

Accessibility: Disability and the Law

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October 2017

The Rights of Disabled Persons Law Number 20 of 2017 (the “Law”), effective from 30th August 2017, repeals and replaces the previous law issued in 2007. The Law introduces a robust legislation offering rights and protection to disabled persons in education, healthcare and workplace, amongst other things. The Law also emphasises the importance of raising public awareness of the rights of the disabled.

For the purposes of the Law, a person is deemed to be disabled if he/she has a long-term incapacity (i.e. a disability lasting for a minimum of 24 months from treatment or rehabilitation) in physical, sensual, mental, psychological or neurological functions resulting in preventing that person from performing basic life activities or exercising their rights and basic freedoms independently.

In order for the disabled persons with long-term incapacity to enjoy the protections and rights granted by the Law, they must be Jordanian citizens and obtain an “identification card” that encompasses personal identification as well as details pertaining to the disability, its nature and degree. These protections and rights include the following:

Education

Every disabled person is entitled to education. As such, the Law prohibits any educational institution from excluding any individual based on, or due to, their disability. In the event an educational institution fails to accommodate to the needs of disabled persons, including but not limited to accessibility and availability of Braille, the Ministry of Education shall be obliged to offer such persons with alternative solutions or institutions.

Additionally, the Ministry of Education (in association with the Higher Council for the Rights of Disabled Persons (the “Council”)) has, inter alia, the following responsibilities:

- Incorporating the educational requirements for disabled persons into public policies, strategies and educational programmes;
- Acceptance and integration of disabled persons in educational institutions;
- Providing accessibility solutions in public educational institutions, and ensuring that private educational institutions provide the same. The Ministry of Education shall not license any private educational institution which fail to offer such solutions; and
- Revising educational curricula and integrating awareness on the rights of disabled persons and their inclusion in society.

The Law further incentivises the involvement of disabled persons in education by setting a cap to the fees for enrollment in public institutions for higher education at 25%.

Healthcare

Hospitals and medical centres are required, under the Law, to ensure that their facilities are accessible to persons with a disability. The Jordanian government has emphasised the importance of adhering to this obligation, whereby failure to comply would deny hospitals and medical centres from licensing or the renewals thereof. As such, all hospitals and medical centres are required to

rectify their status as per the provisions of this Law within a maximum of five (5) years.

The Law identifies various actions that must be undertaken to ensure the rights of disabled persons are protected. For example, all medical, technical and administrative staff working in hospitals are required to receive training for effective communication with disabled persons (including seeking their informed consent for medical procedures, and supplying leaflets in Braille), as well as methods for detecting and handling physical and mental abuse.

In securing the availability of healthcare to disabled persons, the Ministry of Health, in coordination with the Council is required to issue an insurance card for each disabled person with an identification card. The insurance covers medical and rehabilitation services, including medical surgeries, medication, artificial limbs, hearing and visual aids, physiotherapy, psychological and behavioral treatment. The Law ensures that insurance companies do not exclude disabled persons from medical or life insurances based on, or due to, their disability by deeming any such condition void.

Work

As for education and healthcare, the Law prohibits the exclusion of a person from work, training or the opportunity of progression in their careers based on, or due to, their disability. Additionally, given that work is deemed an essential right for disabled persons, no job listing shall require that the applicant be free from any disability.

The Ministry of Labour and Vocational Training Corporation, in coordination with the Council, shall:

- Incorporate measures that guarantee assimilation of disabled persons into the policies, strategies, plans and programmes related to work, vocational and technical education in order to facilitate equal opportunities; and
- Prepare vocational training curricula in Braille.

In addition to the above, Jordanian law has incorporated quotas for the employment of disabled persons depending on the size of the corporation, whether public or private. Corporations employing 25 to 50 individuals must hire at least one (1) disabled person. In the event the corporation employs more than 50 individuals, up to 4% (or as decided by the Ministry of Labour) of such corporation's workforce must consist of persons with disabilities. To ensure compliance with such requirements, the Law requires that private institutions prepare periodic reports to the Ministry of Labour relating to the number of disabled employees, the nature of their work, the salaries they obtain and the accessible facilities and services offered to them.

To further encourage the financial independence of disabled persons, the Development and Employment Fund (in coordination with the Council) shall, amongst others, allocate a percentage of facilitated loans to finance projects for disabled persons and their families, as well as promote the participation of organisations concerning disabled persons and local communities in designing and executing anti-poverty projects, programmes and other occupational opportunities.

The Law does not merely insist on protecting the rights of disabled persons in educational institutions, medical centres or corporations, but also advocates for the political participation of persons with disability whether through nomination or voting at municipal, parliamentary or general elections. To that end, the Law requires the accessibility of polling stations and providing sign language interpreters, in addition to permitting the companionship of caretakers to ballot boxes. Essentially, the Law protects the right of disabled persons to assembly and association.

Litigation

The Law preserves the rights of disabled persons to litigate, and guarantees due process.

Accordingly, the Ministry of Justice and the Ministry of Interior, in coordination with the Council are obliged to train certified experts to facilitate effective communication with disabled persons throughout the investigation and litigation proceedings. To achieve effective communication, the Ministry of Justice and the Ministry of Interior shall make available legal sign language translators, educational experts for persons with mental incapacities, and experts to communicate with blind and deaf individuals.

In the event of violence against disabled persons, individuals are obliged to report such offence to the police. For the purposes of this Law, violence is understood to include any action or omission that results in prohibiting any disabled person from any right or freedom or limiting their exercise of any of such rights or freedoms, in addition to any physical, mental or psychological harm inflicted based on, or due to, the disability. In order to fully guarantee such protection, the Law ensures that any reports on violence against disabled persons remains anonymous during and after litigation proceedings, including allowing anonymous testimonies.

Public Services and Facilities

It is required that all public facilities, including tourist and religious venues, rectify their status to ensure accessibility to disabled persons and comply with the general conditions of the Law, provided that such facilities commence rectification within one (1) year of the effective date of the Law and finalise by no later than ten (10) years. It is worth noting that occupancy permits or licenses would not be issued to public or private buildings, unless such facilities comply with accessibility requirements stipulated under the Law.

Additionally, the Public Civil Defense, in coordination with the Council must provide emergency service in a manner which accommodates to the needs of disabled persons, including personnel with the ability to communicate through sign language.

With respect to traffic and public transportation, new methods shall be implemented within five (5) years of the effective date of the Law to ensure the safety of disabled persons. New methods include the availability of audible traffic lights, and means to allow for accessibility in taxis and public buses.

The Law exempts certain categories of services for disabled persons from tax, subject to certain conditions. Generally, these services include accessibility tools, buses, and private vehicles.

Raising Awareness

In order to combat stigma revolving around disability and the role of disabled persons in society and local communities, the Law requires media and religious awareness by obliging the Media Commission, Jordanian Press Association and other media and journalistic institutions to the following, amongst others:

- Advocate for the rights of disabled persons and use of terminology that is respectful to them;
- Refuse licensing or renewals thereof of any media outlets, including online media presence, unless they are optimised to be accessible for disabled persons; and
- Train journalists and persons in the media industry on how to positively address issues pertaining to disabled persons and the stereotypes associated with them.

On the religious side, the Ministry of Awqaf and Islamic Affairs and the Council of Churches are required to promote the rights of disabled persons and their acceptance in society as part of the general religious rhetoric. Additionally, religious curricula shall be revised, in coordination with the Ministry of Education, to instill the values of diversity and acceptance.

Penalties

The Law sets out the penalties for any person that commits violence against disabled persons, with imprisonment for no more than one (1) year and/or a penalty of no more than JOD 1,000, to be duplicated upon reoccurrence of breach.

With respect to breaches involving employment rights of disabled persons, the Law stipulates that any person that refuses to employ a person based on, or due to, their disability shall be fined with a penalty between JOD 3,000 and JOD 5,000.

As highlighted above, the Law introduces and solidifies the rights and protections granted to individuals with disabilities, a necessary step in combating the marginalisation of such individuals over the past decades. However, awareness and acceptance by local communities remains crucial for the true spirit of the Law to be fully realised, and the fruition of its provisions shall be contingent on the manner in which it is implemented.