



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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**Consideration of reports submitted by
parties to the Convention under article 35**

List of issues in relation to the initial report of Jordan

Addendum

Replies of Jordan to the list of issues*

[Date received: 10 January 2017]

* The present document is being issued without formal editing.



Response of the Hashemite Kingdom of Jordan to the list of issues sent by the Committee on the Rights of Persons with Disabilities

1. Jordan is honoured to prepare its report containing its response to the list of issues sent by the Committee on the Rights of Persons with Disabilities. It confirms that Jordan aspires to make further progress in the area of disability, in line with human rights principles and treaties, primarily the Convention on the Rights of Persons with Disabilities, which will be referred to hereinafter as the Convention.

2. Jordan submitted its first official report on the status of implementation of the Convention in 2012. Since that date and the date of submission of this reply to the list of issues, Jordan has made successive advances towards incorporating the rights of persons with disabilities into its policies and legislation and achieving a full transition from medical and care-based approaches to approaches based on human rights.

3. Several pivotal turning points have occurred in the area of disability in Jordan during the past four years. They can be summarized as follows:

- Indicators of the number of persons with disabilities, their geographical distribution and types and degrees of disability have been included in population surveys and censuses. This has led, for the first time in the history of Jordan, to the production of an official census indicating a disability ratio of 11.2 per cent for persons aged 5 years or older. In other words, when the Department of Statistics completes its census of children with disabilities under 5 years of age, disability rates may reach the level of global estimates recorded in reports of the World Health Organization (WHO) and the World Bank. This change in the approach to disability in Jordan follows a lengthy period during which the declared estimates of disability never exceeded 2 per cent of the total population. The Department of Statistics was able to use the new indicators to determine the ratio of persons with disabilities who were enrolled in schools, deprived of education, employed and unemployed.
- Jordan has reviewed all its national legislation through the Higher Council for Persons with Disabilities (hereinafter referred to as the Higher Council) and drafted a new bill on the rights of persons with disabilities (hereinafter referred to as the bill). It was drafted by means of a participatory approach in full partnership with relevant activists, families, children, experts, academics, civil servants, government officials and international experts. The review process, which was conducted by a Legal Committee of experts during a period of three and a half years, produced a modern high-quality bill, a copy of which was submitted to the disability sector at consultative meetings attended by nearly 400 participants during a three-week period. The Committee incorporated the feedback from the consultations into the final copy of the bill, which the Government submitted to Parliament in May 2016. It is expected that the deliberations on the bill will be completed and that it will be promulgated in due course, possibly prior to the date of discussion of the official Jordanian report on implementation of the Convention in March 2017.
- The Higher Council, in cooperation with the Jordanian Ministry of Justice, took a major high-quality step, concurrently with the drafting of the new bill and the review of national legislation, by introducing basic amendments to the Jordanian Criminal Code. Pursuant to the amendments, the offences of physical harm, sexual assault, abandonment, neglect and fraud on grounds of disability constitute aggravating circumstances and entail the maximum penalty for such offences.
- The Central Bank, in cooperation with the Higher Council, has issued new instructions guaranteeing entirely free, independent and private access for persons with disabilities to diverse banking services. In previous decades, persons with disabilities faced major obstacles and impediments that prevented them from enjoying that right on a par with others.

4. While the Hashemite Kingdom of Jordan takes pride in these and other accomplishments, it is aware that a great deal of action is still required to achieve the aspirations of the persons concerned, their families and persons working in the area of disability. As the Government of Jordan seeks to achieve that aim, it looks forward to boosting cooperation with States and supporting bodies in order to enhance technical competence, expertise and the overall quality of services. Thus, persons with disabilities will have access to an environment that is free from material obstacles and behavioural barriers and that is based on the principles of equality, non-discrimination and equality of opportunity.

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Jordan

A. Purpose and general obligations (arts. 1-4)

5. Please provide an update on the evaluation of specific progress made under the National Strategy for Persons with Disabilities 2007-2015, and any plans for its renewal, with the active participation of organizations of persons with disabilities.

6. The implementation of the National Strategy for Persons with Disabilities (2007-2015), hereinafter referred to as the National Strategy, has been accompanied by a number of achievements and challenges, which were monitored through regular and semi-annual assessment procedures. A National Conference held in November 2009 was attended by hundreds of activists with disabilities and their organizations, and by representatives of diverse governmental authorities. The Conference identified the challenges that were impeding the planned implementation of the components of the National Strategy. It also produced a series of recommendations by the persons concerned aimed at preventing such gaps from appearing in phase two (2010-2015).

7. With regard to phase two of the Strategy (2010-2015), the Higher Council requested independent experts to undertake an assessment of the phase and to measure its impact, adopting a participatory approach that took into account the views of the persons concerned. The results of the assessment fell short of the expectations of the Higher Council and persons with disabilities, since only 50 per cent of the National Strategy's 12 components had been achieved. Perhaps the most important causal factors of the modest achievement ratio consisted in the lack of clarity of the roles and responsibilities of the executive authorities with respect to the rights and issues pertaining to persons with disabilities. The Higher Council is therefore facing a major challenge in terms of bridging gaps stemming from some authorities' failure to fulfil their roles, owing to the vague distribution of roles and responsibilities. Thus, financial, technical and human resources allocated to the Higher Council were transferred to service sectors for which other authorities were supposed to assume responsibility. This outcome prompted the Higher Council to exert pressure with a view to expediting the enactment of the new bill, which will hopefully provide explicit terms of reference for each executive authority and clearly specify the authority's responsibility. Once the bill has been enacted, the Council will have access to financial and technical resources conducive to greater achievements in terms of content and impact. The new law will also entrust the Council with monitoring and coordination powers, in conformity with the provisions of article 33 of the Convention.

8. The Higher Council looked into the possibility of drawing up a new national strategy for persons with disabilities, but concluded after in-depth analysis that there might not be an urgent need for a separate strategy to address the issues involved. In fact, once the new bill is enacted, the executive authorities and decision-makers will be required to include the rights of persons with disabilities in their strategies and plans, thereby reinforcing the principle of inclusion which constitutes a key cross-cutting principle of the Convention.

9. Please indicate what measures have been taken to fully harmonize laws and policies with the standards of the Convention, particularly to bring the concept of disability in line with the human rights model of disability in Law No. 31 of 2007.

10. There has been a noticeable increase in Jordan in the pace of incorporation of the rights of persons with disabilities into national public and private strategies in each ministry or governmental authority. The latest strategies are set forth in the Jordan 2025 document,¹ which was launched in 2016 and contains a number of strategic objectives and initiatives concerning persons with disabilities. Most of them concern the provision of employment opportunities, social protection and inclusive education. The document underscores the need to support disability-related policies. The Government launched the National Human

Rights Plan 2016-2025² in cooperation with civil society organizations and pursuant to instructions from His Majesty the King. One component consists of objectives and initiatives related to the amendment of policies and legislation concerning the rights of persons with disabilities. It should be noted that the Plan reflects the Government's vision of policies and laws in the forthcoming period in light of the treaties and instruments that Jordan has ratified and published in the Official Gazette.

11. With regard to the concept and definition of disability, the legislative concept contained in Act No. 31 of 2007 on the rights of persons with disabilities is undoubtedly one of the key challenges facing persons with disabilities, their families and entities operating in the field of disability. The concept has a negative impact on surveys and statistical procedures, which in turn have an impact on the planning operations that the Higher Council seeks to develop and implement in cooperation with diverse authorities. The Government therefore decided to adopt a comprehensive and progressive concept consistent with the rights-based approach in the new bill. The new definition is based on the comprehensive concept of disability, which takes into consideration environmental circumstances and behavioural barriers together with the role they play in the emergence of cases of disability. It should be noted that both phases of the National Strategy are based on a broader concept than that contained in Act No. 31 of 2007 on the rights of persons with disabilities. However, the definition contained in the Act has admittedly always been given precedence because of its binding nature, which cannot be abrogated by the provisions of strategies or plans. It should be pointed out that the initiatives undertaken by civil society organizations, in cooperation with the Higher Council, during the past eight years have sought to narrow the gap between the definition/concept contained in the Act and facts on the ground as well as requirements for the protection of the rights of many groups to which the narrow definition contained in the Act is inapplicable despite their disability status. For instance, the Higher Council has promoted the recognition of persons with short stature and, to a large extent, persons with psychosocial disabilities and has included them in most programmes, activities and services that are provided or monitored by the Higher Council or in which it participates.

B. Special rights (arts. 5-30)

Equality and non-discrimination (art. 5)

12. Please provide detailed information on the measures taken to provide reasonable accommodation and data on violations reported, investigations conducted and the nature of resulting sanctions.

13. Reasonable accommodation has been defined in article 2 on definitions of Act No. 31 of 2007 on the rights of persons with disabilities. Although the Arabic designation of reasonable accommodation in the Act is not consistent with the provisions of the Convention and related literature in terms of language and forms of expression, the components of the definition do not differ in essence from the concept contained in the Convention. According to the Act, such accommodation involves modification and harmonization of the material, behavioural and temporal environment to enable persons with disabilities to exercise their rights and freedoms on an equal basis with others. Based on this definition, the Act requires employers and public basic education establishments to provide reasonable accommodation for persons with disabilities. However, as the concept of reasonable accommodation is not firmly rooted in societal or professional culture, this constitutes a real challenge for persons with disabilities, imposing restrictions or even preventing them from exercising some rights and freedoms on an equal basis with others. The consolidation of this concept and its translation into model practices will therefore require cognitive and technical action on the part of the Higher Council and experts with disabilities in order to demonstrate the importance of providing reasonable accommodation and the advantages thereof at the economic, social and individual levels.

14. It should be noted that initiatives have been adopted by governmental and non-governmental institutions and have been integrated into the system in a variety of areas. They have led to the incorporation of reasonable accommodation into the strategies, plans

and programmes of the pioneering institutions concerned. For instance, the Ministry of Education took steps some time ago to identify the annual budgets required to provide curricula in Braille, as well as speakers and audiovisual screen readers free of charge for blind students, since they are all requirements for exercising the right to basic education. In addition, the Civil Service Bureau adopted a comprehensive Guide, which was produced under the Civil Society Programme implemented by Family Health International (FHI360) and funded by the United States Agency for International Development (USAID). The Guide discusses forms of reasonable accommodation and procedures for providing such accommodation for persons with disabilities in the workplace. It is entitled the “Thirty Questions Guide”.³ The Bureau, in cooperation with the Higher Council, has trained human resources in ways of implementing its content and incorporating it into instructions concerning candidate recruitment for posts in governmental departments. Thus, the Civil Service Bureau notifies the department in which persons with disabilities will be employed of the requirements to be met so that they can perform their duties independently. The Civil Service Bureau has recently announced the inclusion in its staff of sign language and Braille experts to process job applications from citizens with visual impairments and deaf persons. These and other examples demonstrate a reasonable level of awareness among public authorities of the importance of providing reasonable accommodation, which helps to ensure that the concept and related applications form an integral part of their workplans.

15. With regard to the documentation of violations relating to the provision or impairment of reasonable accommodation, measures to investigate complaints, and the imposition of appropriate sanctions, it must be acknowledged that there is a total lack of procedures for monitoring, documenting and investigating violations pertaining to the provision of reasonable accommodation. The lack of such procedures has impeded the implementation of the provisions of Act No. 31 of 2007, which requires the various authorities to provide reasonable accommodation. While most governmental executive authorities tend to provide reasonable accommodation for employees who are persons with disabilities, the situation is somewhat different in the private sector. Employers are often reluctant or even refrain from hiring persons with disabilities in order to avoid providing the necessary reasonable accommodation.

16. The National Centre for Human Rights and the Higher Council have recorded some complaints from persons in need concerning one form of reasonable accommodation. In view of the lack of a clear procedure for documentation and investigation in such cases, the complainant’s requirements are usually either met directly or referred to the Ministry of Health, the Ministry of Social Development or the Higher Council, even if responsibility for the reasonable accommodation claimed lies with another authority. With a view to addressing this evident lack of protective and non-discriminatory procedures, the new bill provides for the establishment of an Equality of Opportunity Committee tasked with receiving complaints concerning discrimination on grounds of disability, particularly violations concerning failure to provide reasonable accommodation. The Committee will undertake fact-finding work and investigations and then serve as a mediator between the complainant and the defendant with a view to settling the dispute by implementing the law, or providing legal support to the complainant in the event of failure of the mediation efforts and insistence by the defendant on his or her position. The new bill has derived this practice from States that adopted and implemented it effectively in Europe and the United States.

Women with disabilities (art. 6)

17. Please provide information on the measures taken to mainstream the rights of women and girls with disabilities into the National Strategy for Women and to combat the discrimination experienced in all areas of life by women and girls with disabilities, especially the discrimination issues arising from traditional practices with cultural backgrounds.

18. The National Strategy for Jordanian Women 2013-2017⁴ includes two references to women with disabilities in the social component. The Strategy discusses women with disabilities in connection with the provision of support services under the second objective and the ninth item of the component. The references to women with disabilities in the Strategy is undoubtedly a positive indicator of transition from an approach based on

singling out and restriction to one based on inclusion and integration into public policies and strategies. However, the references to women with disabilities in the social component, which focuses on welfare and protection, indicate that action must be taken to achieve inclusion in accordance with a comprehensive rights-based approach rather than an approach based solely on welfare. On the other hand, the Higher Council, the Jordanian National Committee for Women and the National Council for Family Affairs are all aware of the need to review strategies and plans regulating the women's rights and issues sector so that they are rendered comprehensive and incorporate the rights of women with disabilities, in line with the provisions of the new bill on the rights of persons with disabilities and the draft amendment to the Criminal Code concerning women with disabilities, which calls for such a review.

19. The draft amendment to the new Criminal Code includes provisions pursuant to which the offences of sexual assault, abuse and fraud perpetrated on grounds of disability constitute aggravating circumstances entailing the imposition of the maximum prescribed penalty on the perpetrator. This step constitutes the first of its kind in the Arab region, inasmuch as the new amendments contain more than 12 provisions referring specifically to persons with disabilities, thereby rendering disability a specific ground for imposing a harsher penalty. This approach has been introduced by the Jordanian Government and Parliament in response to demands to address cases of violence and abuse perpetrated against persons with disabilities, particularly women. Furthermore, the new bill on the rights of persons with disabilities includes several provisions guaranteeing protection against violence and abuse on grounds of disability. The bill is based on a comprehensive concept and definition of violence comprising all practices that constitute a violation of any human right or that are deemed to constitute discrimination on grounds of disability. According to the proposed definition, deprivation of the right to education, employment or training on the ground of disability constitutes violence. The detention, confinement and abandonment of a person by a legal guardian on account of disability is deemed to constitute violence. This will guarantee a wide scope of legal protection for persons with disabilities, especially women, since they are exposed to such practices more frequently than males, in particular to sexual offences, detention, and deprivation of basic rights and freedoms.

20. In line with action to bridge the legislative gap through the enactment of the bill on the rights of persons with disabilities and the draft amendments to the Criminal Code, the Higher Council, in cooperation with various governmental authorities, particularly the Ministry of Justice, and with civil society organizations and activists with disabilities, has implemented a number of awareness-raising activities for judges and women's associations with the aim of enhancing protection for the rights of women with disabilities. As these activities are certainly incapable of filling the criminal and civil legal vacuum, the Higher Council, the executive authorities and civil society organizations aspire to build bridges and to cooperate and share expertise with international associations and organizations acting in support of the rights of women with disabilities. The ultimate aim is to build the institutional, knowledge and technical capacities of national women's associations and other bodies with a view to achieving the highest possible level of inclusion for issues and rights of women with disabilities.

21. Please provide an update on how women and girls with disabilities are guaranteed access to appropriate reproductive health services.

22. Access for women with disabilities to reproductive health services is an issue that requires a comprehensive review and a new approach to planning in order to ensure optimum access to such services. The Strategic Plan for Family Planning 2013-2017⁵ contains no specific measures on access to reproductive health services for women with disabilities and the same applies to the Ministry of Health's strategy for the years 2013-2017.⁶ Reproductive health is mentioned in the fourth component of the National Strategy for the Family,⁷ but only in the context of programmes for prevention of disability and not as a right of women with disabilities. It must be admitted that access to reproductive health programmes and services is not fully guaranteed for women with disabilities. The Ministry of Health is therefore taking steps, in coordination with the Higher Council, to revise the two strategies in order to align them with the provisions of the new bill on the rights of

persons with disabilities, which includes a number of measures guaranteeing achievement of this objective. The National Family Framework,⁸ which has recently been revised, also needs to be reviewed and amended to include the issue of family health as well as the reproductive health of women in general and women with disabilities in particular, so that the concept of reasonable accommodation, accessibility and related applications becomes a key component of these programmes and services.

23. The Higher Council, in an attempt to bridge the existing gap in reproductive health services for women with disabilities, launched a specialized study on these programmes and the extent to which they encompass women with disabilities. It is expected that the results of the study will be announced in May 2017. They will lay the basis for programmes designed to promote access for women with disabilities to reproductive health services on an equal basis with others. Such action will be taken in coordination with the Ministry of Health and relevant governmental and non-governmental bodies.

24. It should be noted that the Jordanian Health Care Accreditation Council,⁹ a recently established quasi-governmental organization that grants accreditation to health service providers in different sectors, has established accreditation standards for hospitals and health-care centres and programmes regarding accessibility and suitability for persons with disabilities. The Health Care Accreditation Council, in cooperation with the Higher Council, the Ministry of Health and the Ministry of Social Development, is seeking to disseminate these standards so that they cover diverse health-care services and programmes, including reproductive health programmes and services.

25. According to information received from the Ministry of Health, the Ministry is seeking to review the status of all categories of health-care facilities and services, including maternity and childhood centres. When the review is completed, it is expected that the status of such facilities and services will be aligned with the standards contained in the National Building Code for Persons with Disabilities and the requirements for implementing the new bill following its enactment. Furthermore, women with disabilities need to raise the issue of access to reproductive health programmes and the services provided under the programmes as a priority requirement. The demands of persons with disabilities generally focus on access to education, employment and vehicle-related exemptions. Notwithstanding the importance of these issues, access for women with disabilities to family and reproductive health services is undoubtedly a priority that feminist and disability-related movements in Jordan should address with a view to identifying shortcomings and making proposals aimed at bridging the gaps.

- Approved by the Pre-sessional Working Group at its sixth meeting (5-9 September 2016).

Children with disabilities (art. 7)

26. Please indicate how the rights of children with disabilities are included in the National Childhood Strategy. Please specify the measures in place to ensure the full protection of children with disabilities from all forms of corporal punishment in all settings, and how the measures have been implemented in practice. Please provide details about the steps taken to ensure that there is continuous independent monitoring of the situation of violence against children with disabilities in special education centres, with the participation of organizations of persons with disabilities, and to ensure that reports are transparent and publicized.

27. Although it was issued prior to the adoption by the United Nations General Assembly of the Convention on the Rights of Persons with Disabilities, the Jordanian Early Childhood Development Strategy¹⁰ constituted a promising model in terms of its advocacy of the inclusion of some issues and rights of children with disabilities in State public policies and strategies. The Strategy devoted a special component to children with disabilities entitled “Children with Special Needs”, which focused on the right to education and the related need to train educational staff and to adapt existing facilities. The Strategy also made positive references to the need to review the legislation on the rights of persons with disabilities. The National Strategy for the Family also contains some references to the need to enable families to provide children with disabilities with the necessary care. In its

second component, the Strategy refers to the need to integrate children with disabilities into their communities and to combat the social stigma stemming from the community's negative perception of these children and their families.

28. The second phase (2010-2015) of the National Strategy for Persons with Disabilities remedied some of the existing policy shortcomings pertaining to the rights of children with disabilities. It devoted one component to protection against abuse and violence, and another to the right to inclusive education. Despite these positive policy trends in Jordan, the Government is aware that further action must be taken to achieve maximum integration of the rights of children with disabilities into national policies, strategies and plans.

29. With regard to protection against violence inflicted on children with disabilities in special education centres and care institutions and the procedure for handling such protection, the Ministry of Social Development issued Regulation No. 40 of 2014 concerning centres for persons with disabilities,¹¹ which contains clear provisions, particularly in articles 10, 11 and 12, guaranteeing extensive protection for persons with disabilities enrolled in the centres. Pursuant to these articles, centres are required to regularly disclose the circumstances of the persons concerned and to describe their state of physical and mental health. Moreover, the Ministry of Social Development requires the centres, pursuant to the Regulation, to equip its facilities with electronic monitoring devices so that Ministry teams can monitor the work being undertaken in the centres. In addition, specialized monitoring and inspection committees have been established pursuant to the Regulation. They are entitled to visit the centres, to review documents and papers, to inspect the conditions of enrolled persons and to conduct medical examinations if necessary. Lastly, article 12 of the Regulation provides for the imposition of penalties on centres that violate its provisions, ranging from a warning to temporary closure and permanent revocation of licences, even without a warning, particularly if the violation involves unreported cases of violence and abuse.

30. According to information received from the Ministry of Social Development, the specialized Ministry teams and departments issued four official warnings to four centres, and revoked the licences of two centres, which were permanently closed in 2016. It should also be noted that the specialized offices of the Ministry of Social Development in the juvenile welfare and family protection departments detected, in cooperation with the authorities concerned, 72 violations of the mental and physical safety and health of children with disabilities, both in the context of their families and at care institutions. Whenever it detects a case of violence and abuse, the Ministry notifies the competent judicial authorities so that perpetrators of violations are arrested.

31. With a view to enhancing the protection of children with disabilities from violence and abuse, the recent amendments to the Jordanian Criminal Code, which are expected to be adopted in 2017, contain several provisions that prescribe harsher penalties for the offences of neglect and harming of the physical integrity or mental health of children with disabilities. These amendments were introduced in response to the approach adopted in the provisions of the new bill on the rights of persons with disabilities. As already noted, the amendments provide for diverse measures and a flexible definition of violence on grounds of disability. In addition, they provide for the gradual phasing out of sheltered accommodation within a maximum period of 10 years, during which alternative measures and solutions are established to promote inclusion and integration into the family environment and the community.

Awareness-raising (art. 8)

32. Please provide information on any mass-media campaigns conducted in parallel to the adoption of relevant laws on the rights of persons with disabilities and those targeting to resolve discrimination issues faced by persons with disabilities with the aim of leading to cultural transformation.

33. Observers of media activity will notice a marked change in the manner and quality of mass media coverage of issues and rights of persons with disabilities. Each week since 2008, Jordanian television¹² has devoted part of its top morning programme (A New Day) to a discussion of various legislative aspects of Act No. 31 of 2007 on the rights of persons

with disabilities as well as other legislation that needs to be amended because it contains references to exclusion or to direct or indirect discrimination. The media coverage of legislation has been accompanied by prominent discussions on some radio stations of shortcomings of Act No. 31 of 2007 and the need to address them. There has also been media coverage of the amendments to the Criminal Code, including the new provisions on persons with disabilities. The promulgation of the Electoral Act in the first half of 2016 was accompanied by discussions in some audiovisual and printed media of the extent to which the measures stipulated in the Act guaranteed the free and independent exercise by persons with disabilities of their electoral right. There were also discussions in the mass media among activists with disabilities on whether it was necessary to adopt an electoral “quota” for persons with disabilities.

34. Notwithstanding the importance of such media coverage, which reflects progress in the approach adopted to the rights of persons with disabilities and related issues, it falls short of the level of organized media campaigns. Hence there is an urgent need to launch well-organized campaigns with an explicit objective and mission. The Higher Council intends to take such action in cooperation with all partners immediately after the promulgation of the new bill, which calls for numerous information and awareness-raising campaigns in the media.

35. The Higher Council and its partners are seeking to exploit their full potential to introduce, publish, explain and shed light on the new law as an instrument of change, and they also look forward to coordinating with agencies and organizations that have longstanding know-how and experience in the field in order to assist the Higher Council and the community of persons with disabilities in achieving this objective.

36. With regard to media campaigns aimed at publicizing existing rights and changing the stereotypical image of some disability-related rights and issues, a number of campaigns have been organized by governmental authorities, and other campaigns have been organized and continue to be organized by civil society associations. In 2014 the Higher Council launched the “My Place is Among You”¹³ campaign, which seeks to highlight the rights of persons with disabilities, especially children, to inclusion in public education and to raise the awareness of public-school administrative and teaching staff of diversity, the need to accept students with disabilities as representatives of natural human diversity that must be accommodated, and the need to create an educational environment in which they can exercise their right to education on an equal basis with others.

Accessibility (art. 9)

37. Please inform the Committee on steps to monitor and enforce compliance, including through the use of punitive sanctions, with the legal framework regulating the accessibility of public buildings and facilities. Please provide details about the steps to ensure efficient application of the Access Code.

38. The Jordanian National Building Code regulates the accessibility of facilities, buildings and different types of roads for persons with disabilities. The Code, which was promulgated in 1993, was recently reviewed by a joint technical committee composed of experts from different executive authorities, persons with disabilities and members of the Royal Scientific Society. When it comes to implementing the Code in practice, a great deal admittedly remains to be done to ensure the optimum application of the relevant standards. While administrative sanctions are prescribed for engineering and building violations pursuant to Act No. 31 of 2007, the diversity of the authorities involved in granting licences means that no action is taken to assess whether buildings under construction meet the requirements of the Building Code. Thus, the Greater Amman Municipality, the Jordan Engineers Association, the Ministry of Public Works, the municipalities, and building units in the different ministries have overlapping roles in the process of granting licences and monitoring the extent to which contractors comply with the Building Code requirements for persons with disabilities.

39. According to information received from the Greater Amman Municipality, only 29 main roads are accessible. The Municipality is seeking to increase this minuscule proportion in cooperation with the Higher Council and donors and to make accessibility one

of the priorities for construction projects in Jordan. It should be noted that some sectors are eager to implement the Building Code on account of the nature of the services they provide. For instance, hotels are unable to secure a high tourist rating unless they are accessible to wheelchair users. Special education centre buildings and facilities must also comply with the standards laid down in the Code, in accordance with Regulation No. 40 of 2014 on the licensing of centres for persons with disabilities.¹⁴

40. Fruitful initiatives have been implemented in some educational institutions, especially in universities. A group of students with disabilities at Jordan University conducted an advocacy campaign entitled “The Time Has Come”,¹⁵ which urged the University to make its facilities, educational material and curricula accessible and within reach of students with various disabilities. The administration of Jordan University responded to the campaign and rendered 90 per cent of the University’s facilities accessible in less than a year. As a result, this pioneering University has successfully managed to obtain international classification as one of the 500 best universities in the world. The Higher Council subsequently contacted both the campaign organizers and Jordan University in order to extend the requisite support, particularly in the form of sign language interpreters for deaf students in the University’s faculties and departments. The campaign had been preceded by another campaign organized by a group of activists with disabilities in coordination with the Ministry of the Interior and the Higher Council. The campaign entitled “Takafu”¹⁶ (Equality) succeeded in making polling stations accessible to persons with motor disabilities. The Higher Council, in coordination with the Ministry of Interior and in response to the campaign’s demands, also provided sign language interpreters in some polling stations to facilitate communication between deaf voters and electoral committee employees. In addition, the Ministry of the Interior agreed, as a result of the campaign, to permit blind persons to vote through their personal escorts, whom they choose freely and independently. In the aftermath of the campaign, the requirements for accessibility to polling stations were included in the Electoral Act through negotiations organized with parliamentarians in cooperation and coordination with the Higher Council and the “Takafu” campaign.

41. Please provide details about how the National Strategy for Persons with Disabilities ensures that various means of information and communication and related technologies and services provided to the public are fully accessible for persons with disabilities.

42. Although Jordan signed the Marrakesh Convention to Facilitate Access to Public Works in 2013, the Convention has not yet been ratified. According to information received from the National Library, ratification is now under way and the Convention will be published in the Official Gazette and enter into effect at the national level. In addition, steps are being taken to align the licensing regulations applicable to diverse websites and newspapers with international standards governing accessibility of persons with disabilities to information. The new bill requires educational establishments, media organizations and newspapers to render their publications and other items accessible, for instance by means of Braille, boldface type, sign language, plain text and electronic forms in line with screen reader requirements.

43. It should be noted that the Higher Council has prepared a guidebook on supporting access by persons with disabilities to websites. The booklet is intended to serve as an easily usable technical reference for website designers so that websites are easily accessible and usable by persons with diverse disabilities. Furthermore, many governmental authorities launch initiatives aimed at rendering their information and particulars accessible to persons with disabilities. For instance, the Independent Electoral Commission has printed the Electoral Act and its implementing regulations in Braille format, and supplied awareness-raising videos on the polling process in sign language. It should further be noted that steps were taken by the Civil Service Bureau to provide persons with disabilities with access to forms and information. According to information received from the National Library and the Ministry of Culture, both authorities launched initiatives aimed at providing some publications in Braille format, especially for blind children.

44. In addition, some Jordanian universities, namely Yarmouk University,¹⁷ the Hashemite University¹⁸ and Jordan University, have equipped their computer laboratories with screen readers, magnifiers and furniture befitting wheelchair users.

45. These and other positive initiatives undoubtedly demonstrate a genuine will to make information accessible to persons with disabilities. It must nonetheless be admitted that the task of making means of information and communication accessible to persons with disabilities in a systematic and permanent manner requires more than individual institutional initiatives. For instance, legislation concerning the granting of licences and accreditation in the field of information and communication should be comprehensive and all-inclusive so that persons with disabilities can exercise their right to gain access to information on an equal basis with others.

Situations of risk and humanitarian emergencies (art. 11)

46. Please provide details about the measures in place to ensure the accessibility of humanitarian and emergency services available to refugees with disabilities, in particular those living in refugee camps, particularly with respect to assistive devices, shelters, relief and other services and facilities, including social support and health services.

47. A distinction should be drawn between two categories of refugees in Jordan. The first category consists of Palestinian refugees who have been living in refugee camps since 1948. Most of these refugees have acquired Jordanian citizenship, although they are legally designated by the United Nations Relief and Work Agency for Palestinian Refugees (UNRWA) as refugees. There are approximately 355,000 Palestinian refugees registered with UNRWA and they live in 10 camps¹⁹ in the governorates of Amman, Jerash, Irbid, Zarqa and Balqa. UNRWA is the body responsible for managing and supervising the camps and for providing basic services to their inhabitants. However, the Jordanian Government has long included inhabitants of the camps among the beneficiaries of the main services provided to its citizens in the areas of education, employment, health and other areas.

48. UNRWA does not provide clear or detailed data concerning the number of persons with disabilities in Jordanian refugee camps, their geographical distribution or the nature of their disabilities. Instead, UNRWA adopts global estimates and reports that 15 per cent²⁰ of registered refugees are persons with disabilities. This means that about 53,000 refugees in Palestinian refugee camps in Jordan are persons with disabilities.

49. The second category of refugees consists of citizens of neighbouring States who have sought refuge from ongoing armed conflicts. Most of them are from Syria and a small proportion are from Iraq. According to statistics dating from December 2016,²¹ the number of Syrian refugees registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Jordan totalled almost 655,314. The data also indicate that only 7 per cent of these refugees live in refugee camps and that the remainder live in towns and villages throughout the Kingdom's governorates.

50. With regard to the number of refugees with disabilities in Syrian refugee camps, according to estimates from the Jordanian Ministry of Planning and International Cooperation based on data from specialized institutions and agencies operating in the camps, the number of refugees with disabilities is estimated at about 19,000. It should be noted that these figures are based on groups targeted by relief programmes implemented in the camps by international and local organizations and agencies. The type of definition adopted by each organization or agency and its impact on the statistical results and data have been taken into account.

51. The nature of the armed conflict in Syria suggests that the number of Syrian refugees with disabilities might be far greater. It should be noted in this connection that UNHCR included in its statistical forms, in November 2016, questions based on Washington Group standards. This enhanced statistical tool is expected to determine the number of refugees with disabilities and to specify their disabilities and their distribution within the refugee camps.

52. The State has recently taken a step in the right direction through the Ministry of Planning and International Cooperation. The Jordan Response Plan for the Syrian Crisis 2016-2018²² includes determinants of the need to make the services provided to refugees accessible to persons with disabilities. The Plan also specifies the challenges encountered by refugees with disabilities in camps, such as inadequate accessibility and reasonable accommodation. Donor organizations clearly overlook the need for their projects and

programmes implemented in the refugee community to be inclusive and to encompass persons with disabilities. The determinants and indicators included in the Response Plan for the Syrian Crisis will hopefully draw the organizations' attention to this vital issue. Local bodies such as the Al Hussein Society/Jordan Centre for Comprehensive Training and Inclusion, the Holy Land Institute for the Deaf, the Jordanian Hashemite Fund, the Noor Al Hussein Foundation and some international organizations provide specific rehabilitative, educational and psychological support services and assistive aids to Syrian refugees.

53. It should be noted that emergency, ambulance, fire-extinguishing and evacuation services for refugees are guaranteed by the State through its security, medical and other departments. The Public Security Directorate has established an emergency line for deaf persons that enables them to report an emergency using sign language through video calls. The line is, of course, also accessible to deaf refugees in the event of an emergency. It should be noted that this initiative won the Zero Project 2016 best practice award for inclusive education and information and communication technology in Austria. The Directorate-General for Civil Defence has trained its staff in sign language and etiquette for assisting persons with disabilities in emergency situations. The Directorate-General is also required to respond, within its field of competence, to emergencies in refugee camps and elsewhere.

54. The issue of refugees with disabilities is rightly deemed to be a shared responsibility, so that roles and obligations are assumed by diverse governmental and non-governmental bodies, particularly by donors, who should fulfil the obligations specified in the Convention on the Rights of Persons with Disabilities, especially in article 32 on international cooperation. The projects and programmes funded or implemented by donors should therefore include measures that guarantee their accessibility for persons with disabilities and that enable persons with disabilities to derive maximum benefit from them on an equal basis with others.

Equal recognition before the law (art. 12)

55. Please provide updated information on the planned legal reforms, including to the Civil Code (Act No. 43 of 1976), to repeal and replace substituted decision-making with supported decision-making regimes in the exercise of legal capacity.

56. Attention should first be drawn to an important legal and constitutional fact that impedes realization of the ideal model in the area of legal capacity for persons with disabilities. Article 2 of Civil Code No. 43 of 1976 referred to in the question stipulates that: "1. The provisions of this Code shall be applicable in letter and in spirit to the issues addressed. There shall be no scope for interpretation of the content of the text. 2. In the event that the Court finds no provision in the Code, it shall rule on the basis of principles of Islamic jurisprudence (*fiqh*) that are closely aligned with the provisions of the Code or, if none are found, on the basis of principles of Islamic sharia. 3. If no such principles are found, the Court shall rule on the basis of customs or, if none are found, on the basis of rules of justice. A custom shall be general, long-standing and firmly established and shall not be inconsistent with the provisions of the Code or public statutes or morals. However, if the custom is peculiar to a specific country, the judgment shall apply to that country. 4. Guidance shall be sought in all such cases from judgments handed down by the judiciary and from Islamic jurisprudence, provided that they are not inconsistent with the foregoing points." Article 3 of the Code stipulates that: "A provision shall be understood, interpreted and construed in light of the rules of procedure of Islamic jurisprudence." Islamic jurisprudence is therefore the frame of reference for understanding and interpreting texts and filling vacuums, as stipulated in these two articles. This is in line with the Constitution, which declares that the State religion is Islam. In other words, any legal judgment that is inconsistent with the provisions of the Islamic sharia is unconstitutional and hence null and void. This legal and constitutional fact constitutes a formidable obstacle to endeavours to implement in full the supported decision-making regime required by article 12 of the Convention on the Rights of Persons with Disabilities. In fact, the only logical solution to the legal impasse consists in coordination and cooperation with the official religious institutions in Jordan, especially the Fatwa Directorate-General and the Department of the Chief Islamic Justice. These two institutions represent the official religious reference

authorities in Jordan. If either body issues a fatwa or authenticated judicial opinion based on sharia law, it becomes a symbol of conformity with Islamic sharia and jurisprudence. The Higher Council and the National Centre for Human Rights have therefore organized panel discussions with representatives of the two institutions with a view to addressing the issue in a duly scientific and legal manner. The representatives of both institutions were responsive and flexible in a manner that will expedite the process of reviewing and amending guardianship provisions based on “an indication of legal incapacity”.

57. The coordination and cooperation process has begun to yield tangible results. The new bill on the rights of persons with disabilities includes specific provisions on informed consent and the obligation to determine the will of persons with disabilities before taking any legal action or conducting any remedial or preventive medical procedure. The bill also requires the Ministry of Justice to provide experts in procedures for communication with persons with intellectual disabilities, visual disabilities and severe psychosocial disabilities, as well as with deaf and deaf-blind persons.

58. Please explain the measures taken to ensure the equal right of all persons with disabilities to own or inherit property or control their own financial affairs, including handling bank accounts and banking services, and including access to electronic services.

59. The Civil Code, the Real Estate Act and other laws regulate diverse forms and constituents of ownership, and the Personal Status Act regulates inheritance and wills. In principle, neither of the above-mentioned laws regulating ownership contains exceptional or exclusionary provisions based on disability. Nevertheless, some provisions concerning full capacity may constitute an impediment to absolute freedom for persons with intellectual disabilities and severe psychosocial disabilities because it is a precondition for valid offers and acceptance. This is pertinent in cases involving the signing of contracts and, in general, the undertaking of legal action and may be ascribed to the problematic concept of impediments and deterrents to capacity contained in both the Civil Code and the Personal Status Act. The terms “madness”, “dementia” and “of unsound mind” used in the legislation are all deemed to be factors that undermine a person’s full legal capacity. If a person with one of these shortcomings performs any legal action, the action can be declared null and void if a lawsuit is filed before a competent court.

60. Many families of persons with intellectual disabilities expressed concern, during their meetings with the Legal Committee that drew up the new bill on the rights of persons with disabilities, about the fate of their property after their death in light of the legislation that prevents their sons and daughters from disposing of such property in an independent manner owing to considerations related to impediments or deterrents to capacity. To address this point, the Legal Committee drafted provisions concerning the obligation to obtain a person’s free and informed consent to any planned legal action. The bill also states that independent and free decision-making by individuals are core constituents of its detailed provisions.

61. With regard to credit and banking services, it should be noted that the Central Bank of Jordan, in coordination with the Higher Council, recently drew up Directive No. 66 of 2016²³ concerning services provided by banks to persons with disabilities, which recognizes the right of persons with disabilities to privacy. The Directive requires banks to accept their signatures in whatever form they choose, be it a fingerprint, a signature or a stamp, without any need for witnesses. The Directive also prohibits banks from declining to provide any banking services to individuals on grounds of disability. All commercial banks have been granted a one-year period to implement the Directive and to render their various credit services accessible. This pioneering step has been taken by the Central Bank in response to demands from persons with disabilities and their organizations and on the basis of proposals submitted by the Higher Council. It reflects the Central Bank’s determination to comply with the provisions of the new bill on the rights of persons with disabilities and the provisions of article 12 of the Convention.

Access to justice (art. 13)

62. Please inform the Committee on concrete plans to repeal article 3 (b) of the Code of Criminal Procedure and to ensure that persons with intellectual and psychosocial

disabilities have effective access to justice on an equal basis with others and, specifically, are not restricted in filing a complaint directly before the judiciary.

63. During 2015 and 2016, the Ministry of Justice, in cooperation with the Higher Council, took specific steps to promote the right of access to justice for persons with disabilities. This cooperation resulted in a proposal to amend article 3 of the Code of Criminal Procedure by adding a provision enabling the Office of the Public Prosecutor to institute criminal proceedings for offences perpetrated against persons with severe intellectual and psychosocial disabilities even if nobody has filed a request to institute proceedings. This provision constitutes a response to facts on the ground, since many families of persons with severe intellectual and psychosocial disabilities tend to drop charges in a lawsuit or refrain from filing a complaint concerning practices inflicted on the persons concerned, such as crimes of violence, abuse or neglect. In addition, a provision has been added to article 230 of the Code requiring judicial and investigating authorities to make available communication experts to accompany witnesses, defendants or complainants who are persons with intellectual disabilities or deaf persons.

64. The Ministry of Justice, in cooperation with the Higher Council and the European Union, has organized special training courses with a view to enhancing the efficiency of the assistance and legal support system for persons with disabilities. The courses, which are intended for judges, public prosecution staff and administrative employees, address procedures for communicating with persons with disabilities who seek access to justice, and requirements for providing them with forms of legal assistance from which they can derive maximum benefit. The Ministry of Justice has signed several memorandums of understanding concerning implementation of the instructions regarding legal assistance issued in 2016 in a manner that will guarantee reasonable accommodation for persons with disabilities.

65. The Code of Criminal Procedure and other procedural legislation require all courts, public prosecution authorities and investigating authorities to provide authorized sign language interpreters to facilitate communication between deaf persons and the authorities concerned.

66. Despite the considerable progress achieved in promoting access to justice for persons with disabilities, there is a need for more highly qualified staff to facilitate communication with persons with intellectual disabilities, deaf persons and deaf-blind persons. The lack of professionals in legal sign language is due to the shortage of skills, on the one hand, and to poor local sign language in terms of legal terminology, on the other. The deaf community in Jordan has therefore launched diverse initiatives aimed at developing guides that will bridge part of this gap in technical knowledge. At any rate, the Government recognizes that sign language, like any other language, requires a spontaneous and natural context in order to develop and grow without any intervention or intrusion by non-specialists.

Liberty and security of the person (art. 14)

67. Please specify the number of persons deprived of their liberty on the grounds that “they constitute a danger for themselves and/or society” and the measures taken to repeal these provisions and the criteria and protocols that are applied in those cases to ensure judicial oversight to safeguard the liberty and security of persons with disabilities.

68. No authority mandated to oversee and ensure documentation in the field of human rights has provided statistics on or estimates of the number of persons detained on the grounds of “risky behaviour” attributable to severe psychosocial disabilities. An overall review of judicial rulings indicates that pleas of lack of criminal responsibility on grounds of “madness”, as stipulated in the current Criminal Code, are rarely accepted. In fact, the issue is beset with difficulties because some persons tend to invoke severe mental illness with a view to evading criminal liability. For this reason, the National Centre for Mental Health and the judicial authorities find it difficult to document cases of detention when the veracity or otherwise of the claims is unclear. With regard to cases of preliminary detention on grounds of “risky behaviour” due to severe psychosocial disability in which no specific offence has been perpetrated, most cases referred to the National Centre for Mental Health

are remedial cases rather than judicial referrals. At any rate, the bill on the rights of persons with disabilities includes provisions that will supersede provisions of the Public Health Act which accord the Minister of Health broad discretionary authority to detain persons who are deemed on medical grounds to “constitute a danger for themselves or others”. The new bill prohibits the admission of persons to any hospital or medical centre or the detention of such persons on the basis or grounds of disability without their free and informed consent. In addition, the bill contains specific new provisions aimed at totally eliminating institutionalization on grounds of disability in Jordan within 10 years of the date on which the law enters into force. The relevant governmental authorities, primarily the Higher Council and the Ministry of Social Development, will have to develop a comprehensive national plan containing specific time frames and applicable alternative measures to facilitate this transformation from a shelter-based system into a system of inclusive services.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

69. Please provide details on the national monitoring mechanism for the prevention of torture, including whether it is mandated to monitor all settings in which persons with disabilities may be deprived of their liberty.

70. In accordance with its Founding Statute and the Paris Principles on the basis of which it was established, the National Centre for Human Rights constitutes the principal national entity authorized to monitor cases of torture, regardless of the background, motives or location. According to the Centre’s 12th Annual Report for 2015²⁴ on the status of human rights in Jordan, some cases of torture were monitored, especially in certain places of detention and law enforcement centres. The report did not mention any case of torture due to disability in that context or in any of the paragraphs on monitoring of the human rights of groups most exposed to discrimination. However, some incidents were reported, especially in certain shelters, involving the ill-treatment of persons with disabilities, including cases of physical and psychological abuse. According to information received from the Ministry of Social Development, the Ministry took action on these cases and referred the perpetrators to the judiciary.

71. Please provide updated information on the steps to adopt legislation to protect women with intellectual and psychosocial disabilities from forced sterilization.

72. The relevant Jordanian governmental authorities, civil society organizations and media associations have taken extremely vigorous action to address the challenge of forced sterilization on grounds of disability. An important fact must be underscored in this regard: such operations are deemed to constitute crimes of physical abuse, possibly even the felony of “causing permanent disability”, depending on the outcome, in line with the general rules and detailed provisions of the current Criminal Code. The real challenge stems from the pressure that families bring to bear on some medical teams to perform such operations on their daughters if they have severe intellectual or psychosocial disabilities, invoking imprecise remedial or preventive pretexts. The Higher Council has organized a number of activities, in cooperation with relevant governmental authorities and organizations of persons with disabilities, to raise awareness of the illegitimacy of such practices. The activities targeted families, medical staff, civil society organizations, women’s organizations and other stakeholders. They recently culminated in amendments to the Criminal Code to be enacted by the Parliament. The amendments will treat violations of the physical integrity of persons with disabilities as aggravating circumstances, exposing the perpetrators to the harshest penalty prescribed. Another result of prime importance is Decision No. 194 of 2014,²⁵ whereby the Jordanian Fatwa Directorate issued a unanimous official fatwa prohibiting the performance of such operations. According to information received from the Ministry of Health, no hysterectomy operations have been conducted on girls with disabilities at any Ministry of Health hospitals since the fatwa was issued. No such operations were reported at any private-sector hospital either.

Freedom from exploitation, violence and abuse (art. 16)

73. Please provide information on the prevalence and trends of different forms of violence against persons with disabilities and the measures taken to implement the pillar in

the National Strategy for Persons with Disabilities on combating violence and abuse. Please provide details on the services and programmes in place to ensure the effective recovery, rehabilitation and social reintegration of victims of violence, particularly women and girls with disabilities.

74. The Jordanian Government recently issued Regulation No. 33 of 2016²⁶ on the National Team for Family Protection against Violence with a view to establishing a multidisciplinary monitoring and control mechanism. The team will verify the extent to which institutions and programmes for protection against violence and rehabilitation comply with the provisions of the relevant legislation. The Regulation provided for the establishment of a team of representatives of governmental and quasi-governmental authorities and civil society organizations as well as independent experts. The team's primary task is to develop standards aimed at improving the quality of the services provided to victims of violence. With a view to ensuring that the standards fully meet the requirements of accessibility and reasonable accommodation, the Regulation stipulated that the Secretary-General of the Higher Council should be included in the team's membership. The Secretary-General is tasked with ensuring that the standards applicable to rehabilitation services for victims of violence are inclusive and effective for victims with disabilities. The team is also required to monitor the conditions in centres for protection against violence and to screen the services they provide. It must submit technical and monitoring reports on such visits and provide whatever advice and support is required.

75. According to data issued by the Family Protection Department of the Public Security Directorate, which is the authority mandated to receive complaints concerning acts of violence perpetrated in the family environment, the Department was notified of 214 cases of disability-based sexual assaults from 2012 until October 2016. During the same period, 351 cases of physical abuse perpetrated on grounds of disability were reported. According to sources in the Department, the notifications were addressed in accordance with the procedures laid down by law for monitoring, investigation and referral of the perpetrators to the judiciary so that the latter can impose the penalties prescribed by the Criminal Code for such acts based on their legal definition.

76. According to information received from the National Centre for Human Rights, the Centre has undertaken field visits with a view to detecting human rights violations at disability institutions and centres and in local communities. The visits were undertaken in cooperation with the Jordanian General Union of Voluntary Societies. According to the Centre, 920 cases involving violations of the right to education, employment and health, the right to a barrier-free environment and personal mobility, and the right to protection against violence and protection of the family were detected. Notwithstanding these complaints and the number of cases detected, it has proved difficult to develop an effective mechanism to assist the competent authorities in monitoring and addressing such cases because the human rights monitoring and documentation system needs to be improved and reinforced so that it can effectively and adequately meet the requirements of article 33 of the Convention on the Rights of Persons with Disabilities. The new bill has endeavoured to tackle the problem by proposing a set of regulations and measures applicable to the assignment of responsibilities, and to procedures for monitoring and supervising the human rights situation of persons with disabilities at institutions and rehabilitation centres, schools, in the family environment and at the individual level. Furthermore, the new bill has adopted a broad definition of disability-related violence, which includes, as noted above, violations of overall physical integrity, psychological harm and impediments to the exercise of basic rights or freedoms.

77. With regard to the training of staff to deal with cases of violence perpetrated on the basis or on grounds of disability, the Higher Council has trained a number of Ministry of Social Development employees during the past four years in procedures for dealing with any cases of violence that occur at residential care facilities. In addition, the Directorate for Persons with Disabilities at the Ministry of Social Development has allocated key resources and taken action to build the capacity of personnel to detect and address cases of violence and to manage victim rehabilitation programmes under its new strategic plan and executive framework, which were finalized in late 2015.

78. In a further legislative step, the Government submitted a new bill to the Chamber of Deputies on protection against domestic violence,²⁷ which will hopefully be discussed and

enacted in 2017. The bill includes provisions aimed at guaranteeing more effective measures to protect victims of domestic violence and at providing services based on standards and regulations developed by the competent authorities, which include the Higher Council as the official guarantor of implementation of legislation concerning persons with disabilities and their rights.

79. Please provide details on any training provided to family members and caregivers of persons with disabilities, health and law enforcement personnel to recognize all forms of exploitation, violence and abuse, particularly for orphans.

80. The Family Protection Department has devoted considerable attention to cases of violence perpetrated against persons with disabilities in terms of rehabilitation and training of personnel. Its monthly reports contain articles and detailed information on cases of domestic violence perpetrated on grounds of disability. The Ministry of Social Development has taken vigorous steps since 2012, in cooperation with the Higher Council, to build institutional and individual capacities to prevent and address cases of violence. This action has had an impact on the aforementioned new strategic plan and executive framework of the Directorate for Persons with Disabilities at the Ministry. Both documents contain a set of objectives and activities aimed at building the capacities of families, persons with disabilities and the staff of special education centres, organizations and associations.

81. Phase two of the National Strategy (2010-2015) includes an independent component on protection against violence and abuse on the basis or on grounds of disability. The component has not, however, been effectively implemented owing to poor coordination with the relevant executive authorities and the lack of technical and specialized expertise in developing a community and family system capable of implementing mechanisms for protection against violence and taking the requisite action to protect children with disabilities against violence.

82. It should be underscored that this is one of the key national priorities for the forthcoming phase. The new bill provides for training and capacity-building of institutional, individual and family personnel in prevention of violence and in monitoring and detection of violence when it is perpetrated. Concerted efforts are therefore required to build a solid base of knowledge and skills that will help to achieve this objective as soon as possible.

Liberty of movement and nationality (art. 18)

83. Please indicate the measures in place to ensure that, in accordance with the Civil Status Act No. 9 of 2001, every newborn child with a disability, particularly those living in rural and remote areas and in refugee settlements, is registered upon birth and given a name and a nationality.

84. Registration of birth in Jordan is governed by Civil Status Act No. 9 of 2001, as amended. The provisions of the Act are applicable to all residents in the Kingdom, irrespective of their nationality or legal status. Notification of birth is mandatory and failure to do so or manipulation of the facts, such as the modification, omission or addition of any item (such as the infant's sex, the time and place of birth, the name, etc.) constitutes an offence that is punishable under the Act. According to the Act, the person required to report and register births (parents, relatives up to the fourth degree, physicians, hospital staff or a registered midwife) must, on pain of prosecution, register the birth and obtain a birth certificate displaying the infant's name and sex, and the date and place of birth, within 30 days. The Act permits persons residing abroad to perform these duties within 90 days.

85. No cases of abstention from birth registration due to disability have been reported. The Civil Status and Passports Department is one of the most widely represented departments in the Kingdom's governorates. It has a representative office in each governorate, thereby allowing residents, even in remote areas, to register their newborn babies and to obtain the relevant documents without delay.

86. With regard to birth registration among refugees, it should be noted that refugees resident in Palestinian camps register births with the Civil Status and Passports Department in the same manner as citizens. With regard to Syrian refugees, the Department of the Chief

Justice has opened a sharia court office at Za'tari camp for the purpose of documenting marriage contracts, births and proof of filiation. However, Syrian refugees residing outside the camps are free to have such matters handled by any sharia court in the Kingdom's governorates.

87. It should be noted that it is impermissible under the Act to refer to a newborn child's disability in his or her birth certificate, national identity card or passport, since such conduct is deemed to constitute discrimination that it was agreed to outlaw in all cases. During the 1980s, disabilities and their nature were mentioned in passports under the heading "Special differences", but this practice was abolished at the end of the 1980s. Jordan took a unique step towards diversity and non-discrimination when it abolished the item revealing a person's religion in civil status cards and passports.

88. To sum up, Jordan has not encountered any impediments or problems in its birth registration process. This is borne out by the Government's statement that the disability ratio attained 11.2 per cent of the total population in 2015, as opposed to the aforementioned estimates for a number of years of a ratio of not more than 2 per cent. This statistical transformation occurred as a result of cooperation between the Higher Council, the Public Statistics Department, the Washington Group, specialized international agencies and governmental executive authorities. It serves as a positive indicator of public awareness among individuals, who now tend to immediately disclose cases of disability within their families.

Living independently and being included in the community (art. 19)

89. Please inform the Committee about any national strategy to ensure that persons with disabilities, regardless of place of residence, have access to a range of community and independent-living support services, as managed by persons with disabilities.

90. The concept of independent living and relevant programmes has emerged only recently in Jordan because of the deep-rooted concept of charity and related non-inclusive practices of institutionalization. Since the ratification of the Convention on the Rights of Persons with Disabilities, the executive authorities have gradually taken steps and launched initiatives aimed at embedding the concept of independent living, especially through strong directives on the part of decision and policymakers regarding the need to end institutionalization within a specified period of time and on a step-by-step basis, in order to allow for the elaboration and proposal of alternatives under a comprehensive national plan based, as was mentioned earlier, on the provisions of the new bill on the rights of persons with disabilities. The bill indicates several measures that require the executive authorities to provide programmes, services and training aimed at embedding the concept of independent living and developing relevant applications for persons with disabilities within their local communities and in their family environment.

91. Some tentative measures were taken to create inclusive community environments for persons with intellectual disabilities, but they did not last long because of the lack of a mature understanding of the concept which led to its rejection by local communities.

92. Some community rehabilitation programmes targeting persons with disabilities and their families exist, especially in remote areas, with a view to raising awareness, alerting people to available services and encouraging community and family inclusion. However, deep-rooted exclusionary and isolationist disability-related concepts make direct transition towards independent living, especially for persons with intellectual disabilities, a rather difficult task. Given the need for technical and financial support and expertise to disseminate the concept and convert it into model practices on the ground, it is clearly important for international agencies with experience in the area to cooperate with the Higher Council and the Ministry of Social Development in order to provide the support required to achieve this lofty aim. It should be noted that, following the enactment of the new bill, the termination of institutionalization and the consolidation of independent living will become compulsory obligations within a specific period of time rather than mere arbitrary wishes or initiatives.

Personal mobility (art. 20)

93. Please provide the percentage and the mechanism of the public budget allocated to supporting persons with disabilities to obtain mobility aids, devices and other assistive technologies and forms of life assistance and intermediaries, in view of enhancing their personal autonomy.

94. The State budget contains no specific allocations to support the acquisition of mobility aids and technologies for persons with disabilities. It seems, in fact, that the right to mobility in general has not been effectively addressed in legislative terms, as reflected by the situation at the practical level. The new bill addresses this discrepancy and provides for certain measures to enable persons with disabilities to exercise their right to mobility freely and independently.

95. The Higher Council provided persons with disabilities with some assistive devices and mobility aids on an individual basis by supporting associations operating in the field of disability whose services include the provision of diverse mobility aids. The Higher Council's annual expenditure on such aids is estimated at 260,000 Jordanian dinars (JD). In addition, the Customs Act and Act No. 31 of 2007 on the rights of persons with disabilities exempt reasonable accommodation for persons with disabilities, including mobility aids, from diverse taxes and fees. This benefit has prompted some associations operating in the field of disability to provide such aids to their members and others at reasonable prices.

96. With regard to alternative measures aimed at bolstering the right of persons with disabilities to personal mobility, Exemption Regulation for Persons with Disabilities No. 14 of 2013 exempts vehicles used by persons with disabilities from all fees and taxes. This prompted families and individuals to buy vehicles in order to benefit from the tax exemption, which reduced the cost of such vehicles by nearly half.

97. The Jordanian Government is fully aware of the fact that these solutions are merely temporary alternatives and that they should be replaced with permanent solutions that create a barrier-free environment which enables persons with disabilities to exercise their right to freedom of movement and mobility on an equal basis with others.

Freedom of expression and opinion and access to information (art. 21)

98. Please provide updated data on the adoption of legislation to ensure that private entities that provide services to the general public and mass media outlets that provide information do so in accessible forms and formats for all persons with disabilities.

99. While numerous training courses for media personnel have been held by various authorities, including the Higher Council, on the incorporation of standards governing information accessibility for persons with disabilities in the editorial policies and practical manuals of mass media outlets, a great deal remains to be done in order to achieve an inclusive environment that meets the accessibility requirements of persons with disabilities. The Higher Council has sought to include in the new bill standards of accessibility to information in licensing instructions for websites, newspapers and television stations.

100. As already noted, Jordan signed the Marrakesh Convention to Facilitate Access to Public Works for persons with disabilities in 2013. A study on ratification of the Convention and its publication in the Official Gazette is currently under way.

101. The official Jordanian television channel has appointed a number of sign language interpreters to communicate news bulletins and some key broadcasts to the deaf community, thereby facilitating their access to televised information.

102. A number of governmental and non-governmental bodies have taken steps to provide publications in accessible formats. They include the Ministry of Culture, Jordan University, Yarmouk University and some voluntary cultural associations. However, these initiatives are of a temporary rather than a systematic nature and are often conducted on the sidelines of occasions or events involving persons with disabilities.

103. Key initiatives included the provision by the Independent Election Commission of copies of the Electoral Act published in Braille to the new Council of Deputies. It also made available personal assistants, on request, to facilitate the voting process for persons

with disabilities. Furthermore, Jordan University was one of the first institutions in Jordan to recognize the concept of a personal escort, and appointed volunteers to support students with disabilities in reading and moving about on campus.

104. The concept of a personal escort to enable persons with disabilities to exercise their rights is still alien to the general public and to policy and decision-making mechanisms. The new bill is expected to embed the concept and to develop related practices through the Ministry of Social Development, the Higher Council and voluntary organizations.

105. Please provide updated data on any steps to recognize Jordanian sign language as an official language.

106. Neither the Constitution nor the Jordanian legal context permits recognition of any language other than Arabic as an official language. If the question regarding recognition of sign language as an official language refers to a language used and recognized at the institutional and individual level, it may be confirmed that this is the case and that it has been widespread during the last five years. An initiative that deserves to be promoted was taken by the Hashemite University,²⁸ which included sign language in the University's optional courses for all students. The course aroused considerable interest among students endowed with the faculty of speech, and more than a thousand of them enrolled in it between 2011 and 2015. As a result, sign language has spread and is used not only by the deaf community but throughout Jordanian society. Moreover, a number of official institutions have taken steps to train some personnel to communicate by means of sign language with visitors, employees and others. As already noted, the Command and Control Centre attached to the Directorate of Public Security has included experts in sign language communication among its staff. Furthermore, the Civil Service Bureau and some Ministry of Labour employees have been trained in sign language so that deaf persons are not forced to communicate in a language other than their mother tongue. Of course, no one can claim that the situation is ideal in this regard. However, significant progress continues to be made in the Jordanian environment, as demonstrated by the large number of visitors to associations and institutions that organize courses in sign language for individuals and employees endowed with the faculty of speech.

Respect for home and the family (art. 23)

107. Please provide information on when the repeal is intended of article 12 of the Provisional Personal Status Act of 2010 requiring judicial authorization for marriages for persons with psychosocial and intellectual disabilities.

108. Although the lawmakers' intention in this article, as indicated by the Department of the Chief Justice, is "to provide protection for all parties to the marital relationship", it is generally recognized that the article impedes the exercise by persons with severe psychosocial and severe intellectual disabilities of their right to marry and to found a family in a free and independent manner on an equal basis with others. The provision contained in the article is related to the provisions of articles concerning "impediments" and "deterrents" to legal capacity contained in the Act and the Civil Code, as noted in the response to the question raised in this list of issues concerning article 12 of the Convention. The impact of the provision is expected to decline as soon as the new bill is enacted and enters into force. The bill prohibits acts that undermine, on the basis or grounds of disability, a person's right to independent and free decision-making. The Ministry of Religious Endowments, Islamic Affairs and Holy Places, which is the authority responsible for submitting proposals to amend the Personal Status Act, is required to engage in close consultations with persons with disabilities and their organizations whenever the provisions of the Act concerning legal capacity or any other provisions thereof applicable to persons with disabilities are reviewed. It is hoped that the model aimed at supporting decision-making to be adopted in the new bill on the rights of persons with disabilities will provide extensive freedom of choice, self-determination and decision-making for persons with severe intellectual and psychosocial disabilities.

Education (art. 24)

109. Please provide updated data on the number of children with disabilities, disaggregated by type of impairment, sex and area of residence (rural/urban), who are deprived of education and the measures taken to remedy that situation.

110. There are no precise statistics, disaggregated by type and severity of disability and by geographical distribution, indicating the number of persons denied enrolment at different levels of basic education. There are no data either on the number of school dropouts among persons with disabilities. However, the Department of Statistics has taken vigorous action to determine the number of persons with disabilities who are enrolled or not enrolled in basic education in Jordan. The Department's data based on the 2015 census indicate that the number of persons with disabilities or, according to the terminology used by the Department, with functional difficulties is estimated at approximately 145,259, of whom 90,000 are females and the remainder males. This means that the ratio of persons with disabilities who are not enrolled in education to the total number of Jordanians who do not attend an educational establishment is 29.1 per cent, which is equivalent to 22.3 per cent of the total number of persons with disabilities.

111. According to Department of Statistics estimates, the number of persons with disabilities aged 5 years or older totals about 651,396, i.e. 11.2 per cent of the total population. It follows that roughly 79 per cent of children with disabilities of school age are either deprived of the right to education or severely constrained in their ability to exercise that right.

112. The above-mentioned percentages and figures are consistent with the statements issued by the Ministry of Education and the United Nations Children's Fund (UNICEF). They confirm that only 18,000 male and female students with disabilities are enrolled in basic education, and that nearly 22,000 male and female students are enrolled in special education programmes. According to the Ministry of Education, approximately 900 resource rooms distributed throughout the Kingdom's governorates are supervised by the Ministry. Several studies and surveys have demonstrated an urgent technical and financial need to improve and modernize the rooms. There is also an urgent need to promote the enrolment of children with disabilities in education in general, and in inclusive education in particular.

113. The new bill contains provisions that require the Ministry of Education to ensure that children with disabilities are enrolled in inclusive basic education. Pursuant to the bill, deprivation of the right to education on grounds of disability constitutes an offence of violence punishable by imprisonment and fines. In addition, immediate action should be taken to remedy the situation by enrolling the student in education.

114. Please inform the Committee about the measures taken to overcome the obstacles for achieving inclusive education for persons with disabilities and the proportion of the State budget allocated to increasing the enrolment and retention of children with disabilities in mainstream schools.

115. Analytical surveys conducted by the Higher Council and UNICEF²⁹ indicate that the stereotypical image of disability constitutes a major obstacle to efforts to promote the concept of inclusive education for children with disabilities. Positive steps have been taken by the Ministry of Education, in cooperation with the Higher Council and other donors, to introduce model practices in some public schools to serve as prototypes for inclusion in the Jordanian education sector. The latest official instructions concerning policies on the right of persons with disabilities to education, and the need for inclusive educational environments to meet the requirements of students with disabilities, were introduced in the National Strategy for Human Resource Development 2016-2025.³⁰ As the Strategy addresses the topic of the right of persons with disabilities to education in an extremely brief manner, it will be necessary, following the entry into force of the new bill, to rely on the national plan for inclusive education to be drawn up by the Ministry of Education in cooperation with the Higher Council and other stakeholders. Pursuant to the bill, the Kingdom's education sector must become entirely inclusive within 10 years at most from the date on which it enters into force.

116. As the right to education is a top priority for the Higher Council, it has allocated the bulk of its resources since its establishment in 2007 to supporting the education of children with disabilities. Its average expenditure on this item totals JD 2,700,000, which is more than two thirds of the Council's annual budget. As the Higher Council, the Ministry of Education and other competent authorities are aware of the need to review this role in light of the principle of inclusion, responsibilities will be assigned to each authority on the basis of its mandate. The forthcoming phase will witness a radical transformation in the Jordanian education sector in the form of a trend towards comprehensive inclusion. This transformation will undoubtedly require large-scale technical, human and financial resources, which the Higher Council and the Ministry of Education aspire to secure through international cooperation programmes with States and organizations that have acquired expertise in the area.

117. Please provide clarification regarding an assessment of the degree of impairment as a criterion for reducing university fees of students with disabilities and for being selected as a teacher with disabilities.

118. The Ministry of Higher Education and Scientific Research has been granting students with disabilities exemptions at a rate of 90 per cent from university fees at public higher education establishments. These benefits were introduced pursuant to decisions taken by the Higher Education Council. Exemptions are granted to students on the basis of an official medical report issued by a committee affiliated to the Ministry of Health or approved by the university. The report should indicate the type and degree of disability that enables the applicant to benefit from the aforementioned exemption. The disability in question should be consistent in terms of its type and nature with the definition contained in article 2 of Act No. 31 of 2007. In other words, the disability should be of a physical, visual, hearing or intellectual nature, and should be permanent and stationary. It should be noted that the ratio of exemption from university fees granted to baccalaureate and higher education students is the same. The new bill contains provisions that link the exemption ratio to compensation for the lack of reasonable accommodation and accessibility in higher education establishments. Thus, instead of providing the above-mentioned exemptions, such establishments can make their educational environments accessible and free from physical and behavioural impediments to equality and equality of opportunity for students with disabilities.

119. With regard to the appointment of persons with disabilities to academic posts in universities, about seven persons holding doctorate degrees were appointed in 2015 to posts in three public universities in the faculties of arts, sharia law and special education. In principle, labour legislation contains no provisions that impede the appointment of persons with disabilities to either academic or administrative posts in universities. It has nonetheless been noted that their employment is hampered by certain difficulties, mostly relating to the negative stereotypical attitudes of some presidents of such establishments or by deans of faculties or heads of departments. Problems also stem from the condition of "physical fitness" applicable to applicants for any public position. According to Regulation No. 13 of 2014³¹ concerning medical committees and its implementing instructions, applicants for appointment to public positions must be free from a number of illnesses and disabilities specified in charts issued by the Minister of Health. The charts thus actually bar persons with disabilities, and any appointment in breach of this condition depends on the discretionary authority of the Minister of Health in response to an exceptional request by the employer. It should be noted that the new bill addresses this point in a radical manner, asserting that persons with disabilities are, in legal terms, physically fit and capable of working. Furthermore, the bill prohibits the exclusion of persons with disabilities from various posts on account of their disabilities, including academic and administrative positions in higher education establishments. According to the Ministry of Health, the Ministry recently issued a circular prohibiting medical committees from including in their official reports statements to the effect that persons with disabilities are "unfit". This is an extremely praiseworthy step which will remedy the situation until the new bill enters into force.

Health (art. 25)

120. Please provide information about the measures taken to increase the standard of and access to, and about, health care for persons with disabilities, and the training of medical staff.

121. The aforementioned Health Care Accreditation Council has conducted a comprehensive review of the accreditation standards applicable to governmental and non-governmental institutions, including clinics, health-care centres and hospitals. The Council embarked on a serious and urgent review to align the standards with the requirements for access by persons with disabilities to health facilities, services and information. In addition, the National Centre for Human Rights has in recent years incorporated the Convention on the Rights of Persons with Disabilities into its training curriculum for physicians and health-sector employees in Jordan. The Higher Council has also organized training courses for medical and technical staff employed in public and private health-care facilities with the same end in view. According to the Ministry of Health, the Ministry has recently taken steps, in coordination with the Ministry of Public Works and Housing, to ensure that health facilities under construction and those to be constructed in due course are accessible for persons with disabilities. The Ministry has already revamped the conditions in some hospitals and comprehensive health-care centres in terms of rehabilitation and accessibility. However, the problem of old and inaccessible leased health-care centre buildings persists, and radical solutions are required to enable persons with disabilities to have free and independent access to them. Alternative premises need to be provided for some of the centres which cannot possibly be rendered accessible in engineering terms, and this calls for the allocation of large-scale financial and engineering resources. The Higher Council hopes that the Ministry, in cooperation with the Ministry of Health and other international sponsors, will be able to achieve this aim within a reasonable period of time.

122. Lack of access by persons with disabilities to medicinal and health information, in general, constitutes a challenge that calls for further action and coordination between the different authorities. Reasonable accommodation and facilities to promote accessibility for persons with disabilities to pharmaceutical and medical information are still at modest levels and require further development and consolidation. With a view to addressing this point, the new bill on the rights of persons with disabilities contains provisions that make accessibility to information in the pharmaceutical and medical sectors a condition for accreditation and licensing of different types of pharmaceutical and medical institutions.

Work and employment (art. 27)

123. Please provide updated statistics on the number of unemployed men and women with disabilities in comparison with persons without impairments, and information on whether there is a plan to develop employment strategies for persons with disabilities.

124. According to data issued by the Department of Statistics after the 2015 census, the total number of unemployed persons with disabilities aged 15 years and older was 34,998, one third of whom were female. This number constitutes 10 per cent of the total number of unemployed in Jordan.

125. According to data issued by the Jordanian Ministry of Labour, the number of registered job seekers with disabilities totalled 3,000 persons, of whom 600 were females and the remainder males. According to data issued by the Civil Service Bureau, which is the authority tasked with regulating appointments to posts in government agencies, the number of persons with disabilities on the waiting list for appointment totalled about 1,600 persons, of whom roughly 600 were males and the remainder females. According to the Bureau's data, almost 1,000 of the individuals concerned were deaf persons. A sample field study conducted by the Higher Council in cooperation with the Department of Statistics in 2015 estimated the percentage of unemployed persons with disabilities at roughly 76 per cent and at about 80 per cent among females with disabilities.

126. However diverse these figures and percentages may be, the unemployment rate among persons with disabilities is undeniably high. The governmental authorities must therefore take further action to guarantee equality of opportunity for them in the labour market.

127. With regard to labour strategies, there is a modest trend in Jordan towards inclusion, inasmuch as labour strategies as a whole are being rendered comprehensive and inclusive of the rights and requirements of persons with disabilities. The new bill requires employers in the public and private sectors to make their employment, appointment, vocational training and rehabilitation strategies inclusive and accessible to persons with disabilities. It should be noted in this context that the Vocational Training Corporation is endeavouring to make its curricula, strategies, programmes and institutes accessible to enrolled students with diverse disabilities.

128. Please provide details on the existence of mechanisms and procedures in place for persons with disabilities to address discrimination in all matters related to employment and conditions of work, including providing reasonable accommodation. Please provide statistical data on the number of such complaints and their resolution.

129. The Civil Service Bureau adopted the “Thirty Questions Guide”³² in 2014, a document that comprises 30 questions and answers on the requirements for guaranteeing accessible and non-discriminatory employment and appointment procedures. It begins with the procedure for designing job vacancies, specifying the tasks to be performed, posting vacancies and conducting interviews with applicants with disabilities. It then discusses appointments, performance of daily tasks, promotion, internships, training and sanctions, and concludes with retirement, resignation and dismissal. The Civil Service Bureau, in cooperation with the Higher Council, has trained its staff to reflect the Guide in job appointment forms, applications and procedures. The Bureau added a form to the human resource application forms of public authorities with which candidates are placed. The form includes items based on the “Thirty Questions Guide” that enable the employer to identify environmental, technological, technical and other requirements to assist employees with disabilities in performing their duties on an equal basis with others. A further important step taken by the Civil Service Bureau was the launching of a line of inquiry concerning job applications, related procedures and the filing of complaints using sign language through video calls and with the assistance of a sign language interpreter working with the Bureau.

130. With the same end in view, the Ministry of Labour has recently issued a “Guide on the Recruitment of Persons with Disabilities”, which seeks to familiarize the private sector with the requirements of an accessible working environment that is inclusive of persons with disabilities.

131. With regard to procedures for receiving and taking action on complaints from persons with disabilities regarding employment, the Civil Service Bureau receives complaints of discrimination on grounds of disability, including lack of reasonable accommodation, in accordance with the same procedures as are applicable to complaints from employees and candidates for government jobs. The same applies to the Ministry of Labour, which has no special system for dealing with complaints from employees and candidates with disabilities. In its twelfth report on the human rights situation in Jordan in 2015, the National Centre for Human Rights highlighted impediments encountered by persons with disabilities in the job market. According to the Centre, it received about 133 complaints concerning violations of the right to employment on grounds of disability during the period 2012-2015. The Centre took action on the complaints with the competent authorities.

132. The new bill has taken a pioneering step towards combating discrimination on grounds of disability in the area of employment. It provides for the establishment of an “Equality of Opportunity Committee” to receive, investigate and address complaints and to act as a mediator with employers, adopting a similar approach to equality of opportunity commissions in the United States, the United Kingdom and other States that have established such mechanisms.

Adequate standard of living and social protection (art. 28)

133. Please provide details on how specific measures for persons with disabilities are mainstreamed in the National Poverty Reduction Strategy.

134. The Ministry of Social Development, in cooperation with the Ministry of Planning and International Cooperation and the United Nations Development Programme (UNDP),

elaborated the Jordanian National Poverty Reduction Strategy 2013-2020.³³ The components comprise items and indicators on the provision of health-care and educational services and on accessibility to the job market for persons with disabilities, especially in remote areas. The two ministries are currently reviewing the strategy to identify implementation challenges encountered to date and to include measures guaranteeing effective implementation of the Strategy in line with the sustainable development goals (SDGs). In addition, the Ministry of Social Development is conducting a study through the National Assistance Fund on cases of poverty among Jordanian families, including families with one or more cases of disability, with a view to providing monthly financial allocations if the conditions stipulated in the Fund and Ministry legislation are met. The Ministry is also seeking to have persons with disabilities and their families covered by the productive projects funding programmes implemented on behalf of poor families in various parts of the Kingdom, particularly in remote areas.

135. The Jordanian Government recognizes the importance of including persons with disabilities in the poverty reduction system. The new bill therefore requires the Ministry of Social Development to render the strategic plans, programmes and activities aimed at eliminating poverty more inclusive of persons with disabilities and their families. The bill also requires the Development and Employment Fund to make its business strategy inclusive of persons with disabilities so that they and their families can benefit from soft loans and self-employment programmes, and receive funding for small productive enterprises conducted by the Fund.

Participation in political and public life (art. 29)

136. Please indicate whether the repeal is planned of the provisions of the Election Act exempting persons with intellectual and psychosocial disabilities from exercising their right to participate in elections.

137. No cases of deprivation of the right of any voters to participate in either parliamentary or municipal elections on the basis or on grounds of disability have been recorded. However, the constitutional obstacle that impedes the repeal of this provision of the Electoral Act certainly calls for an amendment to the Constitution. According to article 75 of the Jordanian Constitution, a condition for membership of the Chamber of Deputies or the Senate is that the candidate should not be “insane”. It should be noted that the provision ruling out mental disability is applicable to cases of candidacy and not to cases of voting. However, the Act concerning Elections to the Chamber of Deputies, the Decentralization Act and the Municipalities Act extended the application of this provision to the exercise of a person’s right to vote. Numerous members of the Chamber of Deputies and the Senate objected to this article when the legislation was being debated because, according to their view, “it is vague and cannot be measured, and its existence or non-existence cannot be verified”. It was expected that the condition incorporated in the legislation would be limited to the right of candidacy in order to avert the suspicion of unconstitutionality and that it would not include the right to vote. Regrettably, however, the promulgated versions of all the laws include the provision in articles specifying the regulations and conditions applicable to candidacy and voting.

138. The new bill attempts to address this point. It underscores the ban on discrimination and on any restriction of the right to vote or to participate in public and political life on the basis or on grounds of disability. It is hoped that the Higher Council will cooperate with the Independent Electoral Commission and supporting parliamentarians with a view to developing a proposal to repeal the provision during the first review of the Constitution. With regard to the situation on the ground, there are no indications or records in recent years of any invocation of the provision to invalidate the vote or candidacy of any person. This does not, of course, preclude a finding that the provision enshrines legislative and conceptual practices that should be eliminated as soon as possible.

Notes

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² <http://www.pm.gov.jo/upload/Human-rights-2016-2025.pdf>.

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- ¹⁰ <http://ncfa.org.jo:85/ncfa/sites/default/files/publications/%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A%D8%A9-%D8%AA%D9%86%D9%85%D9%8A%D8%A9-%D8%A7%D9%84%D8%B7%D9%81%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D9%85%D8%A8%D9%83%D8%B1%D8%A9.pdf>.
- ¹¹ http://www.mosd.gov.jo/index.php?option=com_content&view=article&id=1927:-40-2014&catid=14:14.
- ¹² <http://ncfa.org.jo:85/NCFA/sites/default/files/publications/%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D8%A3%D8%B3%D8%B1%D8%A9-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86%D9%8A%D8%A9.pdf>.
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