



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

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**Committee on the Elimination of Discrimination  
against Women  
Fifty-first session**

**Summary record (partial)\* of the 1034th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 23 February 2012, at 3 p.m.

*Chairperson:* Ms. Pimentel

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(*continued*)

*Fifth periodic report of Jordan (continued)*

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (continued)

*Fifth periodic report of Jordan* (continued) (CEDAW/C/JOR/5; CEDAW/C/JOR/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jordan took places at the Committee table.*

*Articles 7 to 9*

2. **Ms. Pires** said that she welcomed the important steps Algeria had taken to promote the participation of women in public and political life and encouraged the State party to continue to build on those efforts. While it was significant that a woman had been elected to parliament through direct elections outside of the quota system, the quota itself remained low, and she wondered whether the Government was planning to increase it to 30 per cent, and what obstacles might hinder it from doing so. She welcomed the news that the quota for women in municipal councils might soon be raised to 30 per cent.

3. Noting the increase in women's participation in political parties, which was largely due to a required minimum number of women members, she asked if the Government had also considered requiring political parties to include women in their party structure. She also asked if the delegation saw any opportunities to further increase women's participation in the Cabinet. She requested specific examples of the qualitative and quantitative indicators being used to better monitor the measures undertaken, specifically with regard to women's political participation.

4. **Ms. Gabr** said that article 6 of the Constitution of Jordan stipulated that all Jordanians were equal before the law, yet there was some injustice in the fact that Jordanian women who married a foreigner could not pass on their nationality to their children. The latter consequently faced difficulties in obtaining access to education, health care, work permits, identification cards and even driving licences. She noted the delegation's comments that Jordan would wait until the appropriate conditions were in place before withdrawing its reservation to article 9, paragraph 2, of the Convention. Nevertheless, the Government should take measures to facilitate the withdrawal of that reservation and to provide equal treatment for men and women. She pointed out that the Convention did have primacy in Jordanian law, and that other Arab countries had already withdrawn similar reservations.

5. **Ms. Khader** (Jordan) said that in some ministries one in seven civil servants was a woman, and there had been a general increase in the number of women employed in the public sector. A widespread effort was being made to reach 30 per cent, but that would require social consensus in addition to the existing political will. Much progress had already been made within a short time frame. In 1985 there had been no women judges in the country, whereas women now made up 12 per cent of judges and 50 per cent of students currently studying to become judges. Likewise, there had previously been only two women diplomats, but currently 20 per cent of all diplomats were women, and at least one woman was always included in Jordanian delegations sent abroad.

6. The number of women in political parties, including in high-profile positions, was also expected to increase, and women's participation in civil society organizations was steadily growing, not only in women's organizations but also in other human rights organizations. The Government recognized that, in addition to encouraging women's participation in public and political life, it would also need to address many related social

issues in order to reach the 30 per cent target, such as health services for women and their children, day care and transportation.

7. The Constitutional Court was considering the question of whether the right to pass on one's nationality was a constitutional right in the light of the equality of all individuals before the law. The Prime Minister and other ministers were committed to fulfilling their promises regarding the status of children of Jordanian women; some progress had been made, but there were still political concerns to be overcome.

8. Women had a growing presence in the media; they served as head editors for newspapers, and the director of the radio and television union was also a woman. Jordan had one of the highest education levels for women among Arab countries, which enabled women to occupy such positions.

#### *Articles 10 to 14*

9. **Ms. Arocha Domínguez**, while welcoming the progress achieved in providing women with access to all levels of education, said that stereotypical attitudes still persisted and men outnumbered women in courses, such as medicine and engineering which offered the highest chances of future employment. She enquired what measures the Government was taking to increase the presence of women in those sectors.

10. Despite the Committee's previous recommendation that Jordan should take measures to increase the number of women university professors in all fields, there was still a wide gap between the number of men and women professors and it was not clear whether a strategy was in place to address that issue. Referring to paragraph 129 of the State party's report (CEDAW/C/JOR/5), which stated that women had a particular ability to deal with children of primary school age, she said that was a stereotypical assumption and was not an appropriate message for the State party to send.

11. She requested further information on the extent of early marriage among low-income and rural families and how it affected school dropout rates. She asked if the Government was considering amending the regulation forbidding married women from returning to public schools as students, and if it had considered imposing penalties on families that did not guarantee primary education for their daughters.

12. **Mr. Bruun** said he welcomed the expansion of the scope of the Labour Code to cover domestic and agricultural workers, but would like to know what the Government was doing to ensure that employers actually applied the new regulations. He asked if Jordan intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

13. ILO sources had stated that the Labour Code did not include any provision expressly stipulating that women should receive equal pay for work of equal value, and he enquired when the Government might include such a provision. He also enquired whether there was any action plan in place to address the wage gap between men and women. He asked the delegation to comment on the fact that women civil servants were at a disadvantage with regard to their entitlement to family allowances. It would be useful to know when the Government planned to include in the Labour Code a clear definition of sexual harassment in the workplace, as recommended by ILO.

14. **Ms. Rasekh**, after commending the State party for having met the target for reducing the maternal mortality rate as set out in the Millennium Development Goals, asked if the Government had any measures in place to further reduce that rate. She requested further information on the prevalence of HIV among women and on the system used to collect data on HIV/AIDS infection rates. A scientific approach to sex education in biology

classes did not seem to her to be sufficient; she wished to know if there were any further education measures to prevent at-risk behaviour among young people.

15. The rights of women who became pregnant as a result of rape or incest were doubly violated because they were punished by law if they chose to have an abortion. She asked if the State party would consider amending those laws and enquired what the results had been of talks on the issue between the Government and the parliament. She wished to know if health-care providers reported cases of sexual violence to the police and if they provided adequate support to the victims. She wished to know more about the women in the southern region who, according to the State party's report, did not receive comprehensive reproductive health services.

16. She requested additional information on the system used to collect data on women with disabilities and asked how the Government provided support for the caregivers and families of those women. She wished to know who could authorize the sterilization of a woman with mental disabilities and what medical and legal procedures were involved. She enquired whether the State party would consider using a cross-cutting approach across various sectors of the Government to address issues affecting women with disabilities.

17. **Ms. Murillo de la Vega** asked if women needed their husband's permission to open a bank account and if women entrepreneurs could open an account in their own name. She wondered how the Government ensured that women had access to adequate sources of credit.

18. She wondered whether any women were members of sports federations. If that was not the case, then perhaps the Government might consider taking positive measures to correct that imbalance. She wished to know how many women worked as sports instructors, thereby encouraging girls to get involved in sports. She was surprised to learn that only 4 per cent of self-employed individuals in Jordan were women, and requested further information on women's access to microcredit.

19. She requested information on the number and root causes of suicide among rural women and on measures adopted to provide them with a safety net. She sought clarification concerning their inheritance and succession rights. What steps were envisaged to ensure legal recognition of a woman's status as joint landowner and that her property would be inherited by her children?

20. **Ms. Khader** (Jordan), while acknowledging that some of the Committee's comments on education were justified, said that Jordan had the highest number of females in education and female literacy rate in the region. Indeed, the current Minister of Higher Education was a woman, several university vice-presidents and many eminent academics were women, and girls were increasingly entering traditionally male-dominated areas of study and research such as medicine and science.

21. Equal pay for equal work had been achieved in the public sector, but a pay gap between men and women of around 30 per cent still existed in the private sector. The Government had set up a national commission to undertake studies and develop a strategy to introduce legislative measures, inspection and monitoring mechanisms and awareness-raising programmes to help remedy the situation.

22. Sexual harassment in the workplace was defined as an offence in the Criminal Code and Labour Code and a woman had a right to compensation if she felt compelled to leave her employment because of harassment. If several complaints were brought against the same institution, the Ministry of Labour had the power to close it down. The real obstacle was a culture of silence condemning the victim and resulting in many victims of sexual harassment, albeit protected by the law, choosing not to pursue justice for fear of losing their reputation.

23. Abortion was allowed when a woman's physical and psychological health was at risk, including in the event of pregnancy following rape or incest. However, abortion more than two months into the pregnancy was opposed on religious grounds. Victims of sexual violence had access to free health care, but psychosocial support was expensive and unaffordable for many women. The Government was working to find ways of offering such support free of charge, despite financial constraints, and relied heavily on the assistance of NGOs for providing shelter, psychological support, rehabilitation services and social and legal assistance.
24. A special committee had been formed to address the needs of women with disabilities and a fund financed by an extra tax levied on all citizens had been introduced to help persons with disabilities in the workplace.
25. Various microcredit programmes were in place for women, a growing number of whom were accessing credit to set up their own businesses, especially in rural areas. It was hoped that further opportunities would be provided under the National Strategy for Women, whose upcoming focus would be on the economic empowerment of women.
26. ILO Convention No. 189 was currently under consideration by the State party. In the meantime, the Ministry of Labour was implementing a number of measures to guarantee decent work for women.
27. Female school dropouts due to early marriages were exceptional and married girls were allowed to enrol in schools. Moreover, education was compulsory up to the age of 16 under the amended Constitution, which also helped in preventing dropouts due to early marriages.
28. The Government encouraged girls to take up sports and they were compulsory for both girls and boys at school. Indeed, Jordan had a very successful female football team and the Jordan Football Association was headed by a former female footballer.
29. Suicide rates among rural women were no higher than among men. In fact, the suicide rate was highest among young men, with the root causes being academic failure, social pressure and honour issues. Women who had attempted suicide were offered psychological support. The revised Labour Code also offered more protection for rural women. The number of rural projects and community development projects had grown over the past few years, with more rural women taking up leadership positions and setting up successful small enterprises such as livestock breeding. The Government also encouraged rural women to specialize in non-rural activities to increase their opportunities.
30. The interim Social Security Act guaranteed maternity leave insurance for all Jordanian women. New initiatives had also been launched to encourage women to remain in the labour market after having children, such as ensuring breastfeeding breaks and financial incentives to carry on working.
31. **Mr. Al Tawalbah** (Jordan) said that, according to the sharia and legislation introduced by the new Government, marriage was prohibited unless in the best interests of the woman. It was also prohibited before the age of 18 except in exceptional circumstances, which had to be decided by a commission of three judges and was on the condition that the girl could continue her education. A recent study had revealed that girls under the age of 18 were, in fact, still being allowed to marry with their guardian's consent, but the practice was in decline.
32. Legislation did not stipulate that a woman needed her husband's or father's consent to open a bank account, but negative traditional practices persisted. Pursuant to the interim Personal Status Act of 2010, women had the right to dispose of their property and money as they wished without supervision. Once a girl had reached adulthood at the age of 18, her father was no longer her guardian and she was deemed to be fully independent.

33. With regard to rural women, new legislation provided that a widow would not be compelled to leave the family home upon her husband's death and was considered to be his heir whether or not they had children. Moreover, widows had priority over the father of the deceased spouse, his children or brothers. Current legislation stipulated that the woman had to prove in writing that she was the full owner of the property, but the Government was seeking an amendment to legislation to overturn the requirement, in line with the sharia.

34. **Ms. Murillo de la Vega** expressed concern that the courts decided on early marriages thereby preventing girls from making their own choices, and that girls were not allowed in practice to return to study, which constituted double discrimination. She urged the Government to engage with NGOs and rural women to address the root causes of suicide, which was a serious issue. She also called for urgent action to be taken to prevent a widow being pressurized into handing over land to her husband's family upon his death.

35. **Ms. Rasekh** asked whether allowing abortion in cases of rape and incest on the grounds of the woman's health being at risk was a new decision because there was no mention of it in the State party's report. She wished to know what measures the Government had adopted to provide psychosocial support to the victims of violence. Was the State party in need of technical and financial support in that area if it was facing financial constraints, and was it already receiving such support from international organizations? She enquired who authorized the sterilization of women with mental disabilities and whether the consent of the woman was obtained. What legal and medical procedures were put in place prior to the sterilization?

36. **Ms. Khader** (Jordan) said that the sterilization of women with mental disabilities was traditionally carried out to guard against pregnancy or rape at the request of the families or guardians of the women concerned, who were considered to be unable to give their own consent. The practice had recently caused a huge outcry and there had been a call for it to be abolished. Even though the Ministry of Health condemned the practice, there were cases of doctors carrying out forced sterilizations in public hospitals because the law did not expressly prohibit it; thus clearer Government policy and legislation were needed in that area.

37. The Ministry of Health had adopted a number of measures to support the victims of violence, including providing free medical care and issuing instructions to health professionals on how to identify cases of violence, to deal with the victims and their families and to report cases. However, although many victims sought medical care, they were reluctant to report cases of violence. The State party was facing financial difficulties in providing psychosocial support to the victims of violence, but was receiving assistance from other countries and international organizations, albeit not enough to cover all needs.

38. In cases of rape and incest, abortion was still considered a crime if the pregnancy did not pose a threat to the life of the mother, but efforts were being made to recognize that rape was a form of injury to the woman and therefore abortion should be allowed in such cases.

39. A proposal had been put forward to the effect that property should not be relinquished after the death of a spouse until a fixed period of time had elapsed. Another proposal under consideration was that a woman should not relinquish her inheritance until she was fully aware of its value. According to the sharia, a woman had to obtain legal documents proving her right to the inheritance but could renounce that right, if she so wished. Any coercion of the woman would render the renunciation of that right invalid and she could reclaim her inheritance through the courts.

40. Many suicides and suicide attempts could have been prevented if the necessary care and therapy had been available. Unfortunately, suicide was an act of free will and it was difficult for the Government to prevent every case of suicide.

41. Rates of female ownership had increased, as had the uptake of credit: in 2011 women had accounted for 38 per cent of all financial credit granted and their ownership of real estate had increased from 5 per cent to 25 per cent. The statistics indicated that awareness-raising campaigns had been effective and women were increasingly demanding the deeds for properties that they owned.

*Articles 15 and 16*

42. **Ms. Acar** said that, despite advances, many contradictions between law and practice remained because policies relied on stereotypes and discriminatory practices. Highlighting that it was important to examine the root causes of those practices and to address them through social, cultural and economic policies and legislation, she said that the legal framework in Jordan appeared to consistently refer back to Islamic law, which was presented as untouchable and unalterable. Expressing particular concern that a fatwa had been issued stating that the Convention was incompatible with the sharia, she asked what steps were being taken to effectively combat that attitude and urged the State party to reconsider lifting its reservations to article 9, paragraph 2, and article 16, paragraphs (1) (c), (d) and (g), of the Convention.

43. Although the legal age of marriage was 18, she expressed concern that, according to information received by the Committee, from 16 to 20 per cent of girls were permitted to marry early by a judge. She asked what the reasons for early marriages were, suggesting that one reason might be the precedence of social norms over the education, health and human rights of girls – an issue that needed to be addressed.

44. Despite the assertions in the State party's report that women and men were on an equal footing in terms of marriage, only women required a *wali* (guardian) and the *wali* seemed to be able to refuse the woman's choice of husband. She asked how that could be considered a situation of equality, particularly given the provision of equality under the Jordanian Constitution. The report also stated that there was an equal right to divorce, even though women were only able to apply for divorce under certain conditions, whereas men seemed to be able to request divorce freely. How could that be reconciled with both the Convention and the Constitution?

45. Polygamous marriage remained a cause for concern, since the practice was considered a contravention of women's right to equality, as stated in the Committee's general recommendation No. 21. Finally, it would be useful to know if Jordan was considering adopting legislation to provide women with the option to marry, divorce and inherit under civil law, since that would be a method of addressing many issues of concern together.

46. **Ms. Khader** (Jordan) said that statistics indicated that 25 per cent of women were unable to choose their husband due to family pressure. Family pressure was also one of the reasons why women relinquished their inheritance. While the Government could try to help women in making decisions about their inheritance, women did have the right to relinquish, or to retain their inheritance, and no one could force a woman to retain it against her will.

47. Social and cultural norms had created a gap between the law and practice regarding the position of women; unawareness of the law, the absence of judicial measures to support women and scant resources for women to access justice were all factors contributing to the failure to close that gap. Social pressure, such as society viewing a woman negatively if she lodged a complaint against her brother or husband, could also prevent women from fully benefiting from the law. The Office of the Ombudsman supported women and helped them to attain justice.

48. The number of women in the police force was rising and there was increasing awareness among the police of women's needs, all of which encouraged women to take

legal action when necessary and helped women to avail themselves of the Personal Status Act of 2010 when reporting incidents of violence.

49. Under the Islamic marriage contract, women had the option of specifying their own marriage conditions, including monogamous marriage, by stipulating that the man must give up his right to take a second wife.

50. Some sectors of Jordanian society took a negative view of the Convention and had attacked the Government's withdrawal of the reservation to article 15, paragraph 4, claiming that the new provisions were contrary to the sharia, despite expert confirmation to the contrary. The Government had demonstrated that women's right to decide on their place of residence had been enshrined in law previous to ratification of the Convention and the King had also intervened to encourage the withdrawal of the reservation. By holding information campaigns to change attitudes and boost the position of women, the Government was making it clear that women had equal human rights and it was expected that Jordanian society would look more favourably on the Convention in future.

51. It was assumed that the men inherited more than women, although there were exceptions, including 16 recent cases in which the woman had received the same inheritance as the man, and 6 other cases in which the woman had received more than the man.

52. **Mr. Al Tawalbah** (Jordan) said that, despite the progress made with regard to women's rights, including the Personal Status Act, more work needed to be done to ensure full observance of women's rights. The law gave judges the right to authorize marriages for girls aged 15 to 18 years, provided that such marriages took the girls' interests into account. A panel of three judges presided over early marriage cases and the girls concerned gave explicit consent to the marriage directly to the judge of their own will. No one was able to speak on their behalf and any coercion rendered the marriage contract null and void, as provided for in the law that he read out to the Committee. Thus the necessary legal guarantees existed, although perhaps women were sometimes not fully aware of their rights under the marriage contract. Greater public awareness of the relevant legislation was required so that the rights it established were upheld and judges needed to be trained to ensure that they also understood the legislation and procedures involved.

53. A woman could request an inventory of the inheritance in order that the court could decide on her right to inherit and the percentage of the inheritance to which she was entitled. Women had the right to know of assets held in banks and to have an inventory of goods and chattels, and there were legal institutions to support them in exercising that right.

54. Legislation on renouncing inheritance rights provided that a woman could only renounce her rights to an inheritance when in possession of her full faculties, thereby ensuring that she was not pressured into relinquishing the inheritance while still in mourning and had sufficient time to make an informed decision. No one was able to renounce a widow's inheritance rights on her behalf and judges were required to ensure that all heirs were fully aware of their rights. Should further assets be discovered after a woman had relinquished her inheritance, she retained her right to inherit the hitherto unknown items.

55. **Ms. Hadaddin** (Jordan) said that when a widow relinquished her inheritance it was not relinquished in absolute terms, rather, the right to the inheritance was passed on to another person who could inherit, so as to keep the inheritance in the family. The person who relinquished the inheritance was entitled to financial compensation.

56. **Ms. Halperin-Kaddari** said that, despite very encouraging progress made in reconciling religious and civil law, she would appreciate further clarification of the situation regarding legal guardianship, specifically whether women lost guardianship of



their children if they remarried. She asked whether a woman was entitled to half of a tangible asset purchased during the marriage but registered in the husband's name only. She wondered whether a separate matrimonial regime applied to intangible property; if that was the case, consideration should be given to reviewing the regime, since it entailed de facto discrimination against women.

57. **Mr. Al Tawalbah** (Jordan) said that guardianship was regulated under the Personal Status Act, which stipulated the cases in which a woman would lose or retain custody of her children; moreover, the criteria for awarding custody was the best interests of the child.

58. Currently, the wife had no right to any tangible asset purchased during the marriage and registered in the husband's name only, unless she had written proof of her financial involvement in the transaction. With written proof that she had paid for part of the item, her husband would then be required to refund her. The legislation regulating the division of assets warranted review, and it was hoped that changes could be made to ensure that physical and financial assets were not forfeited.

59. The distribution of inheritance was based on the sharia, in other words it came under civil law based on the sharia. However, if any matters relating to personal status were involved many considered it as a religious matter. Legislation was drafted in accordance with the sharia to ensure the widest possible application of civil law and to facilitate judicial procedures.

60. **Mr. Sukayri** (Jordan) expressed his appreciation to the Committee and all those who had contributed towards the dialogue, which had been highly beneficial. His delegation would do its utmost to implement the Committee's recommendations.

61. **The Chairperson**, commending the State party on its efforts to eliminate discrimination against women, said that it should introduce all necessary measures to address the Committee's comments and concerns.

*The meeting rose at 5.10 p.m.*