



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Jordan

1. The Committee considered the combined third and fourth periodic report of Jordan (CEDAW/C/JOR/3-4) at its 805th and 806th meetings, on 2 August 2007 (see CEDAW/C/SR.805 (A) and 806 (A)). The Committee's list of issues and questions is contained in CEDAW/C/JOR/Q/4 and the responses of the Government of Jordan are contained in CEDAW/C/JOR/Q/4/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined third and fourth periodic report, which was well structured and generally complied with the Committee's guidelines for the preparation of reports, although it lacked references to the Committee's general recommendations.

3. The Committee commends the State party for its high-level delegation, headed by the State Minister for Prime Ministry Affairs and including the Secretary-General of the Jordanian National Commission for Women, the national machinery for the advancement of women.

4. The Committee congratulates the State party for its introductory statement, its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insight into the real situation of women in Jordan. In particular, the Committee commends the State party for its will to develop and initiate a number of proposals to amend laws and institute measures to end discrimination against women.

#### Positive aspects

5. The Committee commends the State party for publishing the Convention in the Official Gazette, which gives it the force of law in Jordan.



6. The Committee congratulates the State party on the establishment of a 20 per cent quota for women in the municipal councils, which has led to the election of 240 women to municipal councils, and on the appointment of the first female head of a court.

7. The Committee congratulates the State party on the achievement of parity between girls and boys in primary and secondary education.

#### **Principal areas of concern and recommendations**

8. **While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

9. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in respect of some concerns raised in the Committee's previous concluding comments, adopted in 2000 (A/55/38, part one, paras. 139-193). In particular, the Committee finds that its recommendations in paragraphs 169 (to encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution), 171 (to undertake a review of all existing legislation to bring it fully into compliance with the Convention), 175 (to reconsider the law and policy on polygamy with a view to eliminating that practice), 181 (to initiate legislative action to permit safe abortion for victims of rape and incest) and 185 (to review legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention) have been insufficiently addressed.

10. **The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.**

11. The Committee is concerned about the State party's reluctance to withdraw its reservations to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d) and (g). It is particularly concerned that the State party is unwilling to withdraw its reservation to article 15, paragraph 4, despite its assertion that this reservation has become redundant owing to an amendment to the Passport Act removing the requirement of male consent to the issuance of a passport to a Jordanian woman. The Committee is concerned about the State party's assertion that it cannot, for political reasons, amend its nationality law to allow Jordanian women to pass their nationality to their children and foreign spouses and, for religious reasons, amend provisions of its Personal Status Act to give women equal rights with men in matters of marriage, divorce and custody of children.

12. **The Committee calls upon the State party to speedily withdraw its reservation to article 15, paragraph 4, which it acknowledges has become redundant in the light of legal reform. It also urges the State party to recognize the negative impact of its nationality law on Jordanian women married to**

foreigners and on the children of those women and, accordingly, to revise its nationality law and remove its reservation to article 9, paragraph 2. The Committee invites the State party to revise its Personal Status Act, in the light of comparative jurisprudence where more progressive interpretations of Islamic law have been codified in legislative reforms, to give women equal rights in marriage, divorce and custody of children and to withdraw its reservations to article 16, paragraph 1 (c), (d) and (g).

13. While appreciating that the Convention has been recently published in the Official Gazette, which gives it the force of law, the Committee is concerned that the Convention has not been made fully operational in Jordan, as enabling legislation remains to be adopted. In particular, the Committee is concerned that national legislation does not provide sanctions for acts of discrimination based on sex or remedies for violations of the rights to equality and non-discrimination. The Committee is further concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country and have not, so far, been utilized in bringing cases related to discrimination against women before the courts.

14. **The Committee encourages the State party to enact a comprehensive gender equality law that extends to both the public and private sectors and to political, economic, social, cultural, civil and any other fields, and includes a definition of discrimination against women in line with article 1 of the Convention; provisions on the equal rights of women with men in line with article 2 (a) of the Convention; and sanctions and remedies for acts of discrimination based on sex. The Committee calls on the State party to ensure that the Convention becomes an integral part of legal education. In this regard, it urges the State party to develop awareness-raising programmes and training on the provisions of the Convention for judges, lawyers and prosecutors, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. The Committee invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance. The Committee calls upon the State party to disseminate the Convention and its general recommendations widely among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public.**

15. While noting that the State party is in the process of further strengthening its national machinery for the advancement of women, including by enhancing its capacity to coordinate promotion and implementation of policies pertaining to gender equality and the use of the gender-mainstreaming strategy, increasing the budget for the national machinery and giving it the capacity to receive complaints of discrimination against women, the Committee is concerned that it did not receive a clear picture of the legal framework, the status of the restructuring of the national machinery and the enhancement of its powers, in particular in the areas of decision-making and enforcement.

16. **The Committee calls on the State party to complete expeditiously the process of strengthening and restructuring its national machinery so that it can**

**fully execute all its functions, and to provide in its next report, a clear and detailed picture of the national machinery, including its authority, functions, powers and resources.**

17. While appreciating the State party's efforts to review and propose amendments to discriminatory legislation, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted, that several bills that have been drafted have yet to be adopted, and that some proposed amendments have been rejected by Parliament. In particular, the Committee is concerned about the State party's statement that reform may be undertaken only gradually and in a piecemeal manner for political reasons.

**18. The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the Committee calls upon the State party to increase its efforts to sensitize the Parliament and public opinion regarding the importance of accelerating legal reform which, according to article 2 of the Convention, has to be undertaken without delay. It also encourages the State party to take all steps necessary to increase support for law reform, including through proactive outreach to Parliament, and partnerships and collaboration with religious and community leaders, lawyers, judges, civil society organizations and women's non-governmental organizations.**

19. While noting that the Ministry of Education is gradually revising school textbooks to eliminate gender stereotypes and incorporate principles of human rights and women's rights and that the Ministry of Religious Affairs is developing a guide for preachers and imams emphasizing women's rights in Islam, the Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Jordan, as already expressed in the previous concluding comments (A/55/38, part one, para. 165). These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life, and are also a root cause of violence against women.

**20. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life and therefore subject to change. It calls upon the State party to implement comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women in order to create an enabling and supportive environment conducive to changing discriminatory laws, customs and practices and strengthening women's ability to enjoy all their human rights. Such measures should include awareness-raising and programmes in the formal and non-formal educational sector, addressing women and men, girls and boys, community and religious leaders and, in particular, members of Parliament, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that the State party closely monitor the impact of, and results**

achieved from, its efforts to promote change concerning the stereotypical expectations of women's roles in the family and society.

21. While noting that a draft law on protection against domestic violence is being reviewed by the Council of Ministers and will soon be submitted to Parliament, the Committee continues to be concerned about the prevalence of violence against women, the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence. The Committee is concerned that social attitudes and, in particular, attitudes of law enforcement officials and the judiciary may deter women from reporting cases of violence against them.

**22. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including the draft law on protection against domestic violence, in order to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. It also invites the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).**

23. While noting that article 340 of the Penal Code has been revised so that it no longer exonerates perpetrators of crimes committed in the name of honour, or "honour" crimes, the Committee is concerned that perpetrators of such crimes get lenient sentences under the amended article 340 (which reduces penalties for murders that are viewed as "honour" crimes), article 98 (which reduces penalties for murders committed in a fit of fury) and article 99 (which halves a perpetrator's sentence when he is excused by the victim's family), and that "honour" crimes continue to be treated differently from other violent crimes in terms of investigation and prosecution, as well as prevention efforts. The Committee is also concerned that rapists may be exempt from punishment by marrying their victims. It is further concerned that virginity tests, which perpetuate stereotypes, may be carried out without the full and free consent of women and the results of such tests may be used to their detriment.

**24. The Committee calls upon the State party to amend, without delay, applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty under article 340; that perpetrators of premeditated "honour" crimes do not benefit from a reduction of penalty under article 98; and that article 99 is not applicable to "honour" crimes or other cases where the victim is related to the perpetrator. The Committee also urges the State party to ensure that "honour" crimes are**

**treated as seriously as other violent crimes in regard to investigation and prosecution, and that effective prevention efforts are put in place. It further calls upon the State party to ensure that a rapist does not escape punishment by marrying his victim. It recommends that the State party eliminate the use of virginity tests or ensure that such tests are carried out only with the full and free consent of the woman and the results are not used to her detriment.**

25. While appreciating the establishment of the Family Reconciliation Centre as a refuge for women fleeing abusive situations and noting the preparation of a draft law to give non-governmental organizations licences to establish and run shelters, the Committee is concerned about the lack of shelters and other services for victims of violence against women. The Committee is also concerned that the Family Reconciliation Centre may promote reconciliation over the protection and safety of women. The Committee is further concerned that the practice of placing abused women and women at risk in protective custody and depriving them of their liberty continues, despite the Committee's previous recommendation (A/55/38, part one, para. 179) and despite the establishment of the Family Reconciliation Centre.

**26. The Committee recommends the establishment of a sufficient number of accessible shelters and crisis centres for female victims of violence in both urban and rural areas. The Committee calls upon the State party to ensure that if a victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the situation monitored to prevent further abuse. The Committee urges the State party to replace the practice of protective custody with other measures that ensure the protection of women without jeopardizing their liberty, and to accordingly transfer all women currently held in protective custody to the Family Reconciliation Centre or other safe shelters.**

27. While appreciating the recent election of 240 women to municipal councils following the adoption of a 20 per cent quota for women in municipal councils and noting the quota of 6 seats for women out of 110 seats in the lower house of Parliament and the appointment of 7 women to the upper house of Parliament, the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions.

**28. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25, and to establish concrete goals and time frames in order to accelerate the increase in the representation of women in elected and appointed bodies in all areas and at all levels of public life. In this regard, the Committee urges the State party to consider amending the Elections Act before the parliamentary elections scheduled for November 2007 in order to institute a significantly higher quota for women, as recommended by the Jordanian National Commission for Women. The Committee invites the State party to also encourage political parties to use quotas or numerical goals in order to accelerate women's equal representation. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It calls upon the State party to undertake awareness-raising, including for all members of Parliament, about the importance of women's participation in decision-making for society as a whole.**

29. While welcoming the achievement of parity in education for girls and boys in primary and secondary schools, the Committee is concerned about the low numbers of women university professors. It is also concerned about the limited extent of human rights education at all levels and lack of attention to the human rights of women and achievement of gender equality in such education.

**30. The Committee encourages the State party to strengthen its efforts to increase the number of women university professors in all fields, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It also invites the State party to enhance its human rights education in curricula at all educational levels and to ensure that such education places priority on the promotion of gender equality and women's human rights.**

31. The Committee is concerned that the Labour Code does not prohibit discrimination against women or sexual harassment and that female employees are not entitled to the same benefits on the same terms as male employees. The Committee is further concerned about the State party's assertion that it is unable to regulate the conduct of private employers. The Committee is also concerned about limited availability of day-care facilities, thus further limiting women's ability to join the labour force.

**32. The Committee recommends that the State party amend its Labour Code to prohibit discrimination against women as well as sexual harassment in both public and private sector employment and include mechanisms for redress of complaints of discrimination and sexual harassment. It calls upon the State party to ensure that there is no discrimination in terms of employment-related benefits and that female employees receive all the same benefits on the same terms as male employees. It further recommends that the State party monitor adherence to the amended Labour Code by employers in both sectors to ensure compliance with such provisions. The Committee urges the State party to take all measures necessary to eliminate discrimination against women in the private sector, in accordance with article 2 (e) of the Convention. It also calls upon the State party to establish adequate and sufficient day-care centres in order to facilitate women's entry into the labour force.**

33. While noting that amendments to the Labour Code to ensure coverage for workers in the informal sector are being drafted, the Committee is concerned that the Labour Code currently does not cover workers in the informal sector, especially domestic workers, including migrants, who are predominantly female. The Committee is also concerned that compliance with current regulations related to the employment of domestic workers, including migrants, is not monitored and such regulations are not adequately enforced.

**34. The Committee calls upon the State party to speed up the law reform effort to ensure that the employment of domestic workers, including migrants, is covered by the Labour Code. It also urges the State party to monitor and effectively enforce regulations relating to the employment of domestic workers, including migrants, for their benefit.**

35. The Committee is concerned that despite an amendment to the Personal Status Act that increases the minimum age of marriage for both boys and girls to 18 years, marriage of a girl over 15 years can be conducted if a judge finds such marriage to

be in her interest. The Committee is further concerned that a very high percentage (approximately 15 per cent) of all marriages continue to be of girls under the age of 18 years with adverse impact on their health, education and employment.

**36. The Committee urges the State party to eliminate the provision in article 5 of the Personal Status Act that allows marriage of a person under 18 years and to enforce the 18-years minimum age of marriage for both women and men, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

37. While noting the State party's emphasis on working in partnership with non-governmental organizations, the Committee is concerned that the newly adopted regulations on non-profit organizations and the draft law on non-governmental organizations being considered may hinder the operation and activities of non-governmental organizations, especially women's non-governmental organizations whose work has been beneficial to Jordanian women.

**38. The Committee recommends that the State party ensure that civil society organizations and women's non-governmental organizations are not restricted with respect to their establishment and operations and that they are able to function independently of the Government. In particular, the Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention.**

39. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention or data disaggregated by other factors such as age and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

**40. The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

**41. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.**

**42. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

**43. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**44. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the**



**achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

45. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Jordan to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

46. **The Committee requests the wide dissemination in Jordan of the present concluding comments in order to make the people of Jordan, including government officials, politicians, parliamentarians, the judiciary and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

47. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in July 2009.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.