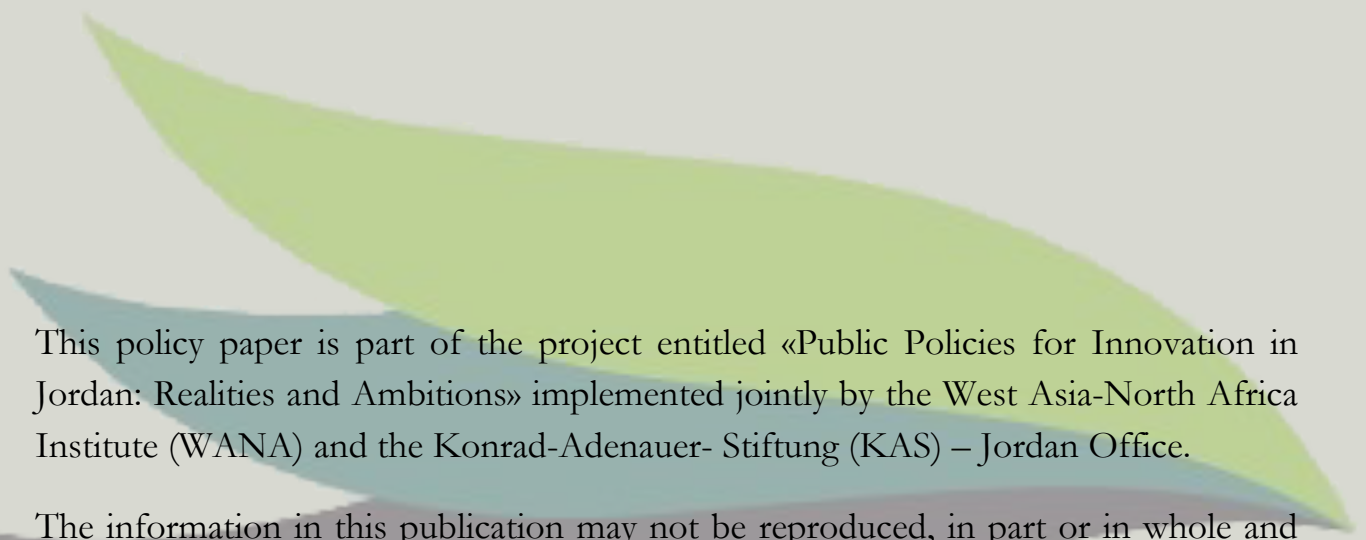


# Overview of the Challenges Facing the Realisation of Accessibility for Persons with Disabilities in Jordan





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## Executive Summary

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This policy paper offers a review of the existing policies on accessibility for persons with disabilities (PwD) in Jordan and sheds light on their experiences in order to identify gaps that hinder the adoption of these policies.

In 2007, Jordan became a signatory of the International Convention on the Rights of Persons with Disabilities (CRPD). Nevertheless, access to public services, education, and health continue to be a challenge for PwD in Jordan, who make up about 11% of the population. More than 14 years have passed since Jordan ratified the CRPD, and yet there is a need to ensure effective adherence to the convention and Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities.

This paper discusses how people with disabilities actually experience accessibility, in order to contribute to closing the gap between the policies and the lived realities of accessibility and inclusion of PwD in society. The paper focuses on the experiences of persons with mobility and visual disabilities and provides an overview of public policies relating to physical accessibility in Jordan.

The findings indicate the need for a higher engagement level between civil society organisations and policymakers. It emphasises the need to work on the enforcement of the laws and policies instituted for the rights of persons with disabilities, as well as the creation of instruments to ensure their community participation. The paper aims to start a dialogue between individuals and policymakers to activate the implementation of related policies in place on accessibility in the country, and it concludes with recommended actions necessary to ensure the dialogue between the government and the community of PwD.

## 1 Introduction

In countries with limited resources, accessibility remains a long-term goal for Persons with Disabilities (PwD). The Higher Council for the Rights of Persons with Disabilities (HCD) was established by virtue of the Law on the Rights of Persons with Disabilities No. (31) for the year 2007 as the Higher Council for the Affairs of Persons with Disabilities<sup>1</sup>. The International Convention on the Rights of Persons with Disabilities (CRPD) states that all PwD must enjoy all human rights and fundamental freedoms. In 2007, Jordan became a signatory of the Convention. In 2015, the number of individuals with a disability in Jordan aged five years and over, reached (651,396).<sup>2</sup> Out of every nine individuals aged five years and more, there is a person with a disability, at a percentage of 11%.<sup>3</sup> Accessibility and availability of inclusive public services, education, and health continue to be a challenge for PwD.<sup>4</sup> There is a discrepancy between the breadth of knowledge of the lived experience of disability in Jordanian society and the relevant accessibility enabling policies. In other words, there are some gaps between the policies set on paper and the realities of implementation. Moreover, there is a need for more government-led initiatives in place to foster an ongoing public discussion that highlights individual experiences on accessibility issues more frequently than just at the points of policy reports.<sup>5</sup> This paper will provide an overview of the policies in Jordan and seek to illuminate the experiences of PwD in relation to the issue of accessibility.

"Accessibility" means that a person with a disability has the same opportunity as a person without a disability to "obtain the same information, engage in the same interactions, and enjoy the same services in an equally effective and equally integrated manner, with substantially equivalent ease of use".<sup>6</sup> The Jordanian Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities also defines accessibility as the "Preparation of buildings, roads, facilities and other public and private places in

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<sup>1</sup> "Our Council", *Higher Council for the Rights of Persons with Disabilities*, <http://hcd.gov.jo/en/content/our-council-0>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Stephen Thompson, "The Current Situation of Persons with Disabilities in Jordan," *OpenDocs Home*, IDS, Aug. 3, 2018, <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/14064>.

<sup>5</sup> Joyojeet Pal et al., "A Capabilities View of Accessibility in Policy and Practice in Jordan and Peru," *Review of Disability Studies* 10, no. 3 & 4 Jan. 21, 2015, <https://doi.org/https://www.rdsjournal.org/index.php/journal/article/view/466>.

<sup>6</sup> "What Does Accessibility Mean", *NC State University*, 2022, <https://cutt.ly/P1cUKMN>



accordance with the Building Requirements Codes for Persons with Disabilities publicly available, and in line with the provisions of the Jordanian National Building Law and any special standards that are issued or approved by the Council [HCD]”.

Accessibility is also the design of products, devices, services, vehicles, or environments to be usable by persons with disabilities. Depending on the type of disability, there are various types of relevant accessibility solutions. Persons with visual impairment, for example, require visual accessibility features to gain access to physical locations and information. This necessitates the accessibility of both physical facilities and information sources, such as digital and paper sources. The Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities, includes a definition for the ‘Forms of Accessibility and Reasonable Accommodation Arrangement’, that it is the modification of environmental conditions in terms of time and space to ensure that a person with a disability is not prevented from exercising a right or a freedom or achieving access to a service on the basis of justice.<sup>7</sup>

Suitable employment of innovation and technological advances has proven to provide accessibility solutions for PwD. However, Assistive Technology (AT), which refers to products or systems that support and assist individuals with disabilities, restricted mobility or other impairments to perform functions that might otherwise be difficult or impossible,<sup>8</sup> are usually costly, and it is rather difficult to adapt the technology to a specific local context.

This paper provides an account of the experiences of PwD in order to identify gaps that hinder the enforcement of these policies on the ground. This paper aims to start a dialogue between individuals and policymakers to activate the implementation of the rights and policies in place on accessibility in the country. The focus of this paper will be on mobility and visual accessibility for the purposes of developing feasible recommendations.

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<sup>7</sup> Hashemite Kingdom of Jordan, “The Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities”, 2017 <https://cutt.ly/f1cUdGx>

<sup>8</sup> UK Government, Medicines & Healthcare Products Regulatory Agency, 2021. Guidance ‘Assistive technology: definition and safe use’. <https://cutt.ly/71cY0V7>

## 2 Disability Policies in Jordan

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The Law No. (20) for the Year 2017 came to replace Law No. (31) for the Year 2007 on the Rights of Persons with Disabilities, which was introduced shortly after Jordan signed the International Convention on the Rights of Persons with Disabilities in March of 2007<sup>9</sup>. A group of community-based organisations (CBOs) and activists assembled an independent report in January 2012<sup>10</sup> that examined the development of particular convention provisions and gave an unfavourable evaluation of the progress. The shadow report also earmarked the major challenges of the years prior to 2012.<sup>11</sup>

The national perspective for addressing disability concerns is laid out in the National Disability Action Strategy of 2007, which was established by a royal decree by King Abdullah II in 2006, and used a two-phase approach (Phase I: 2007-2009 and Phase II: 2010- 2015). Some literature raised concerns related to the foundations of the formulation of the strategy. The centralised manner of policy-making in Jordan suggests a top-down approach to disability policy that is informed by the store of consolidated knowledge that is readily available, as opposed to a strategy centred on public debate. The discrepancy between the breadth of knowledge of the lived experience of disability in Jordanian society and the subsequent policy has drawn criticism.<sup>12</sup>

The Higher Council for the Rights of Persons with Disabilities (HCD) is a policy-making organisation and is responsible for monitoring and follow-up of nationwide compliance with the provisions of the Law on the Rights of Persons with Disabilities.<sup>13</sup> The HCD provided Assistive Technology devices for persons with

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<sup>9</sup> "Our Council", *Higher Council for the Rights of Persons with Disabilities*, <http://hcd.gov.jo/en/content/our-council-0>

<sup>10</sup> Dr. Muhannad Al-Azzeh, 2012. 'Mirror of Reality and a Tool for Change: Civil Society Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan'. CRPD Jordan Coalition. <https://cutt.ly/U1cY7Lk>

<sup>11</sup> "Shadow Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan, 2017. Information and Research Center - King Hussein Foundation (IRCKHF- Identity Center, I am Human Society for Rights of People with Disabilities. <https://cutt.ly/n1cUiv2>

<sup>12</sup> Ibid.

<sup>13</sup> Our Council", *Higher Council for the Rights of Persons with Disabilities*, <http://hcd.gov.jo/en/content/our-council-0>

disabilities, which was not part of their original mandate.<sup>14</sup> The Higher Council's decision to provide computers and screen readers to individuals directly as part of its AT investments demonstrated the need to connect to PwD realities. This is because many recipients then went on to resell in the open market.<sup>15</sup>

Since many charity associations and NGOs specialising in service provision for PwD are subject to the Ministry of Social Development (MoSD), which grants them licences, their role in policy-making remains limited due to the NGOs' affiliation with the state.<sup>16</sup> Many NGOs are now focusing on service delivery rather than advocacy and awareness raising.<sup>17</sup> There are various policy-related areas where the HCD's activity and that of a number of other organisations, including the Ministries of Health and the Ministry of Education, intersect. For instance, providing PwD with health or educational services.

The following subsections will provide an overview of issues of accessibility regarding private and public sector buildings, and public transportation.

## 2.1 Buildings

In 2019, the government launched the National Social Protection Strategy for the years 2019-2025, one of many efforts initiated to enhance the quality of the service for persons with disabilities. In 2022, the government also passed an amendment to the constitution. The amendments are made to paragraph 5 of Article 6 of the Constitution to read “The law shall protect the rights of persons with disabilities and promote their participation and inclusion in various walks of life. It shall also protect motherhood, childhood, and the elderly, take care of youth and prevent abuse and exploitation.”. Before the amendment, the paragraph read: “The law shall protect motherhood, childhood, and the elderly, take care of young people and people with

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<sup>14</sup> Joyojeet Pal et al., “A Capabilities View of Accessibility in Policy and Practice in Jordan and Peru,” *Review of Disability Studies* 10, no. 3 & 4 Jan. 21, 2015, <https://doi.org/https://www.rdsjournal.org/index.php/journal/article/view/466>.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Interview with Mr. Rafat Al-Zitawi, July 2022. Directorate of Accessibility and Comprehensive Design Directorate. Higher Council for the Rights of Persons with disabilities.



disabilities and protect them from abuse and exploitation”.<sup>18</sup> The amendment grants persons with disabilities the right to take an active role in all walks of life. It is estimated that the amendment will bring about a gradual change in the pursuit of persons with disabilities’ rights. Accordingly, it is clear that better accessibility for persons with disability is legally guaranteed in a manner that ensures that the quality of accessible infrastructure is within the building codes.

Jordan’s Law No. (31) of 2007 on the rights of PwD outlines special rules and procedures for accommodating PwD needs in all public and private sector buildings in Article 4/E. Whenever practical, these instructions should be applied to already-existing structures. The 2020 National Jordanian Building Code's guiding principles and areas of applicability are established by the National Building Council formed according to the National Building Law of 1993. For each violation of the requirements of the building codes established in alignment by that law, Article 13 stipulates "a fine no less than one hundred Jordanian Dinars and no more than three thousand Jordanian Dinars". The building code was established by a law and it became effective once it was published in the Official Gazette, yet there is still a lot of work to be done to coordinate among the relevant organisations to ensure the activation and enforcement of this law.

The National Building Council updated the national building codes in 2018. The updated codes include building requirements for the disabled individual, which indicates a positive and significant step forward. It is imperative that policy is regularly adjusted due to the quickly changing requirements of disability and the workplace, particularly concerning the development of AT.<sup>19</sup>

A clause addressing environmental facilities and accessibility is part of the National Strategy for Persons with Disabilities (NSPD), developed by the HCD, which was divided into two phases: Phase I (2007-2009) and Phase II (2010-2015). Although the NSPD-II has 28 actions aimed at different actors, none of them is focused on ensuring that technology, information systems, new media, and the Internet are accessible to persons with disabilities.

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<sup>18</sup>“Constitutional amendments ‘a positive step’ for people with disabilities — HCD’s AzzeH” *Jordan Times*, Jan. 12 2022, <https://www.jordantimes.com/news/local/constitutional-amendments-%E2%80%9898-positive-step%E2%80%9999-people-disabilities-%E2%80%9494-hcds-azzeH>

<sup>19</sup> Hashemite Kingdom of Jordan, “Jordanian National Building Codes”, 2018. <https://cutt.ly/n1cANZc>

The CRPD shadow report of 2017, recommends that the National Building Code be put into effect and that deterrent clauses relating to monetary and administrative fines and penalties against those who violate its terms be enacted. It is worth noting that the Ministry of Public Works and Housing, in cooperation with the HCD, launched a 10-year national action plan for the years 2019-2029 to improve buildings and public utilities' accessibility, indicating a positive step forward.<sup>20</sup>

## 2.2 Transportation

Article no. 36 Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities mentions that the Ministry of Transport, Land Transport Regulatory Commission, Greater Amman Municipality (GAM), and other transport authorities should oblige all public transport companies to make all buses accessible for persons with disabilities, and to allocate two seats for persons with disabilities on public transport buses as necessary. PwD are not mentioned in any of the components of the 2021-2023 Ministry of Transport (MoT) Executive Strategic Plan. The Land Transport Regulatory Commission, one of the MoT affiliates, is in charge of fitting public vehicles with PwD accessibility features. The Commission emphasised that they aim to reach this standard so that persons with disabilities can take advantage of the service.<sup>21</sup> According to GAM's figures, the percentage of streets, parks, hotels, and other locations that have been modified to accommodate persons with disabilities is at best 6 per cent, and there are just 29 accessible main streets in Amman, the capital.<sup>22</sup> The launch of the National Plan for Rectifying Existing Buildings and Public Facilities 2019-2029 aims at rectifying the situation and rendering accessible at least 60% of facilities and public buildings, which provide services to the public by 2029.

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<sup>20</sup> Accessible Jordan, "The national plan to correct the conditions of buildings and Public Facilities 2019 – 2029". <https://www.accessiblejordan.com/uploads/2019/03/hcd-accessibility-leafletar.pdf>

<sup>21</sup> Joyojeet Pal et al., "A Capabilities View of Accessibility in Policy and Practice in Jordan and Peru," *Review of Disability Studies* 10, no. 3 & 4 Jan. 21, 2015,

<sup>22</sup> "Shadow Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan", *Information and Research Center - King Hussein Foundation (IRCKHF)*, 2017, [https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/JOR/INT\\_CRPD\\_CSS\\_JOR\\_27000\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/JOR/INT_CRPD_CSS_JOR_27000_E.doc)

There are some gaps between the policies set on paper and the living experiences of PwD. While the CRPD promotes AT for better economic inclusion, the experiences of persons with disabilities tell a different story. Examining the disconnect between the independence and aspiration that AT can foster and the institutional disadvantages and employment-related labelling observed can help bring about a better understanding of the various forms of capacity deprivation that exist in real life.<sup>23</sup>

The next sections will lay out the methodology used to understand the lived experiences of PwD, and it will discuss the researcher's main findings and observations.

### 3 Methodology

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Four semi-structured interviews were conducted with PwD (2 males and 2 females). One interview was conducted with the Head of the Accessibility Department at the Higher Council for the Rights of Persons with Disabilities. The interviewees were selected according to the following criteria: of over 18 years of age, with a recognised physical disability or visual disability. Secondary data came from a desk review of the relevant policies for the Ministry of Social Development, Ministry of Transport, and Ministry of Public Works and Housing.

Several informal meetings and discussion groups were conducted with social workers and physical disability educators to formalise the final list of interview questions. Accordingly, the questions focused on the following themes: issues about AT and accessibility, availability of AT or devices, the effect of AT aid on their participation in the community and livelihood, and engagement in policy and decision-making.

### 4 Findings

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#### 4.1 Policies concerning accessibility exist but are not applied

The legal and policy framework for accessibility is present but not fully implemented, according to the interviewees. One interviewee said; "I have been advocating for our rights for over a decade, and just now they started offering few buses that have a

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<sup>23</sup> Ibid.

ramp for persons like me – [referring to PwD who used a wheelchair]”. Another interviewee shared “I know about the international conventions and the law for people with disabilities, but it's all just talk”.

## 4.2 There is a gap in communication between policymakers and Persons with Disabilities

HCD is cooperating with the Ministry of Public Works and Housing, the Greater Amman Municipality and the municipalities as well as their governing bodies to follow up on the implementation of the 10-Year Plan on Rectifying Existing Buildings and Public Facilities, which was developed in response to The Law No. (20) for the Year 2017 on the Rights of Persons with Disabilities. In addition, the council works on developing the standards necessary for accessibility.

The PwD interviewed claimed that there is hardly any dialogue with the HCD or any government authority pertaining to their rights or needs. They mentioned that they are not aware of the HCD's activities. The head of the accessibility department at the Higher Council for the Rights of Persons with Disabilities noted the lack of awareness amongst the community about their mandate, as well as the lack of channels in place that aim at ensuring a clear path of communication with PwD, with the exception of the complaint tool available at their website. The HCD's role is dedicated to working with and collaborating with other governmental organisations to provide the necessary services for PwD. “To be honest, I don't know what the HCD does”, one interviewee said. The head of the accessibility department at the Higher Council for the Rights of Persons with Disabilities said that the Council provides knowledge-based technical support to the various organisations within the public and private sectors so that their facilities and buildings are rendered accessible per the Building Code Requirements for Persons with Disabilities, including via the provision of reasonable accommodations and accessible formats.

## 4.3 Availability of accessible facilities and work opportunities remains a major barrier to inclusion

It was noted that the availability of accessible facilities and the enforcement of labour laws are at the top of the priority list for persons with disabilities, as they face a variety of challenges. However, accessibility and the opportunity to lead a functional and independent life through the provision of work opportunities are one of the main

indicators of marginalisation, as stated by their personal experiences and reflections. “I left my previous job because there wasn’t a toilet for me, [a wheelchair user]”. “I have been working at my current job for three months. Every morning I call on two guys I work with to come and carry me because there isn’t a ramp at the entrance, and my boss keeps ignoring my request to install one”.

#### 4.3.1 There is a need to create a shift in the CSOs role from service provision to real participation in social, economic and political life

The head of the accessibility department at the HCD stated in an interview that CSOs have contributed to the immobilisation of PwD’ political engagement by focusing on providing services rather than raising awareness and activating their political engagement, noting that many PwD are unaware of their rights and available services. According to Dr. Muhannad Al-Azzeh, the General Secretary of HCD, the lack of enforcement of the Convention on the Rights of Persons with Disabilities (CRPD) protocol, affects the civic engagement of PwD.<sup>24</sup> The head of the accessibility department at the HCD reported that the CSOs could support the further engagement of the community and act as a mediator between the government and the community of PwD by working to advocate for or raise awareness of the rights of people with disabilities, instead of focusing only on service delivery.

## 5 Conclusions and Recommendations

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There is still a long way to go for Jordan to be accessible and provide quality services for PwD; however, proceeding without the proper dialogue with the local community seems to be delaying the process. Representatives from the local community mentioned that they feel like their needs and requirements are not heard by the policymakers, and are only noticed by international NGOs, and donors. From the government side, the head of the accessibility department at the HCD mentioned that the CSOs should play a bigger role in advocating for the rights of PwD and raising their awareness about their rights. People with disabilities should play a greater role in advocacy. Therefore, there needs to be a true effort from the policymakers

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<sup>24</sup> Dr. Muhannad Al-Azzeh, 2012. ‘Mirror of Reality and a Tool for Change: Civil Society Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan’. CRPD Jordan Coalition. <https://cutt.ly/U1cY7Lk>

and government institutions to actively engage the community of PwD in the decision-making process, ensuring that they are engaged in all aspects of the government's work and strategies.

The 2017 Shadow Report,<sup>25</sup> has advised that by signing the CRPD optional protocol, CSOs would be granted a larger contribution and bridge the gap between the community and the government, to ensure engagement and partnership with the HCD while ensuring proper communication channels for PwD concerns. CSOs can help direct the government on the real needs and priorities of the PwD community.

Below are a few of the recommended actions to help start the dialogue between the government and community of PwD, as well as resolve some of the challenges highlighted in the findings section above.

1. The HCD and the MoSD, should establish a communication instrument dedicated to the advocacy and awareness raising for PwD on their rights, available services, and functions of each government entity.
2. The government institutions (MoSD, Municipalities, MoT, Ministry of Public Works and Housing, HCD) must prioritise the issue of physical accessibility in order to collaborate on the implementation of relevant policies. This can be accomplished by overseeing the implementation of time-bound commitments and actions to improve accessibility.
3. The HCD should spearhead an initiative to activate the role of CSOs in raising awareness of PwD rights and government services.
4. The HCD should collaborate with various international donors to direct their attention and support to assist CSOs' engagement in policy and decision-making.
5. The media should realise their significant role in contributing to raising awareness and highlighting the rights of PwD and any relevant issues at any particular time.

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<sup>25</sup> "Shadow Report on the Status of Implementation of the Convention on the Rights of Persons with Disabilities in Jordan", *Information and Research Center - King Hussein Foundation (IRCKHF)*, 2017, [https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/JOR/INT\\_CRPD\\_CSS\\_JOR\\_27000\\_E.doc](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/JOR/INT_CRPD_CSS_JOR_27000_E.doc)



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