

JORDAN

CESCR E/1987/28

36. The Committee considered the initial report of Jordan relating to articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights (E/1984/6/Add.15) at its 6th to 8th meetings, on 11 and 12 March 1987 (E/C.12/1987/SR.6-8).

37. The report was introduced by the representative of Jordan, who presented statistical data on the country's employment situation. He first drew the Committee's attention to the fact that the unemployment rate in 1973 had been 8 per cent, had decreased to 2 per cent in 1976 and had risen again to 8 per cent in 1985 as a result of the regional and world recessions. He stated that in his country there was unemployment among professionals trained in engineering and medicine and there was a labour shortage in highly specialized areas and agriculture. He added that in the Jordanian economy foreign workers played an important role.

38. The representative expressed the Government's intention to resolve those problems by taking various measures, including the planned creation of 97,000 new jobs between 1986 and 1990, establishing employment offices which would guarantee a better structured labour market, and to regulate the employment of foreign workers. He also referred to the existence of the social security agency, which had been established in 1978, and made general references to the standard of living, the housing situation and health-related issues.

General observations

39. Considering the report submitted by Jordan, it was pointed out by members of the Committee that reporting States should do their utmost to follow the guidelines laid down, both in order to facilitate the Committee's work and to demonstrate the process of constructive dialogue.

40. It was regretted that no reference was made in the report to the part played by international co-operation in securing the implementation of economic and social rights in Jordan.

41. It was noted by members that neither the report nor the introductory statement by the representative had mentioned Jordan's unique situation in that about half the population consisted of refugees and that despite its limited resources Jordan had given priority to the victims and refugees of regional conflict.

Article 6: The right to work

42. With reference to the above issue, it was observed by members that unemployment persisted despite a constitutional provision stipulating that all citizens enjoyed the right to work, information was therefore requested concerning the conditions under which the right was exercised, including the extent of freedom of choice of employment and guarantees against discrimination, and whether forced labour was prohibited.

43. Members of the Committee asked questions concerning the number, nationalities and situation of foreign workers within the country. It was also asked on what grounds a large number of foreign workers were considered by the authorities as illegal workers, and to what extent foreigners were guaranteed the right to work. Information was also sought as to how many Jordanians work abroad, and whether they enjoyed Jordanian social security benefits.

44. Members of the Committee asked whether there was any law in Jordan prohibiting discrimination against women in connection with the right to work and on what grounds women could retire after a shorter service than men. It was also asked what kind of protection was given to workers who were subjected to arbitrary dismissals and what the Government proposed to do in order to eliminate mendicity.

45. It was pointed out that the numbers enrolled in various technical training programmes seemed small in terms of the total population, and more detailed information was requested concerning the various training programmes in existence.

46. The representative of Jordan, in reply, explained that the right to work was guaranteed, under the Constitution, for Jordanian citizens.

47. He stated, in this connection, that there were 70,000 foreigners working illegally in Jordan, that a large number of workers entering Jordan without visas were permitted by the Government to stay in the country, and further that the provision of Labour Act No. 18, of 1960, merely tightened the existing procedures for granting working permits.

48. With regard to the number of foreigners working legally, the representative clarified that the number of permits issued to aliens was 93,000 in 1981, 153,000 in 1984 and 143,000 in 1987. He added that a foreign worker was fully covered by Jordanian labour law once he obtained a work permit and that he or she could join a social security scheme. It was added that self-employed workers did not come under this scheme.

49. With regard to Jordanians working abroad, the representative stated that their number had been estimated at 340,000, mostly professionals, and that they were considered as a national asset since foreign earnings were important to the country's economy.

Article 7: The right to just and favourable conditions of work

50. It was observed that the report submitted by Jordan gave no information on the implementation of the Covenant concerning remuneration and equal opportunity.

51. With regard to remuneration, members of the Committee requested information on wage scales and asked whether there was a guaranteed minimum wage in Jordan. Statistics concerning the number of industrial accidents compared with the number of days of work were also sought. The question was raised as to whether a State labour inspectorate existed to monitor the implementation of security regulations, whether sanctions for breaches of such regulations were imposed, and, if so, what form they took administratively, judicially, penally or civilly.

52. Information was requested concerning measures for controlling pollution, the handling of toxic products and employment in hazardous tasks.

53. It was asked whether the right to equal pay for equal work was guaranteed in Jordan and whether there was any discrimination in this regard on the basis of sex or nationality. Information was also sought as to the facilities which were available for solving wage disputes. It was noted that the information provided made no distinction between public servants and those employed in the private sector. Information was requested on the proportion of male as opposed to female public servants and on opportunities for the promotion of women in the public sector. Information was requested on the average number of working days per week.

54. Concerning vocational training, the representative stated that there were some 20 vocational high schools, 71 specialized vocational centres and a vocational training corporation, which aimed to provide some training for 30,000 persons. He further stated that the Government made every effort to provide professionals, including doctors and engineers who were unemployed, with the skills they needed in order to find alternative work by preparing special courses for them.

55. Concerning the rights of women, the legislation on equality guaranteed the right to access to equal employment and salary without discrimination. The rate of participation of women in the economy was 12.5 per cent in 1985. The proportion of females working in the personnel and office work areas had been 34.3 per cent in 1979, and had risen to 36.1 per cent in 1984.

Article 8: Trade-union rights

56. With regard to trade-union rights, questions were asked as to whether the free exercise of trade-union rights was guaranteed, how trade-union activities were restricted and how many trade unions existed in Jordan.

57. Members of the Committee also raised questions about the right of trade unions to form confederations, the role of government officials in authorizing unions to join international trade-union organizations, and the kind of protection received by workers who were not members of trade unions.

58. With regard to the right to strike, members of the Committee asked whether the 14-28 day notification required in order to hold a strike did not pose a serious obstacle to the exercise of that right.

59. With regard to trade unions, the representative stated in reply that between 1981 and 1985, there were 68 collective bargaining agreements and 260,000 workers had signed them.

Article 9: The right to social security

60. It was observed that there was very little information in the report on the right to social security. Members asked whether there was a central, unified national social security system or a number of

parallel regimes and whether it also covered the self-employed.

61. Given that Labour Act No. 18 provided for two weeks' sick leave per year, after six months' service, information was requested as to what happened to sick workers who were obliged to be off work for more than two weeks.

62. Concerning the status of foreign workers, the question was raised as to whether foreigners were entitled to draw social security benefits in the absence of bilateral agreements between Jordan and the workers' countries of origin.

63. Noting that the age of retirement was 62 and that the pension entitlement varied according to whether the retired person was single or married with family responsibilities, a question was asked as to whether a single person who had a family responsibility would be entitled to the same benefit as a married person.

64. In reply the representative indicated that the social security coverage of Jordanians working abroad depended on the schemes in operation in the country concerned.

65. As to the retirement age, the representative said that it was 60 in the case of men after 20 years of service, and 55 after 15 years of service in the case of women. This was not based on discrimination but was a mere reflection of the fact that the latter generally had more responsibility and heavier tasks at home.

66. In concluding the consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

(Arts. 10 -12)

67. The initial report submitted by Jordan (E/1986/3/Add. 6) on articles 10 to 12 of the Covenant was considered by the Committee at its 8th meeting, held on 12 March 1987 (E/C.12/1987/SR.8).

68. The report was introduced by the representative of Jordan who provided additional background information supported by some statistical data on the attainment of a higher standard of living, housing, and matters relating to health. He drew the Committee's attention to the fact that the GNP per capita had been continuously growing, rising from 163 Jordan dinars (JD) in 1972 to 695 JD in 1985, approximately equivalent to \$US 2,000. The population served by a water network rose from 32 per cent in 1961 to 96 per cent in 1985. Telephone services are available to 88 per cent of the population.

69. As regards housing, he explained that Jordan had witnessed a remarkable development in the 1970s and 1980s and that a number of specialized institutions, such as the Housing Corporation, the Housing Bank, the Military Housing Corporation, the Urban Development Department and the Housing Co-operative societies had been established for the improvement of housing conditions. He pointed out that investment in housing had reached 782 million JD during the 1981-1985 and that most of this investment came from the private sector. He stressed that housing units in the last 30

years had increased 12 times to reach 465,000 units in 1986.

70. Turning to health, he said that Jordan had attained significant progress in the improvement of health conditions. Preventive and curative services had been greatly expanded and made more readily available to the public. The number of health centres and village clinics had reached 420 in 1985 with 101 mother and child centres. The number of hospital beds had risen to 18.4 per 10,000 of the population. The number of physicians had risen to 11.3 physicians per 10,000 of population. Infant mortality had declined from 150 per 1,000 in 1961 to 60 per 1,000 in 1985. The average life expectancy had gone from 46 for men in 1961 to 67 in 1985 and for women from 47 to 71. Health insurance in Jordan was regulated by the Health Insurance Act. In general, Government employees and Armed Forces personnel were covered by medical insurance while 97.5 per cent of large private sector establishments had their own private health insurance as of 1979 for their employees. The Ministry of Health provided medical services free of charge for the poor, and for a small fee for those not covered by insurance.

General observations

71. Turning to the general content of the report, members of the Committee observed that the report did not provide sufficient detailed information and that more precise information on the extent to which articles 10 to 12 of the Covenant were or were not being realized would have been welcome. In particular it was felt that the report should have been prepared more closely in accordance with the reporting guidelines.

Article 10: Protection of the family, mothers and children

72. Turning to the protection of the family, it was asked whether the notion of the extended family existed in Jordan. Members of the Committee, while welcoming the efforts made by the Government in this area, observed that the report did not contain any specific information as to housing assistance provided to young married persons in the lower income brackets. Members wished to know whether article 48 of Jordanian Labour Act No. 21, of 1960, under which children under the age of 13 are not allowed to work, applied exclusively to remunerated work and whether other measures aimed at preventing children from undertaking difficult or dangerous tasks had been adopted. It was also asked whether special tribunals for minors or juveniles existed in Jordan.

73. As regards equality of the sexes, some members of the Committee asked whether a man may be allowed to have up to four wives simultaneously, and requested information as to the type of traditional policy pursued in Jordan to prevent any discrimination with respect to women in this regard. Concerning marriage, and in particular, the free consent of the intending spouses, information was sought as to why the relevant wording of article 10 was not used in the Jordanian legislation.

74. With respect to the statement made in the report that the Personal Status Act (No. 61), of 1976, provided that a woman shall not be compelled to marry a man older than herself, information was sought as to the nature of any restrictions affecting the rights of women in their free of choice of a spouse. Questions were also asked about the minimum age set for marriage, whether the intending spouses were given any kind of counselling prior to marriage and whether the concept of the natural

family was given recognition in Jordan. With respect to maternity leave, clarification was requested over the differences in treatment accorded to female employees who have worked for 180 days and those who have worked for a shorter period of time in the same enterprise.

75. Clarification was further requested with respect to the conditions governing the rights of women to apply for divorce, as to the level of the divorce rate in Jordan, as to the implications of divorce for the spouse and children and as to the legislation governing divorce.

76. In reply, the representative of Jordan explained that the Jordanian practice with respect to Islamic marriage laws was not sufficiently known by rest of the world. The 1976 Act provided for equality between men and women, as a result of which marriage had become a contract between two consenting adults who may include other clauses of their choice. For instance women could divorce and receive alimony. He said that the Government did not intervene in the application of non-Islamic laws in other religious communities, except in matters relating to succession or inheritance. He pointed out that women could carry out business under their own name. Turning to the provision that a woman shall not be compelled to marry a man older than herself, he explained that such provisions should not be interpreted to mean that a woman may not marry a man older than herself.

77. As regards the family, he stated that it constituted the central economic entity in Jordan, and that the notion of the extended family existed in Jordan. Children and old persons who cannot materially support themselves are taken care of by the family. He said that copies of judgements rendered on this matter by competent tribunals could be made available to the Committee.

Article 11: Right to an adequate standard of living

78. Members of the Committee wished to obtain more information on the distribution of the GNP, particularly in terms of the least advantaged members of society, since aggregated statistical data per se may not necessarily reveal the situation with respect to individual rights.

79. It was noted by members that neither the report nor the introductory statement by the representative had mentioned Jordan's unique situation in that about half the population consisted of refugees and that despite its limited resources Jordan had given priority to the victims and refugees of regional conflict.

80. Regarding housing, information was requested on measures taken by the Government to provide housing to lower-income people and on any legislative measures taken to implement rent control or to protect tenants from expulsion.

81. In his statement, in accordance with paragraph 9 of Economic and Social Council decision 1981/158, of 8 May 1981, the observer for FAO recalled that his organization paid particular attention to the access of workers to education and to their utilization of modern techniques in rural activities. In this respect, he also drew the attention of the Committee to the World Conference on Agrarian Reform and Rural Development, held at Rome from 12 to 20 July 1979, which put a great emphasis on education and training. He added that FAO was doing its utmost to speed up the transfer of technology to the rural population and stated that, at the request of the Government, several projects relating to agricultural development were under way in Jordan and that the training

of the staff involved was geared towards having trained staff who would in turn be in a position to train the new staff. Regarding hygiene and occupational safety, he pointed out that the Government had ratified and taken all necessary measures to implement the provisions of the International Code of Conduct on the Distribution and Use of Pesticides.

82. Concerning article 11 of the Covenant, the representative said that it was difficult to define what was meant by an adequate standard of living. However, he added that considerable progress had been made in Jordan in the field of housing, per capita income and nutrition in particular. He noted that there had been a 3.9 per cent increase in the population in 1983 and that 0.5 per cent of that increase was due to the influx of immigrants or refugees. He added that the economy was almost entirely in the hands of private enterprises which were encouraged by the Government in order to improve the methods of production and to prevent food shortages. With respect to social rights, he said that the rights of tenants were well protected against expulsion.

Article 12: Right to physical and mental health

83. As concerns article 12, information was sought as to the measures contemplated to reach the target set by WHO of attaining a high standard of physical and mental health by the year 2000. Turning to the shortage of nurses and midwives mentioned in the report, it was suggested that the Committee should ask the Economic and Social Council to draw the attention of WHO or UNICEF to that matter. Questions were asked as to whether endemic or any other contagious diseases existed in Jordan.

84. With respect to health, the representative of Jordan pointed out that the 1985-1990 five-year plan included targets set up in accordance with directives of WHO. He explained that lower-income people received medical care free of charge and that a few schools had recently been set up to cope with the shortage of female nurses and midwives. He said that 23 State hospitals and 26 private hospitals had been built in Jordan. In his concluding remarks, the representative of the State party said that the inflation rate had been low in Jordan since 1983. The illiteracy rate had dropped from 67 per cent in 1961 to 28 per cent in 1985. In the next five-year plan the objectives of the Government included total eradication of illiteracy. In the course of the past four years, four juvenile rehabilitation centres had been created and in 1986 a National Assistance Fund had been established to assist the handicapped and poor families.

85. In concluding consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

CESCR E/1991/23

(Arts. 13-15)

56. The Committee considered the initial report of Jordan concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add. 38/Rev. 1) at its 30th to 32nd meetings, held on 28 and 29 November 1990 (E/C.12/1990/SR.30-32).

57. The representative of the State party introduced the report and expressed regret about its late submission. Noting that he had only obtained a copy of the list of issues prepared by the pre-sessional working group of the Committee that very day, he requested the Committee to allow his Government to reply to the questions contained therein in writing. The representative underlined the efforts made in the last 20 years to promote the rights guaranteed by articles 13 to 15 of the Covenant, noting in particular that the number of universities had grown significantly. He also referred to the fact that his country suffered enormous losses because of the events in the Gulf.

General matters

58. Members of the Committee wished to have a brief description of the country, particularly in respect of the territory and population; its economic, social and cultural characteristics; the legal context for the protection of human rights; and the extent to which the declaration on human rights in Islamic countries, recently adopted by an expert committee of the member States of the Organization of the Islamic Conference, promoted the implementation of the economic, social and cultural rights proclaimed in the Covenant. Members also wished to know what publicity had been given to the Covenant and the report submitted to the Committee; what was the legal standing of international treaties, particularly the Covenant, and what the repercussions of the foreign debt were on the enjoyment of the rights recognized in the Covenant. Members of the Committee also asked whether there was a difference between private and public schools.

59. In his reply, the representative of the State party stated that the lack of financial resources in his country was a major problem; some schools were housed in rented accommodations, land was expensive and there were not enough recreational facilities or sports stadiums. The World Bank had provided a loan to finance school buildings and, in one particular case, a magnificent school had been built on a mountain top in the desert, attracting tribesmen to the area. A very serious recent problem in the country related to the 100,000 Jordanians who had returned home as a result of the crisis in the Gulf and who needed to find schools for their children.

60. He explained that private schools were gradually disappearing, because of the expansion of public education. Private schools for which fees were paid dispensed an education of higher quality; that being the case, parents were free to send their children to the schools of their choice and most Jordanians attended public schools.

Articles 13 and 14: right to education

61. Members of the Committee wished to know what had been the impact on the implementation of the educational policy, referred to in paragraph 8 of the report, of riots that had been broken out in April 1989 in the south of the country against the economic measures introduced by the Government. Noting that pipeline transit dues had accounted for a sizeable proportion of the GNP of Jordan, they also wished to know how the Gulf crisis had affected the current situation of economic, social and cultural rights, particularly the right to education; what measures were envisaged to rectify the situation and to apply in full the overall training plan drawn up on the basis of the recommendations of the National Conference on the Development of Education; what percentage of the budget was allocated to education in Jordan; whether the provision of free compulsory education had not been jeopardized by the rise of economic problems and, if so, what measures had been taken to remedy the situation; in which languages primary education was imparted; and whether there was a plan to enable members of indigenous minorities to receive education in their mother tongue.

62. Members of the Committee also wished to know whether the Jordanian Constitution enabled Jordanian citizens and persons residing in the country to ensure that the right to equal opportunity in matters of education was implemented; whether special education programmes have been provided for the nomadic populations; whether students from the Gaza Strip and Palestinians in general could receive education at all levels and had equality of access with Jordanians; what opportunities there were for access to education and for the exercise of the right to education for vulnerable groups of the population who, due to racial or ethnic characteristics, handicaps or their socio-economic situation did not generally have the same access to education as the rest of the population; it was also asked whether there was a Kurdish problem in Jordan. Members also wished to know the percentage of refugees who were receiving education; whether student councils and parents' and teachers' associations were involved in decision-making relating to the curricula and other educational activities. Concerning literacy, members of the Committee requested statistics about the percentage of illiterates in the various age groups, specifically in the light of paragraph 14 of the report, which noted that the objective to expand educational facilities for adults had been prevented by a lack of financial resources. Members of the Committee also wished to know how much study was given to foreign languages at secondary level.

63. Members of the Committee also wished to know what was being done to improve the material conditions of teaching staff; what was the percentage of children of school age enrolled at school; whether all textbooks were distributed free of charge; who was responsible for selecting textbooks and for deciding which books to subsidize; and what was the significance of the stipulation of article 3 (c) (i) of the provisional Act No. 27 of 1988 that "Jordanians are equal in regard to their rights and obligations... . They are distinguished by the extent of their devotion and attachment to their society."

64. Concerning secondary education, members of the Committee noted that great efforts had been made in this respect and asked for more information about the percentage of pupils who went to a secondary or vocational school. They also wished to know how easy it was to obtain scholarships for secondary education; what criteria were applied in awarding such scholarships and what percentage of students received them.

65. Concerning higher education, members of the Committee wished to know whether university

education was free of charge; what were the supplementary conditions of admission to universities referred to in paragraph 42 of the report and how far they limited access to higher education; whether students from the West Bank had equal access to study in Jordanian universities, despite the fact that legal and administrative links with the West Bank had been severed in 1988. Noting that only 3,978 places out of 10,395 available in universities were distributed according to the principle of equal access to all on the basis of capacity, members wondered whether, in fact, that principle was adhered to in practice. Members of the Committee also wished to know, in the light of the statement in paragraph 40 of the report that there had been a notable decline in the number of Jordanians receiving higher education outside the country, whether more students were now studying in the country.

66. In addition, members of the Committee wished to know which subjects enabled the holders of diplomas to have the title of medical doctor; what professional openings were available to those studying Islamic Law; and whether that subject could be covered in only three years.

67. The representative of the State party replied that the Jordanian Constitution guaranteed equality to everyone in all spheres and that, generally speaking, the normal functioning of society guaranteed access to education for everyone. The Government made teachers available to all villages that were willing to build a school. Obviously, the functioning of society changed when social changes occurred or when groups were disorganized, as in the case of the exodus of nomads towards the towns. In the nineteenth and early twentieth centuries, the bedouin tribes lived in the desert between Amman and Akaba. In the 1940s and 1950s, the Government started to take charge of their education, so as to settle them, and it had encouraged the building of schools along the motorway from Amman to Akaba. Twenty years ago, a long-term settlement programme was launched, which provided for the building of schools, the distribution of land and the drilling of wells. The army had been the first to take part in those efforts by recruiting bedouin, educating and training them. Today, the bedouin school system was an integral part of the national system. Many young bedouin were university graduates as, for example, the Minister of Health who had carried out advanced studies in the United States. Nowadays, it was difficult to distinguish between a bedouin and a farmer, apart perhaps from their accent. The infrastructure built in order to settle the bedouin had become small towns. Strengthened by its experience, Jordan was ready to help other countries in that field.

68. He stated that no distinction was made between Jordanians of Palestinian or Jordanian origin. Since 1948 UNRWA, which was in charge of Palestinian camps, had been successfully running schools at which Palestinians on the East Bank could receive education free of charge; most such students were now free to choose the school they wished to attend. In 1967 Jordan had opened its borders to Palestinian refugees from Gaza, who were not Jordanians in the eyes of the Constitution and the law and, since that time, other people had also moved from Gaza to Jordan, acquiring Jordanian nationality and special passports. The question of origin had never been raised in Jordanian schools.

69. Jordanian society did not have any particularly vulnerable groups. There were, however, disadvantaged groups in the social and economic spheres, particularly because of the economic crisis in the region, but not because of their race, ethnic or social origin or their religious beliefs. Further, there was no Jordanian race as such. He indicated that as of 1990 most Jordanians were Sunnite Muslims and there were also Orthodox Christians.

70. In the past, disabled persons had found it very difficult to receive an education and often the drawbacks due to an insufficient income had added to their disability. The representative noted that society had become aware of that problem over the last 10 or so years through the impetus given, inter alia, by influential families who had made it possible for schools to be set up and special teams to take charge of disabled persons and those who could not attend school.

71. Concerning equality between male and female students, the representative indicated that help had been received from industrialized countries to extend the educational system, especially to girls and, between 1950 and 1975, a balance had been attained between the numbers of male and female students. Women were now active in many spheres of life and the change had thus been cultural as well as educational.

72. The representative of the State party said that parents' and teachers' associations met regularly and took part in management decisions. Moreover, in villages where everyone knew each other, relations were easily built up among teachers, headmasters and parents. In the towns, where this kind of relationship might be more difficult to establish, the wishes of parents could be expressed in other ways, for instance, in newspapers or on television. Thus, there was a television programme in which individuals could formulate criticism about public service in general and, possibly, about educational services.

73. He stated that there was virtually no illiteracy problem among the male population. In addition to the Ministry of Education's programme on adult literacy mentioned in paragraph 14 of the report, there was another programme geared specifically to women and particularly successful in the villages, where women were reluctant to take instruction in the presence of members of the opposite sex.

74. The representative indicated that education was provided in Arabic, and English was taught as the second language to the exclusion of any other. At the university level, courses were also given in English, for instance in medicine or linguistic subjects. Because of the low salaries paid to teachers, highly qualified people were not attracted to the profession. Textbooks were provided free of charge to students at the beginning of the school year and returned at the end of that year and were replaced by the Government when necessary. The decisions concerning the textbooks to be published and school programmes were taken by the Ministerial Programming Committee, which was responsible to the Higher Educational Council; half of its members, sitting in a voluntary capacity, came from various walks of life (vice-chancellors of universities, doctors, members of banking institutions, women's organizations, workers' organizations, etc.). The Committee passed on guidelines to another Committee, composed of retired educators and teachers, specialists in certain fields, writers and editors of reviews, who sat in a professional capacity, edited the textbooks and gave them a final form, following the guidelines by the Programming Committee. Each year the content of the textbooks was reviewed and the Programming Committee decided on the textbooks that would be published and distributed free of charge to pupils. It was assisted in its task by many committees of teachers specializing in the various disciplines and its decisions reflected the diversity of Jordanian society. Every three years a national conference on education was held, the last of which had been organized two years earlier. Representatives of the United Nations, UNESCO and foreign specialists attended the conference.

75. With regard to the question on article 3 (c) (i) of the provisional Act No. 27 of 1988, the Arabic original text was not very clear. His own interpretation was that it meant that all Jordanians were equal and that, if some were better than others, it was because they were even more devoted and attached to their society. Scholarships were granted to poor or disabled students. The Jordanian educational system did not provide for scholarships to be granted on the basis of academic results. The Government, however, granted scholarships to the 10 boys and 10 girls coming at the top in the general certificate of secondary education to enable them to study abroad.

76. There were no limitations on access to higher education, the system being an open one. Each university set its conditions of admission in the light of the number of candidates and its absorption capacity, applications from students and other secondary considerations which were not intended to restrict access to the university. The Higher Education Council, which was responsible to the Ministry of Higher Education and carried out co-ordination between the universities, decided each year on the diplomas which candidates desiring to enter a particular facility should possess. Candidates could apply to several establishments. The number of students was not limited by quotas, in the usual sense of the term. Each university could admit a certain number of students from Arab or foreign countries, but their number should not exceed 5 per cent of the total number of students enrolled. At present, most of those places were filled by students from Saudi Arabia, the United Arab Emirates, Oman or Qatar, as well as by Arab students whose families lived in Europe or the United States. Students could ask for help from the university counsellor or apply for financial assistance from cultural centres or Islamic groups. There were many other ways to help a young person to continue his studies. Furthermore, the Shariah specified that every rich Muslim must pay a certain amount of money every year for humanitarian causes, such as education. Those for whom places were reserved, such as armed forces veterans, had to attain the same grades as other students.

77. The representative of the State party stated that there were now enough universities in Jordan to enable the students to remain in the country. The cost of foreign education was extremely high and differences in culture and religious observance often discouraged parents from sending their children, especially their daughters, to study abroad. Further, for students wishing to continue their studies abroad, countries like Pakistan, the Syrian Arab Republic and the Soviet Union reserved places in their universities for a large number of Jordanian students. Special courses, including Arabic, were organized for Jordanians residing abroad.

78. He stated that after four years of university education, a student received a degree of bachelor of arts or science, accepted throughout the world. After two more years of study, he would acquire one or two additional degrees, giving the equivalent of a master's degree. A degree in Islamic Studies could be translated into a teaching post in the theological schools or into a judgeship in a civil or family court.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

79. Members of the Committee wished to know what measures had been taken to guarantee the exercise of the right of everyone to participate in the cultural life of his choosing and to enjoy his own culture; what resources were devoted to cultural development and the participation of all in

cultural life; what measures had been taken to help ethnic groups, minorities and indigenous populations to become aware of their cultural heritage and to draw on it; what role did the information and communications media play in encouraging participation in cultural life; what was the overall policy and what specific measures had been taken for the protection and preservation of the cultural heritage of mankind; what legislation protected the freedom of artistic creation and production, including the freedom to disseminate the results of those activities and restrictions that may be imposed on that freedom; and what measures had been taken to guarantee the exercise of the right of everyone, particularly in the most disadvantaged sectors of the country, to enjoy the benefits of scientific progress and its application.

80. Members of the Committee, noting that the publication of books was subsidized by the Ministry of Culture, wondered what criteria were applied to their selection. They also wished to know if any television material was locally produced or whether it was all imported; what role satellite and cable television played; and what was done to protect local culture from being overwhelmed by television transmission.

81. In reply, the representative of the State party indicated that Jordan had concluded 51 cultural agreements with other States, relating to such matters as the importation of books and television programmes. The practice of subsidizing the publication of books in Jordan was due to the fact that many Jordanian writers wanted their works to be published in their own country. Books were chosen for publication by a Committee whose members volunteered for the task and competitions were held to aid in the selection of works. No governmental influence or propaganda was reflected in the books published under the programme. University professors also submitted books for publication through the Ministry of Education. The experience of retired and elderly persons was taken into account in the preparation of school textbooks.

82. Television was introduced in Jordan in 1968 with the technical assistance of a German company. At the end of the 1960s and during the 1970s many Jordanians of both sexes were sent to Germany, the United Kingdom and other countries for training and the national television network received assistance from the Egyptians, who were more advanced in that field. For 10 years, the television service had been staffed by Jordanians. Jordanian television had become a training centre for Arab countries and Jordanian producers, actors and sound engineers went to work in the Gulf States. The programmes were divided into three categories: (a) Jordanian programmes, including the television news, produced entirely by Jordanians and broadcast mainly in Arabic, three to four times a day; (b) programmes produced by Arab countries; (c) programmes from other countries. The United Nations, UNESCO in particular, had aided in developing expertise in the area of communications. Cable television was not available, but satellite links enabled citizens to view events broadcast from all parts of the world. Jordan was a multicultural and open society with a sophisticated television audience and had no cause to fear the effect of television programmes from other countries. Television was also being used in education, although more intensive efforts could be made in that area.

83. The representative of the State party indicated that considerable assistance in establishing libraries and laboratories had been received from European countries, particularly Germany, as well as from the United States.

Concluding observations

84. The Committee noted with regret that the delegation had not been able to provide answers to the issue raised in the list of questions prepared by the pre-sessional working group. Whatever the reasons for this inability, and in this case it was due to the non-receipt of the list which had been sent to the Permanent Mission, the Committee observed that the list of questions constituted the basis on which the dialogue between the State party and the Committee takes place.

85. The Committee expressed its appreciation to the Jordanian delegation for the responses that had been provided to the questions posed orally by members. They noted that significant advances had taken place in the field of education in Jordan since independence and expressed concern at the consequences of the present crisis in the Gulf for the effective realization of economic, social and cultural rights. Although information on the school population was provided in detail, there was no indication of the percentage of children of school age who were currently enrolled. Members noted with satisfaction the efforts being made to integrate Palestinians and refugees within the educational framework in spite of the difficult situation in the occupied territories and exhorted the Jordanian authorities to intensify their efforts so that all disadvantaged groups will fully enjoy the right to education. With respect to the written report, it was noted that the simple listing of constitutional principles and the description of national education policy, which formed the substance of the report, did not suffice to give the Committee an adequate sense of education in the country.

86. The Committee also noted that, in the absence of responses to the questions posed in writing, it was not in a position to reach a conclusion as to the extent to which articles 13 to 15 had been implemented by the State party. In this respect, the Committee noted with satisfaction the commitment made by the representative of the State party to provide it as soon as possible with the answers to the list of questions prepared by the pre-sessional working group as well as other answers to questions put orally to the Jordanian delegation.

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220. The Committee considered the second periodic report of Jordan on the implementation of the Covenant (E/1990/6/Add.17) at its 30th to 33rd meetings, held on 15 and 16 August 2000, and adopted, at its 50th meeting, held on 29 August 2000, the following concluding observations.

A. Introduction

221. The Committee welcomes the submission of the report of the State party, as well as its written replies to the list of issues (E/C.12/Q/JOR/1). While appreciating the delegation's efforts to address the questions posed, the Committee nevertheless regrets that some of the questions were not answered satisfactorily.

B. Positive aspects

222. The Committee notes with satisfaction the sustained efforts by the State party, aimed at improving economic performance and modernizing the political and social structure in Jordan, taking into account its obligations under the Covenant.

223. As a demonstration of Jordan's commitment to furthering the human rights of its people, the Committee welcomes the State party's ratification of major international human rights treaties and notes the various initiatives pursued by the State party in the area of human rights, including the development of a national human rights plan of action.

224. The Committee notes with satisfaction that the State party hosts a relatively large number of refugees, and has a good record of respect for and compliance with its international commitments in this regard.

225. The Committee welcomes the decree of March 2000 on the establishment of the National Committee for Human Rights.

226. The Committee welcomes the significant achievements of the State party in the area of health, despite its economic problems. In particular, the Committee notes the State party's progress in achieving many of the goals laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York in 1990.

227. The Committee further welcomes the State party's commitment towards improving access to education, especially for girls.

C. Factors and difficulties impeding the implementation of the Covenant

228. The Committee takes note of the relatively large number of refugees living since 1948 within the borders of the State party and of the effect of persistent conflicts in the region on its capacity to promote the country's economic and cultural development.

229. The Committee notes the effect of the scarcity of water in Jordan on its capacity to fulfil its obligations under the Covenant.

D. Principal subjects of concern

230. Although the Covenant is purported to have the force of law and to take precedence over all legislation except the Constitution, the Committee observes that 25 years have passed since ratification and the Covenant has not yet been published in the *Official Gazette*.

231. The Committee is concerned that the State party has given little attention to incorporation of relevant provisions of the Covenant in its legislation.

232. While noting the detailed information provided in the report on the constitutional and legislative provisions relating to the implementation of the Covenant, the Committee regrets the insufficiency of information in the report on the effectiveness of these measures. Furthermore, the absence of any information on complaints concerning violations of these rights, as well as the lack of lawsuits in this regard, may indicate the low awareness of the Covenant among judges, lawyers and the public at large.

233. The Committee is concerned about traditional and stereotypical attitudes towards the roles and responsibilities of women and men in Jordanian society.

234. The Committee is concerned about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

235. Despite the establishment of the Family Protection Unit and other efforts to address domestic violence, the Committee remains concerned that violence against women remains a serious problem in Jordan. In particular, the Committee notes with concern that marital rape is not criminalized.

236. The Committee expresses its concern at the fact that crimes against women perpetrated in the name of honour go unpunished.

237. The Committee notes with concern the persistence of relatively high levels of unemployment and poverty in the country.

238. The Committee is concerned that non-Jordanian workers are exempted from minimum wage provisions, are denied participation in trade union activities and are excluded from the social security system.

239. The Committee is concerned that the 1996 Labour Code does not provide any protection for persons working in family-owned and agricultural enterprises, and domestic labour. It is precisely with respect to work in these areas that protection is most needed because it often involves hazardous working conditions, and largely female and child workers.

240. The Committee expresses its concern at the extent of the restrictions imposed on the right

of public-sector employees, notably those working in the health and educational services, to participate in trade union activities. Furthermore, the Committee is concerned that section 100 of the Labour Code pre-empts the right of workers to strike.

241. The Committee expresses its concern regarding incidents of forced eviction, particularly in the principal urban areas of the country.

E. Suggestions and recommendations

242. The Committee recommends that the State party expedite the publication of the Covenant in the *Official Gazette* and take the necessary action to make it enforceable in the courts, including the courts of first instance.

243. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints, and for conducting investigations and prosecutions; and statistics on subsequent decisions and their execution.

244. In the light of paragraph 71 of the Vienna Declaration and Programme of Action,⁹ the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human rights obligations, including the Covenant, through an open and consultative process. The Committee requests the State party to include a copy of the national human rights plan of action and information on its implementation in its third periodic report.

245. The Committee emphasizes the importance of setting up an institution for the promotion and protection of human rights in accordance with the Paris Principles.¹⁰ The Committee requests the State party to provide information on progress made in this regard in its next periodic report.

246. While recognizing the difficult economic conditions prevailing in Jordan, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the equitable distribution of existing resources. The Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups and recommends that it ensure adequate resource distribution at the national and local levels.

247. Moreover, the Committee strongly recommends that obligations under the Covenant should be taken into account in all aspects of the State party's negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

248. The Committee recommends that the State party incorporate in its legal order the prohibited grounds of discrimination in accordance with article 2, paragraph 2, of the Covenant, in particular, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

249. The Committee recommends that the State party take all effective legal measures to prohibit

discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat discriminatory treatment and negative societal attitudes in this regard, particularly within the family. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including representation of women at the various administrative levels and in areas such as law enforcement, the legal profession and the judiciary, showing developments during the reporting period.

250. The Committee recommends that the State party criminalize marital rape and provide appropriate penalties for perpetrators. Moreover, adequate procedures and mechanisms need to be established to receive complaints and monitor, investigate and prosecute instances of abuse. Attention should be given to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance. Programmes for the rehabilitation and reintegration of victims need to be strengthened.

251. The Committee recommends that the State party ensure that the Family Protection Unit is adequately resourced, its capacity strengthened and its services expanded to cover all regions of the country. The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of abuse. The Committee recommends that the State party continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services.

252. The Committee recommends that the State party continue its efforts to secure the repeal of article 340 of the Penal Code.

253. The Committee recommends that the Labour Code be amended to ensure that workers in family-owned enterprises, agricultural activities and domestic labour are effectively protected, and that inspections extend to these areas.

254. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions “other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others”. The Committee recommends that the State party ensure that restrictions contained in the Labour Code are fully in line with article 8 of the Covenant.

255. To enable the State party to monitor its compliance with article 11 of the Covenant, concerning the right to food, the Committee recommends that it systematically collect data on malnutrition, especially child malnutrition. The State party is requested to provide information in this regard in its third periodic report.

256. In accordance with article 11 of the Covenant, the Committee encourages the State party to prevent any occurrence of forced eviction. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services. The Committee recommends that the State party take due regard of the Committee’s General Comments No. 7 (1997) on forced evictions and No. 4 (1991) on the

right to adequate housing.

257. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Covenant among the public, civil society and all sectors and levels of administration. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

258. Finally, the Committee requests the State party to ensure the wide dissemination in Jordan of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its third periodic report, to be submitted on 30 June 2003.