



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

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### Committee on the Elimination of Discrimination against Women

#### Concluding observations on the fifth periodic report of Jordan

##### Addendum

#### Information provided by Jordan in follow-up to the concluding observations\*

[Date received: 29 October 2014]

With regard to recommendation 14 concerning the introduction of the word gender or sex in article 6 of the Constitution, it should be noted that the Royal Commission on the amendment of the Constitution found that there was no need for such an amendment, because that article provides that Jordanians are equal before the law and that no distinction shall be made among them in respect of rights and duties regardless of their race, language or religion.

With regard to recommendation 28 concerning repeal of the remaining discriminatory provisions of the Penal Code, we should like to recall that a committee has been established to review all penal laws. Accordingly, a comprehensive review of all relevant legislation will be undertaken. As for article 340, it should be noted that:

(a) An amendment to the above-mentioned article was adopted as part of Law No. 8 (2011). The article now reads as follows: 3. Justified killing: (a) a person who discovers his wife, a [female] ascendant or descendant, or a sister committing adultery or in an illicit bed and kills her immediately, or kills the person fornicating with her or both of them, or assaults one or both of them so as to cause wounding, injury, permanent disability or death shall be granted a mitigating excuse. 2. Such excuse shall also be granted to a wife who discovers her husband committing adultery or in an illicit union in the marital home and kills him immediately, or kills the person with whom he was fornicating or both of them, or assaults one or both of them so as to cause wounding, injury, permanent disability or death. 3. (a) The right of lawful defence may not be used by someone who is granted this excuse.

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\* The present document is being issued without formal editing.



(b) Nor shall the provisions concerning aggravating circumstances apply to the person who is granted this excuse. Accordingly, the excuse whereby a man could escape punishment should he discover one of his female relatives committing adultery was annulled.

(c) Court judgment statistics indicate a mitigating excuse was not sought in any judgment handed down in 2010 and 2011. Moreover, article 345 bis stipulates that a person who commits any of the offences set out in section 8, chapter 1, of the present Law shall not be granted a mitigating excuse, as set out in articles 97 and 98 of the present Law, if the victim, whether male or female, is less than 15 years old. In 2012, the charge in one case was changed from premeditated murder to manslaughter, a crime for which a mitigating excuse may be granted. Of the cases in 2013 in which honour was the alleged motive, one case was tried, and the perpetrator in that case was not granted a mitigating excuse. He was sentenced to hard labour for 10 years.

(d) A specialized judicial body was established in the High Criminal Court to consider cases in which honour was the alleged motive. A number of training sessions on the new amendments to the Penal Code were held for judges and prosecutors.

With regard to taking all appropriate measures to ensure that victims of all forms of violence have access to assistance, in particular in rural areas, it should be noted that the Department of Legal Assistance was established in the Ministry of Justice. A draft amendment concerning legal assistance was submitted to the above-mentioned committee tasked with reviewing all penal laws, in order to expand the scope of those provisions of the Code of Penal Procedure that concern legal assistance. In addition, work is under way to establish an agency that will provide legal assistance in Jordan. A set of standards for obtaining legal representation has been developed, and those standards are pending adoption. It has been proposed that certain groups, including female victims of violence, should have priority in accessing such assistance.

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