms.



# Annex I: TOR of the Assignment

## 3 Policy Brief: Application of Domestic Violence Protection Law (DVPL)

### 3.1 Objective

The objective of this policy brief is to assess the application of the Domestic Violence Protection Law (DVPL) in Jordan, including its impact, outcomes, challenges, and recommendations for improvement. By analysing the implementation of the DVPL, the aim is to identify gaps and opportunities for enhancing its effectiveness in addressing domestic violence and protecting survivors.

### 3.2 Technical Approach

- **Legislative Analysis:** A comprehensive review of the DVPL and related legislation will be conducted to assess the legal framework governing domestic violence prevention and protection in Jordan. This analysis will examine the scope, provisions, and enforcement mechanisms of the DVPL, as well as any gaps or inconsistencies in its application.
- **Stakeholder Interviews:** Interviews will be conducted with key stakeholders, including legal experts, service providers, survivors of domestic violence, and representatives from relevant government agencies. These interviews will provide insights into the practical implementation of the DVPL, including challenges faced by survivors in accessing legal protections and support services.
- **Impact Assessment:** An assessment of the impact and outcomes of the DVPL will be conducted, drawing on available data and evidence. This assessment will examine the extent to which the DVPL has contributed to reducing domestic violence, protecting survivors, and holding perpetrators accountable. It will also identify any gaps or shortcomings in the implementation of the law.

#### Box 3: Deliverables

- **Legislative Analysis:** A comprehensive review of the DVPL and related legislation will be conducted to assess the legal framework governing domestic violence prevention and protection in Jordan. This analysis will examine the scope, provisions, and enforcement mechanisms of the DVPL, as well as any gaps or inconsistencies in its application.
- **Stakeholder Interviews:** Interviews will be conducted with key stakeholders, including legal experts, service providers, survivors of domestic violence, and representatives from relevant government agencies. These interviews will provide insights into the practical implementation of the DVPL, including challenges faced by survivors in accessing legal protections and support services.
- **Impact Assessment:** An assessment of the impact and outcomes of the DVPL will be conducted, drawing on available data and evidence. This assessment will examine the extent to which the DVPL has contributed to reducing domestic violence, protecting survivors, and holding perpetrators accountable. It will also identify any gaps or shortcomings in the implementation of the law.

# Annex II: Legal Analysis of the Domestic Violence Protection Law in Jordan

## Legal and Practical Analysis of the Domestic Violence Protection Law in Jordan

2025



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# List of Abbreviations

<b>AECID</b>	Spanish Agency for International Development
<b>CAT</b>	Convention Against Torture
<b>CPL</b>	Code of Criminal Procedure
<b>CRC</b>	Convention on the Rights of the Child
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>DVPL</b>	Domestic Violence Protection Law
<b>EU</b>	European Union
<b>FGD</b>	Focus Group Discussion
<b>FPD</b>	Family Protection Department
<b>FPJD</b>	Family Protection and Juvenile Department
<b>GBV</b>	Gender-Based Violence
<b>IDP</b>	Internally Displaced Person
<b>ILO</b>	International Labour Organization
<b>JCLA</b>	Justice Center for Legal Aid
<b>JNCW</b>	Jordanian National Commission for Women
<b>KPI</b>	Key Performance Indicator
<b>MoJ</b>	Ministry of Justice
<b>MoSD</b>	Ministry of Social Development
<b>NCFA</b>	National Council for Family Affairs
<b>NGO</b>	Non-Governmental Organization
<b>PRA</b>	Participatory Rural Appraisal
<b>SDGs</b>	Sustainable Development Goals
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UPR</b>	Universal Periodic Review
<b>WHO</b>	World Health Organization





# Executive Summary: Legal and Practical Analysis of the Domestic Violence Protection Law in Jordan

## Introduction

The Domestic Violence Protection Law (DVPL) No. 15 of 2017 was enacted to safeguard family members from domestic violence and preserve family integrity. However, the DVPL alone is insufficient in providing comprehensive protection and must be complemented by other criminal laws, including the Penal Code and the Code of Criminal Procedure. This legal analysis evaluates the legislative and practical challenges in implementing the DVPL, identifies gaps, and proposes recommendations to strengthen Jordan's domestic violence protection framework.

## National Context: Addressing Domestic Violence in Jordan

Domestic violence has been a national concern in Jordan, receiving early governmental and civil society attention. The Family Protection Department (FPD) was established in 1997 under the Public Security Directorate, followed by the Family Protection Project (2000–2005), which led to the formation of the National Family Protection Team. These efforts have contributed to the development of national strategies, frameworks, and specialized institutions addressing domestic violence.

## Methodology

The study employs a mixed-method approach, combining legal analysis, desk review, and focus group discussions (FGDs). The methodology includes:

- **Desk Review:** Analysis of the DVPL, Penal Code, Code of Criminal Procedure, and other national laws governing domestic violence cases. Comparative legal analysis was conducted to examine data management systems in selected countries.
- **Focus Group Discussions (FGDs):** Two sessions were conducted with:
  - Legal, psychological, and shelter service providers supporting domestic violence survivors.
  - Government and non-government service providers addressing key challenges in protection mechanisms.

The study is structured into three main sections:

1. Legislative Review of the Domestic Violence Protection Law
2. Practical Challenges in Implementation
3. Recommendations for Strengthening the Domestic Violence Protection System

## Key Findings

### 1. Legislative Review of the Domestic Violence Protection Law

The study examines the substantive and procedural provisions of the DVPL and identifies gaps affecting its enforcement:

- **Definition of Domestic Violence:** The law provides a broad definition but does not fully capture economic and psychological violence.
- **Scope of Protection:** The DVPL covers first- to fourth-degree family relatives, but the legal definition of the family household remains ambiguous.

- **Integration with Criminal Laws:** The DVPL lacks independent criminalization of offenses, relying on provisions in the Penal Code.
- **Reporting Obligations:** Mandatory reporting is required for certain professionals (healthcare, education, and social service providers), but reporting remains discretionary in certain cases.
- **Protection Orders:** Courts can issue protection orders but victims are often required to file a formal complaint, limiting accessibility.

## 2. Practical Challenges in Implementation

The analysis identifies **external and internal challenges** affecting the enforcement of domestic violence laws.

### External Challenges

- **Cultural Barriers:** A culture of silence discourages victims from reporting abuse due to social stigma, economic dependency, and fear of retaliation.
- **Limited Public Awareness:** Victims and service providers lack systematic information on domestic violence protection mechanisms.
- **Economic Barriers:** The feminization of poverty restricts women's ability to leave abusive relationships due to financial dependence on perpetrators.
- **Geographic Disparities in Services:** Shelters and Family Protection Department (FPD) offices are unevenly distributed, leaving victims in remote areas with limited access to protection services.

### Internal Challenges

- **Institutional Weaknesses:** The merger of the Family Protection and Juvenile Police Departments in 2021 created operational challenges, as the two entities operate under different legal frameworks.
- **Inconsistent Preliminary Investigations:** FPD and other police departments handle investigations inconsistently, leading to overlapping roles and gaps in enforcement.
- **Court Procedures and Delays:**
  - Lack of specialized judicial panels for felony cases.
  - Delays in trial proceedings, discouraging victims from pursuing justice.
  - Failure to uphold confidentiality in some court hearings, deterring victims from testifying.
- **Weak Implementation of Protection Orders:** Protection orders are often linked to formal complaints, making them difficult for victims to access independently.

## Recommendations

To strengthen the domestic violence protection system, the study provides comprehensive recommendations targeting legislative reforms, practical implementation, and institutional capacity-building.

### 1. Legislative Amendments

- **Clarify the Definition of Domestic Violence:** Include economic and psychological violence as recognized forms of abuse.
- **Strengthen Mandatory Reporting Mechanisms:** Expand reporting obligations to Sharia courts and social service providers.



- 
- Enhance Protection Order Accessibility: Allow victims to request protection orders independently of criminal complaints.
  - Ensure Confidentiality in Court Proceedings: Mandate closed-door hearings and impose penalties for breaches of confidentiality.

## 2. Enhancing Practical Implementation

- **Public Awareness and Training:**
  - Launch nationwide awareness campaigns using traditional and digital media.
  - Train judges, law enforcement, and service providers on handling domestic violence cases.
  - Establish a legal aid network to provide free legal services for survivors.
- **Strengthening Protection Services:**
  - Expand the number of domestic violence shelters and ensure equitable geographic distribution.
  - Improve the capacity of Family Protection Department (FPD) officers through specialized training.
  - Develop a 24/7 digital reporting system for domestic violence cases.

## 3. Institutional Reforms

- **Judicial Specialization:**
  - Establish dedicated domestic violence court panels.
  - Train public prosecutors and judges on gender-sensitive legal frameworks.
- **Case Prioritization and Expedited Trials:**
  - Implement fast-track court procedures for domestic violence cases.
  - Integrate electronic case management systems to improve efficiency.
- **Improved Coordination Between Agencies:**
  - Develop a unified national strategy for inter-agency coordination on domestic violence.
  - Strengthen collaboration between law enforcement, shelters, and social service providers.

The Domestic Violence Protection Law represents a significant step toward combating domestic violence in Jordan. However, legislative gaps, implementation challenges, and cultural barriers limit its effectiveness. This study highlights key deficiencies in the law's application, enforcement, and service provision while proposing actionable recommendations to strengthen protection mechanisms for survivors.

By implementing these reforms, Jordan can establish a comprehensive, victim-centered legal and social framework that ensures justice, accountability, and long-term prevention of domestic violence.

# Introduction: Legal and Practical Analysis of the Domestic Violence Protection Law

Legislative intervention to protect vulnerable groups from criminal acts requires a comprehensive legal framework that includes both substantive and procedural provisions. The substantive provisions define the acts that constitute violations against the protected group, while the procedural provisions establish the mechanisms and legal processes necessary to ensure effective protection and accountability.

The Domestic Violence Protection Law (DVPL) No. 15 of 2017 was enacted with the primary objective of safeguarding family members from domestic violence and preserving family integrity. However, the DVPL alone is insufficient to provide comprehensive protection without complementing and integrating it with other criminal laws, such as the Penal Code and the Code of Criminal Procedure.

## 1. Domestic Violence as a National Concern in Jordan

In Jordan, domestic violence has been a matter of national concern, receiving early and sustained attention at both the official and civil society levels. This commitment has been demonstrated through the personal engagement of His Majesty King Abdullah II and Her Majesty Queen Rania Al-Abdullah, who have closely monitored and supported initiatives addressing violence against women and children.

The national response to domestic violence has evolved over the years through institutional and legislative developments. A pivotal moment in this evolution was the establishment of the Family Protection Department (FPD) under the Public Security Directorate in 1997. This marked the beginning of a structured, institutional response to domestic violence, emphasizing a multi-sectoral, collaborative approach among government agencies and civil society organizations.

In 2000, Jordan launched the Family Protection Project with support from the British government, which aimed to:

- Promote collaboration among governmental and non-governmental institutions
- Provide comprehensive services to domestic violence survivors
- Reduce domestic violence and sexual assault cases
- Build institutional capacities for agencies working in the field

This project continued until 2005 and led to the formation of the National Family Protection Team, which received the United Nations Human Rights Award in 2003 for its efforts in advancing family protection mechanisms.

Further institutionalization of domestic violence prevention and response efforts was realized with the re-establishment of the National Family Protection Team under the National Council for Family Affairs (NCFA). This restructuring facilitated:

- Coordination and support for all institutions involved in family protection
- The development of national frameworks and strategies, including:
  - The National Framework for Family Protection from Violence
  - The National Strategy for Family Protection and Prevention of Domestic Violence
- Implementation of awareness, service-oriented, and legislative initiatives, such as:
  - The electronic linkage system for child victim testimonies



- 
- Procedural improvements in handling domestic violence cases across key ministries, including Health, Education, Social Development, and Justice
  - Establishment of specialized units within these ministries to monitor domestic violence cases
  - Capacity-building programs for professionals dealing with domestic violence cases

## 2. Methodology of the Study

This legal analysis adopts a **mixed-method approach**, integrating **qualitative and desk-based research methodologies** as follows:

### 2.1 Desk Review

- Comprehensive legal analysis of the DVPL, along with other relevant national laws, including:
  - The Penal Code
  - The Code of Criminal Procedure
  - Regulations governing shelters for survivors
- Review of academic studies, national reports, statistical indicators, and strategic frameworks related to domestic violence
- Comparative legal analysis of domestic violence data management systems in selected countries, focusing on best practices for inter-agency information sharing and the development of a national registry for domestic violence cases

### 2.2 Focus Group Discussions (FGDs)

- Two focus group discussions were conducted with:
  - Legal, psychological, and shelter service providers supporting domestic violence survivors
  - Official and non-official service providers, ensuring diverse stakeholder perspectives
- These discussions facilitated:
  - Insights into key challenges faced by domestic violence survivors
  - Recommendations on best mechanisms for addressing these challenges

### 2.3 Structure of the Study

This legal analysis evaluates the effectiveness of the DVPL through a detailed examination of its legislative provisions, implementation challenges, and gaps that may hinder effective protection against domestic violence. The study is divided into three main sections:

#### 1. Legislative Review of the Domestic Violence Protection Law

- Examination of the legal framework governing domestic violence cases
- Analysis of the substantive and procedural provisions of the DVPL
- Identification of legislative gaps and inconsistencies



## **2. Practical Challenges in Implementing the DVPL**

- Evaluation of legal definitions and the scope of protection
- Challenges at different stages of the legal process, including:
  - Initial investigation and evidence collection
  - Role of the Family Protection Department (FPD)
  - Procedures for handling domestic violence complaints
  - Alternative dispute resolution mechanisms
  - Judicial proceedings and trial procedures
  - Enforcement of protection orders and judicial rulings

## **3. Recommendations for Strengthening the Domestic Violence Protection System**

- Legislative amendments to improve legal protections
- Enhancing procedural frameworks for victim protection and offender accountability
- Institutional reforms to address service gaps
- Capacity-building initiatives for law enforcement and judicial personnel
- Public awareness campaigns to challenge social norms that tolerate domestic violence

This study provides a comprehensive legal analysis of domestic violence protection in Jordan, identifying critical legislative and practical challenges and proposing evidence-based recommendations to strengthen legal and institutional responses. By ensuring the effective implementation of the DVPL and complementary laws, Jordan can further protect victims, ensure justice, and promote a society free from domestic violence.



## Section One: Legislative Review of the Domestic Violence Protection Law (DVPL)

Addressing the practical challenges arising from domestic violence cases, as well as the increasing frequency and diversity of such cases, necessitates a thorough review of the provisions of the Domestic Violence Protection Law (DVPL). This review entails analyzing the law's texts, assessing their effectiveness in combating domestic violence, and evaluating their adequacy in dealing with survivors of domestic violence. A legal analysis of these provisions can provide answers to numerous questions and challenges encountered during the practical application of the law at various stages of criminal proceedings related to domestic violence. This document will present and evaluate the key provisions of the law in terms of their suitability for addressing domestic violence, mitigating its occurrence, or preventing its escalation.

### 1.1 General Observations on the Law

Before delving into the analysis of the legal and procedural provisions stipulated in the DVPL, it is essential to highlight a set of general observations regarding the law as a whole. These observations help explain many of the issues raised during its practical application, as follows:

- Providing protection for a specific category of victims or certain types of crimes, given the particular circumstances of these victims or the conditions in which the crimes occur, can be achieved either by incorporating special provisions within general laws or by enacting dedicated legislation for these categories or crimes. Domestic violence cases typically occur within the family but are distinguished by the fact that the perpetrator is a family member committing violence against another family member. This unique characteristic necessitates a specialized law addressing domestic violence.
- The legal framework governing protection from domestic violence is composed of various laws, regulations, and instructions scattered across multiple legislative texts. While the DVPL serves as the primary law providing protection against domestic violence, it cannot function effectively in isolation. It must be integrated with other criminal laws, such as the Penal Code, the Code of Criminal Procedure, the Juvenile Law, and regulations governing shelter facilities. Additionally, there are special provisions applicable to different categories of domestic violence victims, including women, children, persons with disabilities, and the elderly. Therefore, a comprehensive analysis of domestic violence laws requires an examination of related legislative provisions to ensure legislative coherence in the protection system.
- The Penal Code provides substantive protection against domestic violence by criminalizing acts considered violent and, in some cases, imposing harsher penalties when such acts are committed by a family member against another or when they involve certain vulnerable groups (e.g., minors, women, persons with disabilities). Key provisions include:
  - Dedicated sections addressing crimes against individuals and crimes against “honor”<sup>10</sup> (Chapter Two of Title Six), which include offenses related to marriage, family morals violations, and crimes involving children and persons with disabilities.
  - Recognizing the victim’s young age (minor status) as an aggravating factor (Articles 292 and 298 of the Penal Code).
  - Recognizing the victim’s gender (female) as an aggravating factor (Article 292 of the Penal Code).
  - Nullifying the effect of dropping personal rights in cases of domestic violence (Article 308 bis and Article 98 of the Penal Code).

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10. The term as used in the Penal Law.

- While the legislator aimed to provide a unique protective framework and establish specific procedures for handling domestic violence cases, victims, and perpetrators who have familial ties, the DVPL falls short in comprehensively defining and criminalizing all acts of domestic violence. Instead, it merely refers to penal laws for determining what constitutes a criminal act. Consequently, the DVPL cannot be applied independently without relying on provisions in criminal legislation that define offenses, their elements, and their legal characteristics. The law does not introduce new criminal offenses beyond those already established in other legal texts. Additionally, it lacks comprehensive procedural protections, which are generally governed by the Code of Criminal Procedure. Unlike the Juvenile Law, the Integrity and Anti-Corruption Law, or the State Security Court Law, which explicitly include all procedural provisions applicable within their respective legal frameworks, the DVPL does not establish a fully independent procedural framework. Therefore, domestic violence cases often fall under the general provisions of the Code of Criminal Procedure. This limitation affects the law's effectiveness in providing both substantive and procedural safeguards necessary for addressing domestic violence cases and protecting victims. The DVPL cannot achieve its objectives without considering both the substantive protections outlined in criminal laws and the procedural safeguards established in the Code of Criminal Procedure.
- The DVPL is among the most progressive domestic violence laws in the Arab region, particularly in terms of offering protection to victims. However, certain aspects require further activation or implementation through additional regulations and guidelines. For instance, the reconciliation process under the law necessitates clearer procedures that can only be effectively implemented through an executive regulation. Similarly, protection orders, despite being legally established for several years, remain underutilized due to the lack of awareness among victims, lawyers, and law enforcement authorities regarding the procedural steps required to obtain such orders.
- Despite the importance of incorporating principles and objectives within a law like the DVPL—similar to the Juvenile Law<sup>11</sup> and the Child Protection Law<sup>12</sup>—this law does not explicitly include such foundational principles. Legal principles play a crucial role in ensuring justice and regulating social, political, and economic relations within any society. They provide stability and predictability in the legal system, reducing ambiguities and conflicting interpretations while fostering legitimacy and voluntary compliance rather than coercive enforcement. Furthermore, these principles serve as a reference for authorities to ensure that legislative and judicial decisions align with the core values of society. Some of the fundamental legal principles that should have been incorporated into the DVPL include:
  - **The Principle of the Rule of Law**
  - **The Principle of Equality Before the Law**
  - **The Principle of Legality**
  - **The Principle of Justice**
  - **The Principle of Legal Responsibility**

11. Paragraph (a) of Article 4 of the Law states: '(a) The best interests of the child, their protection, rehabilitation, qualification, and care shall be considered when applying the provisions of this Law

12. Article 4 of the Child Rights Law of 2022 states: 'The child has the right to enjoy all the rights stipulated in this Law, in a manner that does not conflict with public order, religious and social values, and any other relevant legislation, and in a way that ensures enabling the family to preserve its legitimate entity as the foundation of a society based on religion, morality, and love of the homeland.



- One of the foundational principles in Jordan’s family protection framework is the **best interests of the family** principle.<sup>13</sup> Several laws have been enacted to provide additional protective measures in cases where a family member is subjected to violence, abuse, or exploitation. These laws embody this principle by establishing specialized family protection police units and adopting a family dispute resolution system. This principle should be a core consideration in all decisions related to family protection, guiding the interpretation of legal provisions and the mechanisms for enforcing protective measures.
- Another relevant principle in analyzing the legal framework governing domestic violence protection is the **victim-centered approach**. Unlike general criminal laws that primarily focus on punishing perpetrators and ensuring deterrence, the DVPL includes provisions centered on protecting victims. One key example is the issuance of protection orders, which courts can impose to provide immediate safety for domestic violence survivors and other affected family members. In summary, establishing clear legal principles is fundamental to ensuring that the law effectively balances individual rights with societal needs, making it a powerful tool for safeguarding victims and maintaining legal integrity.<sup>14</sup>

## 1.2 Detailed Observations on the Legislative Provisions of the Domestic Violence Protection Law (DVPL)

After presenting general observations on the Domestic Violence Protection Law (DVPL), it is essential to conduct a detailed analysis of its substantive provisions from a legislative perspective. This includes examining the legal challenges posed by these provisions in preparation for the second section, which will address the practical and procedural challenges of the law. The analysis will cover the various topics and provisions introduced by the law as follows:

### I. Definition of Domestic Violence in the Law

Article 2 of the DVPL includes definitions of several terms, including the definition of domestic violence, which states:

“Crimes committed against individuals by a family member against another family member.”

Analyzing the aforementioned provision reveals that the legislator did not establish a precise definition of domestic violence but rather described the types of crimes that could be considered domestic violence, namely crimes committed against individuals within the family. Consequently, according to Article 2, domestic violence encompasses any act or series of direct actions by a family member against another family member with the intent to inflict physical, verbal, psychological, or sexual harm. Domestic violence manifests in various forms, including:

- 13 The child, according to paragraph 1 of Article 3 of the Convention on the Rights of the Child, enjoys the right to have their best interests assessed and given primary consideration in all actions or decisions that concern them in the public and private spheres. The Convention on the Rights of the Child was ratified by Law No. 50 of 2006.
14. As stated in Article 4 of the Federal Decree-Law Concerning Protection from Domestic Violence in the UAE: This Decree-Law aims to achieve the following:
  - Protecting families from the risks of domestic violence in a way that preserves their entity and social cohesion.
  - Providing the necessary legal protection for the victim.
  - Correcting harmful behaviors within the family in general, combating manifestations of domestic violence, and providing a safer environment for them.

1. **Physical Violence:** Encompasses various acts intended to cause physical harm to a family member through the use of physical force, such as hitting with hands or objects, hair-pulling, slapping, pushing, use of sharp or solid objects, or threats to use them to cause pain or injury. It also includes unlawful killing, burning, torture, kidnapping, and mutilation.<sup>15</sup>
2. **Psychological Violence:** Refers to any behavior that causes emotional harm to a woman or impairs her healthy development or that of a family member. This includes belittling or mocking a woman, controlling or manipulating her, restricting her access to economic resources, and constant surveillance. Psychological violence can have both short-term and long-term psychological effects comparable to those caused by physical violence. It includes insults, threats, intimidation, isolation, and coercive control.<sup>16</sup>
3. **Verbal Violence (Verbal Abuse):** A prevalent form of violence characterized by the perpetrator's intent to demean, humiliate, blame, or threaten the victim. It includes defamation, slander, false accusations, continuous blame, verbal threats, public humiliation, and persistent criticism. Verbal violence is particularly significant because it often accompanies other forms of violence, such as physical and psychological abuse.<sup>17</sup>
4. **Sexual Violence:** Includes any sexual act or behavior that is coerced or unwelcome, including harassment, sexual remarks, seduction, coercion into sexual activity, or any verbal or non-verbal actions with direct or indirect sexual implications that violate an individual's personal space and security.<sup>18</sup> It also includes sexual abuse of female children, such as coercing or enticing them into participating in sexual activities, exposing them to pornography, or encouraging them to behave in sexually inappropriate ways.<sup>19</sup>
5. **Economic Violence:** Involves depriving a woman or girl of financial resources in the present or future by preventing access to education or employment. It manifests as economic control by family members, preventing women from having independent financial resources, thereby making them dependent and vulnerable. Economic violence is linked to financial abuse, which entails the unlawful use of a woman's or girl's assets or money against her will.<sup>20</sup>

Thus, the definition provided in the DVPL does not comprehensively cover all forms of domestic violence. Many acts of economic or psychological violence are excluded from the legal definition because they are not explicitly criminalized, despite their severity and potential escalation into physical, verbal, or sexual violence.

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  16. Pan American Health Organization. "[Violence Against Women](#)." Accessed December 3, 2024.
  17. Amanda Kippert (2021). [What is Verbal Abuse?](#) DomesticShelters.org. Accessed December 3, 2024.
  18. Mohammed Al-Rumaihi (2012), Domestic Violence and its Security Implications, Bahrain: Royal Police Academy, p. 71. And the [National Framework for Family Protection issued by the National Council for Family Protection](#), 2016, last accessed December 9, 2024.
  19. The crime of sexual harassment in Algerian law and comparative law, by Lagat Ahmed, Master's thesis, University of Algiers, 2013, page 20.
  20. European Institute for Gender Equality (EIGE), [Economic Violence: Factsheet](#), 2020, last visited December 8, 2024.



## II. Definition of Family Members Covered by the Law

Article 3 of the DVPL defines the family members to whom its provisions apply, as summarized in the following table:

Table summarizing the family members specified in Article 3 of the DVPL.

<i>The Family as Defined by DVPL</i>	
<b>Degree of Kinship</b>	<b>Relatives Included</b>
<b>First-Degree Relatives</b>	- Father, Mother / Father-in-law, Mother-in-law - Son and Daughter
<b>Second-Degree Relatives</b>	- Grandfather, Grandmother - Grandfather and Grandmother of the spouse - Brother and Sister - Son and Daughter of the Son - Son and Daughter of the Daughter - Brother and Sister of the spouse
<b>Third-Degree Relatives</b>	- Uncle and Aunt (Father's Side and Mother's Side) - Uncle and Aunt of the spouse - Nephews and Nieces (Children of Brothers and Sisters) - Children of the spouse's brothers and sisters - Son-in-law and Daughter-in-law - Brother-in-law and Sister-in-law (Husband's Brother, Wife's Brother, Husband's Sister, Wife's Sister)
<b>Fourth-Degree Relatives</b>	- Great-Grandfather and Great-Grandmother - Great-Grandfather and Great-Grandmother of the spouse - Great-Uncle and Great-Aunt (Father's Side and Mother's Side) - Great-Uncle and Great-Aunt of the spouse - Children of Great-Uncle and Great-Aunt - Children of the spouse's Great-Uncle and Great-Aunt
<i>A child placed in the custody of a natural person or an alternative family in accordance with the provisions of applicable legislation.</i>	

### An analysis of this provision reveals the following:

- The legislator adopted an extended family concept, including blood relatives up to the third degree and in-laws up to the second degree, regardless of whether they reside in the same household. The law also includes fourth-degree blood relatives and third- and fourth-degree in-laws, provided they reside in the same household. While this broad scope aims to enhance family protection, it presents certain challenges:
  1. Article 2 defines the “family household” as “the place where family members customarily reside.” This definition is ambiguous, as it does not clarify whether it refers strictly to a single dwelling with one roof and entrance, a single apartment building, adjacent houses within a shared enclosure, or even clusters of tents in communities where such living arrangements exist. Additionally, it does not specify whether residency must be permanent or temporary.
  2. The legislator’s broad definition of family extends to third-degree relatives without requiring them to reside in the same household. This increases the burden on administrative and legal authorities tasked with handling a large number of domestic violence cases. While the law seeks to provide greater protection to family members from all forms of violence, focusing protection on immediate family members (first- and second-degree relatives) may be more effective, given the evolving societal structure that leans towards nuclear rather than extended families.

This legislative framework, while expansive, raises important considerations about the effective implementation and prioritization of protection mechanisms under the DVPL.

### III. Crimes Covered by the Application of the Domestic Violence Protection Law (DVPL)

Article 2 of the DVPL defines domestic violence as crimes committed against individuals by a family member against another family member. Analyzing this provision reveals the following:

1. The DVPL does not criminalize new acts of violence that are not already criminalized under other legislation (such as the Penal Code or other laws).
2. The law is limited to crimes against individuals that occur within the family and are criminalized under the Penal Code or other criminal legislation.
3. The law does not include specific provisions regarding crimes that require a complaint or personal rights claims for prosecution. Instead, general legal rules concerning the necessity of filing a complaint or a personal rights claim apply to domestic violence cases as well.
4. The law covers both misdemeanors and felonies. This is evident in the definition of the “Family Protection Department” provided in Article 2 of the law, which describes it as an organizational unit within the Public Security Directorate responsible for family protection without distinguishing between misdemeanors and felonies.

### IV. Mandatory and Optional Reporting

According to Article 4 of the DVPL, the following individuals are required to report cases of domestic violence:

1. **Healthcare Providers:** This includes doctors, staff in healthcare centers, emergency units in hospitals, ambulance services, and anyone whose job involves providing healthcare services in the public or private sectors.
2. **Educational Service Providers:** This includes teachers and social counselors in kindergartens, schools, educational centers, and institutes, whether private or public.
3. **Social Service Providers:** This includes individuals involved in awareness, counseling, or preventive services in various sectors, both public and private.

From the provisions of Article 4, the following legal principles regarding mandatory reporting can be inferred:

- The duty to report is a personal obligation imposed on anyone who becomes aware of a domestic violence case. Failure to report may result in criminal liability unless the individual personally reports the case.
- The victim must be legally incapacitated, whether due to minority (below the age of discretion), mental incapacity, insanity, or partial incapacity (above the age of discretion but below legal adulthood, or legally incompetent due to recklessness or carelessness).
- If the victim is fully competent, mandatory reporting applies only when the violence constitutes a felony.
- If the violence constitutes a misdemeanor, reporting requires the victim’s consent if they are fully competent.
- Sharia courts are not required to notify the Family Protection Department if they discover a case of domestic violence while adjudicating a personal status case involving an incapacitated or partially incapacitated individual.

The following observations can be made regarding the legal framework for reporting domestic violence:



- The legislator applied different standards for reporting domestic violence against incapacitated or partially incapacitated individuals. While service providers in both the public and private sectors are required to report such violence without the victim's complaint, many crimes against individuals within the family still require a complaint from the victim or a personal rights claim. Consequently, reporting by a service provider may be futile if the victim's legal guardian withdraws the complaint after mandatory reporting has already taken place. Meanwhile, the decision to refer cases from personal status courts to the Family Protection Department remains discretionary.
- Article 4 mandates healthcare, education, and social service providers in both the public and private sectors to report any domestic violence cases involving incapacitated or partially incapacitated victims if they become aware of such incidents. Failure to do so could result in legal liability. However, when Sharia courts identify cases of domestic violence involving such individuals, they are not required to provide information to the Family Protection Department and Juvenile Affairs, making such reporting discretionary.
- Article 28(c) of the Law on the Rights of Persons with Disabilities mandates monitoring, inspection, and evaluation teams licensed or accredited by the Ministry of Social Development, the Ministry of Education, the Ministry of Health, the National Council for Human Rights, or other competent authorities to report any suspected violence, abuse, or neglect against a person with disabilities.
- The delay in issuing a witness and whistleblower protection regulation has hindered the provision of protection measures for witnesses and informants within the Family Protection Department, Juvenile Affairs, and police centers. This has often deterred individuals—especially family members—from reporting domestic violence due to fears of retaliation by the perpetrator. The Law on the Rights of Persons with Disabilities obligates anyone who is aware of violence against a person with disabilities to report it to the relevant authorities and assigns judicial authorities the responsibility to ensure adequate protection for informants, witnesses, and others who disclose or investigate cases of violence against persons with disabilities.

## V. Role of the Family Protection and Juvenile Affairs Department (FPJD) in Preliminary Investigations of Domestic Violence Cases

The legislator designated the FPJD as the competent authority for handling domestic violence cases during information gathering, investigation, and inquiry, considering it part of the judicial police force. This designation is due to the department's expertise in handling sexual offenses, its ability to interact with different societal groups, and the availability of specialized resources, such as social workers and forensic medical experts. The department's qualified personnel have gained significant field experience through continuous professional training.

A general analysis of Article 6 of the DVPL, which defines the scope of the department's role, reveals the following:

1. The DVPL does not specify all the procedures that the department must follow upon receiving a report of domestic violence. Article 6 lists only some of the required procedures.
2. The Code of Criminal Procedure does not include any specific provisions for handling domestic violence investigations at the preliminary investigation stage. All its provisions regulate criminal proceedings regardless of the gender of the perpetrator or victim.
3. There is no legal provision requiring the department to visit the crime scene, arrest the suspect outside the conditions specified in Article 99 of the Code

of Criminal Procedure, or remove the accused from the victim's residence.<sup>21</sup> Victims are generally required to visit the department to file a complaint, which may be difficult due to financial constraints, lack of transportation, or restrictions imposed by the perpetrator. It is crucial to train personnel to recognize cases requiring on-site intervention and ensure immediate action to secure the crime scene, collect evidence, and protect victims.

4. Article 6(a) outlines how the department becomes aware of domestic violence cases through complaints filed by victims or reports from third parties, including family members or others aware of the incident.<sup>22</sup> Requests for assistance or protection are also considered valid triggers for intervention. Additionally, all agencies that receive domestic violence complaints are required to refer them to the department for necessary action. This may affect certain legal provisions intended to protect families, as cases could be forwarded to prosecutors or courts without allowing disputing parties to explore family dispute resolution options.

5. The Domestic Violence Protection Law (DVPL) does not include a comprehensive list of procedures that the Family Protection Department must follow when handling a domestic violence case. However, it mandates the department to undertake certain actions. Article 6(b) of the law outlines these procedures, which must be interpreted in conjunction with other relevant laws, as follows:

- **Recording complaints or reports in detail:** This includes listing the names of the involved parties, the content of the complaint or report, its circumstances, sequential case numbers, measures taken, and any observations related to cases where the victim chooses the criminal prosecution route.<sup>23</sup>
- **Preparing the necessary official records for each case individually:** This includes the arrest report for the perpetrator, in accordance with the conditions stipulated in Article 100 of the Code of Criminal Procedure. Additionally, it involves documenting the perpetrator's statements within the legally prescribed timeframe, recording observations and crime scene examinations, preparing reports from the crime scene investigation team, search reports, arrest records, and other documents required by law. These records must comply with legal standards, including the use of forensic laboratories when necessary. Some domestic violence crimes may require forensic examination to collect physical evidence from the crime scene, the victim's body, or the perpetrator's belongings, such as their phone.
- **Transporting the victim to the nearest hospital or healthcare center if necessary:** This ensures that the victim receives medical assistance for any physical injuries, such as bruises, wounds, fractures, or other harm. This is considered a fundamental procedure that the Family Protection Department

21. Article 99 of the Code of Criminal Procedure states: 'No judicial police officer shall order the arrest of a present defendant against whom there is sufficient evidence of their involvement in the following cases:

- Felonies.
- Cases of flagrante delicto misdemeanors if the law punishes them with a sentence exceeding six months.
- If the crime is a misdemeanor punishable by imprisonment and the defendant is under police surveillance or does not have a fixed and known place of residence in the Kingdom.
- In cases of misdemeanors of theft, fraud, severe assault, resisting public authorities by force or violence, driving under the influence, and violating public morals.

22. Paragraph (a) of Article (6) of the Law states: The Family Protection Department is obligated to respond with utmost urgency to every complaint, report, request for assistance, or request for protection related to domestic violence. All entities, upon receiving any complaint or report about any case of domestic violence, shall refer it to the Family Protection Department to take the necessary action regarding it.

23. The DMVL, pursuant to Article (21), mandates the establishment of a registry at the Family Protection Department. The legislator requires that there be two methods of registration: electronic and paper based.



and Juvenile Affairs must undertake. A department officer must accompany the victim to provide necessary support.

- **Transferring the victim to a safe place if necessary, with their consent and in coordination with the ministry:** This requires ensuring that the victim's life is not at risk and that a secure location is available. If needed, the victim may be placed in a specialized shelter, such as a women's protection center, a juvenile care home for abused children, or a facility designated for persons with disabilities.<sup>24</sup> The law mandates that such relocation occur only with the victim's consent.<sup>25</sup> Additionally, some cases may necessitate placement in care homes based on a decision from the Sharia Public Prosecutor, as stipulated in Article 173(b)(1) of the Code of Sharia Procedures. This provision authorizes the prosecutor to order the placement of a child in an official institution for shelter and care. However, the provision does not specify a maximum duration for the child's stay, unlike juvenile court procedures, which require the judge to set a timeframe. Furthermore, the decision does not mandate a clear rationale for placing the child in a shelter or require a prior assessment of the child's condition. The Code of Sharia Procedures does not address whether a judge has the authority to extend the child's stay or whether a court order is needed for their release.

## VI. Preliminary Investigation Procedures in Domestic Violence Cases

The role of the public prosecutor is to prosecute crimes, gather evidence, apprehend perpetrators, and refer them to the judiciary. Given the unique nature of domestic violence cases in terms of evidence collection, proving domestic violence can be particularly challenging, especially in light of Article 153 of the Code of Criminal Procedure, which states:

*"The testimony of any ascendant, descendant, or spouse of the accused or suspect shall be heard, even after the dissolution of the marital relationship. However, they may refuse to testify against them or their co-accused in the same case."*

24. The Juvenile Law stipulates that the placement of children in the category of those in need of protection and care within a shelter requires a binding judicial decision issued by the Juvenile Judge in their capacity as the judge competent to hear cases of those in need of protection and care. This decision is based on a report from the behavior officer in the social service offices / the FPJD, which they submit to the court. The decision to detain or place [a child] includes a specific period subject to review based on the child's situation, as is the case when issuing a decision for their release from the shelter, which requires a decision to remove them from the shelter based on a report from the behavior officer. Through this report, the officer provides data on the disappearance of the risk factors that necessitated their detention or placement in the shelter. This is a procedure that all shelters adhere to without exception. Therefore, the court relies primarily on the recommendation of the FPJD and the results of the social study conducted by the social service office in the relevant section of the Directorate of Juvenile Affairs and Protection when making its decisions regarding those in need of protection and care.  
However, it is worth noting here that the decision of the judge for those in need of protection and care is issued based on the text of Article 33 of the Juvenile Law, which specifies the cases in which a child is considered in need of protection and care. However, the decision is usually issued without specifying the circumstances that made the child in need of protection and care. The decision does not specifically mention the legal paragraph contained in Article 33 that necessitated the issuance of the protection measure of placement in the shelter, but rather is limited to specifying the shelter to which the child is referred and the duration of the placement.
25. The Al-Wafaq Shelter receives women who have been exposed to domestic violence with their children (boys up to the age of five and girls of all ages), where the shelter provides them with diagnostic services and works to resolve the problems and difficulties they face. As for the Al-Rusaifa Girls' Shelter, it receives girls from the age of 12 to under 18. In addition to the shelter affiliated with the Women's Union, which receives women over the age of eighteen and their children (girls of all ages and boys up to the age of 13).

Additionally, family members may fear the perpetrator, leading them to provide incomplete or selective testimony. This imbalance in justice and fairness can result in an increase in domestic violence cases and the commission of more severe crimes.

The following are key observations regarding the legal provisions related to this issue:

1. Neither the DVPL nor the Code of Criminal Procedure grants the public prosecutor any exceptional powers in domestic violence cases. Instead, they apply general provisions without special considerations for domestic violence victims.
2. Article 12 of the DVPL authorizes the public prosecutor to hear testimony from victims under eighteen years old and juvenile witnesses using modern technology. However, the application of this provision is limited to victims or witnesses under eighteen. Thus, it cannot be used for adult victims or witnesses, despite the psychological harm they may experience from repeated testimony. The public prosecutor may, however, invoke Regulation No. 96 of 2018 on the Use of Modern Technology in Criminal Procedures\*, issued under Article 158 of the Code of Criminal Procedure, which mandates the use of modern technology in hearing testimony from victims in crimes of sexual assault unless it is impractical. Modern technology can also be used in the following cases:
  - Hearing testimony from a witness residing outside the jurisdiction of the court or the public prosecutor's office.
  - Hearing testimony from an inmate in a correctional or detention facility.
  - Conducting investigations, confrontations, and interrogations when the accused's presence is impeded or could pose a threat to court proceedings.
  - Investigations and trials involving children and persons with disabilities for their protection, or in cases involving women where justified.
  - Protection of witnesses.

Under this regulation, the court or public prosecutor may use modern technology at their discretion, upon request from the parties involved, or at the request of law enforcement during the preliminary investigation stage. Victims of domestic violence have the right to request the use of modern technology when providing their testimony before the court or the public prosecutor.

The regulation also permits the use of modern technology in investigations and trials involving women when justified.

Additionally, Article 22(i) of the Juvenile Law allows the public prosecutor or court to use modern technology to protect individuals under eighteen during witness hearings, discussions, and confrontations. This ensures that the opposing party can cross-examine the juvenile witness during the trial. This technology can also be used when a juvenile serves as a witness in any case.

It is noteworthy that in the Grand Criminal Court, testimony from child victims is automatically heard using modern technology without requiring a request from the parties involved. However, this practice does not apply to women.





## VII. Settlement Before the Family Protection Department

An analysis of the legislative and legal framework governing settlement in domestic violence cases, as outlined in Articles 7, 8, 9, 10, 11, 13, and 14 of the DVPL, as well as the accompanying regulations on settlement measures, reveals the following:

1. The DVPL does not explicitly define “settlement” in Article 2, despite settlement being a fundamental component of the law. Notably, the law dedicates seven out of its twenty-four articles to settlement.
2. The law grants the Family Protection Department the exclusive authority to conduct settlements, excluding other law enforcement officers. However, it does not specify any legal consequences if another law enforcement officer conducts a settlement. Additionally, it does not grant the public prosecutor the authority to conduct settlements, even in cases where they are directly handling the investigation and settlement is legally permissible.
3. The judiciary’s role in the settlement process is limited to approving or rejecting the settlement conducted by the department. The law does not grant judges the authority to conduct settlements in family disputes.
4. The law does not mandate the department to inform disputing parties—especially women—about the concept of settlement, its procedures, potential outcomes, or the role of the settlement officer.
5. Article 2 defines domestic violence as “crimes committed against individuals by a family member against another family member.” Article 7 specifies that only misdemeanors are eligible for settlement, thereby resolving any ambiguity about which offenses qualify. If a domestic violence case constitutes a felony (e.g., murder, causing permanent disability, rape, incest, or sexual assault), the department must refer the case to the public prosecutor. However, the law does not explicitly prohibit settlement in family-related financial misdemeanors, such as theft, breach of trust, issuing bad checks, or fraud, nor does it address unintentional offenses involving family members, such as injuries resulting from traffic violations, as these do not constitute domestic violence.
6. Article 7 of the DVPL states that settlement requires the **consent of both parties** or their legal representatives, emphasizing that settlement is voluntary. Since settlement aims to reach an amicable resolution, it is unreasonable to force parties into the process. However, the law does not explicitly require written consent. Additionally, while the law allows for legal representation, the settlement process inherently necessitates the personal involvement of the disputing parties. The settlement officer must determine which sessions may be attended by legal representatives and which require the personal presence of the parties.
7. The law does not explicitly require the department to assess whether a dispute is suitable for settlement. However, this requirement can be inferred from Article 8(b), which mandates that the department consider the family’s situation and circumstances. The head of the settlement section evaluates the feasibility of settlement based on case files and risk factors, including social, psychological, security, and health aspects, to determine appropriate measures in a case conference led by the Family Protection Department. This case study may involve interviews with the parties or family members.

8. Article 7(a) limits settlement to the **criminal act and the associated complaint**. However, the nature of settlement necessitates a broader examination of the underlying dispute, which may involve events preceding or following the criminal act. Despite this, the process remains confined to the complaint itself, aiming to resolve the dispute in a manner that satisfies both parties without equating settlement with traditional reconciliation. The law's intent is to address the root causes of violence, though in practice, settlements often resemble conventional reconciliations.
9. Article 9 requires the department to refer settlement files to the competent court regardless of the outcome. This provision does not take into account that many misdemeanors against individuals require a complaint or personal rights claim to proceed. The law does not require the victim to confirm whether they wish to pursue the complaint before the file is sent to court.
10. Although the law ensures complete confidentiality in all domestic violence proceedings, including court cases, to protect the family's privacy and prevent external interference, it does not specify any penalties for breaching settlement confidentiality.
11. The law does not establish clear rules for determining settlement eligibility, including:
  - Prohibiting the use of settlement proceedings or any concessions made during them as evidence in court. Without such protection, parties may be reluctant to engage in settlement.
  - Prohibiting the detention of the perpetrator during the settlement process, as detention is only justified in cases where the suspect may tamper with evidence, pose a threat, or lack a known residence.
  - Allowing disputing parties to request referral to the competent court at any stage, as settlement is voluntary and should not continue without the parties' consent.

### **Judicial Role in Settlement Approval**

While the judiciary's role in settlement is limited to approving or rejecting agreements made by the department, the law does not grant judges the authority to conduct settlements themselves. Articles 9, 10, 11, and 13 outline the judicial role, including:

1. The law does not define the **settlement judge** or specify their jurisdiction, particularly in cases involving security personnel or military officers.
2. Judges are required to approve or reject settlements within seven days but lack clear procedural guidance on reviewing settlement agreements.
3. The law does not specify the grounds for rejecting a settlement, despite the decision being appealable.
4. The court may impose protective measures alongside settlement approval under Article 11.
5. Courts must consider social studies before imposing protective measures to ensure appropriate intervention.
6. If the perpetrator is a juvenile, a behavioral monitoring report must be submitted before settlement approval.
7. Violating protective measures may result in imprisonment for up to three months, which could also apply to the victim if they fail to comply with imposed programs.

It is noteworthy that the victim may be penalized for failing to comply with the imposed





measure. The measure requires the disputing parties to participate in psychological or social rehabilitation programs or sessions organized by the Ministry of Social Development, an association, or any other entity approved by the Minister of Social Development for a period not exceeding six months. In some cases, this measure may be imposed on the victim. Consequently, the victim could be subject to the penalty stipulated in Article 11(b), which prescribes a sentence of up to three months for anyone who fails to comply with any of the measures outlined in paragraph (a).

## VIII. Trial Procedures

To begin with, it is important to note that the DVPL includes some provisions related to the trial phase in domestic violence cases. However, it only addresses certain aspects of this phase, necessitating reference to general rules stipulated in the Code of Criminal Procedure, the Law on the Formation of Regular Courts, and the Law on Magistrate Courts concerning other procedural aspects that govern criminal proceedings in domestic violence cases. Below is a critical review of the legal provisions specific to this stage:

- **Jurisdiction and Specialization:** Article 15 of the DVPL uses the term “**competent court**,” indicating that the court must have jurisdiction solely over domestic violence cases, whether it is a first-instance court or an appellate court (such as the Court of First Instance in its appellate capacity or the Court of Appeals when reviewing the case on appeal). According to Article 19 of the law, the Judicial Council must designate judicial panels to hear domestic violence cases rather than establish specialized courts for such cases. The allocation of judicial panels (whether a single judge or a panel) to hear domestic violence cases does not preclude judges from handling other non-domestic violence cases. Additionally, if a domestic violence case is heard by a judicial panel that was not specifically assigned to handle such cases, this does not render the proceedings void. These provisions indicate that the legislator did not definitively resolve the issue of jurisdiction and specialization in domestic violence cases, as the law sometimes refers to the “competent court” while also stating that the Judicial Council assigns judicial panels to hear such cases.
- **Holding Trial Sessions:** Article 20 states: “*The court shall hold its sessions on weekends, official holidays, and in the evenings if the circumstances of the case so require.*” This provision grants the court discretionary authority to schedule hearings on weekends, official holidays, or in the evenings when necessary. However, best practices suggest that domestic violence trials should be scheduled separately from other types of cases to ensure sensitivity and confidentiality. The Juvenile Law adopts a different approach, explicitly mandating that hearings be held on weekends, official holidays, and in the evenings when necessary.
- **Confidentiality in Domestic Violence Cases:** Article 18 of the DVPL states: “*All procedures and information related to domestic violence cases heard before any authority, including courts, shall be strictly confidential.*” This provision requires that trial sessions for domestic violence cases be held in private, and any violation of this confidentiality renders the proceedings void. However, the pronouncement of the verdict must be conducted in a public session. This provision applies to trial sessions before all courts hearing domestic violence cases, including first-instance courts (Magistrate Courts, the Court of First Instance, and the Grand Criminal Court) and appellate courts when reviewing the case on appeal (the Court of First Instance in its appellate capacity or the Court of Appeals).
- **Expedited Proceedings in Domestic Violence Cases:** Article 15 of the DVPL stipulates that:

*“A. The competent court shall commence proceedings in any case related to domestic violence immediately upon its referral and may not adjourn hearings for more than three days, except when necessary, and the reasons for such adjournment must be recorded in the case file.  
B. The competent court must rule on misdemeanor cases that have not been settled, where the settlement was rejected, or where the settlement decision was not approved within three months from the date the case file was submitted to the court registry.”*



According to this provision, domestic violence cases must be handled as quickly as possible to protect the family and avoid unnecessary delays, as prolonged litigation could negatively impact the disputing parties and other family members. The following key points emerge from this provision:

- Hearings may not be adjourned for more than three days. If an adjournment beyond this period is necessary, the judge must justify the delay with valid reasons.
  - Misdemeanor cases in which a settlement has not been reached, has been rejected, or has not been approved must be resolved within three months from the date the case file is received by the court registry.
  - The provision does not specify an adjournment period for felony cases or a maximum duration for their resolution.
- **Use of Modern Technology in Hearing the Testimony of Domestic Violence Victims:** Article 12 of the DVPL states:

*“The public prosecutor or the competent court shall use modern technology if necessary, where available, to protect the victim who is under eighteen years old or a juvenile witness during the procedures for hearing testimony, discussion, and confrontation, provided that these means allow the opposing party to cross-examine the juvenile or witness during the trial.”*

This provision allows courts to hear the testimony of domestic violence victims or witnesses under the age of eighteen using modern technology when necessary. However, in practice, courts frequently allow the use of modern technology in domestic violence cases regardless of the victim’s or witness’s age. Furthermore, the provision does not prohibit courts from using modern technology in accordance with Regulation No. 96 of 2018 on the Use of Modern Technology in Criminal Procedures, which permits the use of such technology for testimony, even when the witness is over eighteen years old.

## IX. Protection Orders

The Domestic Violence Protection Law (DVPL) includes several procedures and mechanisms aimed at providing immediate protection to victims of domestic violence and preventing the continuation or escalation of violence. Among these measures, protection orders hold particular importance. Therefore, analyzing the legislative framework governing these orders is essential. This analysis will begin with general observations on how the law addresses protection orders, followed by a detailed examination of the provisions outlined in Article 16 of the law.

### Observations on How the Law Addresses Protection Orders

- The law does not explicitly define protection orders in Article 2, despite these orders being a core component of the DVPL, with the law itself deriving its name from them. Additionally, protection orders were a novel legal instrument at the time of the law’s enactment, as no previous criminal legislation had recognized or addressed them. Therefore, it would have been more effective for the legislator to define these orders clearly. Such a definition would help establish their legal nature and scope, assisting judges in creating new orders under the authority granted to them by the law, ensuring that any measures imposed align with the intended purpose of protection orders.
- The law dedicates only one article to defining the legal provisions related to protection orders and another article to imposing penalties for their violation. Despite the novelty of the law and the protection orders it introduces, when it was enacted and came into force, the legislator should have allocated multiple articles to outline essential and detailed provisions ensuring the effective implementation of these orders. For comparison, the law devotes approximately seven articles to settlement procedures out of a total of 24 articles, whereas the Tunisian **Organic Law No. 58 of 2017 on Eliminating Violence Against Women**, enacted on August 11, 2017, includes nearly nine articles specifically addressing protection orders.

- In addressing protection orders, the law extends beyond the boundaries of a criminal case in terms of involved parties. Typically, the parties to a criminal case are the complainant and the accused. In domestic violence cases, they are the victim (the person subjected to domestic violence as defined by the law) and the perpetrator. However, Article 16 allows any family member, as defined in Article 3, to request a protection order if they meet the eligibility criteria, even if they have not been directly harmed by the perpetrator but face a potential risk. Thus, the law enables these individuals to submit an independent request to the competent court or verbally request a protection order during trial proceedings, such as while testifying in a domestic violence case.
- The law does not specify which court has jurisdiction to issue protection orders but refers to the “**competent court.**” In judicial practice, these orders are issued by the **Magistrate Court** while handling domestic violence misdemeanor cases. However, **the Grand Criminal Court and the Court of First Instance in its criminal capacity do not issue these orders**, effectively preventing their use in serious domestic violence cases classified as felonies.
- Unlike the measures outlined in Article 11 of the law, which require the judge to base their decision on a **psychosocial report**, the law does not mandate the involvement of psychological and social specialists in protection orders.
- The protection orders defined in Article 16 focus on the **victim** or any **family member**, aiming to provide direct protection through restrictions on the perpetrator, including:
  - Prohibiting contact with or harassment of the victim or family members.
  - Prohibiting the perpetrator from approaching the victim’s or family members’ residence.
  - Preventing damage to the victim’s or family members’ personal property.
- **Jurisdiction Over Protection Orders:** Article 16 of the DVPL designates the **competent court** as the authority responsible for issuing protection orders. The term “**competent court**” refers to judicial panels assigned to domestic violence cases, meaning that the same court handling a domestic violence case is also responsible for issuing protection orders. Accordingly, protection orders should be issued by the **Magistrate Court, the Court of First Instance, or the Grand Criminal Court**, depending on the nature of the domestic violence case. Furthermore, the offense for which a protection order is sought must be classified as a **crime against individuals**, meaning that **protection orders cannot be issued for financial crimes**.
- The law does not specify a **time frame** for requesting a protection order. In **Lebanon**, however, a complaint must be filed, and the complainant can obtain a copy of the complaint report and its reference number to present to the emergency judge for a protection order **within 48 hours** of filing the complaint.
- A protection order request may be submitted at any stage of the **preliminary investigation or trial**—whether at the start of the public prosecutor’s investigation, during the investigation process, or even after its completion but before referring the case to court. The law does not set a specific point during the trial when a request must be submitted, meaning that it can be filed at the beginning of the trial, during hearings, or even after evidence presentation but before the final ruling, provided the victim requires protection.
- However, a protection order **cannot be requested after the final ruling** in a case, as its primary purpose is to provide immediate protection during the legal proceedings. Once a final judgment is issued, the need for such an order ceases to exist.

#### **Key Observations on Protection Orders Under Article 16**

- **Non-contact orders:** The order prohibits the perpetrator from contacting or harassing the victim or inciting others to do so.

- **Residence exclusion orders:** The order prevents the perpetrator from approaching the victim's residence, whether permanent or temporary, regardless of ownership. However, the law does not specify time or location restrictions for this order, nor does it extend protection to the **victim's workplace**, which may be essential in many cases.
- **Protection of personal property:** The order safeguards the victim's and family members' personal property, including **real estate, movable assets, and personal belongings**, whether inside or outside the home. The request for property protection can be made by any family member, not just the victim.
- **Access to personal belongings:** The law allows the victim or their representative to enter the family home, accompanied by a **Family Protection Department officer**, to collect personal belongings.
- **Judicial discretion:** The law grants the court broad discretionary authority to issue any additional orders deemed necessary to protect the victim or individuals at risk. However, the law **expands this scope to individuals outside the family**, potentially leading to overly broad interpretations.

### Implementation and Enforcement of Protection Orders

- The law does not explicitly designate the **Family Protection Department** as the authority responsible for enforcing protection orders. However, given the law's objectives, the department is **implicitly responsible** for their enforcement. In cases where a protection order is issued as part of a **criminal judgment**, the **sentence enforcement judge** is responsible for ensuring compliance.
- Article 17 of the law imposes **penalties for violating protection orders**, but these penalties are **less severe than those for violating settlement measures**, reducing their effectiveness as a deterrent. Additionally, the law **does not specify which court has jurisdiction** over protection order violations. Consequently, these cases are generally handled by **Magistrate Court judges rather than specialized domestic violence judges**, even when the violation occurs **during an ongoing domestic violence case**. It would be preferable to **grant exclusive jurisdiction over protection order violations to domestic violence judges**.

### Final Considerations on the DVPL and Legislative Amendments

Many of the general and specific observations on the DVPL may require **legislative intervention** to amend and clarify its provisions and address existing gaps. However, it is important to emphasize that law enforcement agencies **do not merely execute legal texts**; they serve as **strategic partners** in developing legislation and ensuring justice. Through **practical application and collaboration with legislative and judicial authorities**, these agencies can **mitigate the impact of legislative shortcomings** and contribute to the creation of a **more comprehensive and efficient legal system**. This can be achieved by applying **interpretative principles** such as the "**best interests of the family**" and the "**victim-centered approach**" or by **issuing practical guidelines** to ensure optimal enforcement of the law and reduce ambiguities.

*"A poorly drafted law applied effectively is better than a well-drafted law applied poorly."*





# Section Two: Challenges in the Practical Application of the Family Protection Law

## 1. Introduction

As discussed in the first section, which analyzed the legislative provisions of the Family Protection Law, understanding the practical challenges associated with its implementation is crucial. These challenges raise several questions and legal dilemmas at every stage of a criminal case related to domestic violence.

While legislative shortcomings or gaps may require amendments to laws and regulations governing domestic violence cases, such modifications must follow constitutional procedures or necessitate the issuance of regulations and instructions under the law to ensure its enforcement. Either of these processes is often complex and difficult to execute.

From a practical perspective, despite the challenges faced by entities dealing with domestic violence cases—challenges that often have a direct and significant impact on victims—overcoming these obstacles presents an opportunity to achieve tangible and effective results. Many of these challenges can be addressed by developing and improving existing policies and procedures while adhering to the legislative intent and fundamental principles of the law, particularly the victim-centered approach and the best interests of the family.

On the other hand, numerous challenges hinder the activation and enforcement of the Family Protection Law. These challenges are not solely linked to the legal framework governing the protection system but also include external challenges related to the broader societal and cultural environment, as well as internal challenges concerning law enforcement entities handling domestic violence cases. Identifying these challenges is essential for understanding the barriers to effective law enforcement and for developing policies and practical solutions that strengthen protection for vulnerable groups and foster a social and legal environment that rejects all forms of violence.

This section presents the key external and internal challenges that impact the practical enforcement of the Family Protection Law.

## 2. External Challenges

Family protection laws serve as essential tools for promoting human rights and ensuring social security. However, their implementation faces numerous external obstacles that hinder the achievement of their full objectives. These challenges span social, cultural, and economic factors, affecting society as a whole and making it difficult to provide complete protection for victims and hold perpetrators accountable. Below are the most significant external challenges:

### 2.1 Culture of Silence

The phenomenon of victims remaining silent and refraining from reporting or disclosing domestic violence is one of the major obstacles to the effective application of the law. Domestic violence is often viewed as socially acceptable, falling under the right of discipline for guardians. Some believe that a victim's acceptance of violence is part of their role within the family, as dictated by societal traditions and customs.

Several factors contribute to this culture of silence, including:

- **Lack of trust** in the ability of the legal system to provide adequate protection or stop the violence.

- **Reluctance to seek protection services** due to skepticism about their effectiveness in preventing further abuse.
- **Limited knowledge of legal and administrative procedures**, making it difficult for victims to navigate the system.
- **Bureaucratic complexities** in dealing with relevant institutions, discouraging victims from reporting.
- **Legal illiteracy**, where victims are unaware of the legal frameworks designed to protect them, relying instead on personal experiences or misinformation.

Numerous civil society organizations that provide support to domestic violence victims have highlighted this issue in focus group discussions held for the preparation of this paper. Many victims, particularly women, who approach these institutions for assistance lack awareness of the legal or practical options available to stop the violence. They often do not have a clear decision about what they want or do not want, making it more difficult for these institutions to provide effective legal counseling services. Victims need to be informed of their options to ensure they can make an informed decision about the legal or administrative procedures they wish to pursue.

## 2.2 Limited Access to Information and Awareness

Studies and opinion surveys indicate that traditional and modern media play a crucial role in raising awareness about domestic violence. Television, the internet, and social media—along with newspapers and magazines—are primary sources of information.

However, there is a notable lack of official and reliable platforms that provide accurate information about the Family Protection Law and the procedures for filing complaints. The absence of dedicated websites managed by the Ministry of Justice, the Family Protection Department, or the National Council for Family Affairs has led to the spread of misinformation.

To address this, it is essential to establish specialized electronic platforms that provide comprehensive and accurate information about the law, available services, and the mechanisms for accessing them. These platforms should also include a FAQ section to ensure that victims can easily obtain the correct information, thereby enhancing their confidence in the legal system and its ability to protect them.<sup>26</sup>

26. It is worth mentioning the "[Know More! About Prevention and Protection from Violence](#)" platform on the website of the Jordanian National Commission for Women. The platform aims to raise awareness of the forms of violence and define them, providing simplified examples of assaults that women may be exposed to. It includes a guide to providers of violence protection services, with phone numbers of many institutions and associations classified according to the type of assistance or advice provided, and a prepared guide (video) in sign language. The platform also provides a number of frequently asked questions, which were prepared in cooperation with the Justice Center for Legal Assistance and the FPJD. The platform also works to raise legal awareness by including the laws and legislation that are relied upon in Jordan to ensure the protection of abused women and girls. It is worth mentioning that Her Excellency the Secretary-General of the Jordanian National Commission for Women, Engineer Maha Ali, announced the launch of this platform during a meeting to coordinate national efforts in preparation for the launch of the activities of the (16-day) campaign to combat violence against women and girls, which was held under the patronage of Her Royal Highness Princess Basma Bint Talal in Dec 2024.



## 2.3 Economic Barriers and the Feminization of Poverty

One of the significant reasons victims refrain from reporting domestic violence is economic dependency. The concept of “feminization of poverty” highlights the economic barriers that prevent women from escaping abusive situations, including:

- **Limited economic opportunities for women**, restricting their financial independence.
- **Gender inequalities in economic power**, leading to unequal access to financial resources.
- **Unpaid labor disparities**, with women shouldering the burden of unpaid domestic work.
- **Lack of financial and technological support for women’s businesses**, limiting their ability to achieve financial independence.
- **Inequalities in land ownership, access to credit, and labor market participation**, which leave many women financially dependent on their abusers.

As a result, many victims are forced to remain in abusive relationships due to a lack of alternative financial resources.<sup>27</sup>

## 2.4 Cultural Attitudes Among Service Providers<sup>28</sup>

Working with domestic violence victims requires a high level of sensitivity, empathy, and a deep understanding of the dynamics of abuse and its psychological and social effects. Therefore, the selection of professionals in this field must be carried out meticulously, ensuring that those who interact with victims are equipped to provide appropriate support.

Service providers—whether from law enforcement, healthcare, or social services—often reflect the societal norms of the communities they serve. Many of them are influenced by prevailing cultural and social beliefs regarding gender roles and family dynamics. These attitudes can significantly impact how they treat victims.

Examples of harmful attitudes among some service providers include:

- “Domestic violence is a private family matter.”
- “Forgiveness is better than divorce.”
- “The victim is responsible for the violence.”
- “Reporting abuse might make things worse.”
- “Physical discipline is an acceptable form of punishment.”
- “Men do not change.”
- “Poverty and lack of education justify domestic violence.”
- “Women exaggerate their stories.”

Such deep-seated beliefs negatively affect the quality of services provided and undermine victims’ confidence in the legal and social systems.

To counteract these biases, it is crucial to implement:

- Training programs for professionals to correct misconceptions about domestic violence.

27. Statistics issued by the Department of Statistics in 2021 indicate that 16% of Jordanian women have bank accounts, and - 69% of microfinance clients are women - women constitute 21% of credit card holders, 19% of bank debtors, women constitute 44% of individuals investing in the Amman Financial Market, but the value of women’s contributions is only 24% of the total cash value of all shares.

28. IRCKHF, Focus Group Discussion, Civil Society Representatives, Amman, Jordan, Dec 2024.



- Awareness campaigns to promote a victim-centered approach in service delivery.
- Recruitment processes that prioritize individuals genuinely committed to justice and equality.
- Regular evaluations of service providers to ensure they uphold professional and ethical standards.

By addressing these challenges, law enforcement agencies, social workers, and healthcare providers can ensure a supportive and respectful environment that encourages victims to seek help without fear of blame or skepticism.

## 2.5 Infrastructure and Geographic Distribution of Facilities Providing Services to Domestic Violence Survivors<sup>29</sup>

A balanced distribution of facilities that provide services to domestic violence survivors is one of the most crucial factors in reducing pressure on facilities in major cities. This contributes to improving service quality and expediting procedures, enhancing the ability of relevant authorities to respond swiftly to domestic violence cases, particularly for residents of remote or impoverished areas who often lack transportation funds.

Despite ongoing efforts to expand the geographic coverage of family protection services, some areas still lack branches of the Family Protection and Juvenile Department. This presents a significant barrier to survivors seeking protection. In many cases, survivors are forced to turn to regular police stations, which often declare that they lack jurisdiction over domestic violence cases. As a result, survivors may abandon their complaints or fail to pursue legal action. Even when cases are referred to the Family Protection Department, survivors face difficulties reaching the nearest branch due to:

- **Long distances** between their place of residence and the relevant department.
- **Social and cultural barriers** that limit their ability to travel freely.
- **Financial constraints** that prevent them from affording transportation.

These challenges often lead survivors to **give up on seeking protection altogether**.

## 2.6 Shelters for Domestic Violence Survivors<sup>30</sup>

The Ministry of Social Development has established five shelters to provide protection, care, and accommodation for women and girls at risk whose lives are in imminent danger. These shelters include:

- Dar Al-Wifaq Al-Usari (Family Reconciliation House) – Amman
- Dar Al-Wifaq Al-Usari – Irbid
- Dar Al-Wifaq Al-Usari – Aqaba
- Dar Amina
- Dar Karama

These shelters offer high-quality care services, in addition to rehabilitation and reintegration programs. There is also a shelter for girls in need of care and protection and other facilities run by civil society organizations, including the shelter managed

29. United Nations Population Fund (UNFPA). (2020). Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States: Jordan. CARE International. (2022). CVA-GBV Case Management in Jordan.

30. Abu Sarhan, T. M. (2019). Family Protection Department (FPD) in Jordan: The Legal Arm to Protect Women and Children from Violence, Exploitation, and Abuse. Journal of Humanities & Social Sciences. US State Department (2023). Country Reports on Human Rights Practices: Jordan



by the Women's Union. Additionally, temporary guest houses have been established for abused women in SOS Children's Villages.

Despite the importance of these shelters for women at risk of violence, their number remains limited, and their distribution is inadequate across different regions of the country. The shelters are primarily concentrated at the regional level, meaning that many governorates lack access to them, creating additional obstacles for women in need of protection. Furthermore, many of these shelters operate beyond their capacity, leading to strained resources and services.

This unequal geographic distribution, along with the limited number and capacity of shelters, poses serious challenges for women facing domestic violence. In many cases, authorities resort to placing female survivors in correctional and rehabilitation centers, where their freedom is restricted, and they are treated as criminals rather than victims. This practice is justified under the pretext of ensuring their safety, particularly in cases where women are classified as "at risk" due to severe threats to their lives or their refusal to seek shelter services.

This situation underscores the **urgent need** to:

1. **Expand the infrastructure** for protection shelters.
2. **Increase the number of shelters** to meet growing demand.
3. **Ensure fair geographic distribution** of shelters across all governorates.
4. **Enhance service quality** while ensuring that **survivors are treated with dignity and respect**, rather than being **further victimized by the system**.

### 3. Internal Challenges

The implementation of the DVPL is a crucial step in safeguarding individuals from all forms of abuse and promoting social justice. However, ensuring the effective enforcement of this law faces several internal challenges related to institutional infrastructure, human resources, and procedural mechanisms within the relevant institutions.

Addressing these internal challenges is essential to establishing a legal and institutional framework capable of protecting survivors and holding perpetrators accountable, ultimately contributing to the development of a safer and more stable society.

#### 3.1 Challenges Related to the Institutional Structure of Entities Handling Domestic Violence Cases

The effectiveness of the DVPL depends largely on the coordination between various institutions responsible for handling domestic violence cases. However, several structural challenges hinder the law's proper enforcement.

One of the most significant challenges is the lack of coordination between the different entities involved, leading to overlapping roles or gaps in implementing preventive measures and ensuring immediate protection. Additionally, the shortage of trained specialists in handling domestic violence cases weakens institutions' ability to provide a comprehensive and integrated response. Some institutions also lack sufficient financial and technical resources to develop essential services, including shelters, victim support units, and rehabilitation programs.

##### 1. Merging the Family Protection and Juvenile Police Departments

The Family Protection Department (FPD) was established in 1997 as a section within Shmeisani Police Station and later became an independent department in 2003. The Juvenile Police Department was created in 2011 and began operations in 2012. However, in 2021, both departments were merged into the Family Protection and Juvenile Department (FPJD).

This merger has presented significant challenges, as the two departments operate under different legal frameworks with distinct objectives. The primary differences include variations in their jurisdiction, the procedures and conditions related to dispute settlements, and the mechanisms for imposing protective measures.<sup>31</sup>

## 2. Involvement of Other Entities in Preliminary Investigations

Although the FPJD is the only entity legally mandated to conduct preliminary investigations into domestic violence cases, in practice, this responsibility is often shared with other departments. Cases of family-related homicides, which are a form of domestic violence, fall under the jurisdiction of the Criminal Investigation Department rather than the FPJD. Similarly, some general police stations conduct investigations into domestic violence cases involving physical assault, rather than referring them to the FPJD, despite the requirement to do so under Article 6(A) of the Domestic Violence Protection Law.

Additionally, if the perpetrator is a juvenile, the case is automatically referred to the FPJD, even if the crime does not qualify as domestic violence. Survivors often file complaints directly with the judiciary, either in court or with public prosecutors, instead of reporting them to the FPJD, which limits their access to social and psychological support services and alternative dispute resolution mechanisms. Judicial precedents indicate that once a case is formally registered in a Conciliation Court, it can no longer be referred back to the FPJD, further restricting survivors' access to specialized assistance.<sup>32</sup>

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31. The specialized jurisdiction of the FPJD includes the following crimes:
- Sexual assaults against children, whether the perpetrator is from within or outside the family.
  - Cases of sexual assault against adults, both male and female, without their consent, whether the perpetrator is from within or outside the family, and whether it occurred directly or through electronic means.
  - Domestic violence and neglect against children when the perpetrator is from within the family.
  - Physical abuse against adult females when the perpetrator is from within the family.
  - Physical abuse against persons with disabilities when the perpetrator is from within or outside the family or by caregivers in care homes during the person's stay there.
  - Suicide and attempted suicide related to domestic violence or sexual assault, through care, follow-up, and social and psychological support for survivors of suicide attempts.
  - Cases of kidnapping and attempted kidnapping of women and children associated with sexual assault.
  - Cases of sexual exploitation of children through electronic means.
  - Cases of marital infidelity.
  - Cases of adultery.
  - Juvenile delinquents in conflict with the law, with the exception of cases of specialized jurisdiction (drugs and terrorism), and children in need of protection and care.
32. In the decision of the Irbid Court of First Instance in its appellate capacity No. 5793/2023: After the court of first instance completed the litigation procedures therein, it issued on 8/6/2023 an in absentia decision against the defendant, the respondent, which stipulates the following: (Upon reviewing the case file, its attachments, and the evidence submitted therein, the court finds that the subject of this complaint is domestic violence and falls under the exclusive jurisdiction of the Family Protection Department to investigate, investigate, conduct conciliation proceedings, and all that is stipulated in the Law on Protection from Domestic Violence of 2017) for Articles (4, 5, 6, 7, 80, 9, 10, and 11). Accordingly, the court decides to refer the case file as it is to His Excellency the Public Prosecutor of Bani Obaid to take the necessary legal action and to address the Family Protection Department regarding this incident before referring it to the court.
- The Irbid Public Prosecutor was not satisfied with this decision and filed an appeal with our court for the reason stated in the appeal brief. Regarding the reason for the appeal, which is that the court violated the interpretation and the legislator's intent in the provisions of Article Six of the Law on Protection from Domestic Violence, as the intended parties that the legislator obligated to refer any complaint or report about a case of domestic violence to the Family Protection Department are any competent authority except the regular judicial authorities. In response to this, we find, upon reviewing the documents of this case, that the court of first instance should have considered the case and made a final decision on its subject matter, as it is competent to do so, and that referring the dispute to administrative bodies is not the duty of the court, as it is the authority having jurisdiction in this matter as long as the case is before it. Therefore, its conclusion is contrary to the provisions of the law and its decision is subject to rescission.



### 3. Challenges at the Preliminary Investigation Stage

The immediate response process begins as soon as the FPJD receives a case, whether in person or via phone. Cases are recorded, cross-checked against existing records, and classified based on priority levels before an immediate response is initiated.

#### Key Practical Challenges

##### - Methods of Reporting Domestic Violence Cases

While filing a complaint is the primary means for survivors to seek protection, many victims choose to file cases directly with courts or public prosecutors rather than with the FPJD. As a result, they are unable to access essential services such as psychosocial support or alternative dispute resolution mechanisms.<sup>33</sup> Many survivors also rely on referral officers or service providers to report their cases, as they may lack confidence in interacting with law enforcement officials. Others change their minds after filing complaints and withdraw their cases before legal proceedings begin.

##### - Challenges in Filing Complaints

Some FPJD officers may improperly question victims or seek details outside their jurisdiction, violating survivors' privacy. Additionally, many women hesitate to report abuse due to pending legal restrictions, including outstanding financial claims, unpaid loans, bounced checks, or legal disputes in Sharia courts, such as child custody and visitation rights.<sup>34</sup>

##### - Access to Medical Care for Victims

Under Article 6(4) of the law, victims must be transferred to hospitals if medical care is required. However, some FPJD offices lack 24-hour medical services, forcing victims to seek treatment at external hospitals, incurring transportation costs and paying for medical reports. The lack of prioritization for domestic violence survivors in healthcare facilities often results in long waiting times, causing some victims to abandon their complaints altogether.

##### - Shortage of Psychosocial Support Specialists

Social and psychological services for domestic violence survivors within the FPJD are provided by the Ministry of Social Development, rather than law enforcement personnel. This results in a lack of available specialists outside regular working hours, delays in providing urgent psychological first aid, and inconsistencies in differentiating between social workers and psychologists, which affects the quality of services.

##### - Safe Shelter for Adult Victims

The law requires that survivors be transferred to safe locations in coordination with the Ministry of Social Development. However, the process currently requires approval from the administrative governor, adding bureaucratic obstacles. Many survivors refuse protection due to cultural or family pressures or because they do not trust administrative authorities.

The limited number and uneven geographic distribution of shelters present additional challenges, particularly for women in remote areas. In some cases, women are sent to correctional facilities instead of shelters, where they are detained rather than protected.

33. This is what was confirmed by the judges participating in the focus group session regarding the inability to refer the case to the FPJD after it has been registered. IRCKHF, FGD with Public Officials and Judges, Amman, Jordan Dec 2024.

34. IRCKHF, FGD with civil Society organizations, Amman, Jordan, Dec 2024.

## - Legal Restrictions on Shelter Admission

Some women are denied access to shelters due to eligibility criteria such as age restrictions or prior criminal records. Furthermore, the limited availability of shelters makes access difficult for survivors in rural or marginalized communities. Many survivors who do enter shelters are reluctant to leave when their designated stay period ends, as they lack alternative safe housing.<sup>35</sup>

## - Absence of Legal Aid

In many cases, survivors are denied access to legal representation during FPJD investigations due to the absence of formal legal authorization. The lack of private spaces for meetings between survivors and their lawyers also limits access to legal counsel.<sup>36</sup> Additionally, many verbal abuse and defamation cases go unprosecuted because survivors are unaware of their right to file a civil claim or cannot afford the required legal fees.

## 3.2 Practical Challenges in the Preliminary Investigation Stage of Domestic Violence Cases

Numerous practical challenges arise concerning the role of public prosecutors during the preliminary investigation stage in domestic violence cases, which can be summarized as follows:

### 1. Difficulty in Proving Domestic Violence Crimes

The primary function of the public prosecutor is to track down offenders, gather evidence against them, and refer them to court.<sup>37</sup> However, domestic violence cases present unique challenges in evidence collection. The perpetrator is often in close proximity to the victim, such as a father, brother, husband, or son. These crimes typically occur within the home, making it difficult to obtain independent witness testimonies. Even when other household members are aware of the abuse, they often choose to remain silent, either to avoid involvement or because they do not perceive the act as a crime but rather as a disciplinary right.

Despite Article 153 of the Criminal Procedures Law (CPL) stipulating that witnesses cannot refuse to testify during the trial stage, this provision does not apply to preliminary investigations. Nonetheless, courts may exclude such testimony based on the principle that judges must rely only on evidence presented and debated during public hearings (Article 148 of the CPL). Consequently, this limits the prosecutor's ability to build a strong case, making it more challenging to prove domestic violence offenses.

### 2. Assignment of Public Prosecutors for Domestic Violence Cases

Although the Domestic Violence Protection Law does not explicitly mandate the appointment of specialized prosecutors for domestic violence cases, the Judicial Council has designated several public prosecutors in certain courts to handle such cases. However, a review of these assignments reveals that female prosecutors are significantly underrepresented compared to female judges presiding over family-related cases. Additionally, some courts—such as the Grand Criminal Court—lack designated domestic violence prosecutors, which may make victims feel alienated, uncomfortable, or hesitant when providing testimony. This, in some cases, may result in the victim being perceived as an unreliable witness or even facing accusations of perjury.

35. Paragraph (c) of Article 10 of the Regulation on Shelters for Women at Risk No. 171 of 2016 stipulates the following obligations for the shelter: Not receiving those with criminal records and repeat entrants to rehabilitation and reform centers for committing other crimes. This regulation outlines the criteria for who can and cannot be admitted to shelters for women at risk in Jordan. Specifically, it states that women with prior criminal convictions or those who have repeatedly been in rehabilitation centers for committing crimes are not eligible for admission. This may be due to concerns about the safety and well-being of other residents in the shelter or the specific needs and focus of the shelter's services.
36. Documenting the lessons learned through the implementation of the Informed Consent Project, Justice Center for Legal Assistance, 2024.
37. Article 17, Criminal Procedures Law.





Another challenge in prosecutorial specialization arises from the nature of the public prosecutor's role, which requires round-the-clock availability. To ensure continuous coverage, prosecutors work on a rotating shift schedule, including weekends and public holidays. As a result, on-duty prosecutors who may not be specialized in domestic violence cases often handle such cases. This highlights the critical need for all prosecutors to undergo basic training on handling domestic violence cases, rather than limiting specialized training to those formally assigned to these cases.

### **3. Infrastructure of Public Prosecution Facilities**

The lack of private spaces in public prosecution offices poses a significant challenge. Victims and perpetrators may find themselves in the same waiting areas, often alongside other family members, who may pressure the victim into withdrawing their complaint or withholding evidence. Additionally, many public prosecution offices lack dedicated waiting areas for victims and children, leading to prolonged waiting times, discomfort, and, in many cases, victims abandoning their complaints before proceedings even begin.

### **3.3 Challenges Related to Settlement Procedures in Domestic Violence Cases**

Alternative dispute resolution through settlement procedures is a key feature of the Domestic Violence Protection Law, aimed at resolving domestic violence disputes outside the traditional judicial process. However, the practical implementation of these procedures raises several concerns:

#### **1. Legal and Procedural Challenges in Settlement Eligibility**

While the law permits settlements in misdemeanor cases but not in felony cases, practical difficulties arise in determining whether an offense qualifies as a misdemeanor or a felony. Some offenses fall into legal gray areas, making it difficult for non-legal professionals, such as Family Protection Department officers, to correctly classify them. Consequently, a settlement may be arranged for an offense later determined to be a felony, creating legal complications when the case reaches the judge. This underscores the critical role of the settlement judge in reviewing and approving settlement agreements. However, judges lack the authority to conduct settlements themselves or oversee the negotiation process.

In addition, determining whether a specific domestic violence case is suitable for settlement requires an objective evaluation, often through psychosocial assessments conducted by social workers or psychologists. However, an examination of the standard settlement assessment report used by the Family Protection Department reveals that it focuses primarily on the perpetrator rather than the victim, despite the fact that both parties should be included in the evaluation. Furthermore, many Family Protection Department offices lack dedicated psychologists, and even in locations where psychologists are available, their working hours are limited to regular office hours only.

#### **2. Ensuring Informed Consent in Settlements**

In many cases, victims may not fully understand the implications of agreeing to a settlement. Their consent may be given under pressure, without being fully informed of the legal consequences. Furthermore, offenders may not genuinely intend to change their behavior, leading to repeated cycles of violence.

To address this issue, it is crucial to:

- Ensure that victims are fully informed of their rights and the potential consequences of settlement agreements.
- Recognize that victims—particularly women and children—may agree to settlements due to external pressures, such as economic dependency, family coercion, or cultural stigma.
- Require the presence of social workers or psychologists during the settlement process to assess risk factors and determine whether the case is suitable for settlement.

- Grant judges the authority to reject settlement agreements if they fail to protect the victim's interests or if the perpetrator's commitment to change is doubtful.

### **3. Arbitrary Reassignment of Settlement Officers**

In practice, settlement officers may be reassigned during the settlement process, either due to staff rotations, transfers, or shift changes. This disrupts the continuity of the process and may negatively affect victim-offender dynamics.

The settlement process relies heavily on building trust between the settlement officer and the disputing parties. When an officer is replaced without justification, this may:

- Undermine the victim's confidence in the process.
- Disrupt any progress made in mediation and negotiation.
- Result in emotional and psychological distress for both parties.

To enhance the effectiveness of domestic violence settlement procedures, it is essential to ensure that settlement officers remain consistent throughout the process, unless there is a compelling reason for reassignment.

## **3.4 Challenges in the Trial Stage of Domestic Violence Cases**

Numerous procedural challenges arise in courts when handling domestic violence cases, which can be categorized as follows:

### **1. Designating Specialized Judicial Panels for Domestic Violence Cases**

A key advancement in the domestic violence legal framework has been the introduction of judicial specialization for handling domestic violence cases. Judges have been assigned to adjudicate such cases in all courts across the country. However, this designation remains insufficient in achieving the intended goal, as criminal judges handle domestic violence cases alongside their other duties, rather than within dedicated family violence courts, as is the case for juvenile courts.

As a result, victims find themselves in general criminal courts, which lack specific measures to ensure their privacy, such as specialized waiting areas or separate scheduling of sessions. Moreover, no system exists to distinguish domestic violence case files from other criminal cases, which forces victims to wait their turn according to the standard case docket system, often for extended periods.

Additionally, courts do not have child-friendly spaces, despite the fact that judges often transition from reviewing standard criminal cases to handling highly sensitive domestic violence cases, which require focused attention and ample time—both of which are often unavailable due to high daily case volumes.

This situation exacerbates victims' feelings of guilt, as they may perceive that the judge has not given them sufficient attention to express their concerns and needs. The long waiting times, combined with work and childcare responsibilities, have led many victims to withdraw their cases, even when they know that doing so is not in their best interest. The psychological and social pressures on victims are significant, and if the legal system does not account for these challenges, victims may ultimately abandon legal proceedings, despite knowing they will likely return to the same abusive conditions.

### **2. Absence of Domestic Violence Law Application in First Instance and Criminal Courts**

The Judicial Council has treated the Domestic Violence Protection Law as applicable only to misdemeanor cases, which fall under the jurisdiction of the Magistrate's Court. Consequently, judges have been designated to handle domestic violence cases at the magistrate level, but no special judicial panels have been assigned to handle felony-level domestic violence cases in criminal courts or the Grand Criminal Court.





Moreover, the Grand Criminal Court does not apply the domestic violence law, particularly concerning the requirement for closed-door hearings. In Court of Cassation Ruling No. 766/2022, the court ruled:

*“With regard to the first reason, the appellant argued that the court erred by failing to apply the provisions of Article 18 of the 2017 Domestic Violence Protection Law, which mandates complete confidentiality in all domestic violence proceedings. The court, however, conducted the trial publicly, which constitutes a fundamental procedural flaw and renders the proceedings void. In reviewing felony-level domestic violence cases, it is found that Article 18 of the law applies only to domestic violence cases that fall directly under its provisions and are referred to court under its authority. Since this case does not fall within those parameters, the appellant’s argument is rejected.”*

Additionally, criminal cases referred by the Public Prosecutor’s Office are registered in the general criminal case registry, rather than a separate registry for domestic violence cases. This means that all case data is entered into the “Mizan” electronic case management system without any special safeguards to ensure confidentiality. As a result, sensitive victim information remains accessible without clear policies restricting access, thereby violating the principle of confidentiality, which is a core component of the Domestic Violence Protection Law.

### **3. Procedural Barriers to Filing Domestic Violence Complaints**

For certain domestic violence-related offenses—such as defamation, slander, and insult—the law requires victims to file a personal civil claim and pay legal fees before the complaint can proceed to court. Failure to do so results in the mandatory dismissal of the case.

In practice, many victims—particularly women—are unaware of this procedural requirement, leading them to mistakenly believe that they have formally filed a complaint. Consequently, they are often shocked to learn that their case has been dismissed due to failure to initiate a personal claim. The lack of legal aid and support for victims further exacerbates this issue, as many do not have the financial means to pay court fees.

### **4. Failure to Uphold Confidentiality in Court Proceedings**

Although the Domestic Violence Protection Law explicitly mandates that all domestic violence cases be handled with complete confidentiality, the law does not impose penalties for failing to adhere to this requirement.

While some judges formally note in court records that the trial is being conducted in a closed session, reports from victims indicate that, in practice, many domestic violence hearings are held publicly. This has led to several consequences:

- Victims may abandon their complaints, leading to case dismissal for non-prosecution.
- Victims may refuse to testify, allowing perpetrators to evade punishment.
- Fear, hesitation, or embarrassment prevents victims from presenting their full evidence, particularly in cases involving sexual violence.

## **3.5 Practical Challenges Related to Protection Orders**

A key feature of domestic violence court proceedings is the ability of courts to issue protection orders, which provide immediate safety measures for victims pending the final resolution of their case. However, obtaining a protection order under Article 16 of the Domestic Violence Protection Law presents several legal and procedural difficulties:



## 1. Linking Protection Orders to a Formal Complaint

The law provides several mechanisms to ensure victim safety and prevent further violence, most notably protection orders. However, the practical implementation of these orders has created a barrier for victims:

- Although the law does not explicitly require the filing of a formal complaint to obtain a protection order, in practice, courts only grant such orders if the victim has filed a formal complaint.
- Many victims seek protection without wanting to initiate a formal legal complaint, especially in the early stages of abuse.
- The primary goal of the Domestic Violence Protection Law is to ensure victim safety, which should not be contingent on filing a formal complaint.

Therefore, clear procedural guidelines must be established to allow victims to access protection orders without being required to file a criminal complaint.

## 2. Timing Issues in Requesting Protection Orders

Court rulings show discrepancies in how protection orders are issued:

- Some courts issue protection orders during or before trial, while others only issue them as part of the final ruling.
- If a protection order is issued before or during trial, it is not subject to appeal because it is not classified as a final court decision under Article 257(2) of the Criminal Procedure Law.
- However, if a protection order is issued as part of the final ruling, it becomes appealable.

This inconsistency creates procedural confusion, as victims should not be denied the ability to appeal protection orders simply based on timing.

## 3. Who Can Request a Protection Order?

In some cases, victims are unable to request protection orders themselves, such as:

- Children who are not legally competent to file a request.
- Elderly individuals, persons with intellectual disabilities, or individuals with mental illnesses.

Despite this, the law does not authorize the FPDJ to submit a request for a protection order on behalf of such vulnerable individuals, making it difficult for them to access legal protection.

## 4. Responsibility for Enforcing Protection Orders

If a protection order is issued as part of a final criminal ruling, questions arise regarding who is responsible for enforcement:

- Should the sentence enforcement judge oversee protection order enforcement?
- Should the FPJD be responsible?

Given the preventive nature of protection orders, they should logically fall under the Family Protection Department's jurisdiction, ensuring swift and effective enforcement.

Additionally, courts should require regular progress reports on protection order enforcement, to ensure compliance and continued victim safety.



## Section Three: Recommendations for the Effective Implementation of the Domestic Violence Protection Law

The DVPL serves as a fundamental legislative tool aimed at safeguarding individuals within the family and protecting them from all forms of violence, including violence perpetrated by one family member against another. However, achieving the intended goals of this law requires comprehensive and practical implementation that goes beyond the mere existence of legal provisions to ensure effective and holistic enforcement.

In Section One, we conducted an analytical review of the legislative framework, identifying areas that require amendments or the issuance of regulations and executive instructions to ensure the effective implementation of the law.

Additionally, we examined the practical challenges facing the law's enforcement, including poor coordination among relevant entities, limited resources, and the negative influence of social customs and traditions. Therefore, it is crucial to introduce recommendations that aim to:

- Improve enforcement mechanisms
- Ensure sustainability of preventive and remedial efforts
- Create a supportive environment for victims that upholds their rights

These recommendations seek to address existing gaps in the law's practical application and enhance the overall protection framework by improving infrastructure, strengthening specialized human resources, and refining legal and procedural frameworks to serve the best interests of victims and promote long-term prevention. The key recommendations are as follows:

### 1. Recommendations for the Legislative Review of the Domestic Violence Protection Law

#### 1.1 Completion of Regulations and Instructions Required for the Law's Implementation

Before introducing legal amendments or improvements to the Domestic Violence Protection Law, as outlined in Section One, it is essential to recognize that while laws provide the general legal framework that defines rights and obligations, they often require executive regulations that detail enforcement mechanisms to ensure their effective implementation.

- Executive regulations play a critical role in translating legal provisions into practical measures, minimizing the risk of misinterpretation that could result in unjust or ineffective enforcement.
- Without these regulations, the law remains theoretical and difficult to implement, hindering its intended impact.
- Regulations also clarify the roles and responsibilities of different entities involved in enforcing the law, such as ministries, agencies, and civil society institutions.
- Effective enforcement builds public confidence in the legal system, demonstrating that laws are not merely symbolic but actively protect individuals and ensure justice.

Thus, it is impossible to assess the effectiveness of any law without first completing the necessary executive regulations and allowing sufficient time for their implementation and impact assessment. The following are key regulations and instructions that must be issued to ensure the effective activation of the law:

### **a) Regulation on the Protection of Whistleblowers and Witnesses**

- Article 6(b)(5) of the Domestic Violence Protection Law mandates the issuance of a regulation for protecting whistleblowers and witnesses.
- The Ministry of Social Development has drafted a preliminary version of this regulation, but it has yet to be formally issued due to resource constraints and the need to establish specialized units to support its implementation.
- Given that domestic violence cases are highly influenced by social and cultural factors, the regulation must be carefully structured to ensure its effectiveness and public acceptance.
- Advocacy and public support are crucial to facilitate the issuance of this regulation.

### **b) Regulation on Protection Orders**

- Article 16 of the Domestic Violence Protection Law allows victims to obtain protection orders without requiring them to file a formal complaint.
- However, in practice, victims are denied protection orders unless they have filed a legal complaint, which contradicts the law's intent.
- Many women seek protection without wishing to file a legal case, at least in the early stages of abuse.
- The issuance of a specialized regulation on protection orders is necessary to clarify procedural aspects and ensure victims can access protective measures independently of criminal proceedings.

### **c) Regulations for the Implementation of Settlement-Related Measures in Domestic Violence Cases**

- In accordance with Article 13 of the 2019 Settlement-Related Measures Regulation (No. 100), procedures must be established to:
  - Implement community service orders
  - Define the roles and responsibilities of social and psychological specialists
  - Clarify the obligations of entities overseeing rehabilitation programs

## **1.2 Key Legal Amendments to the Domestic Violence Protection Law**

Following the analytical review conducted in Section One, several critical legal amendments have been identified to enhance the effectiveness of the DVPL. These amendments should be subject to impact assessment to determine the most optimal solutions, as follows:

### **1. Revising the Definition of Domestic Violence**

- Introduce a specific definition of domestic violence within the law, explicitly listing the most prevalent forms of abuse, such as:
  - Psychological violence
  - Economic violence
- Expand the scope of offenses covered to include crimes against persons and property.
- Define certain non-criminalized acts as forms of violence that qualify for settlement procedures, ensuring that minor offenses do not escalate into more severe forms of abuse.





## **2. Eliminating the Requirement for a Private Complaint in Domestic Violence Cases**

- Requiring victims to file a personal civil claim to initiate criminal proceedings has led to perpetrators escaping accountability, increasing the severity and frequency of domestic violence.
- The law already provides an alternative mechanism through settlement procedures, which can protect victims without necessitating formal litigation.
- Many victims drop charges under social and economic pressure, which fails to stop the cycle of abuse.
- It is essential to amend the Penal Code and the Domestic Violence Protection Law to remove the requirement for private complaints in domestic violence cases.

## **3. Mandatory and Optional Reporting of Domestic Violence Cases**

- Healthcare, education, and social service providers in both the public and private sectors should be legally required to report cases of domestic violence involving individuals who lack legal capacity.
- For competent adults, reporting should be subject to their consent, except in cases involving persons with disabilities, who should receive heightened legal protection.

## **4. Development of a Unified Digital Platform for Reporting Domestic Violence**

- Establish an electronic reporting system that enables victims to report abuse confidentially.
- Integrate the system with law enforcement, hospitals, and social service centers for swift response.
- Conduct training programs for doctors, teachers, police officers, and social workers on their legal and ethical duty to report domestic violence.

## **5. Strengthening the Role of the Family Protection Department**

- Introduce legal provisions requiring the Family Protection Department to:
  - Visit crime scenes and arrest perpetrators under appropriate legal conditions.
  - Remove perpetrators from the victim's residence or restrict their movement if their presence poses an immediate threat.
  - Allow emergency protection measures to be issued within 48 hours, without requiring victims to physically visit the department.

## **6. Ensuring Confidentiality in Court Proceedings**

- Explicitly mandate closed-door hearings for domestic violence cases.
- Establish consequences for violations of confidentiality, including nullifying court proceedings conducted in public sessions.
- Ensure legal aid is provided to victims, particularly in felony-level domestic violence cases.



## 2. Recommendations Addressing Practical Challenges in Implementing the Domestic Violence Protection System

Effectively addressing the practical challenges hindering the enforcement of the Domestic Violence Protection Law (DVPL) requires comprehensive and action-oriented recommendations that enhance the law's effectiveness and its ability to achieve its objectives. These recommendations include:

- Strengthening the capacity of implementing agencies
- Raising public awareness about domestic violence issues
- Ensuring protection and support for victims in a manner that preserves their dignity and promotes their rehabilitation

The goal of these recommendations is to bridge existing gaps in implementation and establish a legal and social environment that actively combats domestic violence and mitigates its negative impact on individuals and society.

### 2.1 Awareness Programs on Domestic Violence and Response Mechanisms

#### a) Designing and Implementing Public Awareness Programs on Domestic Violence

- Develop structured awareness programs based on an in-depth understanding of:
  - The nature, causes, and impact of domestic violence
  - Statistical data and research findings on domestic violence prevalence
  - Target groups, including victims, perpetrators, legal and community actors
- Tailor messaging and outreach according to the target audience, using:
  - Traditional media (TV, radio, newspapers) to reach a broad audience
  - Digital platforms (social media, websites, podcasts) to engage younger and more interactive demographics
  - Community-based activities (workshops, seminars, school and workplace campaigns)
  - Training professionals (teachers, social workers, community leaders) to spread awareness and respond effectively to domestic violence cases
- Establish key performance indicators (KPIs) to measure program effectiveness, such as:
  - Increase in domestic violence reporting
  - Improvement in public awareness levels
- Ensure sustainability of awareness campaigns by creating permanent platforms, such as:
  - Dedicated websites
  - 24/7 hotlines to support victims

#### b) Educating Victims on the Risks and Impact of Domestic Violence

- Raising victims' awareness is crucial to helping them:
  - Break the cycle of abuse
  - Seek protection and support

- Key focus areas should include:
  - Psychological, physical, and social effects of violence
  - Legal and social rights of victims
  - Success stories of individuals who overcame domestic violence
  - Access to counseling services (individual and group therapy)
  - Peer support groups to facilitate experience-sharing among survivors

### **c) Providing Victims with Systematic and Institutionalized Information**

- Ensure that victims receive essential information as part of immediate response measures and social support services, similar to the right to healthcare.
- Develop accessible formats for women with disabilities, including:
  - Information maps indicating service locations
  - Printed materials (brochures, posters, informational booklets)
  - Toll-free hotlines
  - Safe shelters for women at risk
  - Counseling centers

## **2.2 Enhancing Legal Aid Services for Women Victims of Domestic Violence**

### **a) Strengthening Legal Aid Centers in Courts**

- Improve infrastructure by establishing legal aid offices within or near courts for easier access
- Employ experienced legal professionals trained in gender-based violence (GBV) cases
- Digitize case management systems and link them to courts for seamless legal representation
- Train legal aid providers on:
  - Confidentiality and sensitivity when advising victims
  - Psychological and social aspects of handling domestic violence cases
- Facilitate immediate legal counseling during court hearings by:
  - Deploying legal aid representatives in courts
  - Establishing specialized units in courts to handle GBV cases

### **b) Strengthening Legal Aid Partnerships**

- Reference to the Memorandum of Understanding (MoU) between the Ministry of Justice and the Justice Center for Legal Aid (JCLA), which facilitates access to justice for financially disadvantaged individuals.
- The agreement mandates:
  - Establishing specialized units for legal aid
  - Providing legal consultations and representation for eligible individuals
  - Developing quality control mechanisms for legal aid services
- JCLA operates 23 legal clinics across Jordan, ensuring access to justice for marginalized communities.

## 2.3 Addressing Cultural Bias Among Service Providers

### a) Behavioral and Cultural Reorientation for Service Providers

- Ensuring professional, sensitive, and victim-centered responses from domestic violence service providers requires:
  - Specialized training programs focused on:
- Understanding the dynamics of domestic violence
- Psychological and social impacts on victims
- Active listening and non-judgmental communication skills
  - Practical training sessions through case simulations
  - Empathy-building exercises to enhance service providers' ability to relate to victims' experiences

### b) Implementing a National Training Program for Protection Service Providers

- Adopt a standardized training program based on the National Council for Family Affairs (NCFA) 2018 training manual on domestic violence prevention and response.
- Leverage existing training materials, such as:
  - Guidelines for healthcare providers on handling sexual violence cases
  - Legal framework guides on GBV cases
  - Best practices in responding to domestic violence cases involving persons with disabilities

### c) Enforcing a Code of Conduct for Service Providers

- Develop and institutionalize a sector-specific code of conduct for professionals dealing with domestic violence cases.
- Ensure alignment with the national Civil Service Code of Conduct to uphold:
  - Confidentiality
  - Professional ethics
  - Victim-centered approaches

## 2.4 Improving Infrastructure and Geographic Distribution of Support Services

### a) Establishing Safe and Accessible Protection Facilities

- Ensure fair geographic distribution of shelters and support centers across Jordan, particularly in remote and underserved areas.
- Diversify shelter options to include:
  - Short-term emergency housing
  - Medium- and long-term shelters
- Set quality standards for shelters based on global best practices.

### b) Enhancing Accessibility of Protection Services

- Ensure shelters and support services are well-publicized, including:
  - Clear information on locations and eligibility criteria
  - A 24/7 hotline for immediate assistance





## 2.5 Strengthening Legal Procedures and Court Systems

### a) Specialization of Judges Handling Domestic Violence Cases

- Assign dedicated judges to domestic violence cases in:
  - The First Instance Court (Criminal Division)
  - The Grand Criminal Court
- Ensure judicial specialization to:
  - Improve handling of complex domestic violence cases
  - Enhance sensitivity in adjudication
  - Ensure consistency in protective measures, such as issuing protection orders

### b) Ensuring Confidentiality in Court Proceedings

- Mandate closed-door hearings for all domestic violence cases.
- Implement stricter security measures for case records and court files.
- Introduce digital confidentiality safeguards, including:
  - Anonymization of case participants
  - Secure digital case management systems

### c) Accelerating Case Resolution

- Minimize procedural delays by:
  - Prioritizing domestic violence cases on court dockets
  - Implementing electronic case tracking systems
- Reduce barriers to victim participation by:
  - Simplifying legal procedures
  - Ensuring victim-friendly court environments

## 3. Conclusion

A comprehensive approach is needed to effectively combat domestic violence, integrating:

- Legislative reforms
- Public awareness campaigns
- Institutional capacity-building

By enhancing coordination among stakeholders, strengthening specialized service providers, and investing in victim support systems, Jordan can establish a more protective legal and social environment that ensures justice for victims and accountability for perpetrators. These reforms align with Article 6(6) of the Constitution, which mandates the protection of women from all forms of violence and discrimination.





