**NCHR Response to the Questionnaire on "the rights of older persons with disabilities"**

1. **Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability.**

The Jordanian Constitution and its amendments for the year 2011 protects the rights of older persons, as paragraph (5) of article (6) stipulates: "The law protects motherhood, childhood and the elderly and cares for youth and the person with disabilities and protects them from offense and exploitation”.

1. Please provide information on discrimination against older persons with disabilities in law and practice.

 The Jordanian Constitution and its amendments provides in paragraph (1), article (6) that: “Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion”.

1. **Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas:**
* **Exercise of legal capacity;**
* **Admission procedures to social or healthcare services, including involuntary admissions;**
* **Older persons with disabilities living in institutions;**
* **Access to support to live independently in the community;**
* **Access to free or affordable healthcare:**
* **Access to free or affordable rehabilitation goods and services;**
* **Access to social protection schemes; and**
* **End of life and palliative care.**
1. The Exercise of the Legal capacity:

The Jordanian legislator protects persons’ rights to legal capacity and entitled them to exercise their civil rights, as stipulated in article (43) of the Civil Code "1.  [[Every individual who has reached the age of](https://context.reverso.net/translation/english-arabic/Every%2Bindividual%2Bwho%2Bhas%2Breached%2Bthe%2Bage%2Bof) majority, is in possession of his mental faculties](https://context.reverso.net/translation/english-arabic/all%2Badults%2Bin%2Bpossession%2Bof%2Btheir%2Bmental%2Bfaculties) and [not having been deprived](https://context.reverso.net/translation/english-arabic/not%2Bhaving%2Bbeen%2Bdeprived) of legal capacity is fully competent to exercise his civil rights." 2. "The age of majority is 18 full solar years".

Whereas the protection of the rights of a non-Jordanian person in case of legal incapacity is provided for in article (17) of the Civil Code: “The law of the person to be protected shall be applicable to the substantive matters of guardianship, wardship and trusteeship and other systems designed to protect the absent and missing persons.

1. The government has not set up shelters for older persons, but there are private sector shelters established under the 2014 Residential Care Facilities Licensing Regulations.

 With the aim of integrating older persons into society, following the NCHR recommendations contained in its 2017 Periodic Report on the Conditions of Older Persons, which monitored their situation in shelters and day care centres. In addition, the National Council for Family Affairs, with the participation of NCHR, formulated the National Strategy for the Rights of Older Persons (2018-2022) to implement health and social services programs, based on the principles of independence, social integration, long-term care, independence, autonomy and participation.

As for the right to end life and palliative care, the Penal Code, drawn from the Islamic law, states that that termination of life is punishable as being considered a suicide as set out in article (339):

1. “Whoever instigates a person to commit suicide or assists him/her to kill himself/herself using the methods listed in article (80) shall be punished by a term of temporary detention”.
2. In the case of attempted suicide, that person shall be liable to imprisonment from three months to two years and the penalty shall be up to three years if it results in permanent harm or disability.
3. **Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.**

Older persons are included in the health insurance coverage since January 1, 2018 by a decision of the Prime Minister and pursuance to the Regulations on the Civil Health Care Coverage for the year 2014 as amended, which provides that “the contributions for the health insurance of all Jordanians over 60 years shall be covered by the public expenditure. The Regulations shall come into force from the date of its publication in the Official Gazette.

Older persons with disabilities are protected under the Law on the Rights of Persons with Disabilities, as article (23) stipulates the following:

The Ministry of Health, Food and Drug Administration (FDA), and other relevant authorities shall, in accordance with their area of competence, undertake the following in coordination with the Council:

a. Mainstream the requirements for access for persons with disabilities to health programs and services, as well as to food and drug information within the relevant policies, strategies, plans and programs.

 b. Provide reasonable accommodation, accessible formats along with accessibility to hospitals and affiliated medical centers, and oblige non-governmental hospitals and medical centers to provide the same standards on the grounds that such accommodation and accessibility constitute one of the conditions for granting and renewing the licence.

 c. Rectify the conditions at hospitals and medical centers that were established and licensed before this Law went into effect in order to be in compliance with this Law no later than (5) years from the date Page 9 of 17 on which this Law has gone into effect according to procedures determined by the Minister of Health.

d. Qualify and train the medical, technical, and administrative personnel working at hospitals and medical centers in coordination with the Council in terms of methods and ways of communication with persons with disabilities in order to ensure that these persons will be able to explain and express their free and informed consent in relation to the medical interventions performed on them, and to ascertain access by the persons with disabilities to health services and programs.

e. Design and implement programs of early detection of disability at maternity and childhood centers and comprehensive health centers and programs of comprehensive diagnosis for persons with disabilities, and provide programs and services that will prevent the aggravation of their disabilities and related illnesses.

f. Provide programs in occupational therapy and licences thereof according to regulations stipulated by the Minister of Health for this purpose.

g. Deliver training to specialized personnel on methods of detecting cases of physical and psychological violence and abuse and how to handle them.

h. Provide reasonable accommodation and accessible formats to ensure access for women with disabilities to reproductive health programs and services that will enable them to fully benefit from them.

i. Ensure that all pharmaceutical, food, and health-related bulletins that are provided to the general public are also provided in accessible formats for persons with disabilities.

There is no explicit clause in the Public Health Act No. 47 of 2008 concerning the right of older persons to home care, in addition, the Medical Council Law No. 17 of 2006 do not recognize specialization of the geriatrics, and the Ministry of Higher Education does not equate the certificate of geriatric medicine, thereby weakening the provision of health care services for older persons.

In order to guarantee their right to health, article (24) provides that:

 a. The Ministry of Health will issue no later than one year from the date on which this Law has gone into effect a Health Insurance Card for persons with disabilities who are holders of the ID Card according to instructions to be issued by the Minister of Health for this purpose, which will also include procedures for granting the Health Insurance Cards to persons with disabilities, and for renewals.

b. No fees for medical treatment or for medicines shall be collected from persons with disabilities holding the Health Insurance Card in accordance with the provisions of Clause (a) of this Article.

c. Persons with disabilities holding the Health Insurance Card in accordance with the provisions of Clause (a) of this Article shall be admitted to hospitals according to category two.

 d. Civil health insurance permits persons with disabilities to receive all types of medical treatment and rehabilitation including:

1. Surgical operations, medicines, and vaccinations of all types.

2. Tools and assistive devices including prostheses, splints, hearing aids, medical spectacles and lenses.

 3. Physiotherapy, occupational therapy, speech therapy, behavioral and psychological counselling.

e. All conditions included in health or life insurance contracts that intend to exclude or deprive persons with disabilities of such contracts on the basis of, or because of, disability are to be rendered null and void.

1. **Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities.**

The Jordanian legislator does not discriminate against older persons in accessing to justice; article (31) of the Law on the Rights of Persons with Disabilities No. 20 for the Year 2017 stipulates the following:

“The Ministry of Justice and the Ministry of Interior each according to their area of expertise, in coordination with the Council, will execute the following:

a. Include into different policies, strategies, plans, and programs of relevance measures guaranteeing practice by persons with disabilities of their right to litigation, on an equal basis with others, either as plaintiffs or defendants or witnesses.

b. Qualify certified experts for facilitating communication with persons with disabilities in investigation and litigation phases, and circulate the names of these experts to judicial authorities and police centers, after granting them a practitioner’s licence according to instructions to be issued for this purpose by the Council, provided that among the experts there will be:

 1. Sign-language interpreters specialized in interpreting legal terminology.

2. Special Education experts to communicate with persons with intellectual disabilities.

 3. Experts to facilitate communication with persons who are deaf-blind persons.

c. Render all courts, security centers, correction and rehabilitation centers, and places of detention fully accessible in no later than (5) years from the date on which this Law goes into effect, and to take suitable alternative measures for persons with disabilities if necessary, and provide accessible vehicles for transporting both detainees and convicted felons.

 d. Provide training for personnel including judges and judicial officers on the rights of persons with disabilities and the appropriate methods of communicating effectively with them.

e. Provide information, investigation minutes of meetings, and sessions in accessible formats to persons with disabilities as and when necessary.

1. **Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.**

There is no discrimination in legislation, policies or practices against the participation of older persons in designing, planning, implementing and evaluating the policies relating to aging and / or disability. However, the Centre’s recommends the establishment of a body or committee to activate their participation in those areas.

1. **Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.**

The Association of Jordanian Fine Artists has launched an artistic initiative for older persons, which provides support and community care for the elderly within the framework of the fine art, through the creative care of their energies, and reintegrating them into the society to achieve the following objectives:

1. Invite older people to express themselves in new ways by connecting them to the past and present and training them to practice drawing. This activity gives them positive energy.
2. The participant should recognize the importance of artistic activity at this age.
3. Providing a space for learning and reviving technical skills.
4. The participant recognizes the importance of social participation and to enjoy of creative aspects
5. Integrating older people of both sexes and other nationalities with the surrounding community by allowing them to meet with each other in a one place, in addition to providing care and rehabilitation to them within the framework of fine art.