He raped me, I want to marry him: Implications of abolishing Article 308 of Jordan’s Penal Code

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ABSTRACT

This study examines the perception of statutory rape in Jordan as an Arab Muslim country in the Middle East. The work handles the cultural implications of implementing statutory rape law in Jordan as an Arab Muslim country. In most Arab countries, there is no punishment for the male partner in sexual intercourse if he marries the female in the case of statutory rape. Also, it tackles Article 308 of the Jordanian Penal Code that exempts the male from a sentence if he marries his partner in statutory rape cases even if he is an adult and she is a minor. Age of consent varies from one Arab country to another. Moreover, it focuses on the need to understand the individuality of the Arab culture when it comes to applying Article 308 as an instrument to protect females in cases of statutory rape in Jordan and the need to protect women as it currently works for the community context. There are no serious protective policies or social support alternatives for female victims and their families (Jordan Times, 2017-2019). Marrying the partner becomes the only available option for the girl (BBC NEWS, 2020). This study argues whether Article 308 should be modified or abolished. Abolishing the Article without providing alternative protection tools will put females on more risk. Finally, this work recommends more protective and preventive policies for adolescents and their families to eliminate statutory rape implications.

Key words: Statutory rape, consentage, Arab Muslim culture, implications of statutory rape, Article 308, Jordan, rape.

INTRODUCTION

On August 1, 2017, women activists sat in the balcony of the Jordanian parliament waiting on the results of the vote to abolish Article 308, which they had been fighting to abolish for years. Voices rose, shouting in victory after the announcement that the article had been abolished and many took to the streets to celebrate (Khaberni, 2017). Article 308 of the Jordanian Penal Code (JPC) was a controversial article, according to most women activists. However, human rights activists in Jordan were divided in their viewpoints on Article 308 of the JPC. One group supported abolishing the article, justifying this by explaining that the article rewarded rapists in allowing them to escape punishment through marriage to the victim. Their perspective was that this article released the rapist from punishment if he marries the victim, at least for a period of three years for misdemeanors and five years for major cases. A second group spoke against abolishing the article because they believed that the article supported women in a society where a woman’s reputation is highly valued, where any relationship before marriage is not acceptable, and where sex outside marriage is illegal (Jordanian Family Status Law, 1976). Therefore, they thought this article protected women from society’s cruelty and killing based on honor claims. The third group’s opinion was that the article should be maintained but amended based on the fact that although the article was intended to protect women in a conservative society like Jordan, it was insufficient to protect them from wider society, their families, and the abuser. In addition, they believed that the article inherently did not provide protective instruments for the victims and
Their families.

**Article 308 of JPC 1960: A historical background**

Article 308 of the Jordanian Penal Code was amended in 2011 to exclude women under 15 years old if the perpetrator is above the age of 18 years old. Consequently, if a woman under the age of 15 is involved in statutory rape, the rapist will be punished regardless of whether he is willing to marry the victim or not. However, the article retained the exemption for those who rape a woman aged 15 to 18 years old [JPC, 1960]. It should be noted that the article did not force either the victim or the rapist to get married. If he refused to marry the victim, he went to jail and the victim could also refuse to marry her rapist and he would be punished. In my opinion, Article 308 was a strong instrument that offered protection to women who were involved by consent but due to their age (below 18 years old) were considered victims of rape. In such a case, the law does not take their consent or maturity into account.

Article 308 was considered a protection instrument in our conservative society where sexual exploitation and false sexual relationships against women are common. At the Family Protection Department where I worked for 17 years investigating domestic violence, child abuse, and sexual assaults, I interviewed many women who were involved in sexual and loving relationships and had consensual sex with their partners out of love and the promise of marriage. In a society like Jordan, if the male partner does not marry her, nobody else will. Shame and humiliation are linked to any relationship outside marriage. In addition, sexual relations outside marriage are illegal in Jordan. Children born out of wedlock are not welcomed and are kept in orphanages and children’s shelters.

Parents of children who are born outside marriage do not have any legal rights to guard them or have any access to them. I also interviewed people in cases where women and men chose to have sex before marriage, especially when the parents were against their marriage. To get the benefit of this article and to force parents to accept their marriage, young couples would have sex before marriage, which is statutory rape in the eyes of the law. Parents were compelled to welcome the marriages in these cases under the presence of Article 308 to avoid shame and scandal. The Jordanian parliament voted to abolish Article 308 in a process that many legislators and legal experts considered unconstitutional. Article 308 was abolished on August 1, 2017 [Jordanzad, 2017]. Many marriages will be contracted in secret and young women who may previously have pressed charges of rape are likely to stay silent, bedehumanized or go to extremes of having hymen repair procedures to feign virginity because this is highly regarded in the Arab Muslim work. Young women may experience mental ill health, may commit suicide or abandon their babies in dumps and orphanages.

Alternatively, some may marry older men due to humiliation of not being a virgin at the point of marriage. Other Arab countries have similar Acts such as Egypt (1904)/Gaza Strip Article 291 which maintains that “If the abductor marries the one he abducted, with a legally recognized marriage, the punishment is not carried out.” Also, Lebanon’s Penal Code (1948) Article 522 indicates that “If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section and the victim, the prosecution is suspended. If judgment was already passed, the implementation of the punishment is suspended.” Syria Act (1949) Article 508 says: “If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section and the victim, the prosecution is suspended. If a judgment was already passed, the implementation of the punishment is suspended.” Libya (1953) Article 424 indicates that “If the perpetrator makes a contract of marriage with the victim, the crime, punishment and criminal proceedings are suspended, both for the perpetrator and an accomplice. Likewise, Acts, Kuwait (1960) Article 182 maintains, “If the abductor marries the one he abducted, in a legally recognized marriage with the permission of her guardian, and the guardian agrees that the abductor does not undergo punishment, then he is not sentenced to punishment.” (middle east library, 2019).

Iraq Act (1969) Article 427 believes “If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section and the victim, then the case, investigation, and other procedures are suspended. If a judgment was already passed in the case, implementation of the sentence is suspended.” Bahrain’s Code (1976) Article 353 also continues, “Punishment is not prescribed in any of the cases set forth in the preceding articles if a valid contract of marriage is made between him and the victim. If a final sentencing took place before the contract of marriage, the implementation and effects of the criminal proceedings are suspended.” [Ibid, 2019]

**DISCUSSION OF THE RESEARCH**

**Methods and sample**

To study the implications of abolishing Article 308, an interview was conducted with research questions using a preliminary sample. The sample constitute of 35 individuals working in social and legal services, law enforcement, and human rights. All people interviewed are based in Jordan. This research with this small sample will be considered an introduction to a bigger research. The 35 people were interviewed by sending them questions on Facebook messenger because this will give them the chance to ask questions and allow for clarification of anything not clear to them and answer their questions.
Limitations of the study

While the strength of the study is that it is one if not the only study on this issue since the abolishment of Article 308, one of the most difficult situations faced while during this study was finding literature on the area of statutory rape in the Arab Muslim world in general and in Jordan particularly (Dogan et al., 2014; Bayefsky, 2013). There are a few newspaper articles however these reflect only the authors' opinions without any facts or statistics (Jordan Times, 2017 – 2019). Another limitation was that most of the people interviewed, although they work with clients of statutory rape, they either did not understand Article 308 or they had never come across it. Most service providers confused rape with statutory rape, which required the researcher to explain both, and this might hinder the study’s honesty.

Complications of Abolished Article 308

During my time as a police officer in the Family Protection Department investigating cases of sexual assaults specifically in relation to minors, I had the opportunity to work with many victims, perpetrators and families involved in statutory rape. Out of this actual and real experience, I can claim that I have a better view and understanding of the feelings and experience of all these parties involved in such kind of rape. Therefore, I believe that despite the fact that abolishing this might solve a problem, it still harms majority of women since they might get forced by family and society to accept this kind of marriage and exempts the perpetrators from punishment because of the social pressure and fear of scandal, shame, and bad reputation. In the following section, I will outline the statutory rape experiences of three women whom I interviewed and worked with to give a sense of what this experience meant from their perspective.

Actual Testimonials: Cases Interviewed

Case Number One

The first case is for a young girl her name is Laila (not the real name). She was 17 years old, a school student and a fourth child in her family. She was brought to the Department on a night after she ran away from her family house in Eastern Amman. She went to the old downtown in Amman and he does not want to leave her alone. Laila agreed as she was really scared to stay alone. In the middle of the night he came to her room and raped her. The rape continued for two weeks and one night his friend came to join them for a meal. Khaled excused himself to go to the local market to buy some refreshment and in his absence his friend also had the opportunity to rape Laila.

Khaled returned to find Laila crying. They started to argue and a fight ensued outside where the neighbors called the police who promptly arrived and arrested all three people. During the interview, Laila insisted that she wanted to marry Khaled. She said: “he is the one who took care of me and I think he is going to be a good husband.” As a mature woman interviewing a young girl, I could figure that she had no clue what real love is. Also, I felt that she was insisting on getting married to Khaled so as to leave her family home since they were ignoring her needs and feelings all the time as she explained to me during the interview. She kept repeating consistently “I swear to God if I go back home my brothers will kill me. I was never allowed to go out the home without their permission. This goes to all my four sisters”. I remember asking her: “What if Khaled turns out to be aggressive like your brothers?” and she replied “to get harmed by my husband is easier than by my family who are supposed to love me and care about me. At least with him, I will be in my own house with my husband and kids in the future”. She added “my mother always advises us to maintain our morals so as to get married and chosen by good men. I cannot wait to marry him and have my own home and family. I promise I will give my kids freedom of movement”.

Case Number Two

Suha (not her real name) is 27 years old, finished her diploma and has worked in a women's hairdressing salon for the last 11 years. She met Ahmad (not his real name) in a
Family gathering and fell in love with him. Their love relationship lasted 4 years and during that time they would meet in the Saloon at the close of the day. Ahmad wanted to go so far in the relationship so he asked her for a full sexual relationship. She refused in the beginning because she was afraid of the consequences, but he promised to marry her. After months of intercourse, Suha found out that she was pregnant. She told Ahmad to marry her because she is pregnant and pregnancy outside marriage is a crime and a scandal in the Jordanian community. Ahmad became angry and requested that she have an abortion. Suha stated “he was shivering, angry with me when I told him I am pregnant which suggests the fact that he was playing with me. He was exploiting me and he was never serious”. Abortion is illegal in Jordan and where it is available, it is very expensive. She told me in the interview “nights and days, I suffered privately. I could not tell anyone. I was really afraid that my belly shows. I thought of ending my life many times”.

Suha explained during the interview “it was really hard to see the man I loved and trusted evading me and declining my thousand phone calls and messages”. When her pregnancy progressed and she was sure that he was denying his responsibility, she decided to take the step and report him to the FPD. I interviewed Suha and noticed how smart and strong she is. I wondered how such women trapped in the illusion of such men. However, the women I interviewed taught me that women are seeking honest love, intimacy and romance most of the time and this is why they often do anything to keep and please the men they love. Also, the many cases I interviewed taught me that when these women hate and lose faith in the men they love, they could do anything to revenge. According to many women and Suha here is an example, men sometimes are the loved ones and at the same time are the betrayers who easily dumb the girl after they get what they want from her. Men are the invention of the community where they live and are raised by women who do not accept love relationships before marriage. These mothers raised their children to look at women who easily sacrifice their virginity even for men they love as cheap women. Suha told me in one of the interviews after the judge decided that she might get married immediately: “I am not happy at all. I hate him so much. I do not either respect him. I know very well that after I get birth to my baby, I would divorce him. I am marrying him just to show society that I am pregnant because I am married. Otherwise, the eyes of people will kill me daily if my family does not do”.

Case number three

Shereen’s mother

Shereen (not her real name) is 16 years old who is in love with a young man almost 17 (Samer, not his real name) and they family are unhappy with their relationship however they decided to get married much to the dissatisfaction of both families given how young they were at the time. Samer was working in a car maintenance garage and he thought he earned good money to start a family life. However, both families felt that being financially stable was not the only thing needed to start a family, but also maturity and shared visions. However, both Shereen and Samer were deeply in love so they decided to have a sexual relationship to force the family to agree on the marriage as this was the only strategy that will force the family to accept the marriage in order to avoid the scandal of their daughter losing her virginity out of wedlock. Both arrived at the Department and revealed that they had sex and they want to get married. My colleagues took Samer to investigate the case and Shereen stayed with me in the interviewing room. She was smiling all the time. She seemed relieved rather than worried or sad. “This is the best thing we did” when I asked her about the implications of what happened. Shereen presumed that without the sexual intercourse both families would continue to refuse the marriage since they are both still in school. Shereen and Ahmad are the children of the Jordanian society and they know that sexual intercourse is the absolute act that will force everyone to expedite the marriage before the scandal and shame spread. One morning, I interviewed Shereen’s mother who insisted on speeding the procedures to allow the marriage to happen. I remember asking the mother “are you assured your daughter will be happy and safe with this boy? She responded by asking “do you have other solutions? do you think she will get married to a respectful man while she is not a virgin anymore? Would you yourself take her a wife for your brother?”

Best interest of the child: assessment and determination

Jordan ratified the United Nations Convention on the Rights of the Child, Article 3 “Best Interest of the Child.” Article 3 of the CRC stipulates: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. States parties undertake to ensure the child such protection and care as is necessary for his or her well-being, considering the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her and to this end, shall take all appropriate legislative and administrative measures. States parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision” (CRC, 1989). Abolishing Article 308 is
considered one of the actions that affected children according to the Convention that Jordan ratified twenty years ago. Abolishing the article is against the best interest of the child in most cases.

**Gaps in the abolished article**

Studying the abolishing carefully reveals the fact that neither the Parliament members nor women's activists in Jordan have asked themselves the following questions:

1. What if the woman had more than one rapist?
2. What if the rapist is younger than the girl?
3. What if both are minors?
4. What if the perpetrator is a minor and the girl is an adult?
5. What if the woman is pregnant due to the statutory rape?
6. What if the rapist is from another religion?
7. What if the rapist a family member?

**Implications of abolishing Article 308 of the JPC as justified by supporters**

Women's rights activists pressurized parliament and convinced the government to abolish Article 308 of the Jordanian Penal Code however it is my view that more girls will be victims of honor killings. Should a raped girl not marry her partner, nobody else will marry her or respect her, so according to society's understanding, she will have destroyed her family's reputation and honor. Even if she gets married to another, it is highly likely that he will spend his life reminding her about losing her virginity, and this shame that will impact on her daughters, granddaughters and many generations to follow particularly because Arab beliefs associate female honor with virginity. In some circumstances, her husband might give her humiliating names such as 'prostitute' and 'cheap woman'. During my time at the Family Protection Department in Amman, I interviewed women who were victims of statutory rape and married someone other than the perpetrators. Some of these husbands used these women in prostitution believing that they are cheap since they married them after they lost their virginity to a stranger or a former boyfriend. Some of the cases I worked with were for women who had babies due to their relationship. Of course, all those out of wedlock children ended up in orphanages and homes in situations where they did not marry the partner. More girls will end up in prisons under the title of administrative custody to protect them from family members who consider them honor threats and are ready to kill them. Other girls will end up in brothels if they are not married to those with whom they have had a happy relationship because, as I mentioned earlier, I am talking here about legal rape, that is, the consensual sexual relationship that was called rape only because it falls on a girl who is legally under age (Leitenberge, 2003). Some activists discuss the issue of what would happen if the rapist divorces the girl after the three or five years that were required by this article (roy a news, 2017). Some discuss the psychological effects on the girl under this kind of marriage. Their argument addresses the following three aspects:

1. They think that the article rewards the perpetrator by allowing him to marry to the woman he raped.
2. They believe that this article allows the rapist to avoid punishment if he marries the girl.
3. The woman may suffer humiliation by the rapist after marriage under this article.

**Article 308 is needed again with amendments**

Supporters who wish to keep or amend the article argue that:

1. The article only addresses statutory rape (where there is consent from the girl). The rape is not forced.
2. This article protects women in conservative societies like Jordan.
3. If they are not married to their partner, nobody else will marry them.
4. Girls of statutory rape are subject to honor killings.
5. Girls of statutory rape are subject to denial and isolation from society since sex outside marriage is not acceptable in the Arab world.

**Gaps in the abolished article and suggestions to Promote Advanced Amendment of Article 308 again**

1. What if the woman had more than one rapist?
2. What if the rapist is younger than the woman? In other words, he is a minor and she is an adult.
3. What if both the rapist and the girl are minors (below the consent age of 18 according to the JPC)?
4. What if the rape resulted in pregnancy?
5. What if the rapist is from another religion?
6. What are the protective instruments for both parties of statutory rape?
7. What are the supportive instruments for all parties of statutory rape?

**Factual reading and recommendations**

The article was amended in 2011 to exclude girls under the age of 15 regardless of one or both parties' willingness to marry. Rapists and victims had the right to say, "No," to marriage under this article. The article before and after the amendment, did not force either the male or the female to accept the marriage. The article was a protection
instrument for women in a conservative society. In some cases of statutory rape, the male refuses to continue with the woman and refuses to marry her as he promised. Therefore, this article offered protection for the girl to pursue the rapist and let him choose the marriage over the punishment. Article 308 protected women in our society from sexual exploitation. It protected her life and reputation in a closed society where the family’s honor is a big issue. If she does not marry her partner, it is likely that nobody else will marry her. Article 308 benefitted and protected women and their babies in case of pregnancy. Babies born out of wedlock are not accepted and end up in orphanages. Sometimes women who have relations outside marriage end up as victims of honor killings. Women of statutory rape have no social, legal, financial, or psychological support. Women of statutory rape end up in administrative and protective custody (prison) for endless years because they are subject to the threat of honor killing. Article 308 protected the babies of these women from ending up parentless and being sent to orphanages. Some women who are denied by families and society usually end up in prostitution if not married to their partners under this article.

A few of the interview questions

Q1: Did you read and understand Article 308 of the JPC yourself or build your opinion on other people’s interpretations?
Q2: Are you for abolishing of Article 308, against abolishing, or do you support amending Article 308?
Q5: Did you work with clients who are parties of Article 308 yourself?

People interviewed (35)

1. Social workers
2. Police officers
3. Lawyers
4. Women activists
5. Human rights activists

METHODOLOGY AND ANALYSIS

This was a pilot study of 35 people whom I interviewed and had direct communication with. I interviewed 35 human rights activists, women advocate, lawyers, police officers, and social workers. I referred to some other interviews with other activists from the local media in Jordan. My questions were simple and basic to cover my themes, which addressed the following:

1. Do the activists have real knowledge about Article 308 of the JPC, or do they really know the impact of abolishing the article on female victims?
2. Have these activists worked personally with parties involved in statutory rape and subject to the requirement of Article 308?
3. Do these activists support abolishing Article 308, keeping it as it is, or amending it?

Some of my questions included the following:

1. Where do you work?
2. What is Article 308?
3. Did you read and understand the article yourself, or did you build your opinion only hearing about it?
4. What do you think of Article 308?
5. Do you support keeping Article 308?
6. Do you support abolishing Article 308?
7. Do you support amending Article 308?
8. Have you worked with cases who are parties to Article 308?

RESULTS OF ANALYZED DATA

15 supported abolishing Article 308 while 12 of the 15 who supported abolishment had not worked with cases that applied to Article 308 3 of the 15 that supported abolishment had worked with cases that applied to Article 308. 13 supported keeping or amending Article 308, 5 of the 13 that supported keeping Article 308 had not worked with cases that applied while 8 of the 13 that supported amending Article 308 had all worked with cases that applied. 7 did not know about Article 308 or did not have a good understanding of it and would not give an opinion on their shallow understanding. The statistics show that people who support abolishing the article are more than those who call for keeping or amending the current article. However, what matters most is the fact that all those who support amending or keeping the article are those who have worked closely with cases of statutory rape. These people built their opinions on facts expressed by clients and not based on theory.

Analysis of interviews

Theme#1

Professionals against the abolition of the Article

One of the interviewers was with the director of the Girls Care Center in Russaifah, claims “there were 97 female inmates in the house crying for fear of their unknown fate. They are awaiting marriage because what is happening to them is caused by sexual consent. They are waiting to return to their lives and get out of preventive detention for
Fear of their lives which those who asked for article abolishing do not understand” (Jordanzad, 2018). She claims that “human rights organizations demand the necessity of abolishing without listening to the voice of the victims and these rights did not seek protection or an alternative for victims of rape and sexual intercourse.” She also explains, “Women rights activists are defending girls who did not give them the right to defend them and they speak in the name of victims they did not even meet in the first place.” Another interviewed professional is the former Minister of Social Development who reveals, “Article 308 should not be abrogated, but rather be amended. The lack of marriage means unlawful protection of the child. 86% of those who have had sexual assaults with their consents, 72% of them did not marry according to article 308 and this fact is not recognized by activists who support the abolishing.” She indicated that the case in which the girl gets married to her partner is where the girl is pregnant and otherwise marriage does not take place.” She asked a brilliant question during the interview “she wondered how comes the girl’s consent is taken into account when she marries this age under the Personal Status Law, but her consent is not recognized in this case?”

A Sharia Judge believes that a call for dismantling and reinstalling the legal system in this regard is a crucial need. He believes that the best interest of the child emerging from cases of statutory rape should be given prominent thinking. Other interview was conducted with a Judge who tackled family cases who maintains, “Article 308 was not put in the interest of the aggressor, but rather to protect the rights of the victim and her fetus in the case of pregnancy. The civil society institutions who demand the cancellation of the article are the elite and those do not represent the public.” She also pointed out to the necessity not to deal with the issue emotionally as it urged to address people’s minds in order to form real opinions and not to manipulate emotions and raise logo of rape rather than statutory rape, which includes consent, but due to the age requirement, it is called legal statutory rape. Another interview is with a Parliament representative who stresses the fact that he rejects abolishing or amending article 308 completely emphasizing the need to keep this article because of its important role in preserving the local community. A media activist believes that the abolition of Article 308 did not add anything to protect Jordanian girls from sexual crimes. It also has not tackled the consequences of the sexual act. After abolishing the article, the current law did not provide any protection for girls in consensual situation that include consensual sexual intercourse or breach of virginity with the promise of marriage.

She concludes that “The cancellation of the article would increase the cases of girls because there is no alternative solutionist protection for them in the event of the loss of hymen. In addition, there are not alternatives or solution in the event of pregnancy taking into account that the penal law in Jordan criminalizes abortion.

Theme#2

Professional support the abolishing of the article

On the other hand, some of the interviewees are with the abolishing of this article because they believe that it is against the rational well of the girl who due to her age or physical ability gives consent for the sexual intercourse. A Journalist maintains that canceling the article will bring justice to victims of women and girls and will ends the impunity for the perpetrators and whoever commits a sexual crime will be held accountable by law. The Secretary – General of the Jordanian National Committee for Women’s Affairs claims that the abolition of the article is a victory for the demands of the Jordanian feminist movement and an historic moment for the Jordanian movement. Moreover, a lawyer and a Parliament representative asserts that justice is a right of society before it is a right of the victim and the legalization of the state of impunity is in contradiction to the rule of law and the civil state. She explained, “We differ in our jurisprudence at home, but we do not disagree on the country. “We have the right to be happy with getting rid of this legislative burden and legal discrimination.” She concluded.

Theme#3

Professional support amending the article rather than abolishing

Another interview was conducted with the assistant attorney general of the criminal court who believes that article 308 is bad. He has some views about statutory rape in the World and thinks even in the west they acknowledge the right to protect the privacy of the family and the best interest of the girl (Bierie et al., 2016). However, he added, “I am obliged to defend it.” He said that the legal system in this regard raises nausea and needs to be reviewed, but going to the abolition or amendment, without taking the system as a whole related to the prohibition of abortion, and proving the proportions complicates matters. Finally, the General criminal prosecutor demands that article 308 be amended so that the marriage will be indefinite and giving women financial compensation through a receipt that should be appeared in front of the court to ensure that she get the amount of money.

CONCLUSIONS AND FUTURE STUDY

In my research, while looking for literature that articulates Article 308, I found that there had been no studies or statistics in the Arab Muslim World in particular and the globe ingenial that covered and analyzed cases of statutory rape until this study was done. I read in the local
newspapers that the National Assembly of Women’s Affairs is conducting a largestudy regarding women who were subject to this article. However, until this moment, there have been no clear statistics to compare the rate of divorce among those who got married under this article to those who had a planned marriage. In addition, there are no accurate studies of the local community that handles these cases to determine the psychological and social status of those who got married to fulfill the requirements of this article. Cases of divorce in the first three to five years of marriage are high even among those who had a planned marriage due to many reasons such as lack of understanding between the newly married couple. Those who got married under Article 308 are not an exception. Those who are married under Article 308 should have access to more therapy and counseling to cope with each other and make their marriage survive. This is what human rights organizations and women activists should work on rather than calling for abolishing the article. The goal of all these organizations should be building families and helping couples to survive for the sake of all, especially in cases of pregnancy. Additionally, there are no studies on those who did not get married and were partners in statutory rape to describe their current lives, feelings, and futures. The big question that is raised is this: With the abolishment of Article 308, do we have alternatives to protect girls who are subjects of statutory rape? Are there any protections or safety instruments to save their lives? Are there any existing social and psychological support systems for these girls and their families?

The problem is not in the article itself but in the society. Even the justification of the activists rests on societal reasons. The article is not to be blamed. It only needs more of an amendment to provide wider protection for all parties — rapists, girls, families, and children in the case of pregnancy that results from the statutory rape cases. In addition, there is a gender bias that ignores the many male victims in cases under Article 308. We cannot deny the fact that there are male victims also. Our legal system, however, considers women only as the subjects of rape and never rapists (Kulczycki et al., 2012). Rape in our definition, lays the burden on the male because the female does not rape; she is only raped. No sufficient studies or statistics exist to cover and analyze cases of statutory rape in Jordan. There are no clear statistics to compare the rate of divorce among those who got married under this article to those who had a planned marriage. There are no studies on local communities that handle these cases to determine the psychological and social status of those who got married to fulfill the requirement of this article. There are also no studies on those who did not get married to the perpetrators and were partners of statutory rape to analyze their current lives, feelings, and future insights. There are no alternative options for women who are subjects of statutory rape but to marry their partners. There is no protection or support system to help these women to choose other things over the rapist (partner in statutory rape). There should be no problem with the article if it is amended to provide more protection and guarantees for women. The problem is mainly with the society and how it perceives women who are subjects of statutory rape. This article should be amended so it includes no gender bias. Statutory rape sometimes includes partners (rapists) who are minors and women who are adults. The article should treat this gap wisely. The Jordanian legal system, as other Arab legal systems, considers women to always be victims of rape and never rapists, while in most Western laws, women can be rapists (the subject of rape is female).

According to my research, all those who work personally with these clients believe that this article should be kept or amended. Most women who are subject to statutory rape want to marry their partners because they know the structure of their society and the consequences of not marrying their partners, especially in cases of pregnancy. Some activists, socialists, and others who support abolishing the article talk as if the article is about forced rape and not statutory rape. Most of them do not have a deep understanding of the article. They attack the article as if it forces marriage however, it does not do this it only gives the option for both and provides protection for women in case the partner wants to escape what he did. Much more work needs to be done by social, psychological, economic, health and political sectors in order to stand for the rights of both women and their embryos which are resulted from the statutory rape. More studies need to be conducted on the number of women who were killed since the abolition of Article 308 under the name of honor. More services are to be established to support survivors of the forced marriage in cases where families force women to marry their perpetrators to hide the illegal pregnancy or the loss of virginity. After abolishing this Article, all those who were raped statutory and marriedor not married should be subjected to psychological and socioeconomic support. The government abolished the article and since then it has not provided the alternative to protect women who chose to have sexual relationship and are considered raped due to the Jordanian law which penalize the man in cases of sex with a minor.

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