**Summary statement**

Jordan is signatory to the International Convention on the Rights of Persons with Disabilities. Jordan ratified UNCRPD on March 31, 2008.

In 2007, Jordan passed a new Jordanian disability law aimed to protect and promote the rights of Jordanians with disabilities. The 2007 Jordanian disability law (No. 31) has an article (Article 9(b): Litigation) which calls for the provision of assistive technologies for persons with disabilities including sign language interpretation. However, it does not make any mention or remark stating that persons with disabilities have the right to use the language of their own during legal proceedings as stated by Article 21 of CRPD (Freedom of expression and idea, and access to information). No other articles and clauses within the 2007 Jordanian disability law have made any mention indicating that persons with disabilities have the right to have access to justice.

Despite that, the Jordanian judicial system allows Deaf persons attend court with the presence of a licensed Jordanian sign language interpreter. Furthermore, in cooperation and coordination with the Higher Council of Persons with Disabilities to ensure the availability of Jordanian sign language interpreters, the Prime Ministry has announced a list of 90 licensed sign language interpreters to all government offices and the judicial system has a list of a number of certified sign language interpreters. Despite this accomplishment, a considerable number of those certified sign language interpreters do not possess the required level of competency in using Jordanian Sign Language and have not received specialized training in providing sign language interpretation services at court. A vast majority of them were evaluated and licensed and a small number of them were issued a license right away without evaluation (due to their popularity or being an influencial figure in the Jordanian Deaf community). The ethics of sign language interpreting works remains an important issue that is still standing and unsolved, as many Deaf members of the Deaf community contends that there are certain licensed sign language interpreters who have a questionable history of ethical dealing and working with Deaf persons. This clearly indicates the lack of quality and professional monitoring system to ensure that all licensed sign language interpreters are effectively, ethically, and professionally performing their job. HCAPD has recently decided to halt the process of renewing licenses for sign language interpreters - a positive sign indicating that HCAPD and the Jordanian government have paid attention to a number of issues facing the Deaf community. It was the old practice that it took a mere few minutes for a sign language interpreter to renew his license without evaluation. There was no mention about licensing sign language interpreters in the 2007 Jordanian disability law and there are discussions underway to revise the Jordanian disability law, which is expected to be passed this year. The draft Jordanian disability law now already makes a mention regarding licensing sign language interpreters.

How well can a Deaf person have access to justice varies differently and it is unknown if the Jordanian government has embarked on an initiative to collect statistical information regarding this matter for the purpose of documentation and follow-up to improve the system to allow all Deaf persons to have full access to justice without hindrance and difficulty. It is safe to say that most Deaf persons enjoy access to justice while a number of them were not able to do so.

There is now a discussion, which has been underway for months, aiming to revise the Jordanian disability law which is expected to be approved and passed by the Jordanian parliament this year. It is hoped that it would contain articles and clauses dedicated to promoting and encouraging recognition of Jordanian Sign Language, the cultural and linguistic identity of the Jordanian Deaf community, and coming up with more effective measures to ensure that Deaf persons have full access to justice.

Jordanian Deaf Special-Interest Group

\*Note: Despite the fact that the Jordanian Deaf Special-Interest Group is not a registered entity, they have been actively involved in promoting and encouraging human rights awareness within the Jordanian Deaf community. The Deaf SIG received training twice from WFD and this group is currently working on a community project to work with a number of individuals and members of the Jordanian Deaf community to talk about a number of issues, challenges, and problems that are facing them. Also, coming up with ideas and suggestions that could help play a role in removing obstacles and barriers that stand in front of many Deaf people. Last July 2016, they produced a parallel report in response to the Jordanian government’s initial report.

*(Source: Jordanian Deaf community’s parallel report, dated July 2016, to CRPD in response to the Jordanian government initial report, dated July 2012)*

# Article 13: Access to justice

In general, the Deaf people have some degree of accessibility to justice – however unsatisfactorily – more work needs to be done.

Many Deaf persons have trouble trusting sign language interpreters and they want to be assured of the sign language interpreters’ professionalism and strict conformity to ethics and strict confidentiality. There were several incidents in which some SL interpreters would disclose details to others concerning names of some Deaf individuals and their confidential information and what had happened at court. Some SL interpreters would even interpret against the interest of those Deaf persons concerned.

Courts usually have a list of sign language interpreters and they would select at their own discretion. Sometimes, Deaf people can make a choice of their own and sometimes they can’t. Some Deaf persons are confused about why they are not allowed to bring their own SL interpreter. From the court’s view, it may be forbidden to bring his/her own sign language as it may does not promote and ensure transparency and fair trial. From the Deaf person’s view, he is trying to ensure that he has a fair trial because he is having an issue with trusting SL interpreters, bearing in mind the fact that a rather large percentage of SL interpreters do not have the required competency to provide SL interpreting services in the utmost professional and ethical manners.

There was one incident of a serious offence committed by a Deaf male defendant against a Deaf female plaintiff. The court selected a male sign language interpreter and the witnesses of the Deaf female plaintiff felt uncomfortable about being in front of a male sign language interpreter because they were to submit their testimony with some sensitive, intimate issues concerning women. The female Deaf plaintiff was lucky to have a female SL interpreter for herself (not selected or offered by the court). All of her female witnesses objected but the court rejected and forced them to accept the court’s choice of the male sign language interpreter. Distressed and feeling uncomfortable, the witnesses were not able to effectively present their testimonies. To make matter worse, the male sign language interpreter has close ties with the male Deaf defendant, since they were members of the same club. After one of the female witnesses had submitted her testimony, she was confronted by a lawyer and was asked why she give a different version of her statement. She was shocked and she said she was sure that she told the court everything what she had told the lawyer. She wondered if the sign language interpreter, who had strong ties with the male Deaf defendant, had purposefully misinterpreted in order to strengthen the male Deaf defendant’s case. Incidents like this does not give Deaf persons a fair trial and it would put them in legal jeopardy, even death. Unethical sign language interpreters could put them in real risk of death (honor crimes committed by their families if they found out the truth), if they did not conform to confidentiality. SL interpreters who have ties with the defendant could threaten plaintiffs in order to silence them.

There was an incident when a Deaf person had to go to court to settle an issue over a car accident in which he was injured. He went to the court with his brother and a sign language interpreter. He was not able to reach the judge to declare that he wanted compensation for his medical services. It was his brother who insisted that the Deaf man drop the charges and the sign language interpreter told the Deaf man that his brother has decided to drop charges. The Deaf man refused but the case was closed. The issue here is that the sign language interpreter did not practice neutrality and he did not perform his job, professional and ethically. Because there is no specific ethics commission the Deaf man could approach to submit a complaint, he had to suffer financial losses.

There was an incident when a Deaf person was arrested and taken to a police station. He was jailed with no explanation and spent a night there. He spent a whole night wondering why. In the next day, a SL interpreter was provided. The issue here is that the Deaf person was treated unfairly and was not given an explanation through SL why he was arrested. He was denied his basic right to be informed through SL and he was unfairly arrested and without due process.

It is strongly suggested that there is improvement in providing accessibility for Deaf persons during courtroom sessions. There needs to be CCTV to provide digital recording (for all persons involved, Deaf and hearing, defendants, plaintiffs, and sign language interpreters. And to have a commission established tasked to ensure and verify accurate translations. This would ensure fair trial, prevent intervention from any side to gain favor or benefit, legal jeopardy caused by falsely and misleading interpretation. This would also ensure that all procedures would be done in the utmost professional and ethical manners. There needs to be ethical guidelines and provisions for this matter (for example, how to respond to a Deaf person’s wish not to be videotaped because of the sensitivity of the issue and decisions to be taken in that regard according to law).

There was an incident when an illiterate Deaf person was required to attend at court. He used a home sign language of his own and there was no sign language interpreter who could understand him. The court then asked for a Deaf person who knew Jordanian Sign Language to assist them, so three languages were used. Home sign language, national Jordanian Sign Language, and Arabic. The hearing SL interpreter was paid but the Deaf signer who interpreted for the illiterate Deaf man was not paid.

There have been some isolated incidents of misinterpretation or exploitation when Deaf persons would attend at courts with their legal guardians. Possible reasons: weak family communication, family members/relatives discriminating their Deaf family members and taking advantage of their Deaf family members’ illiteracy and intellectual disability.

It is essential that all courts are prepared to deal with these kind of situations, especially when it comes to dealing with Deaf persons who are illiterate and do not know the national Jordanian SL, and those who are Deaf-Blind. It is advisable for the Government to come up with a team of Deaf experts and other specialists to provide quality and professional training programs for court employees so that they can perform their works as professionally and ethically as possible at the highest standards. Such important issues like Deaf ethics and culture and proper handling must be taken into consideration.

No mention has been made about Deaf persons having their right to communicate through their language, Sign Language, at court. However, according to Article 231 of the Code of Criminal Procedure if a Deaf person can write, he may wish to proceed without having to request a SL interpreter if he cannot trust one or he wishes to remain private. In that case, this amendment stands in favor of the Deaf people. Deaf persons must be given choices so that they can choose a preferred mode of communication and not be given only one choice: using written communication. SL interpreters must be qualitied and certified in providing courtroom SL interpreting services – which is very much different from providing SL interpreting services in other fields. Finally, specialized SL interpretation for Deaf-Blind persons must be provided too.

*(End of notes on Article 13. Source: Jordanian Deaf community’s parallel report, dated July 2016, to CRPD in response to the Jordanian government initial report, dated July 2012)*

*(Source: Speech transcript of a Jordanian Deaf delegation at the 17th Session of the CRPD Committee, March 28th – 29th, 2017)*

**Najah Taffal: Accessibility services – the lack of qualified and professional SL interpreters, lack of quality supervision and monitoring system**

* **Problem:**
  + A quite large percentage of SL interpreters, who are being licensed by the Higher Council for Affairs of Persons with Disabilities, have not yet achieved the required professional proficiency in Jordanian Sign Language. There is a concern about a number of them not performing their job in the utmost professional and ethical manners. There is a “technical committee” within HCPD which is responsible for examining SL interpreters’ level of proficiency in Jordanian Sign Language and licensing. The “technical committee” consists of 5 persons, three of them Deaf and two of them Hearing. It was first established in 2010. Of course, it was new and there were trials and errors to go through. They didn’t have the required professional experience and certification to do the job, evaluating and licensing SL interpreters. Despite that, the committee achieved in licensing 90 SL interpreters. However, in contrary to HCAPD’s regulations concerning licensing, very few SL interpreters who are “well-known and influential” were given a license without being evaluated and assessed.
  + No effective supervision and evaluation to ensure that they perform their job professionally and ethically. As a result, many Deaf persons suffered from being abused, taken advantage of, and denied necessary services. Corruption, conflict of interest, and favoritism are prevalent. For example;
    - There was a court case about a Deaf woman, a plaintiff, being sexually harassed. Deaf female witnesses requested that they testify in front of a female SL interpreter but the presiding judge – after having heard their objections - forced them to testify in front of a male SL interpreter – much to their objection. The male SL interpreter had close ties with the male defendant who was being accused of sexual harassment. Both of them belonged to a same Deaf club, one of them being a honorary club member and the other being the club treasurer.
    - The above-mentioned SL interpreter is a director of a newly opened society for SL interpreters, many of them have a questionable history of ethical SL interpreting and performance. It is many Deaf persons’ concern that some SL interpreters are increasingly controlling and empowering themselves and making decisions for themselves without consulting with the Deaf community. SL interpreters may have mastered their mother language and they know Jordanian Sign Language – they are empowered, but for the Deaf people, they are only fluent in one language which is Jordanian Sign Language. Unless they know Arabic well, they find it difficult to successfully challenge unethical and corrupt SL interpreters by taking appropriate legal actions (which would be ideal if those Deaf people are knowledgeable of Arabic and English).
  + Very easy to renew SL interpreting license. No re-evaluation or reassessment. Unethical SL interpreters still out on the loose and lurking. (Recently, HCAPD has stopped renewing SL interpreting licenses).
  + **Reason 1**:
    - Lack of adequate or required professional experience, expertise, and qualification of the “technical committee” members who are responsible for evaluating and license SL interpreters.
  + **Reason 2:**
    - No national and comprehensive program to train, license, and evaluate SL interpreters.
    - Lack of effective supervision and monitoring of SL interpreters to ensure that they perform their jobs professionally and ethically
    - No independent committee to receive and deal with complaints concerning unprofessional and unethical performance by SL interpreters.
* **Actions:**
  + Many Deaf persons expressed their dissatisfaction and discontent but they were not able to make their voices heard. In many cases, their grievances were largely ignored. HCAPD is slowing responding to their complaints.
* **Recommendation:**
  + Establishment of an independent committee, in cooperation with DPOs and other professionals – preferably with the leadership by Deaf SL instructors, to work with HCAPD to upgrade the system of training, licensing, evaluating, and monitoring SL interpreters.
  + Members of a such independent committee, regardless of who is Deaf or Heraing, must receive training to become licensed SL instructors and have the required qualifications and experience in order to have the authority to evaluate and license SL interpreters.
  + Establishment of an independent committee tasked to deal with feedbacks, complaints and grievances regarding the quality of SL interpreting services.
* *(Source: End of speech transcript of a Jordanian Deaf delegation at the 17th Session of the CRPD Committee, March 28th – 29th, 2017)*