



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Jordan\*

#### I. Introduction

1. The Committee considered the initial report of Jordan (CRPD/C/JOR/1) at its 310th and 311th meetings (see CRPD/C/SR.310 and 311), held on 28 and 29 March 2017. It adopted the present concluding observations at its 324th meeting, held on 6 April 2017.
2. The Committee welcomes the initial report of Jordan, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/JOR/Q/1/Add.1) to the list of issues that was prepared by the Committee (CRPD/C/JOR/Q/1).
3. The Committee appreciates the fruitful dialogue held with the State party's delegation during the consideration of the report and commends the State party on its high-level delegation.

#### II. Positive aspects

4. The Committee welcomes the State party's efforts to ensure implementation of the rights of persons with disabilities as enshrined in the Convention. It notes the explicit prohibition of discrimination on the basis of disability in legislation and the efforts made to raise awareness and promote a human rights-based approach to disability in the national media. It also notes the inclusion of accessibility standards in the National Building Law (No. 7 of 1993). The Committee welcomes the fatwa issued in Decision No. 194-02 of 2014 adopted by the Jordanian Department for the Rendering of Formal Islamic Law Opinions, which prohibits the forced sterilization of girls with disabilities and stipulating society's responsibility to girls with disabilities

#### III. Principal areas of concern and recommendations

##### A. General principles and obligations (arts. 1-4)

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention.
6. **The Committee recommends that the State party ratify the Optional Protocol to the Convention in a timely manner.**

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\* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).



7. The Committee is concerned that, contrary to the Convention, national legislation contains provisions that are discriminatory to persons with disabilities, including articles 127 and 128 of the Civil Code (Law No. 43 of 1976), article 467 of the Criminal Code (Law No. 16 of 1960), articles 12, 206, 211 and 212 of the Personal Status Law (No. 36 of 2010) and articles 2, 4 and 12 of the Nationality Law (No. 6 of 1954). The Committee is also concerned that the draft law on the rights of persons with disabilities does not contain clear criteria for meaningful participation of organizations representing persons with disabilities in the Higher Council for Persons with Disabilities.

8. **The Committee recommends that the State party, in a timely manner:**

(a) **Ensure that the provisions of the draft law on the rights of persons with disabilities are harmonized with the Convention, that legal sanctions for non-compliance are provided for and that increased and meaningful participation of organizations representing persons with disabilities is guaranteed in accordance with article 4 (3) of the Convention, prior to adopting it;**

(b) **Repeal all legislative provisions that are discriminatory on the grounds of disability, including articles 127 and 128 of the Civil Code (Law No. 43 of 1976), article 467 of the Criminal Code (Law No. 16 of 1960), articles 12, 206, 211 and 212 of the Personal Status Law (No. 36 of 2010) and articles 2, 4 and 12 of the Nationality Law (No. 6 of 1954); and ensure the consistent application of the concept of persons with disabilities in line with articles 1 and 3 of the Convention as well as make explicit reference to the barriers faced by persons with disabilities;**

(c) **Revise the title and purpose of the card that is issued exclusively to persons with disabilities and ensure that its use is compliant with the Convention.**

9. The Committee notes with concern that a new national strategy for persons with disabilities has not yet been adopted to replace the previous strategy that expired in 2015.

10. **The Committee recommends that the State party:**

(a) **Adopt a new national strategy for persons with disabilities and a related action plan and ensure that the financial, technical and human resources necessary for its implementation are allocated to it;**

(b) **Clarify the mechanisms that are responsible for its implementation and monitoring and ensure the full participation of organizations representing persons with disabilities.**

## **B. Specific rights (arts. 5-30)**

### **Equality and non-discrimination (art. 5)**

11. The Committee notes with concern that:

(a) Under the current legislation, denial of reasonable accommodation is not explicitly recognized as an act of prohibited discrimination in all areas;

(b) The concept of reasonable accommodation is not well understood by employers and service providers, resulting in failure to ensure the enjoyment of rights by persons with disabilities on an equal basis with others.

12. **The Committee recommends that the State party:**

(a) **Amend its legislation to explicitly prohibit denial of reasonable accommodation as discrimination against persons with disabilities in all areas and ensure sanctions for non-compliance;**

(b) **Raise awareness about the duty to provide reasonable accommodation, among, inter alia, employers and service providers.**

13. The Committee is concerned about the lack of coordination and efficient monitoring in cases of disability-based discrimination, including the absence of a mechanism tasked with documenting and verifying cases where reasonable accommodation was denied.

14. **The Committee recommends that the State party:**

(a) **Establish the Equal Opportunities Committee, as provided for under the new draft law on the rights of persons with disabilities, to receive complaints on disability-based discrimination, including denial of reasonable accommodation in both the public and private sectors, to enforce sanctions on perpetrators of discrimination and to provide persons exposed to discrimination with remedies;**

(b) **Strengthen the National Human Rights Commission and the Higher Council for Disabilities and ensure clear rules regarding complaints filed with these bodies and the Equal Opportunities Committee;**

(c) **Build the capacity of persons with disabilities and their representative organizations to encourage their engagement in available legal redress mechanisms.**

**Women with disabilities (art. 6)**

15. The Committee notes with concern the lack of a coordinated and strategic framework to combat intersectional discrimination experienced by women and girls with disabilities, including the cultural stigma regarding their ability to marry and found a family. It notes the absence of a disability perspective in all elements of the National Strategy for Women (2013-2017), including in strategic plans for the provision of reproductive health services in the State party.

16. **The Committee recommends that the State party:**

(a) **Adopt a legislative framework to combat the intersectional discrimination experienced by women and girls with disabilities, together with a coordinated strategy for its implementation;**

(b) **Mainstream rights for persons with disabilities in all national strategies and action plans for women and girls, including reproductive health strategies;<sup>1</sup>**

(c) **Carry out awareness-raising campaigns aimed at generating a change in cultural attitudes towards women and girls with disabilities.**

**Children with disabilities (art. 7)**

17. The Committee is deeply concerned at the violence that boys and girls with disabilities reportedly experience in both care homes and the family setting. The Committee notes the absence of a disability perspective in national policies affecting children, including the Early Childhood Development Strategy and the National Strategy for the Family.

18. **The Committee recommends that the State party:**

(a) **Adopt the draft amendments to the Criminal Code which intensify punishments for acts of negligence or harm towards children with disabilities;**

(b) **Ensure that all cases in which children with disabilities are exposed to violence are reported and fully investigated, that perpetrators are prosecuted and appropriately punished and that victims are provided with adequate support and redress, including compensation and rehabilitation;**

(c) **Mainstream disability rights in national strategies and action plans for children.**

**Accessibility (art. 9)**

19. The Committee is concerned that the National Building Code, issued pursuant to the National Building Law (No. 7 of 1993), which sets out accessibility standards for facilities, buildings and roads, is not effectively implemented. It notes the overlapping roles of entities responsible for granting licences and monitoring the implementation of the Code,

<sup>1</sup> See CEDAW/C/JOR/CO/6, para. 54.

which lead to patchwork adherence to accessibility standards and insufficient application of sanctions for non-compliance.

20. **The Committee recommends that the State party strengthen the implementation of accessibility standards and the monitoring thereof by, inter alia, clarifying which entities are mandated to monitor implementation, building the capacity of and providing ongoing training to civil servants and experts in charge of monitoring, involving persons with disabilities through their representative organizations in the monitoring and sanctioning of those who fail to apply accessibility standards.**

21. The Committee notes with concern that blind and deaf persons and persons with intellectual and/or psychosocial disabilities face challenges in accessing public buildings, facilities, transportation as well as information and communication services owing to the lack of sign language interpretation, augmentative and alternative communication devices, and easy-to-read and other accessible means, modes and formats of communication, such as pictograms.

22. **The Committee recommends that the State party systematize the provision of public signs in Braille and easy-to-read formats, ensure the provision of live assistance, intermediaries, guides, readers, accessible information kiosks, ticket vending machines, websites, mobile applications and professional and certified sign language interpreters to facilitate access to public buildings, facilities, transportation and information and communication services, in line with the Committee's general comment No. 2 (2014) on accessibility.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

23. The Committee notes that the State party is host to a significant number of refugees. It is concerned about the lack of a comprehensive, accessible and disability-inclusive disaster risk management strategy. It is also concerned that deaf persons are limited to using a certain type of mobile telephone when accessing the emergency hotline service.

24. **The Committee recommends that the State party take into account the Sendai Framework for Disaster Risk Reduction (2015-2030) in adopting and implementing a comprehensive emergency and disaster risk reduction strategy and protocols that are fully inclusive of and accessible to persons with disabilities, including refugees with disabilities. The Committee also recommends that the emergency hotline service be made accessible to persons with disabilities, particularly deaf persons, via the independent technologies platform.**

#### **Equal recognition before the law (art. 12)**

25. The Committee notes with concern that articles 44 and 128 of the Civil Code (Law No. 43 of 1976) and articles 204 and 212 of the Personal Status Law (No. 36 of 2010) deprive persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, of their legal capacity, contrary to article 12 of the Convention.

26. **The Committee recommends that the State party amend its legislation, in particular the Civil Code and the Personal Status Law, so as to recognize the full legal capacity of persons with disabilities, notwithstanding their impairment, on an equal basis with others, and introduce supported decision-making mechanisms, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law.**

#### **Access to justice (art. 13)**

27. The Committee notes with concern that article 3 of the Code of Criminal Procedure (Law No. 9 of 1961) restricts persons with intellectual and/or psychosocial disabilities from filing a complaint directly before the judiciary. The Committee is concerned about the shortage of trained professional and certified sign language interpreters to translate administrative and judicial proceedings for deaf persons and the unavailability of documents in accessible formats to enable blind persons and persons with intellectual and/or psychosocial disabilities to participate in proceedings.

28. **The Committee recommends that the State party, taking into account article 13 of the Convention and target 16.3 of the Sustainable Development Goals:**

(a) **Amend, in a timely manner, the Code of Criminal Procedure to remove all provisions that restrict access to courts by persons with disabilities;**

(b) **Ensure the availability of professional and certified sign language interpreters and documents in accessible formats for all persons with disabilities in order to ensure their full participation in all judicial and administrative proceedings.**

#### **Liberty and security of the person (art. 14)**

29. The Committee notes with concern that, pursuant to article 233 (5) of the Code of Criminal Procedure (Law No. 9 of 1961) and articles 14 and 15 of the Public Health Law (No. 47 of 2008), persons with disabilities may be deprived of their liberty on grounds that they “constitute a danger to themselves or to society” as a result of their impairment.

30. **The Committee urges the State party to repeal the relevant provisions of the Code of Criminal Procedure and the Public Health Law in order to prohibit detention on the grounds of disability, including involuntary placement in hospitals, institutions or prisons, in line with the Committee’s guidelines (2015) on the right to liberty and security of persons with disabilities (art. 14 of the Convention).**

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

31. The Committee notes with concern the reported ill-treatment of persons with disabilities in “shelters”, including cases of physical and psychological abuse, which amounts to torture and cruel and degrading treatment. The Committee is concerned about the reported practice of “protective custody” as a measure to protect women with disabilities from violence by restricting their liberty of movement.

32. **The Committee recommends that the State party ensure that:**

(a) **Investigations are launched into reported cases of cruel and degrading treatment of persons with disabilities in “shelters”, with a view to establishing administrative and criminal responsibility;**

(b) **Persons exposed to torture and ill-treatment have access to independent complaint mechanisms and that victims are legally entitled to and provided with redress and adequate compensation and rehabilitation;**

(c) **Replace “protective custody” with effective measures for protecting women with disabilities from violence while respecting their liberty of movement.**

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

33. The Committee is concerned that articles 8 and 62 of the Criminal Code (Law No. 16 of 1960), which refers to “discipline and what is permitted by law and allowed by customs”, may in practice be used to justify acts of violence against women, girls and boys with disabilities.

34. **The Committee recommends that the State party:**

(a) **Repeal articles 8 and 62 of the Criminal Code to fully prohibit corporal punishment;**

(b) **Mainstream a disability-rights perspective in the work of the National Taskforce on Protection against Family Violence of 2016 and in the new draft law on protection against family violence.**

#### **Protecting the integrity of the person (art. 17)**

35. The Committee is deeply concerned about the practice of subjecting persons with disabilities, especially women and girls with intellectual and psychosocial disabilities, to sterilization, despite its prohibition in the fatwa issued in Decision No. 194-02 of 2014.

36. **The Committee urges the State party to:**

(a) **Cease the practice of sterilization in the absence of the individual's free and informed consent;**

(b) **Adopt the proposed amendments to the Criminal Code, prohibiting forced sterilization,<sup>2</sup> ensure that perpetrators are prosecuted and sanctioned, as necessary, and provide remedies to persons subjected to forced sterilization, including adequate compensation and rehabilitation.**

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

37. The Committee is concerned about the low level of awareness among persons with disabilities of available independent-living support services and ways in which to claim such assistance within their local community.

38. **The Committee recommends that the State party adopt the deinstitutionalization strategy, ensure the allocation of the resources necessary for it to realize its objective of promoting the rights of persons with disabilities to live independently and be included in the family and community, and systematically provide information to persons with disabilities and their families on how to access support services and assistance that would enable them to live independently in accordance with their own choice and as part of the community and the family.**

**Personal mobility (art. 20)**

39. The Committee notes the absence of a systematic framework and public budget dedicated to the acquisition of mobility aids and assistive technologies necessary for the unrestricted personal mobility of persons with disabilities.

40. **The Committee recommends that the State party adopt a dedicated systematic framework and budget to ensure that persons with disabilities can acquire quality and affordable mobility aids and assistive devices, technologies and services necessary for their unrestricted personal mobility.**

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

41. The Committee notes the absence of standards to ensure the accessibility by all of information provided to the public, including through the mass media. It is concerned that the State party has not formally recognized sign language.

42. **The Committee recommends that the State party:**

(a) **Adopt legislative provisions to ensure that information provided to the general public is also available to persons with disabilities in accessible formats and technologies appropriate to different kinds of impairments, in a timely manner and at no additional cost;**

(b) **Officially recognize sign language and promote its use, including by intensifying training and accreditation programmes for sign language interpretation.**

**Respect for home and the family (art. 23)**

43. The Committee notes with concern that article 12 of the Personal Status Law (No. 36 of 2010) require that persons with intellectual and psychosocial disabilities obtain judicial authorization in order to marry.

44. **The Committee recommends that the State party repeal article 12 of the Personal Status Law to ensure that persons with disabilities can exercise their right to marry on an equal basis with others and found a family on the basis of their full and free consent.**

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<sup>2</sup> See CEDAW/C/JOR/CO/6, para. 54; and A/HRC/25/9, para. 118.110.

**Education (art. 24)**

45. The Committee notes the absence of systematic data collection on the enrolment and dropout of children with disabilities in both mainstream and special education schools. It is concerned that many children with disabilities do not enjoy quality inclusive education. It is also concerned that teachers lack training on delivering the mathematics and computers curricula in a manner that is accessible to all, with the result that these curricula are being denied to deaf and blind students.

46. **The Committee recommends that the State party:**

(a) **Recognize inclusive education as the guiding principle of the education system, in line with its general comment No. 4 (2016) on the right to inclusive education:**

(b) **Adopt the draft law on the national plan for inclusive education and involve persons with disabilities — more specifically children — through their representative organizations, in its adoption and implementation;**<sup>3</sup>

(c) **Allocate sufficient financial and human resources to ensure the provision of individual support and reasonable accommodation to enable children with disabilities, including intellectual disabilities, to receive quality inclusive education on all curricula;**<sup>4</sup>

(d) **Ensure systematic collection of data, disaggregated by age, sex, impairment and location, on the enrolment and dropout of children with disabilities in both mainstream and special education schools.**

**Health (art. 25)**

47. The Committee notes with concern the restrictions imposed on persons with disabilities, in particular those with psychosocial or neurological disabilities, to subscribe to private health insurance. It is also concerned that health-care professionals lack training on the human rights of persons with disabilities, particularly those with intellectual and/or psychosocial disabilities.

48. **In line with article 25 of the Convention and Sustainable Development Goal 3, the Committee recommends that the State party:**

(a) **Enact legislation explicitly recognizing the right of persons with disabilities to enjoy all private health insurance services covered by private insurance companies on an equal basis with others;**

(b) **Integrate the human rights-based model of disability into the training curriculum of all health professionals, emphasizing that medical services and treatment to persons with disabilities should be provided with the free, prior and informed consent of all persons with disabilities.**

**Work and employment (art. 27)**

49. The Committee notes with deep concern the high unemployment rate (76 per cent) of persons with disabilities in the State party. It is concerned about the perpetuation of discriminatory legislation and regulations, including article 13 of the Labour Law of 2010, annex (No. 1) of the System of Medical Committees law (No. 58 of 1977) and its regulation (No. 13 of 2014). and article 4 of the Civil Service regulation (No. 30 of 2007) which prevent persons with certain impairments from accessing employment. It is concerned about the discriminatory attitudes towards hiring persons with disabilities, particularly women with disabilities.

50. **The Committee recommends that the State party:**

<sup>3</sup> See CRC/C/JOR/CO/4-5, para. 42.

<sup>4</sup> See A/HRC/25/9, para. 118.114.

(a) **Repeal discriminatory legislation and regulations in order to eliminate the concept of “medical fitness” and ensure individualized assessments are conducted to determine suitability for bona fide occupational requirements;**

(b) **Raise awareness among employers and the general public on the right of persons with disabilities to work;**

(c) **Promote the employment of persons with disabilities in the private and public sectors, including through affirmative action and the adoption of regulations governing reasonable accommodation.**

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

51. The Committee notes with concern the low standard of living of persons with disabilities.

52. **The Committee recommends that the State party, in line with article 28 of the Convention and target 10.2 of the Sustainable Development Goals, intensify its efforts to raise the living standards of persons with disabilities, in particular to support their right to social inclusion and self-reliance and in line with the voluntary commitment made by the State party in the context of the universal periodic review in 2013.<sup>5</sup>**

53. The Committee notes the absence of systematic data collection on persons with disabilities receiving funding for housing and adaptation and on the poverty rate of persons with disabilities.

54. **The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, ensure systematic, up-to-date and appropriately disaggregated data collection, including statistical and research data, on the poverty rate of persons with disabilities and on those receiving funding for housing and adaptation.**

#### **Participation in political and public life (art. 29)**

55. The Committee is concerned that, reportedly, election materials are rarely accessible to blind persons or to persons with intellectual disabilities and polling stations are often not physically accessible. It is also concerned at the reported low number of persons with disabilities competing for public office.

56. **The Committee recommends that the State party:**

(a) **Ensure through legislative and other measures that persons with disabilities are able to access ballots, election materials and polling stations and that, when voting, they are allowed to have assistance from a person of their own choice;**

(b) **Promote the participation of persons with disabilities, especially persons with sensory and intellectual disabilities, in civic and political processes.**

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

57. The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which provides for access to published material by blind persons, persons with visual impairments or persons who have other difficulties in accessing printed materials.

58. **The Committee encourages the State party to take all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.**

<sup>5</sup> See A/HRC/25/9, paras. 118.112-113 and 118.115.



## C. Special obligations (arts. 31-33)

### Statistics and data collection (art. 31)

59. The Committee notes the absence of systematic collection of up-to-date information, including appropriately disaggregated statistical and research data that would facilitate formulation and implementation of policies to give effect to the Convention.

60. **The Committee recommends that the State party collaborate closely with persons with disabilities, organizations representing them and the Washington Group on Disability Statistics to develop a centralized and regularly updated database, with data disaggregated by gender, age, ethnicity, rural/urban population and impairment type so as to enable the formulation and implementation of policies to give effect to the Convention, with due respect for human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy.**

### International cooperation (art. 32)

61. The Committee notes that a disability perspective is not sufficiently mainstreamed in the national implementation and monitoring of the 2030 Agenda for Sustainable Development.

62. **The Committee recommends that the State party collaborate closely with persons with disabilities through their representative organizations to mainstream the rights of persons with disabilities in the implementation and monitoring of the 2030 Agenda for Sustainable Development.**

### National implementation and monitoring (art. 33)

63. The Committee notes with concern the lack of an independent national coordination mechanism in line with article 33 (2) of the Convention.

64. **The Committee recommends that the State party designate an independent mechanism to monitor the implementation of the Convention, in line with article 33 (2) thereof and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), allocate sufficient resources for its operation and ensure the participation of persons with disabilities.**

## IV. Follow-up

### Dissemination of information

65. The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraphs 18 (violence against children with disabilities) and 35 (protecting the integrity of the person) above.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in the relevant ministries, the judiciary, members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities and the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests that the State party disseminate the present concluding observations widely, including to non-governmental organizations and

organizations representing persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including easy-to-read format, and to make them available on the government website on human rights.

**Next periodic report**

69. The Committee requests the State party to submit its combined second, third and fourth periodic reports no later than 30 April 2022 and to include therein information on the implementation of the present concluding observations.

70. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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