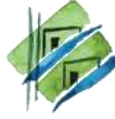




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Shadow Report on the Status of Implementation of The Convention on the Rights of Persons With Disabilities in Jordan

Submitted to the 17th Session of the UN Committee on the
Rights of Persons with Disabilities

February, 2017

Submitted by:

Information and Research Center - King Hussein Foundation

Identity Center

“I am Human” Society for the Rights of Persons with Disabilities

In cooperation with Persons with Disabilities Organizations in Jordan

In partnership with:

IM, Individuell Människohjäl, Swedish Development Partner

Endorsement of the Report's final version

We wish to thank the experts, who have reviewed, and endorsed the report and submitted their notes and recommendations on it. They are: Ms Inam Asha, human rights expert; Dr. Ihsan Al-Khalidi, expert in the area of the rights of persons with disabilities; Mr. Kamal Al-Mashriqi, expert in the area of human rights and the rights of persons with disabilities; and Mr. Nizar Saraygi, consultant in the area of the rights of persons with disabilities.

We also wish to thank representatives of organizations involved in PWD affairs, for their participation in reviewing, ratifying and drafting notes and recommendations on the report. They include: Al-Ata'a Center for the Blind; the Community Rehabilitation Center, Ray of Hope for People with Special Needs, Al-Zahra'a Charitable Society, Sabha Charitable Society, Arous Al-Shamal Women's Society, and Al-Aqsa Charity Association.

Background on partner organizations:

This shadow report, prepared by three Jordanian civil society organizations (CSOs) with support from the Swedish Development Partner- IM¹, will be submitted to the United Nations Committee on the Rights of Persons with Disabilities in March, 2017. The three societies are: Information and Research Center - King Hussein Foundation (IRCKHF), Identity Center and "I am Human" Society for Rights of PWD.

Information and Research Center, King Hussein Foundation²

The Information and Research Center – King Hussein Foundation (IRCKHF) serves as a catalyst for socio-economic transformation through research, information and dissemination of knowledge. IRCKHF was initially launched in 1996 as part of the National Task Force for Children, today IRCKHF promotes the welfare of children, youth, women, families, communities, and vulnerable groups by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the Middle East, enabling effective socio-economic planning and decision-making.

Through cooperation with national and international partners and the creation of an online platform for knowledge sharing ([HAQQI Information Zone](#)), IRCKHF advocates for positive change by disseminating research findings on critical issues falling under the pillars of social cohesion, equality and justice, and civil society empowerment. IRCKHF provides access to information using quality research, education and awareness, and advocacy.

In partnership with Handicap International (HI), IRCKHF recently conducted an initial assessment that involved disabled peoples organizations (DPOs) representatives, as well as those of governmental institutions, that could potentially participate in future plans for supporting DPOs and advocate for PWD rights, and for PWD inclusive policies in Jordan. In this respect, IRCKHF organized a series of regional and national workshops in Jordan aimed at disseminating the Center's expertise in the area of scientific research, monitoring and evaluation methodologies, contributing to analyses of PWD-specific policies, and developing relevant national reports. The center also provided technical support to PWD organizations in

¹ Official site of Swedish Development Partner – IM, available at: <http://global.manniskohjalp.se>

² Official site of Information and Research Center, King Hussein Foundation, available at <http://irckhf.org>

the areas of developing national advocacy strategies and supporting national PWD representatives in their quest for formulating relevant recommendations and identifying priorities for action, on the basis of the participatory research project.

Identity Center³

Identity Center is an independent civil society organization, based in Amman, Jordan, that works on catalyzing the development process in the Middle East. It seeks to empower people to participate fully in political, economic and social development through research, advocacy, counseling and training. The center is also involved in the various social spectrum issues, such as: electoral system and parliamentary reforms, decentralization, labor rights, economic empowerment, and social cohesion.

In 2014, Identity Center launched a new program focusing on social justice, with the view to providing information and stimulating dialogue about social justice issues that are hitherto not mooted in Jordan. As part of this program, the center embarked on raising the issue of PWD rights in Jordan and published a policy paper on inclusive education. The Center's research highlighted the gap between legislation on PWD educational rights and the implementation of these laws. The paper suggested several concrete steps to address this gap. In 2015, Identity Center partnered with the King Hussein Foundation and "I Am Human" Society to secure PWD rights in Jordan.

"I Am a Human" Society for the Rights of Persons with Disabilities (Jordan)⁴

Founded in 2008, the "I Am Human" Society works on several projects, inside and outside Jordan. It cooperates directly with the Higher Council for the Affairs of Persons with Disabilities (HCD), the public and private sectors and CSOs in order to achieve the objectives and terms of the spirit of the Convention on the Rights of Persons with Disabilities (CRPD), as well as Jordan's Disable People Rights Law No. 31 of 2007 (DPRL) and the elimination of all forms of discrimination against PWDs, whatever their gender, age and race.

The society created its "Leaders' Forum" in order to achieve its most important objectives of raising awareness of PWD issues, inclusion, securing medical aid, and building PWD capacities through training PWDs on outreach, advocacy, and claiming their rights at both the national and international levels. "I Am a Human" also works on combating violence against women with disabilities, drafting and implementing plans related to equality, non-discrimination and economic empowerment of PWDs. The society has a team of volunteers throughout the Kingdom and seeks to network with local and international organizations to empower and build the capacities of PWDs and build alliances with these organizations. The society also works on training female and male PWDs on all matters related to their lives, including political empowerment, building advocacy capacities, self-acceptance and other training. It is also involved in the revision of several laws and legislation on human rights and PWD rights, including revision of the draft Law on the Rights of Persons with Disabilities No. 31 (2007). For this purpose, an especially formed high-level committee submitted its

³ Official Identity Center website, available at <http://www.identity-center.org/>

⁴ Official website of "I Am a Human" Society, available at: <http://anainsandpo.org/>

recommendations and proposed amendments on how to best improve the lives of PWDs, to the HCD President, His Royal Highness Prince Mired bin Ra'ad bin Zeid.

The Society's most important activities include training at all levels, launching campaigns, initiatives, and projects with local and international partners, and providing technical and practical consultancy. The Society and its members won several awards, including the King Hussein Award for Excellence. The Society is a member of several bodies in the major sectors involved in disability-related issues in Jordan. It has published a guide detailing the skills of dealing with PWDs and a guide listing PWD-specific inclusive decisions for an equitable, accountable society involving the government, the media and CSOs, as well as several studies and position papers depicting the situation of PWDs in Jordan. The society seeks to advance the well-being of PWDs wherever they are and to lobby with the government to implement and activate the Law on the Rights of Persons with Disabilities.

Introduction:

Since 2015, CSOs involved and partnering in the area of disability, have been monitoring the PWD-related legislative situation, policies and operational practices and the extent to which these are aligned and harmonized with CRPD principles and various provisions, by reviewing national legislation and laws cited therein with respect to all the PWD-specific areas. CSOs have also been monitoring the extent to which national strategies and programs include PWD-related issues, and reviewed actual practices, especially by the state institutions that provide direct services, in order to prepare the civil society's 2017 shadow report and the extent of the state's commitment to implementing the provisions of the International Convention on the Rights of Persons with Disabilities.

Methodology of the report:

In July 2015, the partners formulated a joint two-phase methodology that provides for activities that lay solid foundation for the formulation of a comprehensive shadow report on PWD rights. The first phase consisted of the following:

- Establishing a joint steering committee of the partner institutions consisting of two representatives from each institution;
- Reviewing legislation and laws, regulations and directives, and PWD-specific national strategies for the years 2007–2015 and the extent to which they are aligned with CRPD;
- Conducting a survey of all the 84 active and effective PWD-associations in the Kingdom's 12 governorates in order to get acquainted with their activities and access the various research, studies and surveys they have;
- Identifying gaps in our knowledge of PWD rights;
- Supplementing the HAQQI⁵ database (information platform) with data; and, information on PWDs.

The second phase consisted of the following:

⁵ Official HAQQI Information Zone website, available at: <http://haqqi.info/>

- Cooperating with PWD associations and other CSOs on verifying knowledge gaps;
- Conducting a specialized study of the PWD's rights for the following: education, work, right to health, access to services as well as the rights of women and girls with disability, and children with disabilities;
- Conducting face-to-face interviews with 20 experts, activists and representatives of governmental and international institutions, as well as CSOs involved in the area of disability in Jordan, as well as 16 focus group discussions with different PWD groups;
- Writing the first draft of the shadow report;
- Sharing the draft report with a group of experts and PWD organizations for feedback and comments; and,
- Writing the final version of the shadow report.

Challenges facing the process of compiling the report:

- There was an evident lack of official figures and statistics pertaining to PWDs in terms of numbers of PWDs and categories of disability and the right to enjoy services and exercise rights;
- A total of 266⁶ civil society organizations (associations and societies) were registered and are working with PWDs in all the Kingdom's governorates. The research team was able to visit only 84 associations and organizations due to the fact that they did not have headquarters or that their contact addresses were incorrect.
- Some national institutions refused to be interviewed. These included the Greater Amman Municipality (GAM). Also, the team could not conduct an interview with the National Center for Human Rights (NCHR) due to repeated postponement of the meeting.
- There was an evident weakness in the official and national reports on monitoring PWD rights and the abuses committed against them in the various fields.

Executive Summary:

The findings of Jordan's 2015 Population and Housing Census reveal that PWD aged 5+ years constitute 11.2% of the Kingdom's population.⁷ When including children with disability, who are less than 5 years of age, this rate may rise to the global 12% as assessed by the World Health Organization (WHO).

In 2016, the Higher Council for People with Disabilities conducted a legislative review of the DPRL No. 31 of 2007, and drafted a new law that includes many amendments favoring the rights of PWDs in terms of definitions, bridging gaps and overcoming weaknesses which existed in the old law. Until the writing and publishing of this report, however, the draft law has not been passed.

Some legislation view persons with disabilities (PWDs) as incapable human beings, whose capabilities are limited, and thus treat them as nothing more than "medical cases". This attitude has been reflected in the reality of practice and has become the prevalent position among some executive agencies, especially when reviewing practices related to work, education and the respect for privacy. Furthermore, some laws lack flexibility and effectiveness in terms of provisions governing the empowerment of PWDs in relation to

⁶ Official website of the Higher Council of Persons with Disability, available at: <http://hcd.gov.jo/en/>

⁷ <http://web.dos.gov.jo/?lang=ar>

access to the different services and facilities, as evidenced, for example, in the requirements of the Special Building Code for Persons with Disability⁸, issued pursuant to Jordan's National Building Code of 1993. A review of the various Jordanian pieces of legislation reveals that some laws lack effective and necessary measures to empower PWDs to access the various facilities, just like other citizens. For example, the Family Violence Protection Law⁹ and the laws pertaining to guaranteeing the right to obtain information,¹⁰ as well as many of the instructions and regulations issued by governmental departments and institutions, do not stipulate any effective measures to empower PWDs to access the various services.

Some national legislation are inconsistent with CRPD principles. Discrimination against, and passive violations of the rights of PWDs are now evident and play a role in their marginalization. For example, Article 467 of the Jordanian Penal Code states that "whoever releases a harmful animal, or an insane person under his/her guardianship ... shall be punished by a fine not exceeding five dinars."¹¹ This text, equating an animal with a person with mental disability, is a flagrant legislative blunder against persons with mental disabilities, or what the law terms "insane" persons. Furthermore, the texts of the Jordanian Civil Code and Code of Personal Status exacerbate discrimination against persons with mental disability in terms of impediments to their legal competence and indicate that these people are not fit enough to exercise their legal competences outlined in Article 12 of this report.

In the area of reproductive health, a girl with disability is most at risk of various forms of discrimination and exclusion, such as hysterectomies. Hence, the General Ifta'a Council¹² prohibited the removal of wombs of girls with disability and emphasized the society's responsibility vis-à-vis these girls,¹³ thus ending the religious controversy between those who support and those who oppose these practices. Even though such actions continue to be made openly in the Jordanian society, the Penal Code does not include any unequivocal legal text that prohibits such acts, without looking into the grave health damage they cause, especially for girls aged 11–15 years, leading to future complications such as uterine hemorrhage.¹⁴

When talking about the work of PWDs and the practices in law enforcement, we find that the reality highlights the low rate of employing PWDs in both the public and private sectors. Estimates indicate that the PWD employment rate does not exceed 1.0% in the public sector

⁸ Special Building Code for Persons with Disabilities, issued pursuant to Jordan's National Building Code No. 7 (1993).

⁹ Family Violence Protection Law No. 6 (2008).

¹⁰ Law No. 47 (2007) Guaranteeing the Right to Obtain Information.

¹¹ Jordanian Penal Code No. 16 (1960).

¹² <http://aliftaa.jo/>

¹³ On January 9, 2014, Jordan's General Ifta'a Council issued its Decision No. 194-2/2014, prohibiting the removal of the womb of a girl with disability. The ruling reiterated that "the extirpation of an organ, which God has created in a human being, shall be prohibited, except in cases of illness, in which treatment requires this operation. As for girls with disability or mental illness, we find no excuse that warrants such operations, which infringe upon God's creation, involve health hazards, and produce detrimental consequences that facilitate assaulting, harming and injuring these girls." For more details, please go to:

<http://aliftaa.jo/Decision.aspx?DecisionId=243#.VuAaC3196M8>

¹⁴ Interview with Dr. Muhammad Al-Qaddoumi, director of the Ministry of Health's Disabilities Diagnosis Center, March 27, 2016.

and stands at 0.5% in the private sector¹⁵. This urgently calls for amending Article 13 of the Labor Act, which is associated with Article 4 of the 2007 Rights of Persons with Disabilities Law, in such a manner as to ensure implementation of the provision effectively on the ground. Article 13 of the Labor Law stipulates that the employment of PWDs is conditional on the nature of the employer's work, which is seen as a loophole for employers not to hire PWDs.

General recommendations:

- The Optional Protocol to the Convention on the Rights of Persons with Disabilities must be ratified in order to promote the support and legal protection of PWD rights.
- National legislation must be reviewed, and action must be taken to repeal discriminatory provisions that impede access of PWDs to their rights. Also, national policies and strategies must be reviewed so that they include the rights of PWDs.
- PWD-related legislation, especially those pertaining to building zoning and licensing, must be reviewed, so that effective and deterrent financial penalties will be imposed against anyone who violates the requirements of the National Building Code. In addition, existing schools and universities must be refurbished to facilitate access to students with disabilities. Monitoring must be tightened by obligating universities to apply the PWD code.
- Texts governing legal competence must be amended in such a manner as to achieve full recognition of PWD rights before the law. Civil Code and Personal Status Code provisions related to impediments to legal competence must also be amended. Paragraphs in the Electoral Law that deny the right to vote and stand for election to persons with mental disability must be repealed.
- Legislative texts and measures must be enacted to require governmental and private agencies to stipulate in their publications reasonable methods for PWDs to access their information, data and statistics in an equitable manner;
- Action must be taken to repeal the phrase "... provided the nature of work in the establishment allows that" from Article 13 of the Labor Law, which is also stated in the Disabled People Rights Law of 2007. This phrase, considered to be a loophole, allows employers to evade recruitment of PWDs. Roles of employers-monitoring institutions must be activated to ensure the application of the law and guarantee PWD access to their right to work.
- A new national strategy for PWDs must be adopted, as evaluation results of Phase II (2010–2015) of the National Strategy for Persons with Disabilities (NSPD) indicate that not more than 50% of the objectives of its 12 main provisions have been achieved.
- Action must be taken on the establishment of a mechanism to monitor, address and eliminate violations and discriminatory practices against PWDs.

¹⁵ Report entitled "Employment of Persons with Disability in Jordan," Jordan Labor Watch, Phenix Center for Economics & Informatics Studies, 2015. See: <http://www.phenixcenter.net/ar/paper/200>

List of Articles:

Articles 1–4: Purpose, definitions, general principles and obligations

There is a difference and contradiction between the definition of a “case of disability”, as stated in the DPRL and in the stipulation governing the same term in the first and second phases of the PWD strategy (2007–2015). Presumably, the legislation and strategies pertaining to PWDs should reflect CRPD provisions, which Jordan has ratified without any reservations. The 2007 law describes PWDs as cases of illness, without paying attention to environmental and physical impediments. According to Article 2 of the law, a person with disabilities is “Any person suffering from a permanent, partial or total impairment affecting any of his/her senses, or his/her physical, psychological or mental capabilities, to an extent that undermines his/her ability to learn, work, or be rehabilitated, and in a way which renders him/her unable to meet her/his normal day-to-day requirements under circumstances similar to those of non disabled persons.”¹⁶

Experts and activists emphasize that NSPD-I (2007–2009) was meant to reflect the CRPD definition of PWDs and be more comprehensive than the DPRL definition. They also agree that the Strategy differs significantly from the medical or care model definition. The strategy defines disability as "Restriction of a daily activity, or the exercise of a right or basic freedom, on equal basis with others as a result of overlapping environmental, social or behavioral barriers, together with any apparent imbalances that vitiate the body's functional, physical or mental activity." Without a clear definition that is applied to all, there are clear inconsistencies in the definition of disability and the validity of any definition, as there are several conflicting definitions, with institutions using the definition that they prefer.

The 2016 draft Law for the Rights of Persons with Disabilities¹⁷ includes a more comprehensive definition of disability. Article 3 (A) defines a disabled person as "Every person who has a long-term impairment in the physical, sensory, mental or nervous functions that, as a result of overlapping with physical impediments and behavioral barriers, prevents him/her from undertaking one of his/her main life activities, or independently exercising one of the his/her rights or fundamental freedoms." Experts emphasize that this definition is superior to the old definition in terms of its description of disability, and its provisions and accommodative arrangements.¹⁸ On the other hand, activists and observers believe that the definition in the proposed law was vitiated by some shortfalls when it defined “long-term imbalance” as a situation that prevents a person from undertaking one of his/her main life activities. This definition implies that impairment may prevent education, training, rehabilitation and employment. It is thus proposed that the word "prevent" be replaced by the word “restrict.”¹⁹

¹⁶ Law on the Rights of Persons with Disabilities No. 31 for the Year 2007, available at <http://hcd.gov.jo/content/law-rights>

¹⁷ Draft Law for the Rights of Persons with Disabilities for 2016, available at: http://lob.jo/View_LawContent.aspx?ID=636

¹⁸ Interview with legal expert Dr. Muhannad Al-Azzeh.

¹⁹ The Jordanian Coalition of PWDs submitted remarks on the draft Law on the Rights of Persons with Disabilities of 2016.

In relation to the concept of the CRPD's "accommodative arrangements", the DPRL used the term "reasonable fixtures", which it defines as, "The necessary fixtures to adapt the environmental conditions related to the place, time, and the provision of equipment, tools and assistive devices wherever necessary to ensure that persons with disabilities exercise their rights on equal basis with others provided that this shall not inflict serious damage on the party concerned." The definition of "accommodation arrangements" in the draft 2016 law is more comprehensive because, in addition to the above, it emphasizes "... the facilitation of access to information, provision of a personal assistant, adjusting and aligning instructional methods of educational curricula to persons with mental disability without prejudice to the substance, and adjusting working hours or times for delivering the service."

When talking about general obligations in the Convention and the extent to which they are included in the national legislation, it is clear that the DPRL sets aside an article detailing these general principles and obligations without conflicting with the Convention. The draft law of 2016 also re-iterates these principles and obligations, but adds a provision confirming that PWDs are part of human diversity and natural differences. This enhances the inclusion of PWDs in the society, as well as their exercise of their rights. But, when looking at how the law is actually applied and practiced, we find that the provisions of the law have yet to be applied and implemented. Up to this moment, the bylaws and regulations needed to apply the DPRL have not been implemented.

Recommendations:

First: Formulating, adopting, and disseminating among executive institutions a holistic definition that is consistent with CRPD general principles and includes the relevant national strategies and laws.

Second: Expediting the ratification of the draft Law on the Rights of Persons with Disabilities of 2016 by both the Executive and Legislative branches of government and adopting a holistic definition of PWDs, as well as the general principles and obligations.

Third: Adopting the issuance of executive bylaws and regulations to ensure and promote the application of the PWD rights law.

Fourth: Amending all the discriminatory provisions of the various Jordanian legislation that are inconsistent with the CRPD general principles.

Fifth: Building the capacities of PWDs and PWD organizations through awareness raising, promoting education about the law and various legislation, and acquainting PWDs with their rights in all areas.

Article 5: Equality and non-discrimination

The Amendments to the Jordanian Constitution in 2011²⁰ included provisions aimed at the protection of PWDs. Article 6, Clause 5, stipulates that, “The law shall protect motherhood, childhood and the elderly; and shall provide care for youth and those with disabilities and protect them against abuse and exploitation. According to the DPRL, discrimination on the basis of disability is defined as, “Any limitation, restriction, exclusion or denial, based on disability, affecting any of the rights and freedoms in this Law or any other law.”

The Jordanian legislature has adopted certain positive measures that can be extrapolated in certain legal texts and are considered a positive step towards achieving equality. These are called “affirmative action”, which is one of the basic human rights principles. Article 4 of Jordan’s DPRL obligates Jordanian establishments to employ a certain percentage of PWDs in their work forces, which will be detailed in Article 27 of the present report. But, are government institutions and the private sector committed to applying this provision? Estimates indicate that the employment rate of PWDs does not exceed 1% in the public sector and 0.5% in the private sector.

When discussing recognition of PWDs before the law, the Civil Code of 1976²¹ and the Personal Status Law of 2010²² state that, “A person who has been deprived of his/her eligibility because of youth, mental deficiency or insanity, shall not be competent to exercise his/her civil rights.” This provision entails non-recognition of the legal status of persons with mental disabilities. On the contrary, it equates them with a little child, contrary to the provisions of Article 12 of the CRPD, which emphasizes that PWDs “enjoy legal capacity on an equal basis with others in all aspects of life.”

The Nationality Law No. 6 of 1954²³ is flagrantly discriminatory against PWDs. Article 4 of this law stipulates that an applicant for Jordanian nationality shall be “of sound mind and does not suffer from any impairment that would make him a burden on society.” This provision deprives PWDs of their right to be granted Jordanian nationality.

When talking about the media and its role in the inclusion of PWDs into society, a recent study²⁴ revealed that the Jordanian daily press uses discriminatory and negative terms when dealing with the various disability issues.

Recommendations:

First: Abolish, and align with the CRPD, all legal texts that exacerbate disability-based discrimination, wherever they occur in the body of legislation.

²⁰ <http://www.parliament.jo/node/137>

²¹ <http://www.lob.gov.jo/AR/Pages/AdvancedSearch.aspx>

²² http://www.sjd.gov.jo/DetailsPage/SJD_AR/ProjectsDetailsAr.aspx?ID=35

²³ <http://www.cspd.gov.jo/SubDefault.aspx?PageId=186&MenuId=82>

²⁴ The treatment of disability issues in the Jordanian daily press, available at: <https://www.assawsana.com/portal/pages.php?newsid=259143>

Second: Adopt and formulate a national strategy targeting society, and the public and private media, to accept and integrate into the society individuals on the basis of their disability.

Third: Create suitable arrangements to acquaint PWDs with their right to file a complaint or submit a grievance when exposed to discrimination.

Article 6: Women with disabilities

Many experts and activists are of the viewpoint that Article 6 of the Jordanian Constitution does not equate between male and female Jordanians. This article states that, “Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language or religion”, but not “sex” or “gender”, despite the many pleas submitted by jurists and CSO activists demanding that the word “gender” be added to the text of the Article, and the questions submitted by the committee on the Elimination of Discrimination against Women in relation to Jordan’s 6th Periodic Report, asking the State whether it wants to amend the Constitution or adopt a legislation that prohibits discrimination against women and ensures equality on the basis of gender in accordance with the obligations assigned thereto²⁵.

Regarding hysterectomies and the forced sterilization of a woman with disability, the latest amendments to the Penal Code do not specifically address this issue or increase the penalty for the offence. These offences, which are subject to the provisions of Article 335 of the same law, have been highlighted by Recommendation No. 53 pertaining to the 17th Session of the Comprehensive Periodic Review.²⁶ However, six hysterectomies performed on girls with mental disabilities were monitored in 2015 at a hospital in southern Jordan, according to a reliable source that preferred to remain anonymous. In 2014, the General Ifta’a Department also prohibited hysterectomies of girls with disabilities, except in cases of illness, where treatment warrants such operations. In the same context, the Penal Code saw several amendments in 2016, which were seen as a good step in favor of women with disabilities. The amendments included the introduction of provisions into the draft Penal Code that made sexual assaults, abuse and fraud perpetrated on the basis of disability as aggravating circumstances that warrant imposing the maximum punishment against the perpetrator.

Females constitute 41% of the total number of PWDs in Jordan.²⁷ Regarding school and university education, girls with disabilities, compared with males, constitute a small percentage of those who complete their education. In the area of labor and employment, women with disabilities account for no more than 4.8%²⁸ of the total number of women with disabilities, aged 15 and older. Regarding national policies and strategies related to women and girls with disabilities and reproductive health services, we find that the main topics of the National Health Strategy (2007–2010), issued by the Ministry of Health (MoH), do not cover PWDs, particularly women with disabilities. The Ministry of Health’s Strategy for 2013–2017 failed to mention health and reproductive health services for women with disabilities.

²⁵ List of issues related to Jordan’s 6th Periodic Report, published by the Committee on Elimination of Discrimination Against Women on August 2, 2016. The list is available at:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=JOR&Lang=AR

²⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/160/26/PDF/G1316026.pdf?OpenElement>

²⁷ “The Situation of Disabilities in Jordan: Employment and Unemployment”, Department of Statistics, 2010.

²⁸ “Disability in the Arab Region,” Economic and Social Commission for West Asia (ESCWA), 2014, p. 24.

During meetings held with women with disabilities in the different governorates of the Kingdom, the participants reported that they sometimes faced significant difficulties from their families when they wanted to get married and have a family of their own. According to these girls, their families oppose their marriage under the pretext that such a girl cannot rise up to the responsibility and that the society would reject being related by marriage to a family that had a girl with a disability.²⁹

Recommendations:

First: Amend the Penal Code to explicitly criminalize hysterectomies for girls with disabilities.

Second: Include in national policies and strategies a component dealing with women and girls with disabilities, especially in strategies related access of females to proper reproductive health services.

Third: Intensify legal, health and physical awareness programs of official institutions and CSOs, which would target the families of girls with disabilities.

Fourth: Adopt a formal mechanism to monitor acts of violence, abuse and exploitation perpetrated against girls and women with disability, particularly with regard to hysterectomies, abortion and other violations.

Article 7: Children with disabilities

The component “Children with Special Needs” was added to the Early Childhood Development Strategy³⁰ in 2003 by the National Council for Family Affairs³¹. Consequently, the Jordanian National Plan for Childhood (2004–2013)³² was launched, wherein a component, entitled “Education of Children with Special Needs” was included. This component focuses only on the education of children with disabilities, without paying attention to other areas. Although these plans were issued 14 years ago, the strategies have not been updated, nor have children with disabilities been included in them as per the articles and general principles of the CRPD.

Hysterectomies are still carried out on girls with disabilities by public and private sector physicians in the absence of any stipulations in the Penal Code that ban these acts, as detailed in Article 6 of the present report. The violence and physical mutilation still result in painful harm and grave damage to these girls, not least of which is uterine hemorrhage.

²⁹ Focus group discussion with women and girls with motor disability in Amman Governorate.

³⁰ Early Childhood Development Strategy, available at: <http://www.ncfa.org.jo/>

³¹ Official website of the National Council for Family Affairs, available at: <http://www.ncfa.org.jo/>

³² National Plan of Action for Childhood (2004–2013), available at the official website of the National Center for Family Affairs <http://www.ncfa.org.jo/>

According to the NCHR annual report for 2014,³³ more than 250 students with disabilities have been deprived of studying in schools affiliated with charitable societies in the Northern Badia region and Mafraq, since the beginning of the school year 2014/2015. This is a flagrant violation of children with disabilities' right to education, even though the Government vowed in its Universal Periodic Review of 2013³⁴ to support the education and rehabilitation of persons with mental disabilities at the Ministry of Social Development (MoSD) centers. Furthermore, children with disabilities generally face difficulties in accessing quality, inclusive education on equal basis with other children, as the education policy is still devoid of serious measures regarding implementing the inclusive education process due to the lack of national plans and policies to this effect. Educational policies continue to rely on initiatives only; indeed, some education sector employees still discriminate against, and do not accept the registration of children with disabilities in schools. This was confirmed by the findings of the 2015 general census, which estimate that about 79% of all children with disabilities of school age are deprived of exercising this right.

Recommendations:

First: Update national policies, plans and strategies to include issues related to children with disabilities as per CRPD principles and provisions.

Second: In accordance with the principle endorsing the right to compulsory education, which was confirmed by both the CRPD and the Jordanian constitution, children with mental disability, as well as all children with disabilities, should not be deprived of their right to education.

Article 8: Awareness-raising

Article 3 of the DPRL, which outlines the Law's general principles and provisions, calls for "Disseminating awareness and education on issues of persons with disabilities and their rights." Article 7 of the same law indicates that the HCD's tasks and responsibilities include, "Taking part, along with concerned bodies, in formulating a comprehensive national awareness and prevention plan aimed at curbing the occurrence of disabilities, reducing them and preventing their aggravation." Yet, the reader will readily detect a discriminatory language that does not conform to CRPD principles, as this text warns against the incidence of disabilities and calls for reducing the number of cases considered as cases of illness.

The text of the DPRL's Article 7 is reflected in the NSPD-I, which calls for reducing the incidence of disabilities. Yet, NSPD-II evades these phrases and focuses on the dissemination of awareness of PWD rights in such a manner as to enhance the process of integrating PWDs into the society.

It is now clear that noticeable change has taken place in the media in terms of handling issues related to PWD rights. In 2008, Jordan's State-run television channel (JTV) launched a

³³ http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/NCHR_report2014.pdf

³⁴ National report submitted in accordance with Paragraph 5 in the attachment to the Human Rights Council 16/21 in the Comprehensive Periodic Review for the year 2013.

weekly segment in its morning talk show “*Yawm Jadid*” (New Day) addressing PWD-related issues and PWD affairs. But, the segment ceased to be aired by 2010. Ro’ya Television³⁵ has recently introduced a segment in its daily morning show “*Dunya Ya Dunya*” (World, oh, World) and another segment in its evening “*Caravan*” show, with the aim of disseminating awareness of, and advocating for PWD rights and giving PWDs a platform to express themselves and discuss their challenges and achievements.

According to an analytical study released in 2016³⁶, a review of PWD cases discussed in the official Jordanian newspapers revealed that the Jordanian press focused primarily on social and health issues, as well as environmental services. Interest was tepid, however, in issues related to PWD rights, from the legislative and legal aspects, PWD participation in political life, and PWD rights related to employment, vocational training, and education. The above-mentioned study revealed that Jordanian daily newspapers still use discriminatory terms in their discussion of PWD issues and that non-discriminatory terms used in the coverage accounted for not more than 37%.

Despite the importance of media coverage and the interest they reflect in addressing PWD rights, yet the media do not rise to the level of organized media campaigns. There is a need to work on media campaigns targeting different segments of the society. It is also imperative that the relevant institutions and partners in the various media outlets adopt a comprehensive, specialized media strategy on PWDs.

Recommendations:

First: Awareness of the legislative and legal rights of PWDs must be raised. This should target the staffs of the various institutions and organizations directly involved in improving the quality of life well-being levels that such practices can achieve for PWDs and their families.

Second: The official and private media are called upon to embrace PWD issues and rights as expounded in PWD policies, strategies and plans of action.

Third: A guide must be compiled of the terminology on the basis of non-discrimination and disseminated among all the media staff. The capacities of the media staff must also be developed in order to enable them to deal with PWD rights in all areas.

Article 9: Accessibility

Article 4/E of the DPRL³⁷ details special provisions and measures for adapting structures and facilities in all public and private sector buildings to the needs of PWDs and, whenever possible, apply these directives to existing buildings. The law also obligates “all public transportation companies, tourism agencies and car rental companies to make available at least one vehicle with specifications that enable easy use by persons with disabilities.” It also calls for “enabling persons with disabilities to have free access to information and

³⁵ Interview with Hala Zreiqat, Media Specialist at Ro’ya TV on January 19, 2017.

³⁶ Study entitled “Treatment of Disability Issues in Jordan’s Daily Newspapers” available at:

<https://www.assawsana.com/portal/pages.php?newsid=259143>

³⁷ <http://hcd.gov.jo/en>

communications technologies and systems, including the internet, visual, printed and audio media outlets.”

The National Building Council was created by virtue of the National Building Law of 1993³⁸. The Council aims to lay down the foundations and principles for the National Jordanian Building Code³⁹ and identify the areas of applicability. Article 13 stipulates “a fine of no less than one hundred Jordanian dinars and not exceeding three thousand Jordanian dinars” for each violation of the criteria of the building codes issued by virtue of that law. Although the building code was issued pursuant to a law, which means that it has become legally binding once published in the Official Gazette, this law has yet to be enforced. The reason is attributed to the plethora of and poor coordination among the relevant bodies, including GAM, the Association of Jordanian Engineers, the Ministry of Public Works, and the Ministry of Municipal Affairs. Since the issuance of the National Building Code 24 years ago, these issue has not been resolved, nor have the roles of these bodies been specified with the view to applying the provisions of the law.

A Ministry of Transport (MoT) review of the strategic plan for the years 2015– 2017⁴⁰ reveals no reference to PWDs in any of the strategy’s components. The MoT affiliates include the Land Transport Regulatory Commission, whose responsibilities include adapting public transport vehicles to the needs of PWDs. According to MoT officials,⁴¹ the global standard for transport vehicles adapted to the needs of PWDs is one out of 20, but this standard has not been met in Jordan. They stressed, however, that the Commission is working towards reaching this standard rate to enable for PWDs to benefit from the service.

GAM statistics⁴² indicate that the streets, parks, hotels and other premises, adapted to the needs of PWDs do not exceed 6% at best, while the number of adapted main streets in the capital, Amman, stands at only 29⁴³. GAM’s Strategic Plan (2015–2017) was recently accomplished⁴⁴. After reviewing the plan, the research team found that the Strategy’s 23 objectives did not include any reference whatsoever to PWDs. A footnote in the Society component referred to “supporting persons with special needs,” even though the GAM organizational chart includes a “Persons with Special Needs” unit. The research team could not review the rest of the policies and strategies of the relevant ministries and government departments and institutions and the extent to which they address PWD rights.

The two-phase National Strategy for Persons with Disabilities (NSPD), [Phase I (2007-2009) and Phase II (2010-2015)] includes a provision addressing environmental facilities and accessibility. Even though NSPD-II includes 28 activities targeting various actors, it is devoid

³⁸ The National Building Code No. 7 of 1993 was published in the Official Gazette No. 3888 on April 1, 1993.

³⁹ A building code is a set of rules, terms of reference and technical requirements related to construction works approved by the HCD and adopted by the Council of Ministers.

⁴⁰ The Strategic Plan of the Ministry of Transport for the years 2015–2017 is available at the Ministry’s official website.

⁴¹ Personal interviews with officials at the Jordanian Ministry of Transport.

⁴² <http://www.ammancity.gov.jo/ar/gam/index.asp>

⁴³ Civil Society Report on the status of CRPD in Jordan, January 2012.

⁴⁴ The GAM Strategic Plan of Action (2015–2017) is available at GAM’s official website, http://www.amman.jo/site_doc/statigicplan2015.pdf

of any activities related to PWD access to technology, information systems, the new media, and the Internet to be accessible to PWDs.

Recommendations:

First: Activation of the National Building Code and the creation of deterrent provisions relating to financial and administrative fines and penalties against anyone who violates the provisions of the National Building Code.

Second: Drafting new provisions obligating all newspapers, the various websites, universities and other institutions of higher education, and libraries to facilitate easy access of information for all PWDs.

Third: Inclusion of accessibility and facilitating arrangements, cited in the CRPD, in the strategies and plans of GAM, MoT, and other institutions that provide direct services in this area.

Article 11: Situations of risks and humanitarian emergencies

So far, Jordan has not signed the 1951 United Nations Convention on the Status of Refugees, even though Jordan has been receiving large numbers of refugees from its neighboring countries. Furthermore, Jordan does not have any legislation governing hazards and humanitarian emergencies. This absence is demonstrated in the DPRL, which does not include any reference to the services provided to PWDs in cases of humanitarian emergencies. The two phases of NSPD are also void of provisions addressing situations of risks and humanitarian emergencies.

Non-Jordanians account for 31% of the entire population in Jordan,⁴⁵ according to the main findings of 2015 General Census of Population and Housing, conducted by the Department of Statistics. This rise is due to forced migrations to Jordan. The Kingdom now hosts 1.3 million Syrians, the vast majority of whom live outside the camps created for them, and can be found in all the Kingdom's 12 governorates.

Around 117,000 Syrian refugees live in the three camps, especially set aside for them. The United Nations and other local and international organizations provide various services to them. The number of Syrian refugees officially registered with UNHCR (United Nations High Commission for Refugees) stands at 630,000; the rest are not registered and live outside the camps. To be able to benefit from the government's services and other services, they should have specific documentation, including the service identity card, issued to the Syrian community by the Jordanian Ministry of Interior (MoI). However, refugees who leave camps in an unofficial manner, or return to Jordan after returning to their homeland, are not eligible to obtain these documents, and are thus unable to access government services⁴⁶.

⁴⁵ http://www.dos.gov.jo/dos_home_a/main/population/census2015/index.htm

⁴⁶ <https://www.amnesty.org/ar/latest/news/2016/03/jordan-syrian-refugees-blocked-from-accessing-critical-health-services>

An Amnesty International⁴⁷ report cites the case of Sara, a Syrian girl, who lost her leg when she was 8 years old following an attack inside Syria. Her family came to Jordan to continue her treatment and, initially, stayed at the Al-Azraq Refugee Camp. The girl received health care and was fitted with an artificial leg. After receiving threats from other refugees, the family decided to leave the camp and, consequently, became ineligible to benefit from Jordanian government services due to unavailability of the right documents. Many similar examples exist among Syrian refugee communities in Jordan.

More than 2.1 million registered Palestinian refugees live in Jordan. All Palestinian refugees, except about 140,000, who hail from the Gaza Strip enjoy Jordanian citizenship and hold Jordanian passports. In Jordan, there are 10 refugee camps, operated by the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA)⁴⁸, which provides the refugees with a range of health, education and community services. The research team interviewed⁴⁹ UNRWA specialists, who confirmed that the Agency implements programs targeting PWD refugees, including community-based rehabilitation programs for PWDs. UNRWA also contributes part of the cost of the medical aids needed by the PWDs (e.g., medical headsets and glasses, as well as optical tests). The interviews indicated that the camps' facilities are not adapted to the treatment of various disabilities and that they lack reasonable environmental accommodation. There have been, however, certain minor adjustments in some schools and health centers inside the camps, but these adjustments do not cater to all PWDs.

It is noteworthy that UNRWA has ratified the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, adopted at the Global Humanitarian Summit, held in Istanbul, Turkey, in May 2016 and will support the implementation of the charter in its fields of operations⁵⁰.

No plans are implemented by the Jordanian government in cooperation with UNRWA in the camps. Furthermore, none of the government's institutions provide support to Community Rehabilitation Centers. There is a conspicuous absence by MoSD and its directorates within the Palestinian refugee camps.

Recommendations:

First: Action is needed to ensure that the National Building Code also includes criteria governing emergency and first aid services for PWDs.

Second, Action is needed to ensure that the draft Law of the Rights of Persons with Disabilities for the Year 2016 includes provisions on the needed emergency and adaptation services in this area.

⁴⁷ Ibid

⁴⁸ <https://www.unrwa.org/ar/where-we-work/%D8%A7%D9%84%D8%A7%D8%B1%D8%AF%D9%86>

⁴⁹ Personal interview with specialists associated with the Higher Coordination Committee of UNRWA's community rehabilitation centers.

⁵⁰ See UNRWA's official website at: <https://www.unrwa.org/ar/what-we-do/%D8%A7%D9%84%D8%A5%D8%B9%D8%A7%D9%82%D8%A9>

Third: Action is needed to coordinate UNRWA and UNHCR efforts in their bid to gradually introduce of the different types of accommodative measures and environmental adaptations in the refugee camps in Jordan.

Article 12: Equal recognition before the law

Jordan did not submit any reservations on CRPD's Article 12. Yet, Jordanian legislation stipulates otherwise and discrimination against PWDs is evident, especially with regards to legal capacity in terms of restricting, and depriving PWDs' from exercising their rights.

Article 44 of the Civil Code⁵¹ and Article 204 of the Jordanian Civil Status Law⁵² stipulate that a person who has been deprived of his/her eligibility because of young age, mental deficiency or insanity, shall not be competent to exercise his/her civil rights. This provision entails non-recognition of the legal status of persons with mental disabilities and persons with mental disabilities. Furthermore, this text equates persons with mental disability with children under guardianship and care. The two aforementioned laws reiterate that a technically "insane" person shall be treated before the law as an "ineligible" child who has not attained the age of seven years, and that a person with mental deficiency shall be considered as an eligible child who is 7 years of age, but has not reached the age of 15 years.

Both the Personal Status Law and Civil Code use discriminatory terms that are not compatible with CRPD and its stipulations, for example: "insane", "mentally deficient", "incompetent", and "negligent". Furthermore, the legal texts do not contain specific, clear criteria regarding what is meant by each of the impediments to legal eligibility.

Article 132 of the Civil Code, and Article 201 of the Personal Status Law, stipulate that "if a person is deaf and mute, blind and deaf, or blind and mute, and, consequently, it was not possible for him to express his will, the court may appoint a guardian who shall assist him in the disposition of matters as required by his interest." This stipulation uses the term "guardian", while it should have used the term "assistant" to help the PWD in the court proceedings. This text also deprives PWDs of their legal eligibility.

In the area of credit and banking services, the Central Bank of Jordan (CBJ) issued in 2016 "Instructions on Banking Services Provided by Banks to Persons with Disabilities"⁵³, in which it recognized the rights of PWDs to engage in banking transactions. The CBJ gave the banks a maximum of one year to implement these instructions, but the concern here is that these instructions would remain un-enforced, as is the case with the 1993 National Building Law, whose stipulations have not so far been implemented.

Recommendations:

⁵¹ Civil Law No 43 (1976), available at: <http://www.lob.gov.jo/AR/Pages/AdvancedSearch.aspx>

⁵² Personal Status Law No. 36 (2001), available at: <http://www.sjd.gov.jo/>

⁵³ Personal interview with Central Bank of Jordan officials conducted on December 15, 2016. 1

First: Amending provisions of legal eligibility in national legislation, and the full recognition of PWDs.

Second: Amend provisions governing jurisdiction and guardianship over PWDs and adopt the principle of assisting and supporting PWDs on equal basis with others, without any discrimination on the basis of disability.

Third: Activate and circulate the Central Bank of Jordan's 2016 banking services instructions to allow PWDs access to credit and banking services on the same footing with others, and provide for their access to all credit services in such a manner as to respect the PWDs' privacy.

Fourth: Train judicial and executive cadres to use the "support form" in the decision-making process with the view to enhancing the right of PWDs to exercise their full legal rights.

Article 13: Access to justice

Up to the writing and publishing of this report, Article 3/b of the Penal Procedures Law was still in force. This article stipulates that, "if the victim is not 15 years of age, or has a mental disability, the complaint shall be filed by his guardian. If the crime involves money, the complaint shall be accepted from the guardian or trustee." This text does not give a person with mental disability, regardless of the degree and nature of the disability, the right to file the complaint himself.

In 2016, the legislator amended the text of article 3/b of the draft Penal Procedures Law to become, "If the victim is not 18 years of age, or is a person with mental or psychological disability, the Public Prosecution may initiate action, even if the complaint has not been submitted by the person who has guardianship." Here, the nomenclatures are different, in terms of form and are, thus, more disciplined. But, in terms of content, a complaint may not be submitted by a person with a mental or psychological disability, whatever the degree of this disability, except through his/her guardian. The Jordanian constitution, however, guarantees the right for all to access to justice, regardless of the status of disability of the complainant.

The NSPD (2010–2015)⁵⁴ includes a range of activities targeting judicial staff and lawyers with the objective of raising community awareness of the Convention and the DPRL, publishing brochures, providing environmental facilities, training of sign language interpreters in courts, and other outreach programs. But the question is, has the target of these provisions been reached, now that two years have elapsed since the completion of the strategy? Yet, the third pillar, entitled "Rights of the Categories that Are the Most Vulnerable to Violation", in the country's Comprehensive National Plan for Human Rights (2016-2025)⁵⁵ aims to "enhance and protect the rights of disabled people" and "to take the needed legislative and executive measures to provide the easiest methods of accessing justice." At a discussion session with persons with visual impairment, a personal account indicated that "courts reject the testimony of a person with visual disabilities and do not allow someone

⁵⁴ http://www.hcd.gov.jo/sites/default/files/arbic_strategy.pdf

⁵⁵ <http://www.pm.gov.jo/upload/Human-rights-2016-2025.pdf>

with visual impairment to bail out a detained person who is not disabled.”⁵⁶ Thus, it is clear that the majority of persons with hearing and visual disabilities are convinced that there are differences in treatment when these persons give their testimonies before courts of law and that these testimonies are not recognized. At a focus group discussion with persons with hearing impairment, it was indicated that, while the courts do appoint sign language interpreters, these interpreters “do not know how to interpret properly and do not convey the right information.”⁵⁷ The participants expressed dissatisfaction with the poor communication with the judge or the prosecutor in the court.

Recommendations:

First: Review and amend the provisions of the Criminal Procedures Act and include therein provisions that achieve equality in the exercise of rights when PWDs resort to courts.

Second: Include in the policies, plans and programs of the ministries of Justice and Interior measures to ensure that PWDs exercise their right to litigation on an equal basis with others.

Third: Provide for full accommodative facilities and best practices vis-à-vis litigation procedures pertaining to PWDs, whether they are plaintiffs, defendants or witnesses.

Fourth: Provide all courts with sign language interpreters, who are fully trained in the area of legal sign-language terms and are able to communicate between the judicial and executive cadres and persons with hearing disabilities.

Article 14: Liberty and security of the person

The legislative situation indicates that a stereotypical, discriminatory view does exist towards persons with mental disabilities that permit the detention of these persons because they pose a threat to public security. For example, Article 467 (3) of the Penal Code stipulates that whoever “Releases a harmful animal, or an insane person, under his/her guardianship ... shall be punished by a fine not to exceed five dinars (JD5).”

Article 14 of Jordan’s Public Health Law No. 47 (2008)⁵⁸ allows a competent physician to force the admission of any person to hospital and health centers. Article 15 of the same law gives the Minister of Health the right to detain any person and send him/her to hospital on the basis of a medical report. The law, furthermore, allows the physician and the Minister of Health to detain a PWD without a court judgment rendered by a competent court. Presumably, national legislation and the relevant government agencies should shift from being a system of detention and admission for treatment because of disability to one of integration into society.

The 2012 civil society report⁵⁹ revealed cases of detaining individuals in mental health centers for more than 20 years without their families visiting the centers in order to be

⁵⁶ Focus group discussion with persons with visual impairment held on December 4, 2016 in Amman.

⁵⁷ Focus group discussion with persons with hearing impairment held on December 1, 2016 in Amman.

⁵⁸ Draft Public Health Law No. 47 of 2008 is available at:
<http://www.lob.gov.jo/AR/Pages/AdvancedSearch.aspx>

⁵⁹ Civil Society Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan, 2012, available at:

updated on their health condition and/or demand their release. The NCHR's 12th Annual Report monitored cases of violence against PWDs, both within and outside the family, most notably the case of a child with mental disability, who was killed by his father."⁶⁰

At a focus group discussion with families of PWDs in the Mafraq governorate, a female participant reported that "our neighbors have four children with disabilities, who are shackled with iron chains and continuously beaten."⁶¹ The discussion also revealed that some practices prompt families to conceal the disabilities and keep their disabled children at home for fear of shame and the social stigma associated with the disability. These practices often take place by families of persons with mental and psychological disabilities. A case monitored in the city of Irbid,⁶² involved a girl with mental disability, who was locked up in a room for a long period of time until the neighbors were shocked to discover that their neighbors had a daughter with mental disabilities.

In 2014, the Command and Control Center at the Public Security Directorate (PSD)⁶³ created a special hotline for persons with hearing disability, whereby anyone with a hearing impairment could call the number 114 and initiate a video call to the concerned PSD division, the cadre of which were trained in the use of sign language. This was viewed as a positive step toward the achievement of equality in accessing services.

Recommendations:

First: Amend the text of the Public Health Act, which gives doctors the authority to commit persons to hospitals or shelters without a court judgment rendered by the competent judicial authority.

Second: Impose sanctions against anyone who forcibly detains or hides PWDs within a house or any other location.

Third: Coordinate between the relevant bodies, such as, HCD, MoSD, and MoH on setting up a national plan for transition from the care and shelter approach to a system of integration into the society.

Fourth: Urgently create a mechanism, to be employed as widely as possible, for reporting and disclosing cases of detention and imprisonment of PWDs inside houses, and introducing deterrent penalties.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

<http://www.cisjordan.org/Documents/DRI%20RFA%20FINAL%20English/Attachment%20V.%20CRPD%20Civil%20Society%20Status%20Report%20FINAL%20ENG.pdf> .

⁶⁰ National Center for Human Rights, 12th Annual Report, 2015 page 229. For more details, visit

<http://www.nchr.org.jo/english/Publications/AnnualReports.aspx>

⁶¹ Focus group discussion with parents of persons with mental and psychological disabilities in Mafraq Governorate, held at the Mafraq Society for Disabled Children.

⁶² Focus group discussion with parents of persons with disabilities in the city of Irbid.

⁶³ Official website of the PSD Command and Control Center: <https://www.psd.gov.jo/index.php/ar/2015-01-19-08-25-06/2015-03-15-11-04-44>

PWDs are at greater risk of being exposed to direct or indirect violence and abuse, as mentioned in Article 14 of the present report, especially in detention centers, shelters and places of treatment. The NCHR is the national body empowered by law to monitor detention centers. The chapter on health in the NCHR Second Report on the Situation of Human Rights in Reform and Rehabilitation Centers (2014–2016),⁶⁴ indicates “lack of beds that are suitable for elderly people and PWDs, as well as a need to provide corridors and toilets that suit PWD needs in all the centers.” This report did not single out anything related to abuse, torture, or violent acts perpetrated against PWDs or to whether these centers are equipped well enough to cater to PWDs.

The NCHR 12th annual report for 2015⁶⁵ indicates the occurrence of serious injury and abuse incidents within special education centers in the city of Salt, involving burns in different parts of the body. A report, posted on a Jordanian news sites, reported that security forces had found a girl in her twenties shackled with iron chains in the yard of her family’s house and that she was suffering from malnutrition and severe dehydration with visible marks of violence appearing on her body. Her family justified this by claiming that the cruel treatment and torture was the only solution to control the girl’s aggressive behavior, and admitted that they practiced this method of punishment for as long as 15 years which prompted a neighbor to file a complaint to this effect.⁶⁶

It has become clear that the body of Jordanian legislation, administrative practices, and the society’s culture, suffer from shortcomings that have led to a discriminatory, as well as inhumane professional practices against PWDs.

Recommendations:

First: Activate the role of national institutions in monitoring detention, shelter, and treatment centers periodically, and enhance the role of independent monitoring of the protection of PWD rights.

Second: Establish a hotline, supported by PSD and other related national agencies, to be employed as widely as possible to report any incident of abuse, torture or inhumane treatment of PWDs.

Third: Establish a committee to assess shelter, treatment and special education centers comprising of official and national institutions and experts involved in PWD affairs, to assess the qualifications and capacities of these centers, and to assess the extent of their commitment to catering to PWDs.

Article 16: Freedom from exploitation, violence and abuse

⁶⁴ Second Periodic Report on the Situation in Reform and Rehabilitation Centers in the Hashemite Kingdom of Jordan (July 1, 2014–28 February, 2016).

⁶⁵ <http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files/The%2012th%20Annual%20Report.pdf>

⁶⁶ The report was published at the following website: <http://raseef22.com/life/2015/06/25/people-with-special-needs-in-the-arab-world-violence-behind-closed-doors/>

The NSPD (2010–2015) article entitled, “Violence, Abuse and Exploitation of Persons with Disabilities”⁶⁷, includes more than 17 activities aimed at reducing violence against PWDs. The strategy should have adopted the objective of eliminating, not reducing, violence against PWDs. Nor has it adopted a wide-ranging definition of disability-based violence that includes rights and fundamental freedoms, in addition to physical and psychological violence. Upon examining the actual situation, community practices - both inside and outside the family - still inflict violence, abuse and assault against PWDs. In an interview, conducted by the research team with officials at the PSD’s Family Protection Department⁶⁸, it was stated that the number of reports received by PSD during the period (2012–2016) amounted to 214 cases. Physical disability-based assaults during the same period stood at 353 cases. These attacks were dealt with through judicial and administrative procedures.

NCHR monitored 920 cases of violations of the rights to education, work, health, a barrier-free environment, personal mobility, protection from violence, and family protection. Yet, following up on these cases and verifying whether they have been addressed is an impossible endeavor, in view of the non-existence of a coordinating mechanism, involving the various sectors between state institutions that follows up and monitor the situation of PWD rights as provided for in Article 33 of the Convention.

A report in the Jordanian *Al Ghad* newspaper in May 2015⁶⁹ monitored many tragic incidents that claimed the lives of children with disabilities, the latest of which was the case of an 8-year-old child, whose father threw him from the top of an abandoned building in order to rid the autistic child of the pain and agony of that disease. This case was preceded by the incident in which a mother killed her 5-year-old autistic son by a benzene injection.

The draft Penal Code includes new amendments stipulating, in particular, increased punishment in crimes perpetrated against PWDs due to the rapid increase in crimes. These include amending Article 308 so as to abolish the mitigating circumstances favoring the offender in cases involving sexual assaults against a PWD victim. Article 289 was also amended so that a person, who “abandons a child with disability without a lawful or reasonable reason whereby the life of the child is endangered or the child’s health is likely to be permanently injured, he/she shall be punished by imprisonment from one to three years.” Furthermore, according to Article 330, punishment for physical assaults that lead to death have been increased to 12 years in prison, in case the victim is a PWD.

Recommendations:

⁶⁷ http://www.hcd.gov.jo/sites/default/files/arbic_strategy.pdf

⁶⁸ Interview with Captain Deifallah Qawaqzah of the PSD’s Family Protection Department.

⁶⁹ Report in *Al-Ghad* daily on May 2015, available at: <http://www.alghad.com/articles/873471-%D9%85%D8%B7%D8%A7%D9%84%D8%A8%D8%A7%D8%AA-%D8%A8%D8%AA%D8%AC%D8%B1%D9%8A%D9%85-%D8%A7%D8%B3%D8%AA%D8%A6%D8%B5%D8%A7%D9%84-%D8%A7%D9%84%D8%A3%D8%B1%D8%AD%D8%A7%D9%85>

First: In partnership with government and national institutions and organizations, PWD associations and the PWDs themselves, should create a national mechanism to protect PWDs from domestic and institutional violence.

Second: Adopt and include, in national policies and strategies, a broad definition of disability-based violence to include the fundamental rights and freedoms, as well as psychological and physical violence.

Third: Create a coordinating mechanism that involves the various sectors within the state's institutions to follow up and monitor the situation of PWD rights as stipulated in Article 33 of the Convention.

Fourth: Offer programs to educate PWD family members and caregivers on raising awareness and disseminating a culture of acceptance and inclusion of PWDs into society, and eliminating the stereotypical image of PWDs.

Article 18: Freedom of movement and nationality

The Nationality Law No. 6 (1954) did not recognize PWDs. Article 4 Clause 3, stipulates that an applicant for Jordanian citizenship should "be of sound mind and not taken ill by an infirmity that renders him/her a burden on the society." Here, the legislation explicitly excludes all PWDs because it stipulates that the applicant for naturalization has a disability that makes him/her a burden on society. This violates the provisions of Article 18 of the Convention.

Recommendations:

First: Abolish discriminatory provisions in the Nationality Law, which deprive PWDs from gaining Jordanian citizenship.

Article 19: Living independently and being included in the community

Achieving independent living and inclusion in society requires access to all the rights and freedoms that guarantee equality between PWDs and others, in terms of the provision of accommodative arrangements, full inclusion in society, protection from social isolation, and gradual action aimed at abolishing shelter programs. The 2-phase National Strategy (2007–2015⁷⁰) did not take into account the enhancement of independent living in accordance with timely plans and activities.

Recommendations:

⁷⁰ http://www.hcd.gov.jo/sites/default/files/arbic_strategy.pdf

First: Design a comprehensive national plan that would gradually enhance independent living and inclusion in society, on the basis of the abolition of shelter programs within a specified timeframe.

Article 20: Personal mobility

National legislation and policies are devoid of any provisions and plans that address the right of freedom of movement and personal mobility for PWDs independently and safely on an equal basis with others. There are, however, individual programs, implemented by some of the institutions involved in PWD affairs, as well as civil society organizations. These programs are not sustainable and cater only to a fraction of PWDs. At the same time, the state budget does not include any allocations to support the personal mobility of PWDs⁷¹. During focus group discussions with persons with motor disability, the participants reported that they "face considerable difficulties in relation to the right to movement because of the lack of accommodation arrangements, environmental adaptation, easy access to roads, buildings, and transportation." In particular, they demanded "Facilitating access by persons with disabilities to mobility aids, devices, assistive technologies and other forms of assistance, including personal assistants and parking places especially designated for use by PWDs."⁷² Regarding persons with hearing disabilities, the participants reported that they faced obvious difficulties because of their inability to communicate with the surrounding environment, the lack of sign language interpreters, and the absence of illuminated signs to indicate directions and the various facilities. Persons with hearing disabilities are of the opinion that "society renounces them and considers them aggressive."⁷³

Persons with visual impairment face difficulties that impede their movement, including, for example, non-adaptation of roads, potholes in sidewalks, lack of signs warning of holes in streets, the presence of electricity poles in the middle of pavements, which impede movement, and a lack of safe roads.

Recommendations:

First: Include in the draft Law on the Rights of Persons with Disabilities of 2016, provisions related to personal mobility and the freedom of movement for PWDs.

Second: Include in the state budget items supporting PWDs in securing aids and technologies related to personal mobility.

Third: Include in national policies and strategies plans related to the right of PWDs in personal mobility.

Article 21: Freedom of expression and opinion, and access to information

⁷¹ See Jordan's reply to List of Issues (Issue 20) to the UN Committee on the Rights of Persons with Disabilities, available at:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=JOR&Lang=AR

⁷² Three focus group discussions with persons with motor disabilities were held in Amman at the "I Am a Human" Society for the Rights of Persons with Disabilities and the Jordan Sports Federation for the Handicapped.

⁷³ Focus group discussion with persons with hearing disability, held at the "Deaf Women Society," in Amman.

Laws addressing the right of access to information do not include any provisions related to accommodation and adaptation measures that facilitate access by PWDs to the information, especially when it comes to the Law Guaranteeing Access to Information No. 47 (2007)⁷⁴ and the Press and Publications Law No. 8 (1998)⁷⁵, which underline the right of all Jordanians to access information, but do not single out specific provisions that make information accessible to PWDs. According to Article 4 of the DPRL, the parties concerned guarantee “Access of PWDs to technology and information systems, including the internet, the media and various visual, audio-visual, and emergency services, including the provision of sign language interpreters.” However, this text is still not implemented on the ground, with newspapers and licensed websites still not providing PWDs with equal access.

Several institutions have launched initiatives aimed at facilitating access by PWDs to information. For example, the Independent Election Commission⁷⁶ published its own law, as well as the Election Law, in Braille and released several videos, supported by sign language, and provided sign language interpreters during some gatherings organized by the Commission.⁷⁷

Recommendations:

First: Review the texts of the Law Guaranteeing the Right to Access to Information and the Press and Publications Law and include therein provisions obligating government institutions and the private sector to guarantee access of PWDs to all forms of information.

Second: Include in the draft law on the Rights of Persons with Disabilities for the year 2016 provisions obligating all the parties concerned to include in all their publications information on the various forms of accommodative measures and guarantee access thereto by PWDs.

Third: It is necessary to define what is meant by “access to information and communications”, as well as the global definitions thereof, and include these definitions in legislation, public policies and national strategies.

Article 23: Respect for home and family

A review of the provisional Personal Status Law for the year 2010 reveals that persons with mental disabilities are deprived of an equal right to marry and establish a family. Article 12 of this law stipulates that “a judge may permit the marriage of a person with insanity, dementia, or mental disability if an official medical report proves that the marriage is in his own interest and that the illness is not communicable to his/her children ...”. This is a discriminatory stipulation that deprives PWDs of establishing a family and demonstrates that the legislation has adopted the medical view, which considers that mental disabilities are illnesses that can be passed on to offspring.

The NSPD’s two phases (2007–2015) did not include any measures that confirm the right of a PWD to establishing a family.

⁷⁴ Law on Guaranteeing the Right to Access to Information No. 47 (2007) is available at:

<http://www.job.gov.jo/AR/Pages/AdvancedSearch.aspx>

⁷⁵ Press and Publications Law No. 8 (1998) available at:

<http://www.job.gov.jo/AR/Pages/AdvancedSearch.aspx>.

⁷⁶ See the Independent Election Commission’s official website at: <http://www.entikhabat.jo/>

⁷⁷ Interview with Mr. Taher Al-Ajarmah of the Independent Election Commission.

Recommendations:

First: Repeal Article 12 of the Personal Status Law, which deprives persons with psychological and mental disabilities of the right to establish their own independent families on the same footing with others.

Second: Include in national strategies and plans measures aimed at underlining the right of all PWDs to establish a family.

Article 24: Education

The Jordanian Constitution considers that basic education “shall be compulsory for Jordanians”, while findings of the Census of Population and Housing, conducted by the Department of Statistics in 2015, reveal that the number of PWDs, who are deprived of education is estimated at 145,259 persons. The survey also reveals that 651,398 disabled children aged 5+ years (i.e., around 79% of all disabled children of school age)⁷⁸ are deprived of exercising this right. Although inclusive education has been included in the Education Provision of Phase II of the National Strategy (2010–2015), the percentage of children with disability, who are deprived of education, is still very high two years after the conclusion of the Strategy.

The Ministry of Education (MoE) does not have accurate data that are disaggregated by type of disability, gender and place of residence of children, who are enrolled in schools and those who are deprived of education. In an interview with the head of the Ministry’s Disability Department, officials confirmed that two databases are currently under construction in relation to students with disabilities. The data will include type and severity of the disability, as well as the extent to which medical aids are needed⁷⁹ At the same time, MoSD provides education service to persons with mental disabilities through the Ministry’s 17 centers. The Ministry, however, does not have a database that gives the numbers of PWDs enrolled in MoSD centers, disaggregated by type and severity of disability, sex, etc.⁸⁰.

Again, the primacy of medical reports are impeding PWDs in their quest to exercise their right to access a discrimination-free educational environment. The Special Instruction on the Organization and Licensing of Special Education Institutions, No. 4 of 2002⁸¹ stipulates that a PWD applying for acceptance in special education programs shall submit “a diagnosis report, approved by the Disabilities Diagnosis Center or any national institution, accredited by the Ministry for persons with disabilities.” These reports are considered to be an obstacle standing in the way of PWDs in their quest to enroll in educational institutions.

In a positive step that favors the enrolment of PWDs in university programs, the Higher Education Council, in coordination with HCD, issued Resolution No. 320 granting PWD students a 90% discount on credit hour fees in all public universities.

⁷⁸ The Hashemite Kingdom of Jordan’s reply to the List of Issues of the United Nations Committee on the Convention on the Rights of Persons with Disabilities, 2017.

⁷⁹ Interview conducted on December 20, 2016, with Dr. Alia Jaradat, head of the Disabilities Division, Ministry of Education.

⁸⁰ Interview with Mr. Muhammad Al-Jbour, director of the Directorate of Persons with Disabilities, MoSD.

⁸¹ These instructions are available at: <http://www.moe.gov.jo/NewPages.aspx?PageID=jzZTohkkdyo=>

PWDs who hold doctorate degrees face considerable difficulties, as they are not recognized as such and, consequently, they are not given jobs in academia. In mid-2014, PWDs, who hold doctorate degrees staged a sit-in, to no avail, in front of the Prime Minister's Office. After three more sit-ins, only holders of doctorate degrees were appointed in 2015 and 2016. On October 5, 2016, these PWDs staged a sit-in in front of the Swedish Embassy and demanded political asylum in Sweden. All this took place in spite of the fact that the 2007 law on PWD rights stipulates that all public and private sector institutions and companies, which employ more than 50 workers, must ensure that 4% of their employees are PWDs. This also includes higher education institutions.

Recommendations:

First: Take action to abolish medical reports as a condition for access of PWDs to the educational system.

Second: Create a time-specific national plan for the inclusion of PWDs in educational institutions, which requires the participation of all relevant institutions.

Third: Activate the provisions of Article 4/C of the 2007 Law on the Rights of Persons with Disabilities, which obligates enterprises with more than 50 employees, especially in universities and other institutions of higher education, to allocate 4% of their jobs to PWDs, who hold doctorate degrees.

Fourth: Establish a database for students with disabilities disaggregated by type of disability, geographic distribution, gender, place of residence, and proportions of students deprived of education.

Article 25: Health

Article 4, Paragraph (A), of the DPRL underlines the health sector's obligation to provide preventive and health education programmes, including: necessary tests for early detection of disabilities; diagnosis; scientific classification; issuing medical reports for PWDs; and, providing PWDs with free medical insurance in accordance with the regulation to be issued to this effect. However, no regulation has been issued so far by virtue of the 2007 law. Hence, PWDs are still subject to the Civil Insurance Bylaw No. 83 of 2004. MoH also issues health insurance cards to PWDs, but the health insurance scheme does not cover the families of PWDs.

Providing health insurance coverage to families of PWDs is an inalienable demand of PWDs and organizations involved in the area of disability.⁸² Discussions with PWDs revealed that a large number of them do not know about the free health insurance card.⁸³

Public Health Law No. 74 of 2008⁸⁴, does not include any provisions related to PWDs or even mention this segment of Jordanians. Article 8, Clause 4A, of the Health Insurance

⁸² Expanded meeting with PWD associations, held on April 17, 2016.

⁸³ Focus group discussion with families of persons with mental disabilities, held in Mafraq on November 27, 2016.

⁸⁴ Jordan's Public Health Law No. 47 (2008), available at: <http://www.moh.gov.jo/AR/Pages/PublicHealthLaw.aspx>

Bylaw of 2013⁸⁵ stipulates that, "disabled children and children who are not able to sustain themselves" will be covered by the Civil Health Insurance Fund, provided they are not covered by any other health insurance scheme.

Health services are provided to PWDs in Jordan by the Ministry of Health, the private sector, the Jordanian Armed Forces, and the UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). MoH sources indicate that as of 2014, Jordan had 104 hospitals⁸⁶ and 677 (comprehensive, primary and branch) health centers.

Participants in focus group discussions held in Amman, Mafrqa and Irbid reported that PWDs faced considerable difficulties in exercising their right to treatment: hospitals not adapted to receive PWDs; difficulties in communicating with the medical and administrative staff; the poor skills of hospital staff in dealing with PWDs; the lack of physiotherapy in some governorates; and, lack of sign language interpreters in health facilities.

The MoH organizational chart includes a Disabilities Diagnosis Center, which is designed to diagnose and detect early disabilities in persons from birth until they are 18 years old. As of April, 2016, there were three disability diagnosis centers in Jordan, namely, the main center in Amman, Al-Hussein Disabilities Diagnosis Center in Karak Governorate, and the Disabilities Diagnosis Center, located at Princess Rahma Hospital in Irbid governorate. A total of around 2,000 persons are diagnosed each year in these centers.⁸⁷

Recommendations:

First: Include in the Public Health Law No. 31 (2007) provisions which guarantee and enhance the right of PWDs to easy access to health services on the same footing with other citizens.

Second: Urgently issue the special health insurance bylaw for PWDs as per Article 4 of the DPRL.

Third: Establish a national diagnosis center, whose task is training diagnosis centers staffs, the provision of modern IQ tests, and training people to apply these tests so that the results are taken as a reference for all those working in this field.

Fourth: Urgently create national criteria for diagnosis on the level of Jordan and make the tools and measures of diagnosis available to PWDs throughout the Kingdom.

Fifth: Intensify detection and early intervention programs implemented by health institutions in all the Kingdoms governorates.

Sixth: There is an urgent need to establish a PWDs reception office, fully-equipped and operated by a male or female nurse in each hospital in order to provide PWDs with services and help them to access and communicate with the rest of the sections.⁸⁸

⁸⁵ Health Insurance Bylaw, issued by virtue of Article 66-C of Jordan's Public Health Law No. 54 (2002).

⁸⁶ MoH Annual Statistics Report, available at: <http://www.moh.gov.jo/AR/Pages/Periodic-Newsletters.aspx>

⁸⁷ Interview with Dr. Muhammad Al-Qaddoumi, Director of the Disabilities Diagnosis Center, Ministry of Health, conducted on March 27, 2016.

⁸⁸ Expanded meeting with PWD associations, held on April 17, 2016.

Article 27: Labor and employment

Article 4, Paragraph 3C, of the DPRL of 2007 obligating public and private sector institutions and companies employing more than 50 workers to ensure that “disabled workers should account for not less than 4 per cent of the work force provided that the nature of the work allows this provision.” Thus, Article 13 of Jordan’s Provisional Labor Law of 2010,⁸⁹ related to the employment of PWDs in the various institutions that employ 50 or more workers in order to comply with Article 4C of the Convention.

The condition, “provided that the nature of the work allows this”, in the two above-mentioned laws creates a loophole. Furthermore, the above-mentioned law, as well as other laws, do not provide for any authority or controls to enforce this provision.⁹⁰ Practically speaking, this condition negates the entire article. The absence of genuine Ministry of Labor (MoL) supervision and follow-up of the various institutions leads to depriving PWDs of the right to work.

The law does not provide for controls to regulate this condition. Authority is vested in the hands of the doctor to decide, on the basis of medical examination and diagnosis, whether a PWD is able to do the job or not. To this effect, MoH amended the Medical Committees Bylaw No. 58 of 1977, and replaced it with the currently-valid Medical Committees Bylaw No. 13 of 2014⁹¹, which includes four annexes that set the conditions for medical committees⁹². The Medical Committees Bylaw excludes certain categories of PWDs from filling certain jobs. According to Table 1, governing the terms and conditions that must be met for employment, PWDs are deprived of their right to employment due to disability-based discrimination.

Article 43 of the Civil Service Bylaw of 2013⁹³, which is considered to be the benchmark for employment and appointments in the public sector, and lists the conditions that applicants must meet in order for them to be appointed in any position. Paragraph C of that article stipulates that an applicant must be “Free of any disease, and physical and mental disabilities that may prevent him/her from carrying out the duties of the job in which he/she will be appointed by virtue of a decision issued by the competent medical authority. However, a person with disability may be appointed, unless his/her disability does impede the duties of the job to which he/she will be appointed by virtue of a certificate issued by the competent medical authority.” According to the aforementioned Medical Authorities Bylaw, this stipulation vests the decision to appoint civil servants in the hands of the medical authority.

Article 31/A/2 of Regulations for the Selection and Appointment of Civil Servants for the Years 2014–2016” refer to “persons whose disability does not have bearings on their duties,” as well as “specificity of the nature of work.” Here, action must be taken to revoke these discriminatory terms.

⁸⁹ See “The Labor Law and its Amendments No. 8 (1996)”, Official Gazette No. 4113, page 1173, 16/4/1996.

⁹⁰ Interview with Academic Dr. Saleh Sharafat.

⁹¹ Medical Committees Bylaw No. 13 (2014) is available at:
<http://www.moh.gov.jo/AR/Pages/MedicalCommittees.aspx>

⁹² Decision issued pursuant to Medical Committees Bylaw No. 13 (2014).

⁹³ Civil Service Bylaw No. 82 (2013) and its amendments as of January 1, 2016.

By virtue of Article 13 of the Labor Law, MoL is obligated to conduct inspection visits to the various establishments. As of August 2015, a total of 1,923 visits were conducted, but statistics reveal that only 16.1% of disabled workers aged 15 years and over were actually employed.⁹⁴ The real situation underlines the fact that the rate of employment of PWDs in both the public and private sectors is low. Estimates indicate that the rate of employment of PWDs does not exceed 1.0% in the public sector and 0.5% in the private sector⁹⁵.

In 2011, MoL created a special section within the ministry to oversee the employment of PWDs and included PWDs in the National Employment Campaign. During 2013 and 2014, a total of 284 PWDs were employed.⁹⁶ Among the most important measures implemented by MoL was the establishment on October 8, 2014 of the Higher National Committee for the Integration of Persons with Disabilities into the Labor Market. This committee includes representatives of all the government agencies, as well as PWD associations and civil society organizations involved in reviewing and developing policies and legislation pertaining to employment of PWDs.

Recommendations:

First: Amend Article 4, Paragraph 3C, of the DPRL, as well as Article 13 of the Labor Code by deleting the phrase, “provided that the nature of the work or the disability allows this”.

Second: Repeal the Medical Committees Bylaw No. 13 (2014), which is considered to be the reference authority for accepting a PWD in a job, as PWDs should have equal access to employment.

Third: Obligate government institutions and private sector establishments to apply the provisions of the Labor Law and the DPRL of 2007 by employing PWDs in accordance with the percentages specified in the two laws.

Article 29: Participation in political and public life

Laws governing participation in political and public life in Jordan deprive persons with mental disabilities of their right to vote and run for election to the Chamber of Deputies (i.e. the Lower House of Parliament), and municipal and local councils. Article 75 / 1 of the Jordanian Constitution⁹⁷ stipulates that “No person shall become a Senator or Deputy... who is insane or an imbecile.” Also, Article 3 / C of the Election to the Chamber of Deputies Law of 2016⁹⁸ and Article 13-B of the Decentralization Law⁹⁹ deprive any person, “who is ...

⁹⁴ Economic and Social Committee for Western Asia (ESCWA) and the League of Arab States, *Disability in the Arab Region*, 2014.

⁹⁵ Report entitled “Employment of Persons with Disability in Jordan,” Jordan Labor Watch, Phenix Center for Economics & Informatics Studies, 2015. See: <http://www.phenixcenter.net/ar/paper/200>

⁹⁶ Interview with officials at the PWD Employment Division, Directorate of Employment and Training. Jordanian Ministry of Labor .

⁹⁷ The 1952 Jordanian Constitution, posted at Parliament’s official website: <http://www.parliament.jo/node/137>

⁹⁸ Election to the House of Deputies Law of 2016, posted at the House of Deputies official website: <http://www.representatives.jo/ar/%D8%B5%D9%81%D8%AD%D8%A9/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8>

⁹⁹ Decentralization Law No. 49 for the Year 2015, posted at the Independent Election Commission: <http://www.entikhabat.jo/sites/default/files/1451818790-pm-1.pdf>

insane or an imbecile, or who has been sectioned and his/her sectioning has not been lifted” of exercising the right to vote. On the other hand, the DPRL general principles, outlined in Article 4, stipulate that any provisions related to PWDs should be implemented “Without prejudice to any other legislation in effect.” This means that the participation of persons with mental disabilities is subject to the provisions of other legislation, which flagrantly contravenes Article 29 of the international Convention.

Independent Election Commission officials stated during interviews the research team conducted with them, that in preparation for the 2016 parliamentary elections, PWDs were targeted through awareness and education programs with the view to instructing them on how to vote and the locations of polling centers that have been adapted to PWDs. The officials emphasized that all the centers, except those that were located on the second floor, were modified to allow easier access by PWDs. The Commission, however, did not have any figures or percentages of PWDs who were entitled to vote or those who actually voted. The Commission did not cite any violations perpetrated against the PWD communication center. It is noteworthy that the Commission equipped the various governorates in the Kingdom with 12 polling centers with sign language interpreters, to receive persons with hearing disabilities and 11 centers with Braille decoders to receive persons with visual disabilities.

Focus group discussions with PWDs revealed that many PWDs did not vote because procedures were not clear for them. The majority of PWDs who voted¹⁰⁰ confirmed that they faced difficulties in casting their ballots at the polling centers in terms of adapting these centers to the needs of PWDs. For example, only the gates were modified, the upper floors were difficult to access, and supervisors and workers at the centers were not cooperative. Persons with hearing disabilities were targeted during the pre-election awareness-raising phase¹⁰¹, where sign language interpreters were available. PWDs reported, however, that during the voting process there were no sign language interpreter in the polling stations where they cast their vote.

A report issued in this regard¹⁰² shows cases of abuse and infringement upon the privacy of PWDs. Twenty-year-old Muhammad Al-Khdour withdrew and expressed sorrow that adequate accommodative facilities were not provided at the polling centers, which impeded him in exercising his right to vote independently. Nuha, a PWD in her forties, reported that she had to be lifted by a group of young men up to the upper floor, a situation she felt was embarrassing and shameful because it violated and infringed upon her privacy and her inability to exercise her voting right independently.

A report published by the RASED Election Monitoring Team on Jordan’s 18th parliamentary elections in 2016, confirmed that some polling stations were not equipped to receive PWDs, e.g., the center located at Umm Al-Hieran Secondary School for Boys¹⁰³. Furthermore, the NCHR report on 18th parliamentary elections ten, which covered 70% of the polling centers, confirmed that some polling centers were not adapted to the needs of PWDs¹⁰⁴.

Recommendations:

¹⁰⁰ 3 focus group discussions with persons with motor disability, held in Amman.

¹⁰¹ Focus group discussion with persons with hearing impairment, held in Amman.

¹⁰² The report is available at the Amman.net website: <http://ar.ammannet.net/news/277066>

¹⁰³ The Rased statement, dated on September 20, 2016, on the conclusion of the elections, is available at:

<http://www.hayatcenter.org/uploads/2016/09/20160921033052ar.pdf>

¹⁰⁴ See: <http://ar.ammannet.net/news/277066>

First: Repeal the provision in Article 75-1 of the Jordanian Constitution that deprives persons with mental disabilities of their right vote and run for election.

Second: Repeal the provisions of the Election Law, the Law on Municipalities, and the Decentralization Law, which deprive persons with mental disabilities of the right to vote and run for election.

Third: Action is needed to have all polling centers equipped so that the right of PWDs, the type of disability notwithstanding, to participate, is guaranteed.

Fourth: The various agencies involved in elections lack information on the numbers and percentages of PWDs who are eligible to participate in the elections, as well as those pertaining to the actual participation rate, disaggregated by type of disability, gender and governorate.

Annex One

List of Abbreviations

CBJ	Central Bank of Jordan
CRPD	Convention on the Rights of Persons with Disabilities

CSO	Civil Society Organisation
DPRL	Disabled People Rights Law No. 31 of 2007
GAM	Greater Amman Municipality
HCD	Higher Council for the Affairs of Persons with Disabilities
IRCKHF	Information and Research Center - King Hussein Foundation
JTV	Jordan Television
MoE	Ministry of Education
MoH	Ministry of Health
MoI	Ministry of Interior
MoL	Ministry of Labor
MoSD	Ministry of Social Development
NCHR	National Center for Human Rights
NSPD	National Strategy for Persons with Disabilities
PWD	Person with Disability(ies)
UNHCR	United Nations Higher Council for Refugees
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees
WHO	World Health Organisation