

National implementation of the Convention on the Rights of Persons with Disabilities

– Response by the National Centre for Human Rights of Jordan –

15 September 2010

a) Key measures adopted at the national level to implement the Convention on the Rights of Persons with Disabilities, and relative budgetary allocations;

Jordan signed the Convention on the Rights of Persons with Disabilities on 30 March 2007, and ratified it on 31 March 2008. The Convention was then integrated in the domestic legal system through its publication in the National Gazette of Jordan. Jordan adopted the Law on Disabled People Rights (no. 31 of 2007), which repealed the previous law on entitled Persons with Disabilities Care Law (no. 12 of 1993).

The (2007) Law on Disabled People Rights is based on ten principles:

- a) respecting the rights, dignity, freedom and private life of disabled persons;
- b) setting up plans and programmes related to disabled persons;
- c) enabling disabled persons to benefit from equal opportunities and non-discrimination;
- d) the principle of equality of disabled women and men with regard to their rights and duties;
- e) ensuring the rights of disabled children, building their capacities, developing their skills and enhancing their integration in society;
- f) providing reasonable facilities for disabled persons to enjoy their rights and freedoms, and to benefit from certain services;
- g) accepting disabled persons as part of natural human diversity;
- h) integrating disabled persons in all aspects of life through comprehensive developmental plans;
- i) encouraging and enhancing scientific research, exchanging information in the field of disability and collecting information, data and statistics related to disability;

- j) disseminating awareness and education on the issues of disabled persons and their rights.

A Higher Council for Disabled People Affairs was established by virtue of article 6 of the Law on Disabled People Rights (2007), which is consistent with article 33 (1) of the Convention. The Council's mandate includes drawing up, reviewing and following up on the implementation of the policy related to disabled persons in coordination with the concerned entities in order to improve the living conditions of disabled persons and to facilitate their integration in society. The Council also has the power to propose modifications to laws in relation to disabled persons (based on international instruments), as well as regulations necessary to implement the provisions of the Law on Disabled People Rights (2007).

b) Challenges and obstacles to the full implementation at the national level of the Convention on the Rights of Persons with Disabilities;

First, the definition of "discrimination on the basis of disability" contained in the Law on Disabled People Rights (2007) is narrower than that provided for the Convention on the Rights of Persons with Disabilities. The concept of "discrimination" in the Jordanian Law does not make reference to the purpose or the effect of the discrimination, and does not include the denial of reasonable accommodation as a form of discrimination. As a result, the Jordanian Law may hinder, to some extent, persons with disabilities from benefitting from their rights and freedom on an equal footing of the persons without disabilities.

Second, the National Centre for Human Rights has documented a number of problems and obstacles faced by persons with disabilities in their daily lives:

- a) the general lack of facilities for accommodating persons with disabilities, due to the improper enforcement of Construction Code;
- b) payment of comparably lower salaries to persons with disabilities;
- c) refusal by employers to hire persons with disabilities;
- d) non-enforcement of penalties for employers who refuse to hire persons with disabilities;
- e) non-enforcement of parking fines for drivers who do not respect parking spaces reserved for persons with disabilities;
- f) lack of literacy programmes for persons with disabilities;
- g) lack of medical staff dedicated to persons with disabilities, and uniform standards of diagnosis of disability;
- h) high costs for cochlea transplants, which generally cannot be afforded by persons with hearing disabilities;
- i) forced sterilization of mentally disabled women and girls;
- j) lack of a follow-up mechanism for mentally disabled persons after the ages of 16.

Third, major impediments exist to the integration of children with disabilities in schools and educational programmes which negatively affects the enjoyment of the right to education. This is due to a lack of awareness on behalf of teachers, school administrators and pupils. The problem is further exacerbated by parents who refuse to recognize that their child may have a disability; an attitude which deprives the child from receiving proper assistance in order to pursue its development.

c) The existence, scope and content of policies and/or guidelines adopted at the national level to guide international cooperation in support of the Convention;

In 2006, His Majesty King Abdullah II ibn Al Hussein, issued a royal decree establishing a royal committee tasked with drawing up a national strategy for persons with disabilities. The purpose of the national strategy was to raise awareness of the situation faced by persons with disabilities, and to foster a change of stereotypes in Jordanian society. The national strategy, includes performance indicators, and comprises ten headings:

- a) Legislation;
- b) Protection, health and disability;
- c) Education, higher education and scientific research;
- d) Family empowerment and social protection;
- e) Economic empowerment;
- f) Communication and environmental facilities;
- g) Media, awareness and communication;
- h) Habilitation and rehabilitation;
- i) Equal opportunities and interest in public life;
- j) Sport, entertainment and culture.

The Higher Council for Disabled People Affairs, established by the Law on Disabled People Rights (2007), has been mandated with implementing this national strategy. In 2009, a national conference was held to review the strategy. The Higher Council has assumed the strategy's implementation for the years 2010 to 2015.

d) Forms of international cooperation that, at bilateral and multilateral level, as a complement to national efforts, can play a key role in assisting in the realization of the Convention at the national level;

Under article 7 of the Law on Disabled People Rights (2007), the Higher Council for Disabled People Affairs has the authority to cooperate with national, regional and international institutions and authorities relating to issues of persons with disabilities. The Council may also represent the Hashemite Kingdom of Jordan in Arab, regional and international institutions and organizations with regard to issues of persons with disabilities.

The National Centre for Human Rights has also been very active in realizing the goals of the Convention. In 2005 the NCHR accepted the invitation of the Special Rapporteur on Disability of the Commission for Social Development to participate in a dialogue concerning the rights of persons with disabilities in the Middle East and North Africa region, in lieu of the eventual adoption of the Convention on the rights of persons with disabilities. The NCHR made a significant contribution to this process, particularly by supporting the principle of equal legal capacity of persons with disabilities, as reflected by article 12 of the Convention.

The NCHR supported the Jordanian government's efforts for the ratification of the Convention, through a special committee established to this effect. It also participated in the drafting of the Law on Disabled People Rights (2007).

In 2008, it also signed a joint Memorandum of Understanding with the Higher Council for Disabled People Affairs and with the British Council in order to enhance the effective participation of persons with disabilities and integrate them into Jordanian society on the basis of equality and equal opportunities. Pursuant to this Memorandum, a non-official network entitled "Opportunity for All" was established, consisting of representatives of 101 civil society organizations and governmental bodies concerned with issues of disability.

The NCHR held several panels and workshops, which targeted civil society institutions, governmental officials, members of the media, and civil society, in order to raise awareness in Jordan with regard to the principles contained in the Convention. It also concluded two specialized studies; the first examined the Disabilities in the Kingdom Pursuant to the National Legislature and the International Criteria. The second related to the Analyzing the Content of Jordanian Daily Newspapers on Persons with Disabilities.

The NCHR continues to coordinate and network with governmental and nongovernmental bodies for the implementation of campaigns aimed at to enhancing the rights of persons with disabilities and their participation in society, as stipulated in the Convention.

Finally, the NCHR is currently engaged in drafting the first parallel report on the Convention on the Rights of Persons with Disabilities, according to the article 33 (2) of this treaty.

e) Examples of engagement in international cooperation and assessment of their impact on promoting the realization of the Convention;

Two examples may be cited, in addition to the signing of the Memorandum of Understanding, stated above.

First, the NCHR participated in a conference regarding the legal capacity of persons with intellectual disabilities, held at Harvard Law School in February 2010, in the United States.

Second, a roundtable was held on 23 May 2010 at the premises of the NCHR, under the patronage of H.R.H. Prince Raed bin Zeid, head of the Higher Council for Disabled People Affairs, entitled "The legal capacity of the Persons with Disabilities, with a special focus on intellectual disability." This particular issue was discussed at a national level and papers were presented on this topic, which analyzed international instruments and domestic legislation. Also, a psychiatrist was invited to discuss the various aspects of this issue.