

JORDAN

CEDAW A/55/38 (2000)

139. The Committee considered the first and second periodic reports of Jordan (CEDAW/C/JOR/1 and 2) at its 448th, 449th and 456th meetings, on 20 and 26 January 2000 (see CEDAW/C/SR.448, 449 and 456).

Introduction by the State party

140. In presenting the initial and second periodic reports, the representative noted that developments in the State party since the ratification of the Convention in July 1992 had been mostly positive and beneficial to women. She emphasized the partnership between the official and non-governmental sectors in relation to women's issues, and that non-governmental organizations had been a major partner in preparing the second report. National machinery for the advancement of women, namely the Jordanian National Commission for Women, chaired by Princess Basma bint Talal, had been established with extensive tasks, including development of legislative proposals and of policies to eliminate discrimination against women. In addition to the Convention, Jordan was a State party to other international human rights instruments of particular relevance to women.

141. Although the Jordanian Constitution enshrined the principle of equality of all citizens, the representative noted that equality was not yet fully reflected in all national laws. Since 1992, legislation related to the right of women to leased property had been amended and labour legislation had been revised to increase protection against termination of employment due to pregnancy, as well as to provide maternity-related benefits, including maternity leave. Amendments to civil status and passports regulations now enabled divorced or widowed women to be registered as heads of family.

142. The representative referred to a number of proposed revisions to the Penal Code that were currently before Parliament, including amendments to the penalty for adultery and for violence against women, including rape or murder. A proposal to repeal article 340 of the Penal Code, which exonerated a man for killing or injuring his wife or certain female relatives in an adulterous situation, had also been placed before Parliament, as had bills to amend the Passport Law and the Civil Status Law.

143. The Government was studying several other proposed amendments, including to the social security law, the civil retirement law, the nationality law, the civil health insurance regulations and a draft new civil status code. The representative underlined that legislative reform was accelerated by the high-level political will for such reform and for policy measures for women, as demonstrated by the late King Hussein and by King Abdullah II.

144. The representative noted that in the light of progress made, the national strategy for women of 1993 would be updated. A national programme of action for the implementation of the Beijing Platform for Action had also been adopted. Both documents had been prepared in joint efforts of various ministries and representatives of civil society. The recent inclusion of a gender perspective

in the country's economic and social development plan for 1999-2003 was an indication of the Government's commitment to the Beijing Platform for Action.

145. Women's participation in political and public life had improved modestly in Jordan since ratification of the Convention, with progress hindered by prevalent social and cultural patterns that were not yet receptive to such changes. Women had been almost continuously present in the Cabinet since 1993, and for the first time in the country's history a woman currently occupied the post of Deputy Prime Minister. Women's representation had also increased within ministries and in the Senate, and there were now a total of seven women members of the judiciary. Women had made less progress in gaining electoral office, and none of the 17 women candidates was elected to Parliament in the 1997 elections. A petition to institute a transitional quota system to allocate at least 20 per cent of parliamentary seats to women had been rejected by the Government on the basis that women did not constitute a sector or a minority but half of society. Following the appointment of 99 women to municipal and rural councils throughout the country, 10 women had been elected to rural and municipal councils in 1999.

146. The representative informed the Committee that there was no gender gap in enrolment rates in the basic and secondary levels of education and that female enrolment at the university level had reached 48 per cent of total enrolment. Although the female illiteracy rate remained higher than that of men, it had dropped from 48 per cent in 1979 to 20.6 per cent in 1994 among women 15 years or older and was decreasing much faster than that of men. The illiteracy rate remained highest among the rural population, which constituted 20 per cent of the country's population. Literacy centres were being set up throughout the country, in cooperation with non-governmental organizations. A new postgraduate programme on women's studies had been introduced at a public university. In May 1999, a national commission for human rights education had been established.

147. Although there were no discriminatory legislative provisions relating to employment, women's participation in the active workforce remained low, at 13.6 per cent, with women in the 20 to 34-year age group having the highest rate of participation. Women's monthly pay was 85.7 per cent that of men and their unemployment rate nearly double. Recently, a minimum wage had been set, which was expected to directly benefit women working in the private sector.

148. The representative noted that, in partnership with non-governmental organizations, remarkable improvements had been made in regard to women's health. Reproductive health indicators had improved, including improved pregnancy health care, an increase in medically supervised births, lowered maternal mortality rates and increased use of contraceptives. Improvements had also been made in health services for special groups of women, including the elderly and women with disabilities.

149. The representative indicated that clear and positive change had occurred regarding the elimination of domestic violence. Although there were no statistics on its occurrence, patterns of increased violence had led to the creation of a family protection department in the Directorate of Public Security to deal with cases of sexual assault on women and children. Non-governmental organizations and civil society institutions played a key role in efforts to eliminate domestic violence.

150. The representative noted that civil law affirmed equality between women and men. With regard to family relations, Jordan adhered to the tolerant principles of Islamic Shariah, but, while women had the right to determine their conditions for inclusion in the marriage contract, that provision was rarely used. Campaigns had been launched, especially by non-governmental organizations, to increase women's awareness and use of those rights.

151. Despite a clear commitment at all levels to implement the Convention, the representative noted that obstacles to its full implementation remained. Political and economic realities of the region directly affected national priorities and thus implementation of the Convention. Poverty and the predominant social and cultural conditions limited improvements for women in such areas as employment, participation in public life and access to decision-making. In addition, monitoring and follow-up were made more difficult by a lack of data disaggregated by sex. In conclusion, the representative highlighted the political will to overcome those obstacles. The existence of national machinery for the advancement of women, with the participation of both government and non-governmental representatives, had made the opinions of grass-roots women accessible to decision makers and further commitments would be achieved in the years ahead.

Concluding comments of the Committee

Introduction

152. The Committee expresses its appreciation to the Government of Jordan for submitting its initial report as well as a timely, detailed and well structured second periodic report, which follows the guidelines of the Committee and provides information about implementation of all the articles of the Convention. It commends the Government on its oral presentation and the replies to the Committee's questions that have further clarified recent developments in the State party. It appreciates the open manner in which the reports were prepared, in particular the extensive consultative process with non-governmental organizations during the preparation of the second periodic report.

153. The Committee commends the Government of Jordan for sending a high-level delegation headed by the Secretary-General of the Jordanian National Commission for Women, which established a constructive, open and sincere dialogue with the members of the Committee.

154. The Committee recognizes that the ratification of the Convention by Jordan constitutes an important step in the development of an egalitarian approach to women's rights in the country.

Positive aspects

155. The Committee commends the Government for having ratified the Convention in 1992. This ratification is an expression of the political will and the determination of the Government to work towards the full implementation of the Convention and the achievement of equality between women and men. It also appreciates the fact that the Government recognizes remaining areas of discrimination against women in law and practice.

156. The Committee appreciates the fact that the National Charter, which is not a legally binding

document, expressly affirms the constitutional equality of women and men, who together contribute to the development and modernization of Jordanian society.

157. The Committee welcomes the work undertaken by the national machinery, namely the National Commission for Women, to implement the Convention, and its strong and cooperative links with non-governmental organizations.

158. The Committee welcomes the legislative reforms undertaken by the State party since ratification of the Convention, including reform of labour law, civil service regulations and regulations concerning the Family Document.

159. The Committee notes with satisfaction the level of education girls and women have achieved. In particular, the Committee expresses satisfaction that parity has been achieved in enrolment rates in the basic and secondary cycles and the fact that the gap between women and men in university education is closing. It also commends the Government's efforts to further reduce the female illiteracy rate.

160. The Committee notes with satisfaction that there is an increasing trend towards participation of women in the labour force, which contributes to the empowerment of women and strengthens their participation in public life in general.

161. The Committee welcomes with appreciation the fact that women's non-governmental organizations play an active role in public life. The Committee commends, in particular, their efforts to support the political, economic and social mobilization and empowerment of women.

162. The Committee commends the progress made in improving women's health, including the provision of reproductive health services and the prevalence of contraceptive use among married women.

163. The Committee notes that violence against women is now acknowledged as a critical area of concern that needs to be addressed through governmental action.

164. The Committee commends the Government on the preparation of a national strategy for women and of a national programme of action for the implementation of the Beijing Declaration and Platform for Action. It notes with satisfaction that these were prepared in a collaborative effort, involving various government bodies, the national machinery and non-governmental organizations. It also welcomes the inclusion of a gender perspective in the economic and social development plan for 1999-2003 by including women's issues in all of the sectors covered by the plan.

Factors and difficulties affecting the implementation of the Convention

165. The Committee considers that the country's current socio-economic situation, including the doubling of the population, owing largely to refugee influx, and the scarcity of natural resources, affect the full implementation of the Convention. The persistence of strong stereotypical attitudes concerning the roles and responsibilities of women and men also constitute an impediment to the full implementation of the Convention.

Principal areas of concern and recommendations

166. The Committee expresses its concern that cultural practices and strong stereotypical attitudes about the roles and responsibilities of women and men, affecting all spheres of life and impeding the full implementation of the Convention, persist.

167. The Committee urges the Government to review or enact laws making illegal cultural practices that discriminate against women. The Committee urges the Government to increase awareness-raising programmes, as well as change stereotypical attitudes and perceptions about the roles and responsibilities of women and men.

168. The Committee expresses its concern that, although article 6 of the Jordanian Constitution contains the principle of equality of all Jordanians before the law, it does not contain a specific provision stating that there shall be no discrimination either *de jure* or *de facto* on the ground of sex.

169. The Committee calls on the Government to encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution and to reflect fully article 1 of the Convention in the Constitution.

170. The Committee is also concerned that although the Convention acquired the force of law within the country upon ratification it has still not been published in the Official Gazette, which is a prerequisite to it becoming legally binding.

171. The Committee urges the Government to publish the Convention in the Official Gazette without delay, and to initiate necessary legislative action to make the Convention enforceable in courts. The Committee further calls on the Government to undertake a review of all existing legislation to bring it fully into compliance with the amended Constitution and the Convention.

172. The Committee is concerned that Jordanian nationality law prevents a Jordanian woman from passing on her nationality to her children if her husband is not Jordanian. This is an anachronistic situation at a time when Jordan is making major strides in its economic and democratic development and when marriage between persons of different nationalities is increasingly common. It also notes with concern that Jordanian law prohibits women from concluding contracts in their own name, from travelling alone and from choosing their place of residence. It considers these limitations on the rights of women to be inconsistent with the legal status of women under the Jordanian Constitution and the Convention. The Committee notes with concern that Jordan has entered reservations to articles 9, paragraph 2, and 15, paragraph 4, which relate to these matters.

173. The Committee calls on the State party to revoke those laws and to withdraw its reservations to articles 9, paragraph 2, and 15, paragraph 4.

174. The Committee notes that a woman's right to choose a family name, a profession or an occupation and a woman's rights upon divorce and rights and responsibilities as a parent are not recognized in the Personal Status Code. It also notes with concern that Jordanian law recognizes the practice of polygamy.

175. The Committee calls upon the Government to amend the Personal Status Code to recognize women's rights to choice of family name and occupation, as well as their rights upon divorce and with regard to their responsibilities as parents. The Committee calls upon the Government to reconsider the law and policy on polygamy with a view to eliminating this practice in line with the Convention, the Constitution and evolving social relations in the country. It also recommends that the Government review its reservations to article 16, paragraph 1 (c), (d) and (g), with a view to their withdrawal.

176. The Committee notes with concern that violence against women is a critical issue.

177. The Committee recommends that the Government take the necessary legal and social measures, including awareness-raising, to effectively address the issue of violence against women.

178. The Committee expresses its concern that several provisions of the Penal Code continue to discriminate against women. In particular, the Committee is concerned that article 340 of the Penal Code excuses a man who kills or injures his wife or his female kin caught in the act of adultery.

179. The Committee urges the Government to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make "honour killings" socially and morally unacceptable. It also urges the Government to take steps that ensure the replacement of protective custody with other types of protection for women.

180. The Committee expresses its concern that the prohibition of abortion also applies to cases where pregnancy is due to rape or incest.

181. The Committee calls on the Government to initiate legislative action to permit safe abortion for victims of rape and incest.

182. The Committee is concerned at the very low representation of women in elected and appointed office. In particular, the Committee is concerned that there are no women in Parliament and few women are office holders in rural and municipal councils. While it welcomes the fact that, for the first time, a woman holds the post of Deputy Prime Minister, it is concerned that women hold a small percentage of ministerial positions.

183. The Committee urges the Government to work with political parties, unions and other stakeholders to increase the number of women elected and appointed to political office and decision-making positions. In particular, it encourages the Government to take temporary special measures, including the introduction of quotas, in accordance with article 4, paragraph 1, of the Convention, to remedy the low representation of women in the political sphere.

184. The Committee is concerned that women make up only 13.6 per cent of the paid labour force, a situation that appears to be largely due to social constraints rather than discriminatory legislation. It is concerned that restrictive employment legislation in the area of night work and regulations on jobs banned to women reinforce women's difficulties in obtaining paid employment. The Committee is concerned that although Jordan has ratified ILO Convention No. 100 on equal pay for work of equal value, there continues to be a wage gap to women's disadvantage. The Committee is

concerned at the difference in entitlement to maternity leave in the public and private sectors.

185. The Committee calls on the Government to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention. It calls on the Government to review ILO recommendations concerning maternity leave, to adapt its national situation to these recommendations and to consider coverage of such leave through social insurance schemes in order to prevent private employers from discriminating against women in recruitment.

186. While commending the work done by the National Commission for Women, the Committee is concerned at the lack of decision-making and enforcement power of the Commission. It also notes with concern that the National Commission was established by decree rather than by law.

187. The Committee recommends that the Government consider strengthening the National Commission for Women by placing its existence on a legislative basis, by strengthening its decision-making and enforcement powers and by providing adequate human and financial resources. It also recommends that this mechanism be given the mandate to receive complaints about discrimination.

188. The Committee expresses its concern that, notwithstanding the important role of rural women in Jordan and government efforts to provide education and extension services, they continue to be marginalized in agriculture.

189. The Committee calls on the Government to ensure that special measures are in place to support the full integration of rural women in national development.

190. The Committee urges the Government to ratify as soon as possible the amendment to article 20, paragraph 1, of the Convention concerning the time of meetings of the Committee.

191. The Committee also urges the Governor to sign and ratify the Optional Protocol to the Convention as soon as possible.

192. The Committee requests the Government to respond to the concerns expressed in these concluding comments in its next report.

193. The Committee requests the wide dissemination in Jordan of the current concluding comments in order to make the people, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality of women as well as of further steps that are required in this regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action.