

# Newsletter

27th Edition, December 2022

Welcome to the twenty-seventh edition of our Newsletter. In this edition, we will look into the most prominent forms of legal protection and standards for financial consumer protection for customers with disabilities in the Hashemite Kingdom of Jordan (hereinafter referred to as “**Jordan**”), as follows:

1

Subject	Page Number
Introduction	2-3
Defining the concept of: a) A customer with disability, and b) The service provider	3-4
The service provider’s commitment to the appropriate design and delivery of financial products and services for customers with disabilities	4-7
Achieving fairness and transparency in dealing with customers with disabilities	7-8
Forms of protection for customers with disabilities	8-10
Conclusion	10-11

*“These instructions came to remove all physical, behavioral and environmental barriers that impede or make it difficult for customers with disabilities to access banking solutions and financial services in accordance with the basic principles of financial consumer protection and best international practices and on the basis of equality with others in managing their financial affairs with independence, freedom and full privacy.”*

**Preamble to the Financial Customer Protection Instructions for Customers with Disabilities No. (18) for 2018**



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor

+962 6 569 1112

info@hammourilaw.com

Hammouri & Partners Attorneys at-Law  
©2022

In this edition of the Newsletter, we will look into the most prominent forms of legal protection and standards for financial consumer protection for customers with disabilities in Jordan, as follows:

## Introduction

International interest in legal protection for people with special needs has increased in recent decades, where the problems they face in their daily lives have become the focus of many discussions in international organizations that call for countries to take all necessary measures to support them, assist them to be self-reliant, and to fully integrate them into society.

In response to the above, Jordan was among the first countries in the Middle East region to look closely and to persevere in establishing and developing institutions that work to effectively care for this group of persons, especially since this group constitutes a wide segment of Jordanian society whereby the percentage of this category until the year 2020, according to the report of the Department of Statistics, was reported to be approximately (15%) of the society.

Due to the importance of this categorial group in the society, Jordan has paid considerable attention in highlighting it as one of the social issues, and Jordan has worked on drawing legislative plans and policies to provide the best possible for this category of persons.

Starting from the top of the legislative hierarchy in Jordan, the Constitution of 1952, we find that the first paragraph of Article (6) stipulates that Jordanians shall be equal before the law. There shall be no discrimination between them in regard to their rights and duties, even if they differ in race, language or religion. Said article affirms on the protection of the rights of persons with disabilities, specifically in the fifth paragraph of the same<sup>1</sup>, which establishes the first legal basis for the protection of this categorial group and enhances their participation and integration in the various aspects of life.

With regard to the legal provisions regulating the rights of people with special needs, the most prominent Law to that end is **Law No. (20) of 2017 on the Rights of Persons with Disabilities** (hereinafter referred to as “the Law”) which is quite a recent Law.

<sup>1</sup> Article (2) of the amended Jordanian Constitution for the year (2022) published in the Official

Gazette in its edition (5770), on 31/01/2022, on pg. 1339



With regard to the subject of this newsletter, a special text was mentioned in the Law regarding their access to financial and banking services. Article (43/a) of the Law stipulates that it is not permissible to exclude a person or to restrict his/her access to banking and credit services on the basis of or because of a disability. Article (43/b) of the same Law stipulates that banks and credit companies must provide banking services, information and data to persons with disabilities in accessible formats, and guarantee the respect of their right to privacy and confidentiality of their accounts on an equal basis with other customers.

In order to ensure that the provisions stipulated in Article (43) are applied, the Central Bank of Jordan has issued instructions for the implementation of these provisions and monitoring thereof.

These instructions include foundations for protecting special needs consumers of financial and banking services with the aim of achieving equality among all segments of society without any form of discrimination or derogation of these rights. The instructions also primarily aim to deepen financial inclusion in Jordan by providing access to all segments of society to financial and banking services, which is extremely important to the Jordanian economy at large.

On this basis, the Central Bank issued on 11/18/2018, the **Financial Consumer Protection Instructions for Customers with Disabilities No. (18) of 2018** (hereinafter referred to as “the Instructions”). In this newsletter, we shall clarify the most important legal provisions included in the instructions.

In addition, we will clarify the most important aspects of financial consumer protection for customers with disabilities, which must be adhered to by all operating banks with all their branches and subsidiaries inside Jordan and non-bank financial institutions that are subject to the supervision and oversight of the Central Bank of Jordan in line with the provisions of the Jordanian Constitution and laws related to the rights of persons with disabilities.

### **Section (1): Defining the concepts of a customer with disability and the service provider**

Article (2) of the instructions defines a customer with a disability by referring to the Law, which stipulates that this person has obtained or used any of the services and/or products provided by the service provider, or wishes to obtain these services and products.



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor



+962 6 569 1112



info@hammourilaw.com

Referring to the text of Article (3/a) of the Law, we find that it has defined **a person with a disability** as every person who has a long-term physical, sensory, intellectual, mental, psychological or neurological impairment, which, as a result of interaction with other physical and behavioral barriers, may hinder performance by such person of one of the major life activities or hinder the exercise by such person of any right or basic freedom independently.

It should be noted that Article (2) of the instructions excludes from the definition persons with psychological and mental disabilities that prevent their ability to make decisions independently.

On the other hand, Article (2) of the instructions defines **the service provider** as: All banks operating inside Jordan with all their branches and non-bank financial institutions that are under the oversight and supervision of the Central Bank of Jordan.

### **Section (2): The service provider's commitment to the appropriate design and delivery of financial products and services for customers with disabilities**

In this section of our newsletter, we will discuss the most important aspects of the service provider's commitment to the appropriate design and delivery of financial products and services for customers with disabilities, which are included in the

instructions, both in terms of procedures for dealing with customers with disabilities, as well as the care procedures that must be followed with this category, in addition to all possible ways to facilitate their access to banking services and products. Also, in regard to enabling customers with disabilities to use financial and banking services through an authorized signature without the need for witnesses to be present in every transaction.

#### **(A) Develop clear, specific and written procedures for dealing with customers with special needs:**

Article 3 of the instructions requires the service provider to set clear, specific and written procedures for dealing with customers with special needs, and to include that in its general policies and credit policies. The service provider must also consider all special requirements of customers with disabilities when designing banking and financial products and services. In addition, people with disabilities must be included amongst the target customers in the service provider's general policies and work procedures, in accordance with the service provider's general policy.

Furthermore, the service provider must consider prioritizing customers with disabilities in delivering services, and some in this regard consider the necessity of issuing specialized bank cards by the provider to facilitate the process of obtaining financial services quickly and effectively by customers



with disabilities. In addition, pursuant to Article (14) of the instructions, the service provider must train specialist cadres to communicate effectively with customers with disabilities in order to provide them with the services easily and smoothly.

#### (B) Due-diligence procedures:

According to Article 4 of the instructions, the service provider must identify the customer with a disability by verifying the customer's identification document and the approved medical report that determines the type of disability in accordance with the customer due diligence procedures stipulated in the banks' anti-money laundering and terrorist financing instructions. Regarding this, it is very important to note the instruction stipulated in the second paragraph of Article (4) of the same; in order to protect the financial consumer with a disability, the service provider may not request a medical report for a customer with a disability except once, and that is at the beginning of the commencement of the financial and banking relationship between the bank and customer. Moreover, the service provider is prohibited from requesting a medical report for every transaction, or otherwise, the provider is considered to have violated the provisions of the instructions.

#### (C) Access to banking services:

Article (5) of the instructions obliges the service provider to provide and facilitate accessibility and use of the provider's buildings and its services by

customers with disabilities, in order to ensure that these customers have access to services equally with others, as follows:

#### First:

Every bank that has (10) branches or more in Jordan must provide and equip 10% of its branches in each governorate in where it is located "with one branch as a minimum", to be equipped with proper and appropriate measures taking into consideration the ease of access and provision of banking services for customers with disabilities, to include at least the following:

- 1- Providing access ramps to facilitate the access of customers with disabilities to the bank building and to use its various facilities.
- 2- Allocating car parks for customers with disabilities.
- 3- Providing Talking ATMs, within certain conditions, so that for example they are of a height suitable for the use of customers with disabilities, and that these machines allow the possibility of receiving and transmitting voice services and provide special headphones for that, in addition to being supported by a Braille keyboard or in any other way that allows numbers to be distinguished.
- 4- Provide counters of suitable heights or to serve special needs persons with a separate desk.



- 5- Providing safety lockers for people with disabilities in a way that is compatible with their needs.
- 6- Providing electronic means of the banking services provided, for example CDs, which can be provided to the persons with disabilities upon request.

### Second:

A bank that has less than (10) branches in Jordan, must prepare at least one of its branches to provide banking services to customers with disabilities, and in the event that the bank is unable to appropriately equip the branch for reasons beyond its control, then the bank must in this case provide services for customers with disabilities without collecting any fees or commissions on services and products, including ATM commission, salary transfer commission, cash withdrawal commission and others.

### Third:

When licensing a new branch, the bank must, to the extent feasible, consider equipping it to efficiently cater for the needs and requirements of customers with disabilities.

### Fourth:

The bank may use mobile bank van branch to reach customers with disabilities and provide them with home services wherever possible.

### Fifth:

Article 7 of the instructions obliges the service provider to allow customers with disabilities an access to the bank's electronic services, which include, but are not limited to; the use of bank cards, online banking services, e-banking, and other services.

#### **(D) Conditions for approving the signature of a customer with a visual disability or a customer with illiteracy disability**

First of all, it should be noted that Article (2) of the instructions defines the customer's signature as: any of the approved forms of signature chosen by the customer with a disability, which includes the signature, stamp, electronic fingerprint, fingerprint, or finger vein recognition

**With regard to the conditions for approving the signature of a customer with a visual disability or a customer with illiteracy disability, kindly note the following:**

### First:

The bank must approve the signature chosen by the customer with a visual disability or a customer with an illiteracy disability who is unable read or write, whether their signature, stamp, electronic fingerprint, fingerprint, or finger vein recognition, on banking transactions





without requiring a certificate, and the customer with a disability is considered to acknowledge the content of the transaction and its procedures if he/she signs it with his/her signature or stamps it with his seal, electronic fingerprint, fingerprint, or finger vein recognition

### Second:

In order for the signature to be approved without a witness, according to the foregoing, a customer with a visual disability or a customer with illiteracy disability must pledge the validity of the signature for approval by the bank only once, in the presence of two witnesses other than the bank's employees, so that this pledge includes the full name of the customer, his/her information and his/her personal photo and the form of signature he/she chose as well as the full name and full information of the two witnesses.

### Third:

The customer also acknowledges, under the aforementioned pledge, that he/she understands the contents of the pledge and its legal and practical consequences, in addition to the customer's full responsibility for completing his/her banking transactions without the presence of witnesses. As previously mentioned, the requirement for the presence of two witnesses to verify the validity of the customer's

signature is needed only once, so that their role is limited to only testifying the validity of the signature in the pledge without access to banking information and customer bank accounts.

### Fourth:

Article 6 of the instructions allows a customer with a visual disability or a customer with illiteracy disability to alter his/her signature that he/she wishes to be adopted, provided that it is signed on a new pledge before the bank withstanding the aforementioned procedures.

### Section (3): Achieving fairness and transparency in dealing with customers with disabilities

First of all, it should be noted that what is stipulated in the "*Instructions for dealing with customers with fairness and transparency No. (56) for 2012*" applies to customers with disabilities in addition to the provisions contained in these instructions regarding transparency in dealing between the bank and the customer. With regard to advertising and marketing, Article (9) makes it mandatory for the service provider to include in its marketing policies and advertising of the products and services it provides, a statement entailing that customers with disabilities are included in these products and services and can benefit from them. Also, the bank must also provide specialized brochures for customers with disabilities that include all of the bank's products and services. The bank must use



Braille and/or electronic formats and applications that use sign language to the extent feasible. The bank's marketing brochures must also include detailed information about its products and services to enable customers with disabilities to compare products and select accordingly.

Further, in order to achieve justice in dealing with customers with disabilities, Article (9) of the instructions prohibits the service provider or the bank from excluding or restricting the access of persons with disabilities to any of the financial and banking services for any reason and under any circumstance on the basis of or because of a disability, without any legal justification.

The service provider is also prohibited from dealing with customers with disabilities arbitrarily and unfairly, and said customers must be treated with respect and absence of any discrimination whatsoever.

It should also be noted that customers with disabilities are allowed to appoint agents for them to manage their bank accounts if they wish to do so, provided that the bank must explain to the customer any risks that may be associated with that action, and the bank must also explain the procedures through which a customer with disabilities can terminate the agency. In accordance with the instructions, there is an obligation on the bank to assist the customer with a disability in filling out all required forms.

In addition to all of the aforementioned legal provisions, Article (8) of the instructions stipulates the following:

- 1- The service provider must price the financial and banking products and services for customers with disabilities equally with other customers, and the bank may not raise costs and/or fees for customers with disabilities as a result of the facilitation measures that the bank provides to them.
- 2- The bank may not ask customers with disabilities to provide additional guarantees to obtain products and services due to their disability.
- 3- The bank shall to the extent possible allocate a ratio of its loans portfolio to finance production and operational projects for customers with disabilities.

#### **Section (4): Forms of protection for customers with disabilities**

In this section of our newsletter, we shall discuss, in particular, the two most prominent forms of protection for customers with disabilities, which pursuant to the instructions entail the service provider's commitment to protect this customer category from the risks of over-indebtedness of banking products and services, in addition to the most important obligation that the service provider has and



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor



+962 6 569 1112



info@hammourilaw.com



which is to protect the data of customers with disabilities.

#### **(A) Protecting customers with disabilities from the risks of over-indebtedness**

Article (10) of the instructions obligates the bank to protect customers with disabilities from the risks of excessive indebtedness by assessing the financial solvency and the ability of customers to pay, and not exceeding the debt burden ratio specified in the bank's credit policy.

#### **(B) Protecting the data of customers with disabilities**

Article (11) of the instructions addresses the protection of the data of customers with disabilities in a comprehensive and detailed manner, as follows:

##### **First:**

The data collected on the customer with a disability must be documented, correct and accurate, and updated in a timely manner. The customer also has the right to review and object on this data if it is inaccurate.

##### **Second:**

The service provider must classify the data of customers with disabilities on the screens of the applicable banking system so that the type of disability is determined for the customer, in

addition to that, the bank may use special codes or assign numbers to the accounts of customers with disabilities to facilitate service provision.

##### **Third:**

All data and information of people with disabilities is confidential and may not be used or shared with any third party without the customer's prior written consent in accordance with the provisions of the legislations in force. It should also be noted that the "instructions" have considered the data and information of customers with disabilities included within the banking privacy that the bank must observe, since there are significant consequences in the event of breach, which is that the failure of the bank and its employees to maintain the confidentiality of the data and information of customers with disabilities entails criminal responsibility under the crime of disclosing banking secrets stipulated in Article (75) of the Jordanian Banking Law, which stipulates that the wrongdoer shall be punished with imprisonment for a period not exceeding three years or a fine of not less than ten thousand dinars and not more than fifty thousand dinars, or both penalties.

In addition to entailing criminal liability, a customer with a disability can file a civil lawsuit to



claim compensation for the damage incurred as a result of the disclosure of his bank information and data.

#### Fourth:

The bank must document the banking transactions carried out by persons with visual and hearing disabilities in audio and video and make them available for their review at all times.

#### Fifth:

The bank must document banking transactions with persons with disabilities for a period of at least five years from the date of completion of the transaction or termination of the relationship, as the case may be, so that after the expiry of this period, objections to any of them will not be accepted.

#### Sixth:

The service provider or the bank must ensure that their employees maintain the confidentiality of the data and information of customers with disabilities and not to misuse or disclose such data and information during their work with the bank or financial institution and even after they leave work.

#### Seventh:

The service provider is also responsible for providing the appropriate environment and safe

procedures to protect data and information of customers with disabilities, and the bank or financial institution must prepare clear work procedures to ensure the protection of electronic data for customers with disabilities in accordance with the instructions of the Central Bank of Jordan regarding entry, modification and access to this data in addition to archiving procedures and backup systems protection.

In conclusion, Article (12) of the instructions obligates the service provider to coordinate with the Higher Council for the Rights of Persons with Disabilities and with associations and bodies that work in areas related to people with disabilities, as well as to coordinate with the Central Bank of Jordan to educate people with disabilities about their rights to use financial and banking services in order to make them aware of their duties and responsibilities regarding the use of these services, with the aim of widening financial culture and increase financial awareness among customers with disabilities.

#### Conclusion

The Central Bank of Jordan issued instructions to protect the financial consumer for customers with disabilities, where these instructions are of a great importance since its provisions apply to all banks and non-bank financial institutions that are under the supervision of the Central Bank of Jordan.



The issuance of these instructions stems from the role of the Central Bank of Jordan and its keenness to protect consumers of financial and banking services, and as a matter of achieving equality among all segments of society in obtaining financial and banking services without any form of discrimination. In addition to enhancing financial inclusion in Jordan and empowering all segments of society in its entirety to access to financial and banking services that would contribute to the growth of the Jordanian economy.

After presenting the relevant instructions through this newsletter in full, it becomes apparent that the instructions regulate the financial and banking relationship between the service provider and the customer with a disability in line with the general principles of financial consumer protection and international best practices in this field.

Furthermore, these instructions are in accordance with the Law, and perhaps the most important content of these instructions is the fact that it includes various forms of legal protection for financial consumers with disabilities, as well as the necessary procedures to ensure the facilitation of access for those customers to financial and banking services, for example: suitably equipping buildings, roads and facilities, and providing specialized ATMs, in addition to enabling customers with visual and hearing disabilities to use financial and banking

services without the need for witnesses, and the use of an electronic stamp or fingerprint.

We consider that these instructions issued by the Central Bank of Jordan for the protection of financial consumers with disabilities came in response to the international efforts supported by Jordan to safeguard the rights of persons with disabilities and to provide ways to protect them in accordance with best practices, which was triggered by various repeated complaints that were received by the Financial Consumer Protection Department at the Central Bank of Jordan. At this stage, what is required from banks and financial companies is to respond to the provisions of these “instructions” and adhere to compliance with those instructions. Perhaps that there is a door to enforcing more legislation that guarantees the rights of this group of people who are in dire need for legal protection, so they can live an unimpeded life.



If you would like to discuss further any aspects of this Newsletter, please feel free to get in touch with one of our lawyers, using the contact details in the Contributors section below.

If you feel that other persons would be interested to read this Newsletter, please feel free to share this Newsletter.

12

If you wish not to have our upcoming Newsletter or if you wish to amend the contact details, please inform us by sending an email to [info@hammourilaw.com](mailto:info@hammourilaw.com), titled “non-subscription” and/or “amending the contact details”.

Warm regards,

**HAMMOURI & PARTNERS ATTORNEYS AT-LAW**



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor

+962 6 569 1112

[info@hammourilaw.com](mailto:info@hammourilaw.com)

Hammouri & Partners Attorneys at-Law  
©2022

## CONTRIBUTORS TO THIS EDITION

13



TARIQ M. HAMMOURI, LL.M, Ph.D.  
MANAGING PARTNER  
[tariq@hammourilaw.com](mailto:tariq@hammourilaw.com)



OMAR SAWADHA  
SENIOR ASSOCIATE, HEAD OF LITIGATION  
[omar.s@hammourilaw.com](mailto:omar.s@hammourilaw.com)



AMMAR ABU ASSI  
TRAINEE LAWYER  
[ammar@hammourilaw.com](mailto:ammar@hammourilaw.com)



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor

+962 6 569 1112

[info@hammourilaw.com](mailto:info@hammourilaw.com)

Hammouri & Partners Attorneys at-Law  
©2022

## CONTRIBUTORS TO THE ENGLISH VERSION

14



YOTTA PANTOULA-BULMER  
OF-COUNSEL, HEAD OF INTERNATIONAL DEPARTMENT  
[yotta.b@hammourilaw.com](mailto:yotta.b@hammourilaw.com)



MOHAMMED HINDAWI  
ASSOCIATE LAWYER  
[m.hindawi@hammourilaw.com](mailto:m.hindawi@hammourilaw.com)



SANAD ABU HASSAN  
TRAINEE LAWYER  
[Sanad.a@hammoilaw.com](mailto:Sanad.a@hammoilaw.com)



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor

+962 6 569 1112

[info@hammourilaw.com](mailto:info@hammourilaw.com)

Hammouri & Partners Attorneys at-Law  
©2022



#### ABOUT HAMMOURI & PARTNERS ATTORNEYS AT-LAW

Hammouri & Partners Attorneys at-Law, is a Jordanian multi-practice law firm, founded over two decades ago (established in 1994) by Professor Mohammad Hammouri (1940-2022). Professor Hammouri was a renowned Jordanian attorney and an arbitrator, a former Minister of Culture and National Heritage and a former Minister of Higher Education, who wrote a plethora of books, primarily on constitutional rights. Professor Mohammad Hammouri also founded the first School of Law in the Hashemite Kingdom of Jordan at The University of Jordan, in which he was its first dean. Today, the firm is managed by Dr. Tariq Hammouri, a distinguished academic and attorney and a former Minister of Industry, Trade and Supply. Dr. Tariq Hammouri is both an experienced attorney and an arbitrator, an expert in the Corporate sector, Commercial Transactions, Financial Markets, Banking Law and International Trade. He is an Associate Professor at the School of Law, University of Jordan and (formerly) the Dean of the School of Law. Dr. Hammouri is also an officially appointed member of the International Center for Settlement of Investment Disputes (ICSID) Panel of Arbitrators upon designation by the Government of the Hashemite Kingdom of Jordan, for the period of 2020 to 2026.

Hammouri & Partners team consists of 25 attorneys and a number of other professionals working in the firm's specialized departments, providing professional legal services at a local, regional and international level.

The firm's legal services cover numerous areas of practice, including the following: Corporate and Commercial Law (whether that is corporate set-up or drafting of all types of commercial agreements), Intellectual Property law, Banking and Finance Law (the Firm advises local and international banks regarding all Banking Transactions and Regulatory Compliance). Additionally, the Firm's Litigation and Arbitration department have the capabilities and competence to represent parties in the most complex and novel legal matters, as it encompasses expertise in several areas of law, whether it is before courts or arbitral tribunals. Hammouri & Partners Attorneys at-Law was one of the first firms in Jordan to establish a specialized International department to cater to the needs and requirements of international clients on an array of tasks with an international element, such as those regarding bilateral and international trade negotiations, projects, contracts and others.

In addition to what has previously been stated, Hammouri & Partners provides legal advice and consultation to various industries such as those of Construction & Infrastructure, Manufacturing, Engineering, Trade, Insurance and Energy, as some of its clients are major energy, healthcare, information technology and telecoms companies.

Hammouri & Partners Attorneys at-Law provides its broad services throughout Jordan as well as worldwide, through established collaborations with reputable law firms in the MENA region, Europe, the United Kingdom and the USA. Hammouri & Partners has earned regional and international acclaim by the most reputable legal directories. Chambers and Partners Global, International Financial Law Review (IFLR 1000) and the Legal 500 all highlight Hammouri & Partners as a leading law firm in the Jordanian legal services industry.



Jordan, Amman, Shmeisani,  
Al Sharif Naser Bin Jamil Street, Cairo  
Amman Bank Building, # 96, 3<sup>rd</sup> Floor

+962 6 569 1112

[info@hammourilaw.com](mailto:info@hammourilaw.com)