

Access to Justice in Jordan
Study
(Reality, gaps, recommended solutions)

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Preamble

An effective justice system should lead to the provision of easy access to justice for all persons within its territory and under its jurisdiction, whether they were citizens, residents, or refugees, and whether through formal or informal justice institutions. At the top of an effective justice sector pyramid, the establishment of an independent judicial authority is considered the main entrance to the protection of rights and freedoms. It is also considered one of the most important public utilities in the state by ensuring security, stability and direction to achieve justice and respect for the rule of law, in addition to ensuring the proper application of its provisions.

The concept of the right to access justice also entails the creation of a legislative system that ensures the protection of human rights in an effective manner, holding everyone accountable before publicly issued laws and applying to each person equally. This is invoked within a framework of an independent judiciary that is consistent with international standards and norms of human rights. Eventually this requires the state to take effective measures to guarantee:

- Commitment to the principles of the rule of law.
- Equality and accountability before the law.
- Justice in enforcement of the law and avoid arbitrariness.

However, the above is not enough to ensure justice and equality. More work should be done to build stronger institutions that administer justice, equality, and adequate organization, funding, training and equipment. In addition to formal institutions, attention must be given to building institutions that support and assist the national justice system. This could be achieved by the empowerment of civil society organizations to provide legal and judicial aid services, which facilitate access to justice by providing legal information or by strengthening and building the capacity of judicial service providers, such as judges, lawyers, administrators and support bodies, through training and skills development. Additionally, civil society organizations may provide legal and judicial services to the poor and the marginalized groups in all civil, criminal, and personal status cases by giving legal and financial aid (Judicial Fees).

In addition to effective laws, the judicial authority, and justice institutions that guarantee the proper application of these laws; the State has to formulate and adopt a set of legal and administrative procedures and mechanisms to assist in the establishment of the rule of law and enable the people under its jurisdiction to access legal information and justice services easily and conveniently, enabling effective administrative remedies for complaints regarding procedures and arbitrary decisions of the public administration.

Moreover, the State should consider the cost of access to justice to be affordable by all people groups and should not hinder the access to justice services.

Thus, access to justice needs is guaranteed by a complete system of rights, laws, institutions and mechanisms, in addition to a judiciary that is independent and supportive of justice and equality. It also needs to develop a national strategy and reform programs aimed at improving the quality of legal and judicial services, especially those provided to the poor and marginalized groups in the

society, and to find a mechanism to provide legal aid for legal representation and assistance, to overcome the problem of high-cost fees associated with various types of cases, especially civil cases.

Purpose of the Study

This study aims to provide a scientific tool to describe the status of access to justice in the Hashemite Kingdom of Jordan from various facets, including its strengths, gaps, obstacles and aspects that need improvement, and provide recommendations to overcome challenges that are applicable and guided by best practices.

Therefore, this diagnostic study and assessment aims to:

- Assess the reality of the right of access to justice in Jordan using realistic and applicable measurement tools, including the justice assessment tool that is a guide to analyzing access to justice for civil society organizations issued by the American Bar Association (ABA)¹.
- Form a solid supporting base to further efforts aimed at developing and enhancing access to justice by addressing gaps and challenges.
- Assist decision and policy makers and any other related entity associated with developing policies and action plans for access to justice services. These include legislative bodies, executive entities overseeing the justice institutions, civil society organizations, justice professionals or donors.

Methodology of the Study

A working team formed of professional and competent members in the field of legal work led the execution of the study; the team collected legislative information and identified informational gaps and practical problems highlighted in each component of the report.

The team adopted the following methodology:

1. Revise, assess, and analyze legislative texts and international conventions relevant to the following components of this report: the Jordanian Constitution, Judicial Authority law, Procedural laws such as the Civil Procedure code, Criminal Procedure code and Shar'ia Procedure code.
2. Review literature and research in reports, documents and previous field studies covered by the above components. This includes previous studies by the Rule of Law Project, studies and researches by the Justice Center for Legal Aid, national documents and strategies, Judicial Authority strategy, Judicial Authority progress report for the years 2011 and 2012, a number of statistical reports generated by Al Mizan software, and a statistical report issued by the Supreme Judge (Shar'ie) for the year 2011.
3. Conduct a number of meetings, focus groups and interviews with judges, public prosecutors, and administrative staff in the civil courts to understand the challenges and obstacles facing their work because of legislations or other obstacles related to the

¹ Access To Justice Assessment Tool – A guide to analyzing access to justice for civil society organizations- ABA Rule Of Law Initiative

infrastructure of courts and the availability of administrative services supporting the judiciary.

4. Participate in the Middle East and North Africa Regional Meeting on Legal Empowerment organized by the Justice Center for Legal Aid and the Open Society Foundations during the period of June 19-20, 2013, at the Landmark Hotel in Amman.
5. Participate in the Legal Aid Conference organized under the auspices of HM King Abdullah II and by the Justice Center for Legal Aid on June 22-23, 2013 at the Landmark Hotel in Amman.
6. During the preparation of this study, the team tried to meet with Shar'ia Judiciary representatives by officially corresponding with His Eminence the Chief Shar'ia Justice (Supreme Judge); however, there was no official response from His Eminence office within the time constraints. Therefore, the team depended on information available on the website of the Department of the Supreme Judge and the numbers available in a statistical report for the year 2011 issued by the department.
7. Prepare a questionnaire of 10 questions targeting the public (with no legal background) to assess their legal knowledge. The questionnaire was divided into three sections. The first section included general personal information, the second section focused on the knowledge of the courts and their procedures, and the third section questioned their knowledge of the national laws, their constitutional rights and the duties of citizens. The questionnaire was distributed to a number of individuals and was published on the center's website, after which the results, annexed to this report, were analysed.
8. Use information about the outcomes of discussions that took place during the Middle East and North Africa meeting on legal empowerment, held on June 20-21, 2013.
9. Use information about the outcomes of meeting discussions that took place during the Legal Aid Conference, organized under the auspices of HM King Abdullah II.

Executive Summary

An effective justice system should lead to a provision of easy access to all persons within its territory and jurisdiction, whether they were citizens, residents, or refugees, through formal or non-formal justice institutions, by assuming a number of procedures that are considered the main components of this study:

1. Establishment of a judiciary that guarantees principles of justice, rights, and equity within the community.
2. Establishment of a judicial system that guarantees effective protection of human rights, ensures all persons are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and that is consistent with international human rights norms and standards.
3. Establishment of strong institutions to justice and ensure equity, and that are properly organized, funded, trained and equipped. This should also include building institutions to support the national judicial system by empowering the civil society organizations to provide judicial and legal aid services, including the provision of legal knowledge and contribution to the human capacity building of justice service providers such as judges, lawyers, administrative staff and supporting systems, in addition to the provision of judicial and legal services to the poor and vulnerable groups in all civil, criminal and personal status cases by providing legal and financial aid (judicial fees).
4. Development and adoption of a group of legal and administrative procedures and mechanisms that support rule of law and enable individuals to access the legal information and justice services provided in an easy and convenient way, and to guarantee effective administrative equity procedures for the complaints of procedures and arbitrary decisions of the public administration.
5. Consideration of the cost to access justice by the state to be within the reach of all groups, and not to be an obstacle that hinders access to justice services.

The study had five main components in assessing the reality of access to justice in Jordan:

First Component: The regulating legislative framework of the access to justice

Second Component: Access to justice facilities

Third Component: Legal Knowledge (the laws and provisions)

Fourth Component: Execution of judgments

Fifth Component: Guarantee of the right to defense and legal representation.

First Component

The regulating legislative framework of the access to justice: the national judicial system adopted a number of general principles that grant the right to access to justice, but it is noted that this is still insufficient to facilitate the access to justice process according to the international standards.

From a content aspect, Jordan has endorsed and joined a large number of **Human Rights Conventions** and those concerning granting a national equity system, and has taken the appropriate constitutional procedures to publish in the official journal, of the important documents, the **Universal Declaration of Human Rights and International Covenant on Civil and Political Rights**.

The Justice Sector strategy (The Building) for the years 2013-2014 considered that the most important factors to build public trust in the judiciary is easy access to justice, acquiring rights in proper time, and guaranteeing fair trials. It has developed a strategic basis to contribute to the enhancement of public trust in the rule of law.

All **Jordanian national documents** emphasize the values of justice, equality, equal opportunities and the right to access justice, of which most importantly the Jordanian National Charter, Jordan First document, The National Agenda, and Kollona Al Ordon "We are all Jordan" document.

The Jordanian constitution also includes a number of key principles that constitute a guarantee the right of access to justice. The seventh chapter of the constitution regulates the mandate of the judicial authority and states the main principles governing its work. The constitution also guarantees the right to litigation by decreeing that courts are open to all. Thus, protecting this right is one of the guarantees of equality before the law, which conforms the principle enshrined in article 6/ 3 of the constitution.

The law; however, has disregarded these constitutional guarantees of the right to defense and the right to litigation, as it failed to regulate the duty of the state in protecting these rights for vulnerable and needy individuals and groups.

The constitutional principles have also granted equality before law but limited this protection to citizens only, didn't include gender equality, and have included judicial control and monitoring mechanisms on the constitutionality of the laws. According to the latest constitutional amendments in 2011 a constitutional court responsible for the interpretation of constitutional articles and monitoring the constitutionality of the laws and regulations, was established. However, its constitutional provisions had limited the right to appeal to specific entities, namely the Council of ministers, the House of Representatives, Council of Senates and the concerned party of the litigants in the case before the courts.

The Judicial Code of Conduct emphasized the principles of right and justice and stated they are the basics that govern the judges' work in the cases tried before them. The code also called on judges to speedy ruling and equality for all persons. The judicial council decided on 19/5/2013 to form a judicial conduct committee to be responsible for preparing the judicial code of conduct and

any amendments to it, to propose methods to apply the code and other codes of conduct, regulations and judicial values, and to present its recommendations to the Judicial council.

As for **the Court Formation Act of 2001**, the act defined the general specialization of civil courts in their general power to adjudicate all persons in all criminal and civil articles, except for the articles/ cases of which the judiciary delegates the judgment to religious or special courts in accordance with any other law/ act. The act also specified the court types in general and limited those to courts of conciliation (magistrate), first instance, appeal and cassation.

The Courts of conciliation act, code of civil procedure and the code of criminal procedure regulated the qualitative, moral and spatial jurisdiction of each court type. These acts have also regulated the procedural principles applied in these courts, the procedures to be taken before these courts and the mechanisms for appealing judgments. Additionally, the criminal trial standards act included criteria of fair trials in criminal cases from arrest to ruling the verdict.

The Jordanian legislator requires representation by an attorney in civil cases valued over JD1000, but it doesn't do the same for the criminal cases. It didn't state mandatory representation in any phase of the criminal case process except in serious felonies. Moreover, the laws do not include any indication to provision of free legal aid except in crimes associated with death penalties and hard labor, whereby the accused is informed of their right for a lawyer at the investigation before the public prosecutor.

In the Shar'ia Judiciary article 22 regarding the formation of Shar'ia courts act in 1972, it stated the jurisdiction of Shar'ia courts to try personal status cases between Muslims, and to look into cases under its jurisdiction and define their types to first instance and appeal. The act of Shar'ia courts procedures in 1959 defined the qualitative, moral and spatial jurisdiction of each court type, and included criteria to grant the right of access to justice. The inadmissibility of delay in the proceedings and any breach of equality between litigants are considered to be a breach of duties on the job and require disciplinary sanctions.

It is noted, however, that the law provision regarding personal status cases or Shar'ia courts procedures, didn't define the maximum age of the case or the defined period in which the court has to decide. Despite the fact that judges tend to speedy ruling in their cases, the law doesn't define a specific period for the proceedings, which could lengthen the litigation period, and affect the level of satisfaction of judicial services provided by Shar'ia courts, as well as the sense of maintaining human integrity, especially in cases of alimony, alumni and family disputes.

In **church judiciary**, the courts suffer many problems that affect the litigating parties' ability to acquire their rights. One of the most important problems is the lack of any given reference for judiciary in churches, whether from applicable enforced laws or procedures. The court fees are also unclear and to some extent dependent on one's mood, even in cases that require determining certain amounts of money, as in the Shar'ia and civil judicial systems.

Second Component

Access to Justice: the study results show that during the time of the study, the Jordanian justice sector suffered a number of problems and challenges related to the opportunities available to people to access justice to claim their rights or to defend them against assaults.

From a **geographic distribution**, there are 16 First Instance courts in all districts (4 courts in the North, 8 courts in the middle, and 4 courts in the south), and there are 48 courts of conciliation distributed in different regions, of which 3 courts were opened in 2011.

There are only three courts of appeal in Amman, Irbid, and Ma'an. There is one court of cassation in the capital Amman, and it is not considered in the degrees of litigation. Moreover, the criminal court is based in Amman but holds weekly sessions in the districts of Irbid and Aqaba on a monthly basis to adjudicate crimes that were committed in the northern and southern districts.

There are Shar'ia 59 courts distributed within 12 districts, including 3 courts of appeal in Amman, Irbid and Ma'an, which means they are distributed over the three regions of the kingdom (middle, north, and south), same as in the case of civil judiciary.

From the **buildings and infrastructure** aspect, we found that a number of buildings were upgraded and renewed for the courts in both the civil and Shar'ia judicial systems, but they were not properly built and equipped to facilitate access to justice for all persons, namely the disabled and persons with special needs. Additionally, most buildings are leased and small sized. The facilities required for child witnesses in criminal cases, as established by the Ministry of Justice, are not available inside the courts. Moreover, facilities in general are unsanitary and not always availability; furniture is limited, the trial halls are small, and there are no waiting rooms for women and children in criminal and Shar'ia cases.

Additionally, there is a lack of security measures inside the courts also built without security features, causing numerous security breaches inside the court halls.

From the number of judges: the total number of judges in civil courts is (910), of which (867) are working (active) judges except for the seconded, emissaries, on leave without pay and the retired, which are (43) judges. The number of judges for the court of cassation is 33, and the number of judges for the court of appeal has increased from 105 to 114. The number of judges in the court of conciliation increased from 242 in 2011 to 247 in 2012; On the other hand, the judicial council statistics indicate a decrease in the number of judges for all first instance courts from 202 judges in 2011 to 194 in 2012, which is a 4% decrease compared to a 3% increase in cases opened in first instance courts. The load per judge increased from 490 cases in 2011 to 491 cases in 2012, while the number of pending cases increased by 19%, owing to the shortage in the number of judges handling an increased workload of cases, thus impacting the speed and quality of trials.

In **Shar'ia judiciary** the number of judges reached 170 according to the information available on the electronic website of the supreme judge.

The same applies to the extreme shortage in the number of administrative staff supporting the judicial work in the civil judiciary, such as the stenographer, clerks, and notifiers, which totals (2284) female and male employees, of which the stenographers form the bigger percentage of 37% with (839) employees, followed by 31% clerks, 23% messengers and finally 10% notifiers. These statistics indicate there are no clerks at several courts due to a shortage of clerks, notifiers and messengers, which obstruct the work and the litigation proceedings, and in turn directly impacts the facilitation of the justice proceedings. In addition to the shortage in numbers, there are identified weakness in the current capacities and skills needed to provide effective judicial services. In communication with lawyers and the general public, we received numerous complaints regarding not only the speed of the proceedings but also the quality of administrative services provided in the courts registrar and its communication with employees.

We were not able to obtain data and information on the administrative staff at the Shar'ia judiciary.

In the part related to information technology (IT), the Ministry of Justice worked on the automation of the court processes and their linkage through an electronic network, Mizan 2. Its application was centrally applied through the ministry's main computer/ IT center and was applied in all courts for first instance and conciliation. A unified copy was developed and applied to automate all processes and departments of the public prosecution offices. In addition, all the different courts systems were integrated into one unified system to facilitate the exchange of information, reports and comparable statistics. The administrative staff was also trained on the use of the system for generating data, information and statistical numbers.

Local computer networks were established in 24 Shar'ia courts. With 24 computers purchased for a group of Shar'ia judges. The proceedings and processes of all of the Shar'ia courts, courts of appeal, inheritance courts and judgment execution courts in the Kingdom were automated in cooperation with the Ministry of Information Technology and Telecommunication through UTS.

As for the financial cost of practicing the right to litigate, the study showed the high costs hinder the constitutional provision in granting this right. The results of a survey conducted by the center in cooperation with the Department of Statistics showed that 24.1% of a sample group didn't go to court because of the financial inability to cover the courts fees or to hire a lawyer. Thus 39% of legal problems were amicably solved because of financial constraints. In accordance to the latest amendment on the courts' fees system, the minimum fees increased in the conciliation cases to JD 1200 and in first instance cases to JD 5000, added to which, other fees and expenses incur during the court proceedings, such as execution fees, appeal and cassation fees. Moreover, the execution of criminal sentences requires fees for each month of the sentence period and a fee for the sentenced fines. Additionally, the latest amendments caused an increase in the power of attorney fee, which closed the doors for many justice seekers from the poor and people with low-income. It is also considered a breach against the right to litigate by confiscating this right. This calls upon us to question the constitutionality of the fees systems (court fees, trial fees and stamps costs) not in form only but also in its conflict with the right to litigate granted in the constitution. Provisions regulating fee deferment in the criminal cour is complicated and not effective. It is completely based on the authority of the chief judge, and usually chief judges are very strict and not flexible in

applying this option. Additionally, the courts require the payment of the fees upon issuance of court judgment and the litigant cannot enforce the decision unless fees are paid.

The financial capacity is considered of the important factors affecting the extent a woman will hold to her rights. The cost of accessing courts and the financial inability will prevent her from proceeding with her case.² Survey results show that 31.3% of women don't go to courts because of this financial obstacle.

As for the length of trial/ litigation, despite the fact that the legislations defined the periods and deadlines of cases whether civil or criminal, conciliation or first instance, the study indicated lengthened trial periods and complex courts proceedings, which are the main reasons why many people are unwilling to go to courts to claim their rights or to defend them. It is even a bigger obstacle for women, preventing them from going to court and using the national justice system, and causing them ready to give up their rights because of frequent delays and protracted procedures that lead to a state of despair and boredom.

According to judicial council statistics, the rate of case disposition for the year 2012 decreased by 20% in 2011. On the other hand, the number of pending cases increased by 34% for the same period. The annual load per judge is (856) cases compared to the disposition rate of (622) cases per judge. The average period for litigation for first instance civil case is 270 days, 89 days for criminal cases, and 185 days for major crimes. The period for appeal is 34 days. The reason behind the delay in ruling is related to the lack of staff, lengthened court procedures, reasons related to the lack of legal knowledge by the litigating parties and their unfamiliarity with courts procedures, in addition to reasons related to lawyer requests submitted to the courts aim at stalling and procrastinating. Finally, networking and communication problems between the courts and other concerned organizations and agencies lead to a delay in proceedings.

Third component:

The role of civil society: on a national level there are a lot of efforts to overcome the lack of legal knowledge within the community and its different groups. Usually civil society organizations handle this task, but most of their activities are directed towards awareness and enhancing the generalized legal knowledge of human rights, as well as legal fields that have a social impact such as the landlord/ tenants law, penalty code and juvenile. These activities mostly target the educated and are concentrated in the capital and some big cities. The services are not provided to marginalized groups in rural areas; therefore, a pilot initiative should be adopted to confirm the urgent care for responding to those needs.

Role of the media: the media contributed to raising the legal awareness by publishing materials to draw people's attention to their rights by law and how to react and obtain those rights, but the portfolio of human rights and legal awareness is not receiving sufficient attention in the media, which was limited to news and reports. One of the reasons behind this could be the editorial policies adopted in the media, in which news on human rights and the legal empowerment right is

² "Legal aid and empowering the poor to access to justice" focus group report, Justice Center for Legal Aid, January 2011

not on as big a priority as political news. The media sector conveys very limited legal knowledge, as journalists don't give the proper attention to this legal right and limit their work to only covering specific legislations or individual cases.

Moreover, there are many obstacles hindering the journalist's work in interacting with representatives of legal empowerment and human rights cases, such as the difficulty of obtaining information because of lack of cooperation from the resources, lack of training, lack of specialization in a specific sector, continuous changes in these sectors, and restricted editorial policies.

Easy access to legal information and data: there are many mechanisms adopted by the government, the private sector, or the civil society to facilitate access to legal information. **The official journal/ gazette**, publishing all enforceable laws and regulations required by the constitution. Although the Official Gazette is considered informative for all, it is not publically available to all. Currently the prime minister office provides a special search engine for the official journal on its website. **The electronic government** provides- through its website- a number of services and legal information on the different departments and ministries, in addition to mechanisms for looking up documents and other information about the different Shar'ia and judicial services.

The official electronic websites of the ministries and government departments provide legal information on the services they offer and a number of laws governing their work, whether economical, social or in real estate. In addition to direct customer services, the website of the Ministry of Justice provides a number of services and legal information aimed at facilitating access to justice. The information of these services are provided by the different types of courts, and a number of laws, regulation and case inquiry services are available to lawyers, employees and the general public. Moreover, it provides a number frequently asked questions and answers on the judicial system.

As for **the Judicial Council website:** it also provides information on the Jordanian judicial system, the services courts provide, important decisions and regulations issued by the diwan in interpretation of some of the judicial council laws and regulations. It also provides maps of court locations and the same case inquiry service available on the Ministry of Justice website.

The same applies to **the legislation and opinion bureau website**, which provides the service of review and access to laws through the Jordanian legislation software. It is also possible to review drafts of laws and comments on them within days from their publish date on the website.

As for the **supreme judge (Shar'ia chief justice) department** website, it provides a number of legal, judicial and procedural information to the public; it also provides information on the Shar'ia judiciary, the supreme judge department, the Shar'ia courts and other contact information.

And the website for the bar association has a special portal for legislations and laws that includes a limited number of legislations, including the constitution, labor law, landlord and tenant law, and a number of legislative procedures related to lawyers.

As for the **websites of private law firms and offices**, they provide limited information on the judicial system, procedures, forms of pleadings, memoranda, requests and summons presented to courts. They also provide access to a number of laws that interests a large number of citizens, and some provide free-of-charge legal consultation services.

The civil society contributes to the enhancement and dissemination of legal knowledge through its websites. It might also provide legal consultation services or answers to some legal inquiries in the field they work in, but most of these efforts are usually targeting specific categories such as women, children, refugees, and migrant laborers. Moreover, provision of their services is dependent on funding. Despite these efforts the survey conducted by the center showed that 98% of the sample of persons who faced legal problems don't know about these organizations, and that 32% of the remaining percentage, that is (2%), know they exist but don't know the name of the parties providing these services.

Legislative drafting: the legal drafting of our national legislations is considered one of the most important obstacles to access justice in Jordan, because they are ambiguous, contradictory and difficult to understand, even for legal personnel. They are also poorly formulated and drafted because of translation from foreign laws, and they are not thoroughly studied, analyzed, and examined if they are needed.

Legal translation and national legislations translation to foreign languages: the Jordanian legislator requires the legal translation of foreign documents to be submitted to court, or they will be excluded and considered illegal evidence in accordance with the Civil Procedures Act. Additionally, the Criminal Procedures Act recognized the right of defendant and witnesses who don't speak Arabic to hire a translator and arranged for invalidity of proceedings in case this right was breached, but so far the national legislation system is not provided in foreign languages to facilitate its use by non-Arabic speaking individuals within the Kingdom, or at least to provide them with the laws and official procedures required – whether judicial or administrative- of the different ministries and the official departments. In addition, the electronic websites don't offer the information in foreign languages, and if they did, the information is not useful.

Fourth component:

Judgments of executions: because of the importance of judicial sentences, both civil and criminal, and to complete the cycle of achieving justice to its seekers and to the community in general, the **judgments** are executed through a specialized department called **The Execution Department**, from which all executive procedures are taken from the moment of filing a case to the time of execution of the sentence and its completion. For **civil judgment**, the **public prosecution departments** within the courts issuing the judgment are responsible for its execution, where the convict is notified of the definitive judgment issued by the court. As for the legislative system that governs its work, they are distributed between the magistrate/ conciliation act, the criminal procedures act, the penal code, and the court fees system.

This phase needs legislative and administrative reform, as well as a greater capacity of human resources and an adequate number of staff to match the work-load. As others, this phase suffers

from an extreme shortage staff, the small space of execution departments within courts, and the inability of these departments to absorb the increasing number of cases.

The legislative framework for the execution procedures to enforce the definitive verdicts and judgments issued by the civil, religious, Shar'ia courts and the civil part of criminal judgments and foreign judgments, that are to be executed in accordance with any conventions, official and ordinary bonds, commercial documents and bonds, is mainly based on the execution act number 25 for the year 2007, in addition to a number of other laws including the civil, companies, and trade acts.

The geographic distribution of the execution departments is well distributed. There is a department in every first instance court and where there is no first instance court, the conciliation judge takes the role of execution judge.

Statistics for the year 2011 indicate large amounts of work handled by these departments; the civil departments executed a percentage of 73.6% of the total incoming cases and the executed cases percentage is 26.9% of the total incoming and pending cases.

As for the challenges this phase suffers from, the legislative framework doesn't respond to all work requirements in a way that facilitates and speeds the procedures within, especially that all execution judgments are subject to appeal. It should be noted that 70% of appeals filed are not serious, and there is no mechanism to review and activate regulations and legislations to meet the new updated requirements and developments of the work as a result of changes in the circumstances, and to link the reconciliations between the parties to specific deadlines and procedures related to renewing or activating cold cases and files.

Improving the execution of criminal judgments requires a revision of the criminal procedures law and the conciliation law, especially the provisions related to appeal and objections in absentia due to the delay they cause in disposition of cases and in extending trial periods. Additionally, provisions related to notification of the criminal part of the judgment aside from the civil part and the appeal of each separately, requires revision. The notification of judgments through the official journal/ gazette lead to delegating greater authority to the attorney general to drop the penalty and close the execution case.

As for the procedural problems, the lack of human resources, the lack of clear and documented reference that clarifies the procedures and the responsibilities of execution, the different forms and therefore the different procedures from one department to another are considered of the main challenges. Moreover, there exists difficulty of communication between official and governmental departments such as the personal status department, the rehabilitation and reform centers administration, and others, as well as notification problems and the un-clarity of addresses, the lack of automation and computerization of work procedures, and finally problems related to financial systems and returns.

Fifth component:

Granting the right to defense and provision of legal aid services: the law has granted the right of receiving legal aid and free legal representation in many of the international agreements and

conventions, which include the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and the Standard Minimum Rules for the Treatment of Prisoners, a number of principles related to protection of all persons exposed to any type of detention or imprisonment, and the basic rules related to roles of lawyers.

But the national justice system suffers extreme weakness in granting the right to defense, as one of the guarantees for a fair trial, as well as granting this right for free for the poor. The results of a statistical survey conducted by the center in cooperation with the Department of Statistics showed that 47% of the sample which faced legal problems did hire a lawyer, whereas 53% didn't hire one. As for the type of the required legal aid, 87.1% was for lawyer fees and for fees and expenses entailed in the proceedings of the trial such as transportations and court fees, While 85% was for lawyer and case fees, 82.5% was for lawyer fees only. Of the 29.2% of women who went to court, 31.3% appeared before courts without a lawyer.

The component tackled the legislative framework regulating the legal aid and showed a clear gap in the provision of this guarantee in civil cases; **the Jordanian constitution** didn't tackle the guarantee of the right to defense, despite that the provision of this guarantee is imperative to granting the application of the right to litigation and the right of equality before the law.

The bar association act came to emphasize that the lawyers are the judges' assistants and are responsible for providing legal and judicial aid to whoever needs it for a fee. It stated the inadmissibility of litigants' appearance before any type or level of court without lawyers and excluded some types such as the civil cases. The law also tackled free legal aid through the power granted to the bar association chair by article 100 to assign a lawyer at least once a year to represent a person proven to be poor, on the condition that the court shall obligate the opponent to pay the fees shall they were proven wrong in their claim, but the law didn't determine the criteria of eligibility except for poverty. In addition, the reality indicates the law is not applied as it is supposed to be.

Based on the **latest amendment to the conciliation court act for 2008**, it is mandatory for the litigants to appear in courts represented by lawyers in civil cases with costs over JD 1000. Despite the importance of this provision, it increased the financial burden on justice seekers because the legal system didn't guarantee the provision of legal aid free-of-charge for those unable to pay.

As for the criminal cases, there was no provision in the criminal procedures act that states mandatory legal representation in any of the criminal case phases except in the provision on the initial investigation phase before the public prosecutor. This requires the public prosecutor to notify the accused of their right to hire a lawyer within the first 24 hours and to indicate that in the records, and not to proceed with investigation in the absence of a lawyer. Usually this is a routine procedure to guarantee the invalidity and annulment of investigation procedures, and even if a lawyer is present, it is only for formality without any real role in that phase. The law didn't allow the presence of a lawyer before the police in the initial phase of investigation despite the critical importance of this stage. A memorandum of understanding between the bar association and the

public security directorate in 2009 stated in article five (5) to allow the presence of a lawyer with their client before the police, but it has not been activated until now.

Article 208 gives the court the power to assign a lawyer in case the accused couldn't afford one, and this is limited to criminal cases associated with death, hard labor for life and life imprisonment sentences. In addition, there is no adopted mechanism for assigning lawyers in such cases. The law determined the fees that are paid out from the flagrante delicto fund under the Ministry of Justice, in addition to other formalities for granting the quality of legal services provided in case of assignment.

For the purpose of filling the legislative gap, a number of civil society organizations provide empowerment and legal aid services that are focused on raising awareness and providing legal consultation, a very small number of which, works to provide free aid and legal representation for some of the marginalized and poor groups, especially women, children, refugees and migrant workers. The number of those organization doesn't exceed ten (10) at most, but the data and information we have obtained for the purpose of this study indicate a weakness in the access to justice services and the services of empowerment and legal aid available for the poor and marginalized groups in Jordan, due to the absence of the state role in the provision of effective services in this area.

In numbers, the survey conducted by the center shows that 98% of the sample that suffer from legal problems don't know about such organizations that provide legal aid services. Of the remaining percentage, 32% don't know the name of the organizations providing such services.

Justice sector administrative channels and supporting agencies: the Jordanian legal system provided administrative channels and tools to receive complaints about any breaches or violations any person is exposed to by agencies or individuals representing the public (governmental) authority, including filing complaints against judges. These channels include:

Office of the Ombudsman and Human Rights (ODIHR) of the Public Security Directorate Directly linked to the director of public security, the office specializes in looking into complaints of violations related to human rights and prevention of providing services determined by law, complicating or unjustified delay in provision of services, transactions, lack of transparency, mistreatment, negative behavior, negligence, failure, or error from members of the public security. The complaints could be submitted by e-mail to the directorate of public security and the criminal procedures act is applied to the investigation of these complaints.

Office of the Ombudsman was established with a special law in 2008, and it specializes in looking into complaints related to any of the public administration or its staff decisions, procedures, practices or the refrain from any, and in recommending the simplification of administrative procedures to enable citizens to easily and simply benefit from the services the public administration provides. A weakness exists in that it excludes the private sector from control, and if their appeal is legally recognized before an administrative or legal party, and if the complaint subject is before the judiciary or was decided on by a judicial decision.

Wages authority: specializes in looking into complaints regarding wages and overtime wages in accordance with article 54 of the labor law. Provided that the worker is on top of their work, the relevant provisions of the Magistrates' Courts Act are applied, including the requirement for the presence of a lawyer in cases that cost more than JD 1,000, but is not obligated to follow the same procedures. It has also adopted an expedited process. It also has the power to refer the case for mediation based on the workers' request, provided it is within 6 months of his/ her termination date.

The judicial council and inspection administration: the chief justice and the head of each court is responsible for the supervision of its judges and the formation of a disciplinary council to look into violations by judges, of these violations the delay in disposition of cases, the impartiality between litigants and other reasons stated in the law of the independence of the judiciary.

As for the directorate of judicial inspection, it is responsible for looking into disciplinary complaints filed against judges and staff of each interested party either to the chief justice or to the Minister of Justice, and then it is turned to the Director of Inspection, who has the power to refer the complainant to the Attorney General for alleged slander if a decision to reject the complaint is issued. In (2011), there were 100 complaints received against judges, of which 28 have been declined/ dropped, and there were 16 complaints against employees, of which 13 were dropped.

Of the most important obstacles facing the work of the inspection directorate in addition to the possibility of referring the complainant to the criminal court for alleged slander, is the lack of inspectors, linking the inspection process to the cases of promotion and not to assess the weaknesses and development of continuous training program at the judicial institute. In addition, the directorate doesn't have the power to investigate the reasons of delays in trials and case disposition as long as they are still tried except in the case of complaint by one of the case parties.

Directorate of human rights and family affairs/ Ministry of Justice: its establishment in 2007 was directly linked to receiving cases of family violence and juvenile on the basis that dealing with these cases falls under the jurisdiction of the ministry role to develop procedures and systems to deal with the sensitive nature of these cases. The directorate didn't receive any human rights violation complaints to date despite the fact that this is within its scope of work. The directorate work is still limited to assessing legislations for amendment and development. In addition to its role for setting the standards and criteria to provide legal aid to specific groups or their representation before courts in coordination with the bar association, the national center for human rights and a number of other related organizations and civil society organizations within the criminal justice development component.

Dispute resolution alternative methods/ mediation: in 2006, the mediation for civil dispute resolutions act was decreed. Currently there is an administration for mediation in all courts of first instance distributed in all of the Kingdom's regions. The ministry has established a special division to support alternative methods and to support the civil case management within the directorate of legal affairs and international cooperation at the ministry. Of the most important advantages of this method is that it is less costly from the litigation or arbitration, time saving as it doesn't follow

specific procedural standards, it also enables the complainant to retrieve the fees paid when filing the complaint.

It is worth noting that the civil case management system was integrated in the Jordanian judicial system to impose early judicial oversight and control on the case file to speed the procedures and overcome problems and main reasons of trial delays, but this mechanism didn't serve the purpose of its establishment because it was limited to the first instance cases only. In addition, the system didn't give the case management judge the powers to obligate the case parties to appear before the courts except for the formalities of notification. This is considered a key factor to hinder and delay the course of justice in all phases and types of cases.

Study components

The status of access to justice in Jordan will be assessed by highlighting a number of key components that were adopted as evaluating tools noted below:

First Component: the regulating legislative framework of the access to justice

Second Component: Access to justice facilities

Third Component: Legal Knowledge (the laws and provisions)

Fourth Component: Execution of judgments

Fifth Component: Guarantee of the right to defense and legal representation.

First Component: the regulating legislative framework of the access to justice

The national legislation system adopted a number of general principles that grants access to justice, starting from national documents through the constitution to the special rules and regulations. Nevertheless, it is noted that this system is not sufficient to facilitate the access to justice process in accordance with the international standards, whether in enhancing the legal literacy and providing legal information in an easy way for those who needs it, or in relation to the ability to go to court to claim and protect their rights. Although the national laws ensure the right to access justice, its facilities, and all guarantees of a fair trial, these standards still suffer some shortages in a number of aspects, which hinder exercising the right to use courts. Most importantly is the cost of litigation and failure to grant the right to defense by providing it for free for marginalized groups unable to hire a lawyer for their defense. Other obstacles include the length of litigation period, the shortage in the infrastructure of justice facilities and its unsuitability for the disabled and people with special needs, and the shortage in legislations to organize the cases of church courts because there isn't a unified personal status law for non Muslims or a legislation book for the laws of non-Muslim groups for the church court procedures, nor a unified fees system. Additionally, the appeal period of church courts is in Jerusalem for at least some of the Christian groups.

International Conventions

One of the most important standards to administer justice is what was stated in the preamble of the Universal Declaration of Human Rights “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”, in addition to the principles stated in articles (2, 3, 5, 6, 7, 8, 9, 10, and 11)³ of the Universal Declaration of Human Rights and the relevant provisions in the International Covenant on Civil and Political Rights and its two optional annexes, especially articles (2, 3 and 14)⁴ of the covenant.

Additionally, the important standards to administer justice include provisions of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of all Forms of Racial Discrimination, particularly the right to equality before courts and all other justice institution, and the Convention on the Rights of the Child, particularly Article 37, which states the every child deprived from his freedom is to be treated in a manner that considers the needs of people at his age, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly the equal treatment of man and women in all stages of judicial procedures at courts and before the judiciary. Through these texts we may consider the following as the international standards for access to justice principle:

First: Respect of rule of law principle is considered one of the most important principles underlying the international law. Furthermore, it is an essential element to achieve world peace, ensure respect and consolidation of human rights at the international and national levels, and thus achieve sustainable development.

Second: The independence and impartiality of the judiciary, the integrity of the judicial system and the independence of lawyers are considered indispensable conditions for the protection of human rights, the rule of law, good governance and democracy, and to ensure non-discrimination in the administration of justice, and should therefore be respected in all circumstances.

Third: Each state is to establish an effective framework of remedy in order to address complains or violations of human rights.

Fourth: The right of everyone to access justice is an important foundation for the promotion of the rule of law by the administration of justice. The focus should not be on the administration of justice in the criminal justice system only, but must include all the components of the national justice system.

Fifth: Provision of effective legislative mechanisms and procedures and other tools, procedures, and sufficient resources to grant full adherence to all standards and criteria.

³ See Annex 1, First: relevant articles in the Universal Declaration of Human Rights

⁴ See Annex 1, Second: relevant articles stated in International Covenant on Civil and Political Rights

Sixth: Enlist and include the administration of justice in national development plans as an integral part of the development process.

Seventh: Allocate adequate resources for the provision of legal aid services in order to promote and protect human rights, and invite the international community to respond to requests for financial and technical assistance to support and strengthen the administration of justice.

Judiciary Development Strategy:

The strategic plan of the judicial authority (the building strategy) for the years 2012- 2014, stated that the main reasons leading to enhancing the public confidence in the judiciary is the easy access of citizens to justice, obtainment of their rights in due time, and the provision of proper conditions for a fair trial. The strategy also noted the need to enhance public knowledge of the basics of the work of the judiciary and court proceedings in order to facilitate the work of judges and lawyers and accelerate the procedures for closing the case. The strategy developed a set of strategic principles that will contribute to the enhancement of public confidence in the rule of law:

- Contribute to ensuring facilitation of access to justice.
- Contribute to the integration of the legal culture in the educational systems.
- Contribute to public awareness of the role of the judiciary and the judicial development efforts.
- Raise awareness of citizens' rights, duties, fundamental freedoms and the right to equality before the law in the state under the rule of law.

National Documents:

All of the Jordanian national documents emphasized the values of justice, equality, equal opportunities, and the importance of ensuring the right of access to justice through:

- Emphasis on providing judicial and legal services of the highest levels of efficiency and transparency.
- Emphasis on the state's duty to fight poverty and address its effects, and to consider this as a strategic goal of the state of Jordan as one of the reasons that impede the right of individuals to access to justice, and to also consider it a national responsibility borne jointly by all of the state components.
- Development of mechanisms to achieve justice and equality for everyone.

Following is a brief review of access to justice guarantees included in the national documents:

First: the Jordanian National Charter of 1991 provided for the establishment of the Office of the Ombudsman and an independent committee to update and develop legislation, in addition to the text on the importance of establishing the Constitutional Court⁵.

⁵ See (D) monitoring of constitutionality of laws and regulations (The Constitutional Court).

Second: “Jordan First” document called for quick disposition of cases, to upgrade courts and equip them to facilitate execution of their duties, and study the possibility of establishing a constitutional court in due time.

Third: The National Agenda⁶ made it one of its main objective to improve the quality of life of the Jordanian citizen through the improvement of living standards, the provision of social welfare and security, the creation of new jobs, in addition to the components it included, in which it proposed development projects in all fields, especially those guaranteed by the legislation and justice component.

Fourth: “We are all Jordan” document emphasized the principle of protecting the state of law by rule of law, and the adoption of policies, legislations and procedures to combat corruption, favoritism and all forms in conflict with the rule of law and social justice.

The Constitution:

The latest constitutional amendments emphasized the enhancement of the independence of the judicial authority, setting a number of important constitutional rights, such as the trial of civilians should be in front of civil judiciary, the presumption of innocence in criminal courts until a final decision is issued by the court emphasized, text on the prohibition of torture, text on the establishment of the Constitutional Court and division of the administrative court into two levels.

Moreover, the Jordanian Constitution includes a set of general principles and provisions to ensure to some extent the right of access to justice through principles related to the judiciary and the principles of justice and equality in the chapter on the Rights and Duties of Jordanian citizens.

Organization of the Judicial Authority:

In chapter 3 of the Jordanian constitution, it is stated that the nation “Al umma” is the source of authorities and it’s exercised through specific authorities in accordance with the constitution as stated in it. Article 27 of the constitution stated the judicial authority is one of the three powers after the legislative and executive authorities; the same article stated the independency of the judicial power is exercised by the varying types and degrees of courts of law, and they shall issue the judgments in accordance with the law and in the name of H.M. the King⁷.

Chapter 7 addressed the basic principles relevant to the justice authority work, and they are:

1. Provision on the principle of independence of the judges⁸ and the independence of the judiciary⁹.

⁶ The National Agenda- Chapter 1

⁷ Article 27 of the Jordanian constitution “The Judicial Power is independent and shall be exercised by the courts of law in their varying types and degrees. All judgments shall be given in accordance with the law and pronounced in the name of the King ”

⁸ Article 27 of the Jordanian constitution “Judges are independent, and in the exercise of their judicial functions they are subject to no authority other than that of the law”.

⁹ Article 101/1 of the constitution “The courts shall be open to all and shall be free from any interference in their affairs”.

2. The appointment of judges shall be by a Royal Decree through a decision of the Judicial Council, which, alone, has the right to appoint judges¹⁰.
3. Establishment of the Judicial Council¹¹.
4. Courts types: Civil, Religious and Special¹².
5. Establishment of the Administrative Judiciary in two degrees¹³.
6. Guarantee of the right to litigation¹⁴.
7. Provision on the principle of presumption of innocence¹⁵.
8. Provision on the principle of public court sitting¹⁶.
9. Provision that the civil court jurisdiction is to look into all types of civil and criminal cases¹⁷ and to try civilians in criminal cases before its natural judge, but the provision excluded some types of crimes from the general principle, they are treason, espionage, terrorism, the crimes of drugs and currency forgery¹⁸ (which are under the jurisdiction of the state security court).
10. Provision on the types of religious courts, and they are Shar'ia court and tribunal of other religious communities¹⁹.
11. Provision on the Special Courts to exercise their jurisdiction in accordance to their special rules²⁰.

However, the constitution and the following amendments overlooked the provision on what is considered an essential underlying principal, which is the multiplicity of degrees of litigation. Although the Jordanian judicial system adopts a multi-level judicial system, there are exceptions to this principle. Considering different degrees of litigation, there are some texts that may violate this principal. Legislators should have proposed legislation on this important principle upon which the judicial system as a whole is based on and is no less important than the other principles cited concerning the organization of the judicial authority.

¹⁰ Article 98 of the constitution paragraphs (1) and (3) "Judges of the Civil and Shar'ia Courts shall be appointed and dismissed by a Royal Decree in accordance with the provisions of the law. with no prejudice of paragraph (1) of this article (iii) the Judicial Council alone has the right to appoint civil judges"

¹¹ Paragraph (2) of article 98 of the constitution "A Judicial Council is to be formed by a law to handle affairs related to civil courts."

¹² Article 99 of the constitution "The courts shall be divided into three categories: (1) Civil Courts (2) Religious Courts (3) Special Courts"

¹³ Article 100 of the constitution "The establishment of the various courts, their categories, their divisions, their jurisdiction and their administration shall be by virtue of a special law, provided that such law provides for the establishment of a High Court of Justice. the Law of the High Court of Justice shall include a provision that administrative justice must be of two categories"

¹⁴ Article 101/ 1 of the constitution "The courts shall be open to all and shall be free from any interference in their affairs."

¹⁵ Article 101/ 4 of the constitution "The accused is innocent until proven guilty by a final verdict."

¹⁶ Article 101/ 3 of the constitution "Court sittings shall be public unless the court decides that they be in camera in consideration of public order or in preservation of morals."

¹⁷ Article 102 of the constitution "Civil Courts in the Hashemite Kingdom of Jordan shall have the right to exercise jurisdiction over all persons in all civil and criminal matters, including cases filed by the Government or filed against it, with exception of the matters in respect of which jurisdiction is vested in Religious Courts or Special Courts in accordance with the provisions of this Constitution or any other legislation in force."

¹⁸ Article 101/ (ii) of the constitution "No civilian may be tried in a criminal case where all its judges are not civilian, the exception to that are the crimes of treason, espionage, terrorism, the crimes of drugs and currency forgery."

¹⁹ Article 104 of the constitution "Religious Courts shall be divided into: 1. The Shar'ia Courts, 2. The Tribunals of other Religious Communities"

²⁰ Article 110 of the constitution "Special Courts shall exercise their jurisdiction in accordance with the provisions of the laws relevant thereto."

Equality in exercising the right to litigation

The Jordanian Constitution guarantees the right to access the courts, which is a right granted in article 101 of the Jordanian Constitution (The courts shall be open to all and shall be free from any interference in their affairs). It should be noted that granting this right is part of ensuring tranquility and equal opportunities, which is considered one of the first duties of the state under article 6/iii of the Constitution²¹.

Despite the fact that the Jordanian constitution was keen to ensure the right of litigation by stating that courts are open to all, it did not include texts to ensure the full application of this principle. For example, the provisions overlooked ensuring the right to defense, though it is considered one of the important foundations and pillars underlying the judicial process. Also the text did not state free litigation at least for the disadvantaged groups that cannot afford to enter into the judicial process because of its financial burden. The text may, for example, state the duty of the state to provide ways to ensure this right, especially since the right to litigate is the base from which all other rights arise.

In addition, practice indicates a problem related to the ability of the disabled and people with special needs to exercise their constitutional right to litigation and recourse to justice facilities. As a result of the lack to create an appropriate environment to facilitate their access to the justice facilities, which increases the likelihood of prejudice to their right to litigate on equal basis with others without discrimination, and may also prevent many people from this group to access courts to complete certain procedures, such as employment, it may lead to delegate someone other than the person with the disability to do the work required on his behalf.

In order to ensure equality in the exercise of the right to litigation, the specificity of some types of cases, such as the sensitivity and privacy of Shar'ia cases, must be taken into account, where practice refers to non-observance of women's privacy and secrecy in the hearings by the judge trying into the case²².

Equality before the law:

The constitution clearly stated in article 6 of chapter 2 related to the rights and duties of the Jordanians that (Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language or religion.), and it stated these rights and duties in the special chapter of Jordanians rights and duties. It also stated that the infringement of rights and public freedoms or the inviolability of the private life is a crime²³.

Although the constitution limited this protection to Jordanians only and did not include protecting all persons within its region, there is no doubt that this is considered a breach of the principle of equality before the law, according to the Universal Declaration of Human Rights²⁴ and the

²¹ Article 6/ 3 of the constitution "The State shall ensure work and education within the limits of its possibilities, and shall ensure tranquility and equal opportunities to all Jordanians."

²² Focus group report ((legal aid and empowerment of the poor to access justice)), Legal Aid Justice Center, January 2011.

²³ Article 7/2 of the Jordanian Constitution "Every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law."

²⁴ Article 7 of the Universal Declaration of Human Rights

International Covenant on Civil and Political Rights²⁵. In addition, the text did not indicate equality on the basis of gender equality, despite the claims advocated by civil society organizations that demanded explicit statements for that, applying to both male and female.

Moreover, some laws may involve discriminatory terms used by the legislator to refer to a specific group. In the referral to persons with disabilities, for example, the legislator used the term (handicap) in the Code of Criminal Procedure and the law of the Notary Public.

Oversight on the constitutionality of laws and regulations (the Constitutional Court):

The Jordanian constitution was amended to introduce a model of judicial oversight and control on the constitutionality of laws by establishment of an independent Constitutional Court²⁶, as the Supreme Court was practicing some oversight in monitoring of the constitutionality of laws and regulations.

As for the jurisdiction, it was defined in article 59 of the constitution as follows:

- Oversight on the constitutionality of the applicable laws and regulations by submission of direct appeals to the court by entities specified in article 60 of the constitution, and they are The Senate, The House of Representatives and The Council of Ministers. And in the case viewed before the court conditional to be submitted by one of the litigating parties, if the court finds it serious, it has the right to refer it to the court determined by the Constitutional Court (Court of Cassation according to law) to decide on whether it should be referred to the Constitutional Court or not.

And so the law and the constitutional test limited the right to appeal on the constitutionality in specific entities, and they are the Council of Ministers, the Senate, the House of Representatives, and one of the litigants in the case viewed before the court.

- Interpretation of the provisions of the Constitution if such is requested by a decision issued by the Council of Ministers or by a decision taken by either House of the Parliament by majority.

Judicial Code of Conduct:

The Code stressed that the principles of right and justice are the foundation to govern the work of the judges in the cases viewed before them, and called on judges to avoid postponing hearings for unjustified reasons, especially postponement for the same reason, and made it mandatory to consider a delay period stipulated in the law.

Article 18 of the code stated that it is the judge's duty when exercising judicial work to seek equality between all persons, whether litigants or others in his speech or attitude under any

²⁵ Article 2/1 of the International Covenant on Civil and Political Rights

²⁶ Article 58 of the constitution "A Constitutional Court shall be established- by a law - the headquarters of which shall be in the Capital; shall be considered as an independent and separate judicial body; and shall be composed of nine members at least inclusive of the President, to be appointed by the King."

circumstances²⁷. Article 22 of the code also stated that a judge should seek to perform his judicial duties in his judicial attitude without favoritism, bias, prejudice and discrimination to enhance confidence and trust in the independence and impartiality of the judiciary.

It should be noted that the Judicial Council issued a decision on 19/5/2013 on the formation of a Judicial Conduct Committee comprising a number of judges to prepare a code of judicial conduct and any needed amendments to it, and to propose any methods for the application of this Code in addition to other codes of conduct, judicial norms and values. The committee shall provide its recommendations thereon to the Judicial Council.

Laws of the Judicial Authority

A. Civil Judiciary

The laws related to regulating and organizing the Civil Judiciary in terms of formation, procedures, and judgments, are as follows:

- Court Establishment Law
- Court of Conciliation Act
- Civil Procedure Act
- Criminal Procedure Act

The court establishment law in 2001 determined the general jurisdiction of civil courts in the Kingdom to have the right to exercise jurisdiction over all persons in all civil and criminal matters, with the exception of matters of jurisdiction vested in Religious Courts or Special Courts, in accordance with the provisions of any other legislation in force.

It also specified the types of civil courts and limited them to Courts of Conciliation, First Instance, Appeal and Cassation, and clarified its formation. The Conciliation Courts Act determined the qualitative and quantitative jurisdictions of the conciliation courts, while the Civil procedure code defined the jurisdiction of the First Instance courts of having the general jurisdiction in all matters that are not within the jurisdiction of other courts²⁸, in addition to its specific competence according to some text in a number of laws, such as its competence in bankruptcy cases²⁹ or pre-emption and priority³⁰, in addition to the -Civil Procedure Act- the qualitative and quantitative competence for the Courts of Appeal and the Court of Cassation³¹.

The Code of Civil Procedure, the law of the Conciliation (Magistrates) Courts and the Criminal Procedure Code included the main procedural standards to be followed before the civil and

²⁷ Article 18 of the Judicial Code of Conduct "Judges should treat everyone equally in the course of performing their judicial functions- in speech and attitude- whether they were opponent litigants or others (witnesses, lawyers, court staff or judicial colleagues) without distinction for reasons related to religion, race, colour or any other reason and must ask his subordinates to adhere to this"

²⁸ Article (30) of Courts of Conciliation stated that "the court of first instance jurisdiction is in viewing and adjudicating cases not within the jurisdiction of another court in accordance to in force laws, it also has the jurisdiction to decide on urgent requests and all other requests related to the original one regardless of value worth or type".

²⁹ Article (290) Jordanian trade law number 12 1966

³⁰ Article 2/g of immovable property amendment law number 51 for 1958

³¹ Article 176/ 1, 2, and article 191/ 1 of the same law

criminal / penal courts, as well as the fair trial standards in criminal cases from the moment of arrest until sentencing. Moreover, these laws outlined the legal way to appeal decisions issued by courts of first degree and identified decisions subject to appeal and the mechanisms for that, but these standards were deficient in some respects, particularly in terms of the text to ensure the right to defense or granting free-of-charge defense to those incapable of hiring a lawyer in both civil or penal cases.

In civil cases in excess of one thousand dinars, the legislator stipulated legal representation mandatory of the parties through a lawyer, to speed the litigation procedures and because lawyers are more capable of claiming rights and understanding the procedures since they are more knowledgeable and familiar with them. Despite the importance of this amendment to ensure the right to defense in civil cases, it has not been matched by the state role to provide support services and by special institutions to provide assistance and legal representation for the disadvantaged. This led to the inability of many disadvantaged people to pay lawyers' fees to go to courts to claim their rights or defend them, which constitutes a breach of the guarantee of the right to resort to the judiciary endorsed by the Constitution and International Covenants.

For criminal cases, the legislator did not pursue the same approach used in the civil cases. It did not provide for a mandatory representation of the defendant / accused by a lawyer to defend him, but the texts indicated the possibility to use this right at the stage of preliminary investigation before the prosecutor, only, through notifying the defendant of his right to hire a lawyer. This is mandatory only if the crime is of the serious penal crimes with sentences of death or hard labor and within the jurisdiction of Criminal Court. On the other hand, the texts exclude the topic of free legal assistance services, whether provided by the state and its institutions or by civil society organizations. The only reference in this context was also for charges related to crimes punishable by the death penalty or hard labor and within the parameters concerning the jurisdiction of the court to appoint a lawyer and in determining the maximum limit of the fees adjudged to the lawyer appointed to defend the accused. This is apart from the practical difficulties in terms of lawyers' acceptance to provide these services or in terms of the quality of legal services provided in these conditions.

On another end, it is possible, through procedural texts, to calculate the average life span of the lawsuit given it defines periods of duty during which the exchange of documents, indictments and postponement periods of hearings take place. It stipulated not to allow postponement of the hearing for the same reason more than once, and the inadmissibility of postponing the case for more than 14 days at a time, but practice shows protracted litigation, which is caused by different reasons, most importantly the problem with notifying litigants or witnesses, the unclear addresses, frequent adjournments for the same reasons and non-compliance with the legal period allowed for postponements. Other reasons relate to lawyers, stalling of the proceedings, and the mandatory presence of the preparator of the seizure report and technical expertise reports.

Despite that some types of cases were stipulated by the legislators as urgent as in labor-related cases, it is noticeable that there are delays in their review and disposition for the same above mentioned reasons.

We could add to all of the above the administrative problems facing the appeal stage and relevant to the process of distributing the cases at the court and the delays in this process. For example, a case could stay in the stage of distributing to one of the appeal entities for a whole year. In this stage, court hearings are delayed for one month each time, which negatively affect the length of the litigation period. Reasons for delay could be because of the lack in numbers of appeal bodies in comparison to the number of referred cases from the different types of courts, where there is only three Courts of Appeal in the capital Amman, Irbid and Ma'an.

B. Shar'ia Judiciary

Article 22 of the Shar'ia courts formation law for the year 1972 stipulated the jurisdictions in the matters of personal status of Muslims. Article 2 of the Shar'ia Procedure Code 1959 detailed the jurisdiction and scope of the Shar'ia courts meaning that qualitative jurisdiction sharia courts have the legislations specify the the types of cases that fall within its jurisdiction to view and adjudicate. Article 21 of the Law of the formation of the Islamic courts stipulated the establishment of Shar'ia courts in the districts, regions and in any other place that shall be held by one judge or more, and one Shar'ia Court of Appeal or more as needed under a special system to be held by a chair-judge and two members.

Article 23 of the same code considered that a delay in the case disposition, not specifying a date for explaining the judgment and the repeal between litigants and the disclosure of confidential hearings information, constitute a breach of the judge and court duties and require disciplinary action either by verbal or written warning, or disciplinary penalties in accordance with the law.

As for the spatial jurisdiction, the court is held in the location of the defendant's residency. If he didn't have a resident address, the court is to be held in the location of the complainant according to Shar'ia court procedures, which included the procedural standards to be followed before any Shar'ia court and determined the periods the courts have to observe and abide by during the court proceedings.

But it is noticed that in provisions of the laws, both the personal status or Shar'ia court procedures code didn't include a definition of the length of the case viewed by Shar'ia courts or the period during which a court must issue its verdict. Although judges tend to quickly adjudicate viewed cases, the law didn't specify a limited period for the proceedings. This could lead to long litigation, impacting the level of satisfaction of judicial services provided by Shar'ia courts and the level of human dignity and respect especially in family conflict and alimony cases.

C. Church Courts

These courts suffer a lot of problems that affect the litigants in terms of claiming their rights; one of the most important problems is the lack of specific reference for the ecclesiastic judiciary in terms of applicable laws or procedures, which requires the call for a unified law for procedures within the ecclesiastical courts as a first step for the development of its judiciary. The importance of knowing the church laws comes from the fact that they are the administration tool of justice, and it is the right of addressees of these laws to be acquainted with them. It is also their right to have one unified reference to the procedures to be followed before these courts. The church laws are a tool

to protect the rights of people of the church and to defend the values guaranteed by the church; it is the right of litigants before the ecclesiastical/ church courts to know the powers and jurisdictions of the judge, the duties of the lawyer, the court procedure, the hierarchy and degrees of the courts and the results of the decisions issued by them; therefore, such a law will give a comprehensive and holistic nature for the procedures followed before church courts, similar to those followed in the Civil, criminal and Shar'ia courts in the regular civil judiciary.

The same applies to the fees, as there is no clear fees system for the church courts, which makes it dependable on the mood of the judge to specify the fees, even for cases claiming certain amounts. Therefore, it became very important to look into the issue of developing a clear defined and binding system for the cases and to the demarcation of cases, and determining their fees similar to the Shar'ia and civil judiciary.

Second Component: Access to Justice Facility

As mentioned in the first component, the Jordanian legal system included general principles emphasizing the guarantee of the right to litigation. The system included provisions that would establish the fundamental principles governing the functions of the judiciary and clarified the legal procedures for the litigation process, but stating the right alone is not enough. The state has to take measures, develop mechanisms and means to enable the public to exercise this right; it has also to provide the appropriate infrastructure and affordable cost of exercising this right to all groups within society.

Results of the research conducted during the preparation of this study show that the justice facility in Jordan suffers from a number of problems related to the opportunities available for the public to access claim and defend their rights. Although the courts are geographically very well dispersed, this saying applies to the courts of magistrates (conciliation) and first instance, while we find that most of the problems are at the appeal stage, where there are only three courts distributed regionally in the center, north and south, and there is one Court of Cassation found in the capital Amman.

In addition to the above, the extreme shortage of human cadre assigned to the Judicial Service including judges and the supporting administrative staff, leads to obstruction of proceedings as a result of the high workload compared to the number of those working on it.

The adopted mechanisms of work within the courts, routine procedures regarding the completion of transactions, protracted litigation and high fees, are all reasons leading to the reluctance of people to resort to courts. In addition to the above, there exists problems related to the infrastructure of the courts and their readiness to serve all groups of society; women, children and people with special needs, as well as their readiness in terms of security, where it is noted that most courts are originally leased spaces intended for housing purposes and do not help in facilitating provision of services to the public. Moreover, the court sites and the lack of suitable and safe places for parking clients' cars could be also considered among the most important problems of access to justice facilities.

Geographic distribution of courts

Courts are established by an order issued by the Council of Ministers in accordance with the provisions of Article 3/ A of the law on the formation and establishment of Civil Courts, which determines their spatial jurisdiction, in terms of geographical distribution. The conciliations' Courts are spread in the various governorates and districts of the Kingdom, counting 51 Courts of Conciliations. The courts of first instance are spread in the various districts for both civil and criminal jurisdiction, with 16 Courts of First Instance in total distributed in the Jordanian districts (4 courts in the north, 8 courts in the middle and 4 courts in the south). There are also 48 conciliation courts distributed in the different regions, including 3 courts opened in 2011.

There are three Courts of Appeal only in Amman, Irbid and Ma'an. There is one Court of Cassation in the capital Amman, and it is not considered in the degrees of litigation, as it is a court of Law and doesn't view the subject of the case (facts and evidence) except for the repeal referred to it from the police court, national security, and Criminal Court. We should indicate that the Criminal Court is based in Amman, but it holds hearing sessions for a period of one week on monthly basis in the districts of Irbid and Aqaba to adjudicate crimes committed in the northern and southern districts.

There are 59 Shar'ia Courts distributed in 12 districts of which are 3 Courts of Appeal in the capital Amman, Irbid and Ma'an, distributed over the three regions of the Kingdom (middle, north and south), similar to the civil judiciary courts.

The civil and Shari'a courts are well distributed over the districts and regions of the Kingdom, which facilitates the access to courts based on the spatial jurisdiction of each court. Despite the shortage in the Courts of Appeals, their distribution over the regions was considered to guarantee there is a court in each region (North, middle, north). It is worth mentioning that the latest amendment on the Conciliation Courts law has broadened the jurisdiction of the First Instance courts in their appeal competence, and thus it eased and reduced the load on the Courts of Appeals and quickened the disposition process. The same thing applies to the locations where the Criminal Court is held

Courts infrastructure and staff (Judges and Supporting Administrative Staff):

Courts of different types and degrees suffer many problems directly related to the infrastructure in terms of buildings and equipments, in addition to the logistical and technical support provided to serve justice and facilitate access to justice. Other than the extreme shortage in numbers of judges and the supporting administrative staff, the Judiciary development strategy included within its fourth component on "the institutionalization of the relation between the Judicial Authority and Ministry of Justice" a number of issues to develop the infrastructure of courts, services and the supporting administrative staff, as well as in the field of Information Technology and Telecommunication.

Building and courts infrastructure for the civil and Shar'i Judiciary a number of buildings were upgraded and established as courts, such as the courts at Azzarqa' and Al Saltt. The Court of Cassation was moved from the Justice Palace building at al Abdali to a new separate and

independent building; in addition, a new building was dedicated to the Criminal Court. The Shar'ia Judiciary's new building was inaugurated for the Supreme Judge Department in 2011, and a number of Shar'ia courts was moved to that building (Supreme Judge Diwan, Amman Shari'a Court of Appeal, Amman Shari' Court of Registration, Amman Shari' court of Inheretence, Amman Shari' Execution court). In addition, four new offices were built for family reform and conciliation in Al Saltt Shar'ia court, Wadi Assir Shar'ia Court, Eastern Amman Shar'ia Court, and Azzarqa' Shar'ia Courts Comound, to assume the tasks of family counseling, reform and conciliation ³².

But the courts are not properly equipped to facilitate access to justice by all of the groups in the community. Many of the buildings are leased and have small offices because they were originally designed for housing purposes and don't suit the courts function requirements in terms of location, design and security. They are also unequipped to serve the disabled and people with special needs. The Ministry of Justice provided facilities to serve the child-witness in criminal cases, yet they are not properly activated in the courts. Additionally, there exists problems with the sanitation facilities in terms of availability and cleanness, shortage in furniture and the small size of court rooms. It should be noted that the Ministry of Justice opened a number of office rooms in the Justice Palace to be used as court rooms, but the rooms are still very small and do not have the capacity to host the numbers of lawyers nor litigants. In addition, there are no waiting rooms for witnesses, especially for women and children in criminal and Shar'ia cases.

The lack of security measures in courts and the inconsideration of the security aspect in their building design led to a number of security breaches in the court halls.

In terms of number of judges; the total number of judges in civil judiciary is (910) judges, (867) of which are active except for the ones who are seconded, emissaries, retired or on leave without pay, which are (43) judges. In 2012, (60) new judges were appointed, of them (34) female judges, increasing the total of female judges to (141), representing a percentage of (16%) of the total number of judges; the number of judges of Cassation is (33) judge; the number of the judges of the courts of Appeal increased from (105) to (114) judges, whereas the number of judges of Conciliations increased from (242) judges in 2011 to (247) in 2012. On the other hand, the judicial council statistics indicate a 4% decrease in the number of judges in all First Instance courts from 202 judges in 2011 to 194 in 2012. In comparison to a 3% increase of incoming cases to First Instance courts, the load per judge increased from 490 cases in 2011 to 491 cases in 2012, and the number of pending cases increased by 19%, owing to the shortage in the number of judges compared to the numbers of recorded incoming and pending cases assigned to each judge, causing an increased work load per judge, and impacting the speed and quality of trials.

As for the Court of Appeal, 33 bodies assume its functions and has (114) judges. The rate of incoming cases to the court increased in 2012, and in return the number of disposed cases also increased; therefore, the load per judge decreased by 2% since 2010 because of the increase in the number of judges; the average load per judge is 695; the load for a judge of the Appeal court in Amman is higher (750 cases), while the judges in Irbid Court of Appeal have the least with an

³² the Annual Statistical Report issued by the Supreme Judge department 2011

average load per judge at 324 cases. The percentage of disposed cases to the pending cases is 96.3% in Irbid, 89.6% in Amman and 92.5% in Ma'an.

As for the the Court of Cassation, there are six bodies that look into the civil and criminal judgments and appealed decisions issued from the courts of Appeal or any other court of which the law stipulate its judgement are subject to repeal before the court of cassation. The number of incoming cases to the court was 11,343 case in 2011, and this number is lower by 1% than the number of incoming cases in 2010, whereas the number of disposed cases increased by 33.5% in the same year.

The number of Shar'I Judges is (170), according to data available on the electronic website of the Supreme Judge Department.

The same applies to the extreme shortage of the supporting administrative staff in the civil judiciary; such as stenographer, clerks, and notifiers, which totals (2,284) female and male employees, of which the stenographers form the bigger percentage at 37% with (839) employees, followed by 31% clerks, 23% messengers, and finally 10% notifiers. Statistics show there are no clerks at some courts, and there is a shortage in the numbers of clerks, notifiers and messenger in many of the courts, which obstruct the work and the litigation proceedings, in turn directly impacting the facilitation of the justice proceedings. In addition to the shortage in the numbers (quantity), there exists weakness in the current capacities and skills for providing the judicial service and the ability to communicate with the public. There are many complaints regarding not only the speed of the proceedings but also the quality of the administrative services provided in the courts registrar and communication with employees. These complaints come not only from the public but also lawyers.

We were not able to obtain data and information on the administrative staff at the Shar'ia judiciary.

In the part related to information technology (IT), the Ministry of Justice worked on the automation of the courts processes and their linkage through an electronic network. Mizan 2 application was centrally applied through the ministry's main computer/ IT center, and was applied in all courts of first instance and conciliation. A unified copy was developed to automate all processes and departments of the public prosecution office and was fully applied in all of the public prosecution offices. In addition, all the different courts systems were integrated into one unified system to facilitate the exchange of information, and the generation of reports and comparable statistics. The supporting administrative staff was also trained on the use of the system and on how to generate data, information and statistical numbers³³.

Local computer networks were established in 24 Shar'ia courts; 24 computers were purchased for a group of Shar'ia judges. The proceedings and processes of all of the Shar'ia courts, courts of appeal, inheritance courts and judgment execution courts in the Kingdom were automated in cooperation with the Ministry of Information Technology and Telecommunication through the (UTS) company.

³³ Judicial Authority Annual Report 2012

Fees and cost of litigation:

Guaranting the right to litigation requires the provision of means to access the judiciary and ensuring no financial or legal obstacles are impeding this right. In light of this, we should address the cost of litigation, which shows that the high costs the justice seeker has to pay when resorting to the judiciary don't serve the constitutional provision in granting this right. The minimum cost for the fees in the conciliation cases increased to JD 1200 and in first instance cases to JD 5000, excluding other fees and expenses during the court proceedings, execution fees, and appeal and cassation fees. Moreover, the execution of criminal sentences requires fees for each month of the sentence period and a fee for the sentenced fines. In addition, the latest amendments caused an increase in the power of attorney fee, which closed the doors for many of justice seekers from the poor and people with low-income. It is also considered a breach against the right to litigate, which leads to confiscating this right; this calls upon us to question the level of constitutionality of the fees systems (court fees, trial fees and stamps costs) not in form only but in its conflict with the right to litigate as granted in the constitution. As for the provisions on postponing payment of the fees, it is not effective and doesn't serve its goal, first because it is in the power of the chief judge who usually is very strict in its use, and it is conditional to payment of the delayed fees before a judgment is issued, and the postponement doesn't include the execution period.

The financial ability is considered one of the important factors affecting the extent a woman will hold to her rights. The cost of accessing courts and the financial inability will prevent her from proceeding with her case³⁴. The survey results show that 31.3% of women don't go to courts because of the financial obstacle.

According to the results of a survey conducted by the center in cooperation with the Department of Statistics, 24.1% of the sample cases didn't go to court because of financial inability to cover the courts fees or to hire a lawyer, and that 39% of the legal problems were amicably solved because of financial constraints.

First: Courts Fees System:

The courts fees system number 43 for the year 2005 and its amendments, last amended in 2008, is applied to cases in the civil, criminal and administrative cases tried before the judiciary.

This system includes legal texts determining the access to the judicial process. There is a table of court fees annexed to this report, defining the fees, which reflects the high cost of litigation, thus impeding the individuals right to access to justice. We will clarify later in this point the percentage of these fees, the adjustments made to them, and their effect on the guarantee of the right to litigation. We have included a table with all the percentages and the mechanisms to calculate the fees and a comparison between the previous system and the new amended one:

1. If any party filed an opponent **مقابله** complaint in a case adjudicated by the court to decide on, a fee is collected for the opposite complaint as if the case subject is independent.

³⁴ "Legal aid and empowerment of the poor to access to justice" focus group report, center of legal aid, January 2011

2. All fees and expenses, including the judgment execution fees, are added to the sentenced amount and are charged to the sentenced defendant with the sentenced amount, without the need to issue a separate sentence.
3. An insurance amount of JD 50 is charged for appealing a decision issued by the head of execution department, except for the first appeal, in the conciliation executive cases. A fee of JD 200 is charged in the first instance cases, which is refundable if the appellants appear to be right in the appeal. It is noted that this insurance amount was increased in accordance with an amendment to the system, as it was 500 JD in conciliation cases and JD 1 in First instance cases.
4. A new provision was introduced; the text stipulated a fee of JD 2 is to be charged for registering a case or any other independent request at each degree of litigation degrees, appeal or at the execution departments.
5. The percentage of the fee in conciliation cases is 3% of the case value, not to be less than JD 10, and the maximum fee increased from JD 100 to JD 1200, according to the new system.
6. In first instance cases, the fees are at 3% for the first JD10,000, 2% on the second JD 10, 000 and 1% for amounts over JD 200,000. The maximum fee limit was increased from JD1200 to JD 5000.
7. The percentage in cases of evacuation of rental spaces is 3% of the rent fee, not to be less than JD 10 and not to exceed JD 1000.
8. Half of the fee is charged when there is a request for an urgent or time limited decision, to prove a case or bring in a witness in fear of missing the calling him as a witness or a request for a retrial.
9. A fixed amount of JD 50 for any request submitted for urgent cases are not included in point 8, while this amount was JD 10 before the amendment.
10. Execution of judgment and executive bonds fee is 3% of the sentenced amount, not to exceed JD 200 in conciliation cases and JD 1200 in First Instance cases.
11. A fee of JD 5 is charged for notification of a decision issued by any civil court.
12. Appeal of an execution judge decision fee is JD 10 in conciliation cases and JD 50 in First Instance.
13. Fees on criminal judgments: JD 1 for each month of the sentenced period if the judgment is temporary hard labor, jail, or detention, and the period that is less than one month is considered a month. Added to that, there is a fee that is 10% of the sentenced fine and all other expenses endured during the trial including physicians, experts and witnesses expenses.
14. There is no fine on the person found innocent by the court, but the court has the right to fine the complainant or the person responsible for the complaint (JD 10-100) for court fees in addition to other expenses of the case.
15. The public prosecutor has the right to fine the complainant of (JD 50- 100) if the case is proved to be malicious, in addition to the expenses of the investigation, and other expenses the accused had to pay because of the complaint against him.
16. Fees on appeal of criminal judgments were cancelled in accordance with the amended fees system for each appealed sentence or endorsement of the sentence. The same fees are applied in the first court, and if there is more than one convict, fees are charged from each of them. If the appeal decision reduced the sentence by the first court, the first court fees are reduced with the percentage the sentence was reduced in, and no fees are charged for the appeal sentence.

Second: Fees system and trial stamps:

The fee for power of attorney before courts was increased in accordance with the last amendment regarding the fees and trial stamps system and its amendments number 11 for 1966, where the amendments led to the increase of the Power of attorney fee to JD 32 We clarify how the fees are calculated in the following, and as shown in the annexed table:

- 1% of the fees or the value of any first instance civil case, opponent متقابلة or personal right claim in criminal cases are not to be less than JD 10 and are not to exceed JD 50.
- A power of attorney/ authorization fee is JD 20 when appearing before the Supreme Court, the trademark registrar, patents registrar or arbitration bodies.
- A fee of JD 10 when appearing before civil or penal courts of conciliation, the attorney general, the public prosecution departments and other penal Courts.
- A fee of JD 7 when appearing before any entity the system provisions didn't include.
- In addition to the fees above, for general and special/ private authorizations, except for the authorizations submitted to the notary public, a cooperation stamp of JD 10 is charged, that is turned to the cooperation fund, a retirement stamp of JD 5 that is turned to the retirement and social security fund, and a health insurance stamp of JD 5 and turned to the Health Insurance fund.

Third: Postponement of fees

In accordance with article 15³⁵ of the courts fees system, the chief judge, his delegate, or the judge of conciliation has the right to decide to accept the postponement of case fees in a case against the defendant after verifying the applicant's poverty and conviction, conditional that these fees are due in any of the following cases:

- In case the applicants becomes capable of paying the fees, in any of the stages of the trial the court may stop all of the case proceedings until the applicants pay the full due fees.
- If the sentence in the case is in favor of the applicant deferred from payment, the provision obligates the head of the Registry to prepare a statement and disclose all of the fees due on all proceedings of the case and submit it to the execution body to charge from the convicted, and to consider it as a debt.
- If the deferred fees case is denied.

³⁵ Article 15 of the Court Fees system: A - if the person claims not to be able to pay fees in any civil case, the chief judge or his designee of other judges or magistrate to judge has the right to defer the payment if convinced of the poverty of the applicant. B - if the applicant deferred from payment became capable of paying during any stage of the trial, the court may order stopping of the proceedings pending a payment of all fees due on the lawsuit. C - if the sentence the case is in favor of the applicant deferred from payment then the head of the Registry should prepare a statement and disclose all of the fees due on all proceedings of the case and submit it to the execution body to charge from the convicted and to consider it as a debt. D - if the case of the applicant team who is deferred from fees is denied or the execution body was not able to collect the fees because of the poverty of the convicted or for any other reason the chief judge or the conciliation judge may issue an order of the necessity to pay all due fees or part of them, or he could issue any instructions seen appropriate in this case. E- the government is not to demand the payment of court fees from any person delegated or authorized to represent it but if a court order or judgment stated on payment of a certain amount by the other team the court fees already paid in the case are considered part of the sentenced amount and are clearly declared in the judgment after its collection it is paid to the court issuing the decision.

- If the execution body was not able to collect the fees because of the poverty of the convicted or for any other reason.

In these two cases, the system authorized the chief judge or the conciliation judge to issue the instruction he sees appropriate in such a case.

It is worth mentioning that according to the system, the government shall not request the payment of fees of any person delegated to represent it, but in case any decision or judgment included payment of the fees from the other team, then the due fees for such cases in which the decision is issued is considered part of the sentenced amount. After its collection, it is paid to the court issuing the judgement.

Notes:

1. Request to defer fees is submitted in any degree/ stage of the trial to the head of the court viewing the case.
2. The fees deferral doesn't include the notification and the execution fees.
3. The disposition of the case is not connected to payment of the deferred fees; neither does the execution of the verdict on the party losing the case. That is in cases where the decision is in the favor of the party who requested the payment deferral.
4. Head of court decision to postpone the payment of fees or to reject the request depends on personal conviction he forms based on the evidence submitted with the request. For example, if the fees to be postponed are for a case of high value, the request is denied; deferral request is also denied if the complainant who requested the deferral owns an encumbered or seized land. If the court has previously ruled bankruptcy of the requestor, then the request is accepted.
5. The general tendency for the head of courts is to be strict on issuance of deferrals, in the evidence and their examination and in formation of a conviction to grant or deny the request. The request is denied most of the time, especially in high value cases. The reason behind this problem may be related to the fact that the text in the fees system used a wide term to accept or deny the request to defer fees, which is to "verify his poverty." This sentence doesn't set specific criteria to support the judge in the verification of poverty level. Moreover, this criteria differs from one case to another. In many cases the term "poor" doesn't apply to the requestor except when the requestor was not in position to pay the fees at the time of filing the case. We here confirm that in many cases of high value, the complainant doesn't have the fees, such as in cases of removal of common property (ownership).

Period of litigation:

Despite the fact that general direction on the policies level is to shorten the period of litigation, it largely affects the willingness of people to resort to the judiciary, and this was indicated in the National Agenda and in the Judiciary development strategy. Although the relevant national legislations defined the periods and deadlines of cases, whether civil or criminal, conciliation or first instance, the reality shows the length of trial periods and the complexity of the courts

proceedings, are considered of the main reasons many people are unwilling to go to courts to claim their rights or to defend them. It is also considered a bigger obstacle for women, preventing them from going to court and using the national justice system, and causing them ready to give up their rights because of the frequent delays and protracted procedures leading to a state of despair and boredom.

The strategic plan for the development of the judiciary (the building strategy) 2012- 2014, included in its second component (upgrade a judicial authority that is an efficient, effective, guarantor of a fair trial and enhancing the confidence of the community), that shortening the litigation period is of the strategic objectives for the development of the effectiveness of the judiciary and considered that the long periods of the litigation process have a significant impact on people's restraining from claiming their rights before the judiciary. This is considered an obstruction of the course of justice. The strategy also considered that among the reasons that lead to the delay in the disposition of cases are the monotonous course of judicial proceedings, the continuous delays, whether upon the request of lawyers who represent the opponents or based on measures ordered by the Court which finds them essential for the safety of the case, in addition to the legislative gaps governing the conduct of the proceedings and the system of notifications. In spite of the fact that procedural legislation in the Civil Procedure code, the Criminal procedure code and the conciliation court law have provided for the periods to be followed during the trial proceedings from the moment of filing the case, during the proceedings and to the sentencing, appeals procedures and extended cassation could help in the calculation of the average age of the case.

According to judicial council statistics, the rate of case disposition for the year 2012 was 473,037, while the number of disposed cases in 2011 was 593,773, meaning that the disposition rate decreased by around 20%. On the other hand, the number of pending cases increased by 34% for in 2012. In 2011, the annual load per judge was (856) cases in comparison to a disposition rate of (622) cases per judge; the reality shows that the national judicial system suffers from the long period of litigation, where the average age for civil conciliation cases is 163 days, while for criminal conciliation it is 59 days; the average age for litigation for first instance civil case is 270 days, while for criminal cases 89 days and for major crimes 185 days; as for appeal, the period was 34 days³⁶. This is caused by a number of reasons provided by expert opinion from judges, lawyers and citizens, as listed in the following:

1. Procedures followed before courts due to provisions in the national laws. For example, the procedures followed before criminal courts obligate the presence of the preparatory of the seizure report or the technical expert to show and read the report, which may delay the proceedings of the case for many months, possibly exceeding six months for reasons related to notifications.
2. Shortage in numbers of judges and its consequences from large size of cases a judge or a body view in case the court was formed of more than one judge which leads to delay in case disposition.

³⁶ The numbers and informations are taken from the statistics generated by Al Mizan 2 software used at courts

3. Shortage in administrative staff supporting the judicial functions, which affects the speed and efficiency of judicial procedures.
4. Problems related to notifiers department and the mechanisms used in the notification procedure, especially the problem of un-clarity of addresses, which cause the delays in viewing the case and then its appeal. Other than the shortage in the number of notifiers, there is a shortage of supporting administrative staff.
5. Procedural and practical problems related to the appeal stage starts from the phase of registry and distribution of cases to one of the trying bodies and after its distribution to the sentencing. Additionally, there are problems related to notification and procedural standards faced during all stages of the trial, the problem of postponement, and the lack of appeal bodies in comparison to the cases viewed before them.
6. The technical experience procedures followed in the civil courts, especially in the cases where an expert opinion is needed to adjudicate, especially if the experts were more than one person and all entailed with the difficulty of notifying them to appear before the court to understand the task, take the legal oath and then deliver the technical experience report. Additionally, its financial cost may exhaust the litigants.
7. The parties' ignorance of the law, the legal procedures and standards followed before courts.
8. Lawyers' submitted requests and pleas that could pause the original case proceedings until their requests and appeals are decided on. This causes unjustified recurrent requests for delays for the same reasons that are not serious in matter.
9. Weak networking and communication problems between the courts and other concerned organizations and agencies, which lead to a delay of proceedings and impedes the justice in cases when the court assigns one of the parties to refer some explanations or clarifications on a certain issue considered important to the decision on the case. In some cases, the return of the summons or receiving the correspondence from a department may take a number of months.

Third Component: Legal knowledge

The burden of setting the rule of law principle within a state doesn't fall on the state and its institutions. This indicates the importance of joint work to disseminate legal culture and awareness to promote respect for the law among members of the community, out of the belief that it is the best opportunity in the long-term to ensure their rights and achieve their goals. In the light of spreading such culture, we will have a society that believes in respecting the rights protected by law, and performs the tasks obligated by law to serve the public interest and the personal interests in the long term.

Some national formal and informal institutions, in addition to civil society organizations, have made important achievements to overcome legal illiteracy in the community, which could lead to the strengthening and upgrading of legal competencies. However, these efforts are still modest and did

not yet achieve its goal in spreading the legal awareness because of the difficulty in accessing all community groups and regions. Moreover, the civil society and its organizations didn't assume the role they were supposed to.

Electronic programs related to legislations and legal information are mostly privately owned, and accessing the posted information is usually based on a paid subscription or a high fee. Most subscribers are usually lawyers, judges, and paralegals, and some civil society organizations. There is a program for legislations that the legislation and opinion diwan supervise (Jordanian Legislation Program), that could be accessed for free through the Internet, but the information provided by private websites have more information and better engines and data tools, in addition to the legal information and legislations we find in the websites of official departments, the ministries and civil society organizations.

When speaking of the role of the Jordanian media in raising the legal awareness, we can say that the media contributed to raising the legal awareness by publishing materials to draw people's attention to their rights by law and how to react and claim those rights in all means. But unfortunately, as with the portfolio of legal awareness on human rights, it could be said that the Jordanian media for decades didn't build awareness or and raise the legal knowledge based on a specific clear strategy. Rather, it limited the awareness issue to news and reports published sporadically and sometimes without considering the standards and criteria of preparing media material. This affects the content and message of legal issues and doesn't give the sufficient attention it should have in the media. In addition to other reasons, the media negatively affected the way the communities realize the importance of legal awareness, by sending out a message that certain cases are not important. This confirms the important role of developing a conscious media that is aware of the value of publishing human rights cases in general and the right to legal empowerment in particular.

The survey results, annexed to this study, show that 20% of the sample don't have information on the legislations in force, while 31.67% evaluated their knowledge as weak, and only 9.7% thought their knowledge is excellent. As for the constitutional rights and duties of the citizens, results showed that 32.5% have good knowledge and 15.83% have weak knowledge.

The main source of information in the survey sample, 31.36%, came from Relatives, acquaintances and friends, 27.125% came from Internet sites (public ages and search engines), followed by 23.73% from consultation with lawyers. 22.88% came from the official resources (official gazette, legislation and opinion department, Ministry of Justice, etc.).

As for the knowledge of specific legislations (e.g. the constutuion, labor law, personal status law, penal code, landlord/ tenant law), the percentages came close. 16.24% of the sample said they know nothing at all on the provisions of the constitution, 28.45% of the sample lacked knowledge of the landlord/ tenant law, 23.93% lacked understanding of the penal code, and 14.5% knew the labor law (best known by the sample). In general, the evaluation of the sample's legal knowledge was weak.

Role of the Civil Society:

On a national level, there are many efforts to raise the awareness of legal knowledge within the community, but these efforts are usually assumed by the civil society organizations. The following list reviews the most important notes on the services these organizations provide for raising awareness and legal knowledge:

1. The Attention of the civil society organizations is focused on raising awareness and promoting the legal culture in the areas of human rights, and in particular fields that have social impact such as the labor law, landlords and tenants law, the Penal Code and juvenile law.
2. Often the targeted groups for these services and activities provided by the civil society organizations are the educated groups in the community, such as lawyers, judges, journalists, and members of the public security, to raise their awareness of international law and the principles of international human rights and their application in national law; usually they don't give the same degree of attention to the local community.
3. A small number of organizations are given funding to provide counseling and legal aid to specific groups, such as battered women, victims of violence and torture, refugees and juveniles.
4. The dependency of civil society organizations in general and the organizations providing legal aid on donor funding makes the provision of legal services dependant on the areas that receiving funding. Some of the institutions are working on the development of legal aid services and integrating them in the basis of their projects, such as the establishment of a unit to provide legal aid for specific groups (domestic workers, refugees, violence against women, victims of torture).
5. The structural problems the civil society organizations face because they are new to voluntary and legal work, which reflects their quality of services, their ability to sustain work and expand their scope and services.
6. Weak cooperation and coordination between the civil society organizations.

The programs of legal literacy, awareness of legal knowledge and culture, provision of legal aid and counseling services provided by the civil society organizations are initiatives of great importance, since they form a pressuring power on the authorities in the state to adopt special and competent strategies and mechanisms to provide such services of legal aid on a national level. Thus, there should be a model initiative adopted by one of the civil society organizations to demonstrate the urgent need to respond to these needs.

Role of Media:

The human rights portfolio doesn't get sufficient attention in the media. Among the many reasons are related to the editorial policies adopted in the media, in which news on human rights and legal empowerment are not priorities. Rather, the media prioritizes political news, followed by news of the government activities and very small attention on civil society organizations that are usually the most interested in human rights. This is confirmed by the ignorance of the newspapers, for

example, to use their editorials or main articles to raise legal awareness, and rather focus on political issues.

It should be noted that the journalism and media sector lack the legal knowledge needed to clearly report its legal news and articles to the public.

On the other hand, part of the responsibility falls on the journalists and reporters covering this sector, because they limit their coverage to what they get from their resources. It is also the responsibility of the formal and non-governmental institutions working in the field of legal empowerment and awareness to direct the media towards serves their goals. Most of these institutions limit the use of media because they observe it as carrier of news only, or they discredit journalists for covering some events without investigating or researching the facts. Moreover, the news are dependant on the approval of more than one party that could prevent it from being published, not for professional reasons but because of personal opinions.

In terms of its role in spreading the legal culture and awareness, media usually highlights the national legislation on individual cases and stories relevant to breaches to which individuals were exposed, whether in the area of administrative suspension, arbitrariness and abuse during detention, exposure to torture, or the violation of civilian trials in special courts. The media also covers follow ups on legislative amendments, or a package of laws such as landlord/ tenants law, personal status, penal code and other laws and their impact on society. It also publishes news that could increase a discriminatory culture, by negatively portraying refugees and migrant labor such as domestic workers or foreign laborers.

However, it should be emphasized that the media has contributed in highlighting a lot of cases related to key issues such as access to the courts, integrity and anti-corruption, human rights and the fight against poverty. However, the media still faces a group of obstacles that marginalizes its role in legal awareness and addressing the legal empowerment and human rights issues, including:

1. The difficulty of obtaining information because of lack of cooperation from the resources.
2. Lack of training available for journalists on the principles and standards of producing informational and media material that are committed to professional standards and high quality.
3. Since they lack specialization in one sector, journalists that have to cover more than one sector are overwhelmed and therefore tend to cover regular news such as press conferences and other activities.
4. The continuous changing sector that deprives journalists from accumulating experience in one sector. Thus his coverage is limited and broadly superficial, which means there is no specialised media content.
5. Burdening the journalists with daily coverages and pushing them to provide news and informative articles prevent them from specializing in one sector and preparing quality reports.

6. The editorial policies of media and their priorities are the main obstacles facing qualitative coverage of principles of the legal awareness, because they dedicate bigger spaces for political news and daily coverage of regular stories.

Easy access to legal information:

1. **Official Gazette** <http://www.pm.gov.jo>

The first official mechanism to access a law or a system is its publication in the official gazette after its ratification by HM the King in accordance with article 93 of the constitution. The law shall come into force at its promulgation by the King and the lapse of thirty days from of its publication in the Official Gazette, unless there is a special provision in the law that it shall come into force from another date³⁷. This publication presumably informs the public of the law and its provisions, however, knowing the official gazette is not available for the public, it is not easy for ordinary people to access a hard copy of it. Currently the Prime Minister's office provides through its website a special search engine for the official gazette that makes it possible to search either by issue number or the topic.

2. **E-government** www.jordan.gov.jo

The e-government is a national initiative launched by HM King Abdullah II in the International Economic Forum, aiming at enhancing the traditional governmental performance in terms of provision of a better quality services in shorter time at the least cost possible for government transactions and documents. Additionally, it aims to improve networking within governmental organizations to integrate and coordinate their services to ensure better efficiency, transparency and performance of the governmental services and staff, and to change the current stereotypes.

The goals of the E-government program are basically to improve service delivery, raise the productivity and efficiency of the public sector, provide better services to individuals, provide the required information with high accuracy in a timely manner, and the provision of infrastructure and technology needed to provide e-services.

Currently and according to the available information, the e-government portal offers around 1,800 government services for different ministries and state institutions, and the data of around 120 departments, organizations, and ministries. It is also possible to communicate through the E-government portal with the different institutions, government departments and ministries through the electronic link available on the home page of the portal, where individuals can file complaints or inquiries and get responses on those issues. Of the services offered on the portal are the provision of information on issuance of documents for the first time from the civil affairs department, the renewal of document procedures (replacement of lost and damaged documents), the provision of information on Shar'ie and judicial services, and the needed procedures and documents for a good number

³⁷ Article 93/ 1 & 2 of the constitution "1- Every draft law passed by the Senate and the House of Representatives shall be submitted to the King for its ratification. 2- The law shall come into force at its promulgation by the King and the lapse of thirty days from of its publication in the Official Gazette unless there is a special provision in the law that it shall come into force from another date."

of judicial and Shar'ie procedures, but this is still not sufficient to ensure facilitation of access to justice.

3. Official Websites

In general, websites of the ministries and governmental departments provide legal information on the services they provide, in addition to a number of legislations that govern their functions, whether economical, social, or real estate; they also provide direct electronic services to the public.

Ministry of Justice Website <http://www.moj.gov.jo/index.php>

The ministry is considered the first official body responsible for the provision of access to justice services to the public; therefore, its website provides a number of services and legal information aiming at facilitating the access to justice. Of the important legal services provided on the website:

- Court services; applications within the jurisdiction of the Minister of Justice in accordance with the law in force, of which include inquiries, requests for information, legal aid requests, notifications to residents in foreign countries or to citizens residing in Jordan, if an official request is received from a civil court or from the Ministry of Foreign Affairs, in addition to judicial authorizations, such as interviewing witnesses, witnesses oath, conducting technical expertise, etc.
- Courts services that include types of courts, courts procedures, courts services, and courts guide.
- Information on judicial inspection and its regulating legal framework.
- Informations on the three powers according to the Jordanian constitution.
- A number of laws and regulations, with references to other websites and links to be visited for further information such as the Prime Minister's office, Jordanian legislations and Adala Center for legal information.
- The rights and duties of citizens stated in the Jordanian constitution.
- Electronic services that allow inquiries on cases for lawyers, employees and the public.
- A number of frequently asked questions (FAQ) with answers related to the Jordanian judiciary and the services provided by the courts in their different types, degrees, and jurisdictions, was published in a book titled (100 Questions and Questions on the Jordanian Judicial System).

The electronic website of the Judicial Council <http://www.jc.jo/ar>

The website includes many information on the Jordanian national system and the judicial council. It also provides information on the court services, the most important decisions issued by the special department for interpretation of laws, decisions by the general amnesty committee, and decisions issued by the judicial council. It also offers maps for the geographic locations of courts.

The website provides a special link for the electronic government related to inquires on cases divided into (Public, lawyers, and employees inquiries).

The website of Legislation and Opinion Bureau <http://www.lob.jo/>

In accordance with the special law on the Diwan, it is based in the Prime Minister's office and enjoys financial and administrative independence. The bureau handles the drafting of proposed laws, conducts studies on any regulations submitted to it, updates the existing Jordanian legislation, and provides legal advice in cases submitted by the Prime Minister.

The website provides the service of review and access to laws through the Jordanian legislation software; it is also possible to review drafts of laws and comment on them within days from their publish date on the website.

Website of the Supreme Judge Department <http://www.sjd.gov.jo/>

The Supreme Judge Department launched a special electronic website from which it offers a set of legal information and legal and procedural matters to the public; it also provides information about the religious Shar'ie judiciary, the Department of the Supreme Judge, locations of courts, contact information for the courts, and offers a range of electronic services, most importantly the (visitor's guide), which includes procedures and documents needed by citizens to complete certain transactions and their cost. However, the information is related to the extraction of documents, such as marriage documents, divorce, guardianship or marriage permission for those under the age of 18 years.

It also provides a number of studies, researches, information of the Judicial Council, and a number of legislations relevant to the Shar'ia judiciary, in addition to proposed legislations.

Website of the Jordanian Bar Association <http://www.jba.org.jo/Ar/Default.aspx>

In accordance with the bar association law, the Bar Association enjoys financial and administrative independence. Amongst its goals, it aims for bar members to develop legal thinking in serving the truth, justice, progress, and to contribute to the development of legislation in order to facilitate justice without financial constraints or administrative complications³⁸, and to provide legal aid to the underprivileged citizens³⁹.

Of the information provided on the electronic website of the bar association is a special portal for legislations and laws. However, it includes a limited number of legislations, of which are the constitution, labor law, and landlord / tenant law and a number of lawyer-related legislations.

It is noted that the site provides good information, but it is specifically targeting lawyers and doesn't help in raising legal awareness and knowledge as needed for local communities.

Websites of private law firms and offices

³⁸ Article 5/2 of The Bar Association law

³⁹ Article 5/5 of The Bar Association law

Some electronic websites of law firms and offices provide information on common judicial and legal issues, such as the landlord/ tenant law, the labor law, and applicable judicial procedures. It also provides a number of laws that interests a large number of citizens or persons residing in Jordan, and some provide free-of-charge legal consultation services.

Civil Society organizations websites:

Civil society contributes to the enhancement and dissemination of legal knowledge in Jordan through the services provided on civil society organization websites, which usually includes information on the organization, the society and its projects, services and targeted groups. Some organizations might provide legal consultation services or answers to some legal inquiries in the field they work in; they might also provide specialized legal information and a number of national legislations, international conventions and bonds that are relevant to the field they work in; some provide electronic legal counseling⁴⁰.

But most of these efforts, as other projects, are usually targeting specific categories, such as women, children, refugees, and migrant laborers, because this assistance is made possible with available donor funding. Despite these efforts, the survey on legal aid conducted by the Justice Center for Legal Aid in cooperation with the Department of Statistics showed that 98% of the sample of persons who faced legal problems don't know about these organizations, and that 32% of the remaining percentage (that is 2%), know they exist but don't know the name of the parties providing these services.

Legislative drafting:

The legal drafting of our national legislations is considered one of the most important obstacles to access to justice in Jordan, because many people can't understand the legal texts and therefore can't understand provision and judgments. This affects the quality of judicial judgments for the following reasons:

- The general state of legislative instability, which is reflected by the frequent legislative amendments over short times, albeit with varying degrees, note they are more for some of the laws rather than others (e.g. Landlords and Tenants Law), and on the other hand, we see that some of the laws have not undergone amendments nor have been updated to conform with new developments, nor have been reconciled with the legislative system as a whole, as in the Penal Code, the Law on the prevention of crimes and other laws.
- Legal amendments to a law are not thoroughly studied in light of the relevant legislative outline and system, which in most cases cause conflict of laws or confusion and unclarity for the addressee. In an attempt to overcome this issue, the legislator tends to use phrases such as "Despite what is stated in any other legislation..."
- The overuse of constitutional powers by the Executive Authority in issuing temporary legislation in the absence of the House of Representatives, the original holder of the jurisdiction of legislation, in accordance with article 94 of the constitution.

⁴⁰ Effat Al Hindi Center for Electronic Legal counseling http://www.ehcconline.org/counseling_center/index.php

- Weakness of the legal texts because of not giving enough time for their examination and assessing the need for them, which leads to issuance of legislations that do not fulfill the purpose they were legislated for. Moreover, the text is vague because of the incoherence between the reasons and the legal content of its provisions of the legislations, which lead to difficulty in their interpretation and therefore inappropriate application and enforcement.

In general the legislative drafting suffers weakness, and sometimes it is ambiguous and difficult to understand, even for a trained legal person; they are also poorly formulated because of translation from foreign laws.

Legal translation and national legislations translation to foreign languages:

The Jordanian legislator founded the organizing legal framework for the legal translation of foreign documents submitted to court by article 79/2 of the Civil Procedure code, which stipulated the mandatory translation of documents submitted to the court in a foreign language into Arabic, and if the opponent objected to the translation, the court assigns an expert to check the translation. Otherwise it will be excluded and considered illegal evidence. In addition, the criminal procedures act in article 227 recognized the right of the defendant and witnesses who don't speak Arabic to hire a translator and arranged for invalidity of proceedings and mistrial in case this provision was breached.

The problem is in the provision of the national legislation system in foreign languages to facilitate its use by non-Arabic speaking individuals who now reside in the Kingdom, to familiarize themselves with the legal provisions they should abide to, and the laws and the official procedures required – whether judicial or administrative- by the different ministries and the official departments. Additionally, the electronic websites don't offer the information in foreign languages, and if they did, they don't serve their purpose. It should be noted that the provision of such information is very necessary because of the large number of foreigners who work, reside or visit the Kingdom that could face legal problems during their stay in Jordan.

Fourth Component: Execution of Judicial Judgements

The stage following the issuance of decisions by the different types and degrees of courts (judgments) in both the civil and criminal courts is the execution phase for civil judgment. The person whose judgment is in his favour resorts to a specialised department, called Judgment execution department, to execute the judgment. Execution procedures are carried out from the registration of the execution case until the judgment content is fully executed and completed. As for judgments issued by the criminal courts, the execution is with the jurisdiction of the public prosecution department, within the court issuing the judgment.

As for Shar'ia judgments, the execution law of the civil judiciary used to apply, meaning that after ruling in their favor, the person would go to the civil execution department to execute the judgment. Because of increased demand, the sensitivity of Shar'ia judgments, and the caseload at the civil execution department, a shar'ia law number 11 in 2006 was issued and is now being

revised for amendment to suit the increasing requirements, the workload, and to facilitate the process for the public.

In terms of jurisdiction, all judgments issued by Shar'ia courts are executed at the Shar'ia execution department under the court issuing the judgment or the execution department in the location of the sentenced person because of spatial jurisdiction.

Decisions issued by the department are appealed at the Shar'ia appeal court and not the civil appeal court the way it used to be. The law didn't allow the appeal of judgments of expedited execution and stated that the appeal for the second time doesn't stop the execution of the judgment. For the purposes of litigation procedures, the Shar'ia Procedures act is applied.

In general the importance of the execution stage stems from being the justice sword, enforcing the rights, as there is no use in issuance of judgements that are not enforced and don't give the right back to individuals and the community.

Because of the importance of this phase, it needs not only legislative but also administrative reform, a greater capacity of human resources, and an adequate number of staff to match the work-load. As others, this phase suffers from an extreme shortage of number of staff, the small space of execution departments within courts, and the inability of these departments to absorb the client's numbers. Below is a brief on the execution process of judgments and decisions from legislative and procedural aspects, and we will highlight the most important challenges facing the execution process:

Legislative Problems: in reference to the legislative framework organizing the function of the execution department, it is based on execution law number 25 for 2007, outlining the execution procedures to enforce the definitive verdicts and judgments issued by any civil, shar'ia and religious court, as well as the civil part of criminal judgments. Any decisions issued by any other court, council or authority, their laws state executing their judgements through specialised execution departments, and any foreign judgments that are to be executed in accordance with any conventions, official and ordinary bonds, and commercial documents, there are other laws that intersect with this law in their provisions and are within the scope of the execution, including for example (the civil law, companies, and trade acts, etc.).

In terms of the geographic distribution of the execution departments, they are well distributed. There is a department in every first instance court, and where there is no first instance court, the conciliation judge assumes the role of execution judge.

As for the criminal judgments, the department of public prosecution is responsible for notifying the convict of the final decision issued by the criminal court, but the the legal rules applied to these judgments are distributed in a number of laws, mostly the Criminal procedure act and the conciliation court law.

Statistics on the workload in the execution departments all over the Kingdom show the large size of work they intake. Statistics for the year 2011 indicate that the civil departments executed 62,588

cases from 85,040 incoming cases to the execution departments, that is 73.6% of the total incoming cases. The number of pending cases for the execution departments from previous years is 147,662 cases, and so the percentage of executed cases is 26.9% of the total incoming and pending cases.

Despite that this stage of judgment execution is considered the most important of case stages because it is directly linked to obtainment of rights, this stage suffers a lot of challenges and difficulties that negatively affects the general sense of satisfaction of overall access to justice services.

As for the legislative framework, it doesn't respond to all work requirements in a way that facilitates and speeds the procedures within, and there is no mechanism to review and activate regulations and legislations to meet the new updated requirements and developments of the work as a result of changes in the circumstances; therefore, they are in need of revision and upgrade. On the other hand, the human cadre dealing with these laws are not qualified, especially that the vast majority of them don't have a legal background.

As for the execution law, it needs a lot of amendments to help in speedy execution of judicial judgment, especially that all execution judgments are subject to appeal, knowing that 70% of the appeals filed are not serious, and are denied. It is important to link the reconciliations between the parties to specific deadlines and procedures related to renewing or activating cold cases and files.

As for the legislative framework governing the criminal judgment, the execution department's rules are distributed in a number of laws, that is the Criminal procedure act, the conciliation court law, penal code, and the court fees system.

Improving the execution of criminal judgments requires a revision of the criminal procedures law and the conciliation law, especially the provisions related to appeal and objections in absentia due to the delay they cause in disposition of cases and in extending trial periods. Additionally, provisions related to notification of the criminal part of the judgment aside from the civil part and the appeal of each separately, requires revision. The notification of judgments through the official journal/ gazette lead to delegating greater authority to the attorney general to drop the penalty and close the execution case.

The problems

From another angle, the procedures followed at the execution departments face many problems and challenges:

- Lack of clear and documented procedural reference that clarifies the procedures and the responsibilities of execution, the different forms and tools used, which result in the different procedures from one department to another.
- Shortage of human resources, thus impedeing the course of justice and delaying execution procedures.
- The execution departments suffer difficulty ing communicating and obtaining the needed information from relevant external official and governmental departments, such as the

personal status department, judicial execution department, the rehabilitation and reform centers administration, and others, because of the lack of clear mechanisms and protocols to communicate and link with these entities.

- The notification problem and the un-clarity of addresses, which all case stages suffer from. Moreover, most notifications are carried in a manner contrary to standards and laws because all notifiers are court employees, and there are no notifiers dedicated to the execution departments. Therefore, in addition to unclarity of addresses, there is failure of other governmental departments to notify the needed persons from their end, which increases the load on the execution departments, in addition to the general weak performance of notifiers.
- Lack of automating and digitizing of all work procedures, where the Al Mizan program doesn't cover all execution departments' procedures and functions, noting that not all cases are entered into the system, which create duplications. Not automizing the procedures also leads to transferring files manually between employees, which could expose them to loss or damage, in addition to the time needed to recover and locate them.
- Lack of having a computerized system, but rather a manual register, to track the incoming and outgoing correspondences.
- Other problems related to the financial system and returns, which are considered complicated, are executed by one staff member, while the financial standards, transparency and security measures require more than one staff member to handle this.

Fifth Component: Guarantee of the right to defense and provision of legal aid services:

Provision of legal aid and representation is considered one of the most important guarantors leading to access to a judicial system that is fair, efficient and based on the rule of law. It is considered conditional to exercising a number of other human rights, including the right to a fair trial and the right to effective justice. The international law has granted the right of receiving legal aid and free legal representation in many of the international agreements and conventions, which are the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and the Standard Minimum Rules for the Treatment of Prisoners, as well as number of principles related to protection of all persons exposed to any type of detention or imprisonment, and the basic rules related to roles of lawyers.

In 2012, the United Nations adopted the United Nations Principles and guidelines on access to legal aid in criminal justice systems, which aims at providing the different nations with the fundamental principles that should be the focus of countries in their efforts to providing legal assistance in the criminal sector. These principles could be considered the most comprehensive legal instrument for the establishing and strengthening of the legal aid systems at the national level⁴¹.

Legal aid services provided by the state within this framework include the guarantee of smooth access to legal aid services providers, enough time and facility to prepare for the defence process,

⁴¹ Special rapporteur on the independence of judges and lawyers, March 15, 2013

provision of legal counseling, advice and knowledge, and provision of an alternative mechanism for dispute resolution.

In Jordan, as a start, it is necessary to indicate that there is an extreme weakness in the neutral data available to assist the policies and decision makers in introducing legislations that can interpret the constitutional and legal guarantees Jordan has taken into a reality, thereby guaranteeing access to justice in general. It also gives indications to the size of demand for legal aid empowerment services in particular. On the other hand, the current available data indicates that the national justice system suffers extreme weakness in guaranteeing the right to defense as one of the fair trial guarantees, and the granting of this right for free to the poor. The results of a statistical survey conducted by the Justice Center in cooperation with the Department of Statistics showed that 47% of the sample that faced legal problems did hire a lawyer, whereas 53% didn't hire one. As for the type of the required legal aid, 87.1% was for lawyer fees and for fees and expenses entailed in the proceedings of the trial such as transportations and court fees, While 85% was for lawyer and case fees, 82.5% was for lawyer fees only. Of the 29.2% of women who went to court, 31.3% appeared before courts without a lawyer.

In criminal cases, the results of the study on the Status of the detention and legal representation in criminal cases in Jordan 2012⁴² indicated there is a clear gap in terms of the availability of legal representation for the accused in various stages of litigation, but the bigger gap is at the early stages of preliminary investigation before the security centers, with representation percentage that didn't exceed 0.04% of the total sample. During the detention stage, the legal representation percentage was 17.5%; the percentage has varied depending on the type of the crime or charge, whereas the vast majority represented themselves. Despite the fact that the representation percentage was better during trial, it is still considered low (32.1%); also the percentage varied depending on the type of charge and court. The highest was 64.5% for representation before the Criminal Court.

In this component, the following will be tackled:

- Legal guarantees provided by the Jordanian legislator to ensure the right to defense and provision of free legal representation.
- The role of civil society organizations in the provision of legal aid services.
- Formal and informal institutions that provide access to justice.
- Alternative dispute resolution mechanisms currently available.

Guarantee of Legal Aid and Representation:

The legal texts of the legislative system in Jordan clearly show shortcomings in ensuring the right to legal representation in the required manner. The Jordanian Constitution did not provide protection to guarantee the right to defense by stating it as a principle and a constitutional right. This should be made available within the scope of the exercise of the right to litigation. Additionally, at the time of the amendment of the law of the court of conciliation, in which it stipulated the mandatory provision of legal representation in civil cases in excess of JD 1,000, there was no provision in the

⁴² Results of a study (Analysis of the status of the detention and legal representation in criminal cases in Jordan 2012) conducted by the Justice Center for Legal Aid

criminal procedure act that requires mandatory legal representation during any stage of the criminal proceedings, except for the special text giving the court the jurisdiction to appoint a lawyer to represent the accused if unable to hire a lawyer for himself, and limited this jurisdiction in crimes punishable by the death penalty, life imprisonment with hard labor and life imprisonment. Moreover, there was no practical mechanism provided to support such cases.

In addition to that and during the stage of preliminary investigation before the public prosecutor, the law requires the public prosecutor to alert the accused / defendant of their right to a lawyer within 24 hours and to indicate that in the record, and to not conduct any investigation without the presence of a lawyer. The law did not permit the presence of a lawyer during the initial investigation stage with the police, even though the agreement has been signed between the Public Security Directorate and the Bar Association in 2007, it has not been applied yet.

The fact that the legislations overlooked introducing the right of defense as a constitutional right and didn't stipulate it as one of the guarantees of a fair trial that should be available throughout the stages of the criminal case proceedings, is considered a breach and violation of the guarantees of equality before the law and the right of access to justice, and calls for an amendment of the relevant legislation to guarantee this right and stipulate its provision for free to the poor through provision of services by the state or the civil society organizations, and to develop applicable mechanisms for it.

The results of a study conducted by the Justice Center for Legal Aid entitled (analysis of the status of detention and legal representation in Jordan 2012), indicated that there is a clear gap in terms of the availability of legal representation for the accused in various stages of the criminal case, but the bigger gap is at the early stages of preliminary investigation before the security centers. The results showed that it is very rare to have legal representation of the defendant at this stage with a percentage that didn't exceed 0.04% of the total sample; this means most of the defendants are represented individually without any representation. Although percentage of the legal representation is higher during the preliminary investigation stage, it is still considered low (17.5%), and varies depending on the type of the crime or charge. In general the percentage remained low. Of the vast majority of the defendants, the reviewed records showed that 89.2% of them were informed of their right to a lawyer in accordance with article 63 of the criminal procedures code, but only 14.6% of the defendants used this right, while 85.4% decided not to hire a lawyer.

During trial, the representation percentage was higher than the two previous stages, but it is still considered low with the general average of representation of the total sample at 31.6%, and it varied depending on the type of court. The study showed the highest was 64.5% for hiring legal representation before the Criminal Court. 43.9% of the defendants in serious crimes, punishable by hard labor or death, did hire a lawyer to defend them while the court appointed lawyers for 3.1% of the accused unable to hire lawyers, and didn't appoint lawyers for 2.8% of them. The results also indicated that 50.2% of the defendants were not entitled to a lawyer based on the legal text regarding the appointment of a lawyer because the committed crime were not punishable with death, life imprisonment with hard labor or life imprisonment.

The percentage for female representation (45.5%) was higher than that for males (33.9%), while representation didn't exceed 26.9% during investigation stage for the juvenile sample targeted in the study (78 juveniles).

Legal framework regulating the right to legal representation:

- The Jordanian Constitution:

Did not address the guarantee of the right to defense, and so none of the other laws do either. The legislator minted from stipulating the need to provide the right to defense as one of the standards for fair trial, while the constitutional provisions came to establish the set of basic principles underlying the Jordanian state, including the provision on the principle of equality before the law, the principle of the independence of the judiciary, the principle of the right to litigation for all, and the inadmissibility of the arrest and detention except in accordance with the provisions of the law. Moreover, the Constitution did not include any special provisions for the legal professions, as other Arab constitutions did, including the Egyptian constitution.

- The (Civil) Bar Association Code

The Bar Association Code No. 11 of 1972 came to regulate the practice of the legal profession. Article 6 of the legislation provides that lawyers are agents of the judges. Their mission is to provide judicial and legal assistance to those in need of it for a fee, and in terms of representation of litigants, article 41 of the legislation stated that litigants may not be brought before the courts of different degrees and types without lawyers to represent them and excluded some of case types including criminal cases.

As an exception from the original text that the professional service provided by a lawyer be remunerated, a text in Chapter XIV (professional service), specifically article 100, stated that the Bar Association has the jurisdiction to assign a lawyer once a year to defend someone proven to the head of the bar, to be poor and not being able to pay fees to the lawyer. In such case the court is to rule for the lawyer fees to be discounted from the client's opponent, if proven wrong, which is the only reference in the law to provide legal aid services or free legal representation. The law did not give a criteria for eligibility of this service except for what was stated in the article (proven poverty), which is with no doubt a broad phrase and may not lead to the application of the legislation in the required and expected manner. Practical exercise suggests that the legislation is used as expected.

- Shar'ia Judiciary

The Shar'ia procedure code didn't require legal representation in Shar'ia issues. The shar'ia lawyers' code No. 12 for 1952 authorized Shar'ia lawyers who do not hold legal licence to practice the shar'ia law profession and to plead on behalf of another person or represent someone at any session convened by the Shar'ie Court; of these are the spouse, parents, children, and friends, on the condition they do not get payment for that⁴³. And similar to the Civil Bar Association, the draft

⁴³ Article 6/a of shar'ie lawyers law number 12 for 1952

legislation regarding the Shar'ia bar association states that the legal services provided by a shar'ia lawyer should be for a fee; paragraph "G (ج)" of article 6 of the legislation clearly stated that of the goals of the bar is to provide legal aid to the poor according to regulations issued by the council.

- **Courts of Conciliation Act/ Civil Procedure Code (Rights)**

The Jordanian legal system requires the appearance of the litigants represented by lawyers in cases that fall within the jurisdiction of courts of the first instance, in accordance to the latest amendment introduced to the law of the Conciliation Courts in 2008. It has become mandatory for the litigants to appear through lawyers in cases with value exceeding JD 1,000 according to article 9 of the law, and so the amendments introduced put the minor conciliation cases under legal protection. Among the reasons requiring this was to confirm the importance of the lawyer role in protecting the litigants interests. Lawyers are more capable of understanding the legal procedures applied before the courts, and to speed the trial proceedings. On the other hand, this increased the financial burden on the justice seeker because of the additional financial cost he will endure to hire a lawyer to represent him in cases over JD 1,000. This was not met with a legislation to ensure provision of free legal aid for the poor.

- **Criminal Procedure Code (criminal sections):**

National criminal procedures and legislation didn't include any text on mandatory legal representation during the different stages of the criminal case, and this could be seen as a serious legislative gap in the following stages:

- **Initial Investigation stage:** the law didn't allow the presence of a lawyer before the judicial police (police) in the initial phase of investigation. Even though a memorandum of understanding between the bar association and the public security directorate was signed in July 19, 2009, it is not in force yet; article five (5) stated to allow the presence of a lawyer with their client before the police and excluded the urgent cases and cases of high sensitivity.
- **Preliminary Investigation Stage:** That which is stated in the text of Article 63 of the Code of Criminal Procedure regarding the presence of a lawyer during this phase, has a number of shortcomings, namely:
 - ✓ It does not lead to the mandatory presence of a lawyer before the public prosecutor. The text has been limited to the right of the accused to give no answer except in the presence of a lawyer, and by just pointing this right to him, from one hand this procedure is insufficient and inadequate, and on the other hand its application may not achieve the purpose for which the legislator intended. In addition, the same article included an exception that in the case of speed and the fear of loss of evidence, it is possible to ask the defendant about the charges against him without the presence of a lawyer, and the decision of the public prosecutor in this regard is final and is not subject to objection. The legislator order invalidates the statement in cases where the public prosecution doesn't adhere to this procedure.

- ✓ More than one lawyer may not attend before the public prosecutor in the case of multiple defendants. The legislation text states the inadmissibility of preventing the lawyer from communicating with his client at any time in private, independent from any supervision.
- ✓ The role of the lawyer is limited during the preliminary investigation stage to attending interrogation sessions only, with the exception of hearings of witnesses, without having any real role during this stage. The lawyer is entitled to file a note with his observations if the public prosecutor didn't give him the permission to speak.
- **During trial:** the law didn't require that a defendant/ accused is represented by a lawyer during the trial except for the cases classified as felonies punishable by death, hard labor for life, or life imprisonment stipulated in the Criminal Court law or any other law, such as the penal code in crimes of treason, espionage, crimes that threaten national security and juvenile. These are the same cases of which the Court was granted the jurisdiction to appoint a lawyer to defend the accused if proved unable to hire a lawyer in accordance with Article 208 of the Criminal Procedure Code, to be done after asking the defendant if he had chosen a lawyer to defend him. If he did not and was financially unable to hire a lawyer, then the court shall appoint him a lawyer and have his fees specified by a minimum of 200 dinars and a maximum of 500 dinars from the flagrante delicto Fund at the Ministry of Justice. In such cases, the presence of the defendant is mandatory, specifically in the session of recitation of the charge, and shall be asked about it. For the session devoted to take his defense testimony, he has the power to delegate his attorney to attend on his behalf.

Even this guarantee stipulated in article 208 doesn't indicate mandatory representation of the accused in serious crimes, and it has many shortcomings:

- ✓ This guarantee doesn't apply at the investigation stage.
- ✓ The court doesn't adopt a specific mechanism for the appointment of a lawyer to defend the accused, although some of the bodies in the Criminal Court are currently preparing lists of names of experienced lawyers to defend the accused in serious felonies, and then appoint lawyers accordingly for the sake of speed and fairness in the distribution of cases to lawyers, as in the mechanism adopted in the appointment of selected experts.
- ✓ An appointed lawyer may not give the needed attention and not make the effort required in these types of cases. For example, they may not visit and interview the accused, or may not file pleadings and written memos to the court to highlight important legal points. This is either because the fees paid to the appointed lawyer is much lower than the fees charged by lawyers for such cases, or because junior lawyers that lack the required experience in criminal cases, assume cases that have been rejected qualified and experienced lawyers.
- ✓ Not activating the role of the Bar Association in securing free legal assistance, the poor communication between the bar and the judicial system in this area, in

addition to the delays in the mechanism for the appointment of lawyers based on the commissioning of the head of the bar, which take up to a month for a decision to be made by the Association Council. The proposal was for the bar to prepare lists of the names of lawyers for appointment in the cases covered by article 208 of the Criminal Procedure Code.

The role of Civil Society Organizations in the provision of legal Aid and representation

The primary role played by the civil society organizations in Jordan is concentrated in the area of strengthening the respect for human rights, raising awareness of its principles, and ensuring respect and good application of those rights, in addition to providing legal advice. A number of organizations, not exceeding ten, are working on the provision of legal aid services and free legal representation for some marginalized groups, such as the needy, women, children and refugees. The services they provide are often part of a general project in which one of the components is related to providing legal aid services for a specific target group; the assistance they provide is often in the form of legal advice, and in the field of Personal Status Law and the Penal Code.

The data and information that we have obtained for the purposes of this study showed a weakness in the services of access to justice in general, and in the services of legal empowerment and legal assistance available to the poor and marginalized groups in Jordan in particular. In the absence of an active role of the state to ensure the guarantee of such assistance, at the same time, the available information indicate there is no attention given by concerned stakeholders to providing legal empowerment and free representation for the poor. The results of a survey conducted by the Center of Justice in collaboration with the Department of Statistics indicate that 98 % of individuals who participated in the survey, and those who went through legal problems, do not know about the existence of such organizations that provide legal assistance, and of the remaining percentage (2%) that are aware of the existence of these institutions, 32% of them do not know the names of the organizations providing the services.

The civil society organizations interested in this field suffer from many problems, including internal challenges such as their structure and ability to manage specialized centers providing assistance and legal representation; external challenges faced include limited financial resources and the need for such centers need to be legally licenced to facilitate provision of their services in cooperation with the judicial and administrative bodies.

This indicates the need to adopt a national strategy to provide legal aid services jointly developed and implemented by the government, the private sector and civil society organizations, which is an essential guarantee⁴⁴ and important for the application of the constitutional principle of "the courts are open to all and shall be free from interference in their affairs," and the principle of equality before the law, which guarantees the right to litigation equally for each person on Jordanian territory regardless of any other considerations. The strategy should involve developing the legal

⁴⁴ Outcomes and recommendation of the Legal Aid Conference held June 22-23 2013 under the auspices of HM King Abdullah II, organized by the Justice Center for legal Aid

basis for the provision of free legal representation in a manner that ensures continuity and expansion of the provision of these services, and to ensure lasting financial funding, whether from the state budget or from others, and that this assistance includes:

1. Legal representation
2. Payment of Litigation fees
3. Covering Civil, Criminal and Shar'ia judiciary.

The results of the survey, conducted by the Center of Justice for Legal Aid, show that 47.6% of the legal problems are penal cases, 34.1% represent civil problems, and 18.3% represent the Shar'ia cases, mostly problems related to alimony (34.1%). As for women, 29.2% of them who went to court appeared without a lawyer, knowing the percentage of total women who went to court is (31.3%) of the sample surveyed.

Judicial Sector administrative channels and supporting bodies:

The Jordanian legal system provided administrative channels and tools to receive complaints from any breaches or violations any person is exposed to by agencies or individuals representing the public (governmental) authority, including filing complaints against judges in some cases. Despite the importance of having such procedures to reduce the pressure on courts, ensure service of justice, and facilitate access to justice, the trend for the Jordanian legislator is to state the right or the mechanism and then go back to put constraints that limit their application or use. For example, the legislation established the ombudsman office. It opened the door to file complaints; however, it limited the complaints to the public administration and kept the private sector outside the scope of any control. It did not confer a mandatory act on the decisions of the Diwan. The complaints at the Office of the Ombudsman and the Human Rights Council under the Public Security Directorate are punitive complaints and treated using the procedures used before the public prosecutor under the Criminal Procedure act, which means the complainant may also be exposed to the Directorate of Judicial Inspection to be referred to the court on charges of slander if he is proved wrong in his complaint. The Directorate of Human Rights of the Ministry of Justice didn't provide any direct services until now, didn't achieve any of its plans and programs, and is still engaged in the development of a strategic plan to provide legal aid services.

1.1 Office of the Ombudsman and Human Rights (ODIHR)/ Public Security Directorate the Directorate of Public Security established the Office of the Ombudsman and Human Rights (ODIHR) in 2005 to replace the complaints and human rights unit, which was under the legal affairs, to be directly linked to the director of the head of the public security. The office consists of two divisions:

- The first is for receiving complaints and includes reception, investigation and follow up.
- The other is the inspection and external coordination section, which includes inspection, awareness, training and external coordination.

The office specializes in looking into complaints of violations related to human rights and obstruction of services determined by law, complicated or unjustified delay in provision of

services and transactions, lack of transparency, mistreatment, negative behavior, negligence, failure, or error from members of the public security. The complaints could be submitted by e-mail to the directorate of public security and the criminal procedures act is applied to investigate these complaints.

Its jurisdiction is held by the public prosecutor of the Public Security, which has full powers of prosecution pursuant to the Public Security Act No. 38 of 1965⁴⁵. The procedures are subject to the Code of Criminal Procedure, taking into account the speed in the investigation⁴⁶. The public prosecutor must be evaluated in litigation if the affected established him claiming personally⁴⁷.

1.2 Office of the Ombudsman The first time the idea of establishing the Office of the Ombudsman was in the Jordanian National Charter in 1991, but that the idea developed in 2007 and 2008, and thus the issuance of Law No. 11 for the year 2008.

As for jurisdiction, any affected by any of the public administration decisions, procedures or practices, or the refrain from any of them, shall be entitled to complain against the public administration before the Diwan (office), if the issue was included within its jurisdiction defined under Article 12 of the Diwan law:

- a) Looking into complaints related to any of the public administrative or its staff decisions, procedures, practices or the refrain from any.

The law went back and took out the powers from the office jurisdictions in the following cases:

- All cases related to private sector. Here we have kept the private sector and its staff outside the protection circuit again, especially in light of a lot of decisions and actions arbitrarily issued by this sector and affecting the rights of workers. It does not fall within the jurisdiction of the judicial competence. We hope the jurisdiction of the Bureau will include the private sector as well.
- If the appeal on complaint legally existed before any administrative or judicial authority, noting the lapse of the periods set by law to file a complaint at the judicial authority. The jurisdiction is for the diwan.
- If the subject matter is pending before any judicial body or a court ruling.

By these exceptions, we find that the Diwan has once again brought us back to the problem of judicial proceedings, and we are talking about the jurisdiction of the Supreme Court of Justice that holds jurisdiction to consider the administrative appeals of final administrative decisions, even if they are immune under the Act, whereby⁴⁸:

- b) Recommending the simplification of administrative procedures to enable citizens to easily and simply benefit from the complaint services provided by the public

⁴⁵ The seventh chapter of the law regulated the Public Prosecution and the Police Court regulations'

⁴⁶ Article 81, Public Security Law

⁴⁷ Article 83, Public Security Law'

⁴⁸ see article 9 of Supreme Court of Justice

administration, not compelling for the entity it is issued against to depend on its approval by the concerned.

For the purpose of speeding the procedures, the Diwan signed a Memorandum of Understanding with various government departments, civil and military institutions, whereby a liaison officer was appointed in each of them to pursue complaints with the diwan. This mechanism has facilitated the process of communicating with official departments and accelerated the process of considering the complaint.

The Diwan also signed an agreement with Jordan Post for the purpose of facilitating the citizen's complaint to the Diwan. Individual and group complaint templates were provided to mail centers in various districts, cities and villages of the Kingdom, even the most remote ones, which are sent to the Diwan within 3 days and are also exempt from fees.

1.3 Wages authority: the wages authority was established in accordance with article 54 of the labor law to look into complaints regarding wages and overtime wages, provided that the worker is on top of their work. The relevant provisions of the Magistrates' Courts Act are applied, including the requirement for the presence of a lawyer in cases that cost more than JD 1,000, but is not obligated to follow the same procedures. It also required a quick and urgent disposition of the case. **The wages authority has the jurisdiction to refer the case for mediation based on the workers request, provided it is within 6 months of his/ her termination date.** Its decisions are subject to appeal before the Court of Appeal if the amount sentenced is more than 100 dinars. Its decisions are executed by the execution departments based on procedures followed before it in the judicial judgment execution, with the exception of these provisions for portability installment⁴⁹

1.4 The judicial council and inspection administration: the chief justice and the head of each court is responsible for the supervision of its judges and the formation of a disciplinary council to look into violations by judges,. These violations include the delay in disposition of cases, the impartiality between litigants, and other reasons stated in the law of the independence of the judiciary.

As for the directorate of judicial inspection, it is established under the civil courts inspection system No. 105 for 1965, in order to control the work of the courts and their employees. Currently it exercises its powers under the judicial inspection system on the civil courts No. 47 of 2005. It is responsible for looking into disciplinary complaints filed against judges and staff of each interested party, either to the Chief Justice or to the Minister of Justice, and then it is turned to the Director of Inspection, who has the power to refer the complainant to the head of inspection to study and audit.⁵⁰ If it is justified, then it is referred to one of the inspectors who are currently 5 judges of the first degree,. If it is filed, he has the right to refer it to the Attorney General for alleged slander⁵¹ if a decision to reject the complaint is issued. In (2011) there were 100 complaints received against judges, 28 of which were declined/ dropped, and there were 16 complaints against employees, 13 of which were dropped.

⁴⁹ Paragraph "f" article 54 of labor law

⁵⁰ Article 10, Judicial inspection system

⁵¹ Article 14, Judicial inspection system

The inspection powers are limited by a number of constraints hindering the achievement of its goal:

- The possibility of referring the complainant to the criminal court for alleged slander, which form an important obstacle in resorting the citizens affected by the judicial procedures to it.
- Subordination of the judicial inspection to the Minister of Justice, while the inspectors are judges under the head of the Judicial Council, with reference to the draft law on judicial authority, including the text on the subordination of the judicial inspection to the Judicial Council.
- The lack of inspectors. Their number went down from 9 judges to only 5.
- Linking the inspection process to the cases of promotion and not assessing the weaknesses and development of continuous training program at the judicial institute.
- The directorate doesn't have the power to investigate the reasons of delays in trials and case disposition as long as they are still tried except, in the case of a complaint by one of the case parties.

1.5 Directorate of Human Rights and Family Affairs/ Ministry of Justice: The Ministry of Justice in 2007, developed a special Directorate for Human Rights and Family Affairs, under the Strategic Plan of the Ministry of Justice for the years 2008 – 2012. Its establishment was linked to help in equipping the courts and courtrooms to be suitable for receiving domestic violence cases and juveniles. It is the responsibility of the Ministry of Justice to find procedures and regulations that deal with the privacy of domestic violence. It is located within the functions of the Directorate to receive complaints related to human rights and deal with them through sorting, classification and putting a special system to determine the terms of reference of the ministry, the procedures and follow - up on complaints with the concerned authorities, to address them or refer the complainant to the competent authority.

However, until now, this task has not been activated in the Directorate yet. Its work is concentrated on studying legislation in order to modify, develop and put plans for the development of procedures related to human rights, public freedoms and family affairs, in addition to opening channels for work and coordination with civil society organizations working in these areas.

With regard to complaints of human rights violations or cases of violence, the directorate work is limited to cooperation and coordination with the relevant authorities, official and civil society organizations, to provide support and legal opinion on the competent entity specialized in the state of the aid requester.

It also assumed that the directorate would develop principles and criteria for the provision of legal assistance in terms of providing legal advice for specific groups or representation in the courts. These foundations should include ways to identify these groups and mechanisms to provide financial payments to cover the costs of coordination with the Bar Association and the National Center for Human Rights and other related bodies, and to broaden the base of legal aid

funds for the needy, such as flagrante delicto fund, in coordination with official bodies and civil society organizations. It should also include specific cases related to domestic violence.

Currently the ministry is working on the institutionalization of legal assistance pursuant to the component of the development of the criminal justice system, to ensure keeping up with modern criminal policies and strengthening guarantees of a fair trial within the strategy of development of the judiciary for the years 2010 - 2012, by expanding the legal aid system and providing legal assistance to detainees and convicts in accordance with the provisions of legislation in force. The ministry is now in the process of preparing data and information related to the provision of legal assistance in Jordan in terms of scope, targeted groups and criteria adopted, to identify the most important cases and provide them with legal assistance.⁵²

Alternative Dispute resolution methods - Mediation:

In accordance with the mediation to resolve civil disputes law No. 12 for 2006, the first administration of mediation in the Court of First Instance in Amman was established in 2006, and in 2008 the mediation as an alternative means to resolve disputes program was expanded to include all courts of first instance in all parts of the Kingdom. The Ministry of Justice established in 2007 a special section to support alternative solutions for conflict resolution and to support the civil case management within the Directorate of Legal Affairs and International Cooperation at the Ministry of Justice⁵³.

In summary, the mechanism of its work is that cases are referred based on the consent of the parties to a neutral party and through confidential procedures, to ensure privacy of the parties in conflict, and to attempt to bring the views of parties closer together through the use of new and upgraded means of negotiation, to reach an amicable settlement that is satisfactory to all parties.

Among the most important advantages of this mechanism is:

- Costs less than the cost of litigation or arbitration.
- Allows the plaintiff to recover half of the fees paid when registering the case.
- Shortens the time by not following specific procedural rules. It usually goes through four stages: the stage of joint session, the stage of closed-door or individual meetings, the stage of the exchange of offers and demands, and the stage of the last meetings.
- Reaches an outcome to resolve the dispute that is satisfactory to both parties.
- The median judiciary does not receive fees from the parties, but are given to a private median. If the mediation is successful, his fees are equivalent to half of the legal fees paid by the plaintiff, not to be less than a minimum of three hundred dinars. If it is less than this amount, the parties in conflict commit themselves to pay the difference evenly between themselves. In case the mediation efforts fail, the case management judge determines the median fees, and they shall not exceed the amount of two hundred dinars committed by the

⁵² Data available for the human rights and family affairs at the ministry of justice during interview with the head of the directorate in march 7 2013 for the Access to Justice study purposes- Justice Center for legal aid 2011

⁵³ Interim report on the Progress of the Mediation project linked to the courts in Jordan for the year 2008, alternative solution support division, civil case management, ministry of justice.

plaintiff to be paid. This amount is considered among the expenses of the case. The parties in conflict determine the fees given to the mediator, who was appointed in the agreement.

We note that the rate of referral for mediation in cases of conciliation is higher than the percentage of cases of first instance, especially since the jurisdiction of referral is vested only in case management judges, according to the provisions of the law. However, what is currently applied in the courts is that the trial judge shall refer the case to mediation on the basis that the judge ratifies it, and then it is referred to judicial mediation. There is no specific criteria for referral to mediation; therefore, the role of the judge, whether for case management or conciliation, is an essential role in the selection of appropriate cases to be referred for mediation.⁵⁴

It should also be noted that the Jordanian legislator, based on the provision of Article 59 (repeated) of the Code of Civil Procedure, introduced the civil case management system to the Jordanian judicial system in Oct 1, 2002.

The system is based on the use of the concepts of modern management, which are based on the planning, organization and monitoring to speed up procedures and overcome the problems that were the main reasons for the postponement of proceedings. They work on the subject case for early judicial control, by putting the case under the supervision of a first instance judge, who shall observe all procedures before transferring it to the trial judge. This includes the validity of the registration of the case, procedures for the exchange of regulations, notification, and complete of evidence, meeting with the opponents, identifying and limiting points of conflict and agreement, then identify the main reason for the conflict, and to report thereon within the minutes of the meeting to the trial judge who will hear the case.

Currently there are 13 departments of the civil case management, of the original 16 Court of First Instance found in the Kingdom, and the number of judges in the departments is 14 judges with a rate of one judge per department, except for Amman Court of First, where there are two judges. The number of cases received at the department has reached (4,914) in 2011, but the figures indicate that the number of incoming cases is higher than the number of disposed cases, leading to a rise in pending cases by 9.8%, according to statistics from the annual report on the work of the judiciary in 2011.

It was expected that this mechanism will lead to the investment of time and reducing the duration of the litigation, but this mechanism is marred by the following disadvantages:

- ✓ It is limited to cases of first instance and does not include conciliation cases. The justification is that cases at the first instance court have a higher value, which means they need to take special care of those cases in terms of the procedures and shorten the duration of adjudication, which often outweigh the periods in conciliation cases. We may respond by saying that the conciliation courts have qualitative jurisdiction in cases such as labor issues and the removal of common cases.

⁵⁴ 1st year evaluation results of the mediation program- prepared by the American Judges and lawyers society 2008

- ✓ The current organization of this idea did not give the judge the power to take action, ensuring the commitment of the parties to attend the meetings, which he has the power to determine and inform them of a penalty for those who fail to attend. Rather, the parties are left with the option to attend. Their attendance is and participation with the case management judge is essential to the success of the work of case management.
- ✓ This mechanism is still suffering from administrative problems faced by the judicial proceedings, especially that the case cannot be referred to the trial judge until after the notification procedures have been performed properly, thus resulting in a transfer delay.

Closing

The principles of justice and equality require that the law would be the guarantor of rights and procedures, enabling individuals to resort to the law to resolve any breach on the principle of equality by having knowledge of the law and the ability to understand and use it. Additionally, the existence of an independent and effective judiciary capable of achieving justice, fairness and law enforcement is important. Examples are that justice is originally granted for free, delayed justice is an incomplete justice, and that effective complaint mechanisms against the administrative decisions issued by public authorities are provided in the event of violation of the law or exceeding the powers granted to them by law, or for any other reasons that would impede the course of justice.

Internationally, a set of reasons that lead to the ineffectiveness of the justice systems in different parts of the world⁵⁵ was recognized, namely:

1. The high cost of litigation.
2. Ineffectiveness of the mechanisms and procedures within the national judicial systems.
3. Lack of data and field research on the national justice systems and services provided by them, and the obstacles hindering their work in case such data and studies are found. Those cases are very rare and do not lead to achieving the purpose of reforming the national justice system.
4. Not giving proper attention to the right to legal assistance, either by not originally stipulating the right in the national legislative system, or by not including clear standards that show the process of how to acquire such assistance.

Based on the information included in this report, there are clearly efforts to ensure the right to access justice at the national level. Meanwhile there are still many problems that impede the effective provision of this right, in a manner that ensures the ease and access to it by all community groups; the following section identifies the most important obstacles we found based on the above study components.

⁵⁵ Legal Aid conference report, the Justice center for legal aid 2013. .

Access to Justice Obstacles:

The fieldwork study on the provision of justice services indicates that there are many problems hindering an individual's right to obtain access to justice, including:

1. Social customs and traditions prevailing on the educational and economical level of citizens.
2. Infrastructure of the courts, and the failure to equip them in a manner that serves groups with special needs.
3. Shortage of human resources in terms of the number of judges, staff, administrators and legal aid service providers.
4. Legislative environment and a series of procedures drawn by law to proceed often stretches for a long time, contributing to the delay of granting a litigant his rights, sometimes forcing him to waive his right or to resort to other means that may reduce it. In addition, the legal provisions do not ensure many of the basic standards designed to guarantee smooth access to justice, including the provisions that ensure the right to defense.
5. High cost of litigation process, which begins from the moment of requesting legal advice. When a decision to go to court is made, a person is faced with fee payment obstacles at the beginning, that constitutes a large financial burden in later stages, such as hiring a lawyer for legal representation, expert wages and expenses, costs of statements, inspection and other procedures requested by the court in its attempt to achieve justice. Even after the end of the proceedings and issuance of a verdict is enforced, the citizen will pay additional costs for execution, and sometimes the numbers have a major impact on the budget and finances of an average person.
6. The absence of a system and effective mechanism to ensure the right to litigation by confirming the right to defense. This is marked by the absence of the role of the state in this area, unclear criteria for the entitlement and eligibility to legal and judicial services, failure to protect this right by clear legislations and within the national legislation system, and the absence of mechanisms to ensure the quality of services provided by the concerned institutions.

Based on the above, it has become important to pay more attention to the subject of guaranteeing the right of access justice in general and guaranteeing this right to the marginalized and vulnerable groups in society, particularly the poor, women and the disabled. It is the most necessary and important tool to aid human beings in achieving their human rights that are internationally recognized under the international law and national laws as set forth in the Jordanian Constitution, under the title of "the rights and duties of Jordanians." Guaranteeing this right is considered the executive arm for exercising the right to litigation and equality before the law and the judiciary.

Recommendation

1. **Revision of access to justice regulating legislations:** The components of the study clearly found that the national legislative frame, despite that it has a number of texts that could

guarantee part of the right to access justice, these texts and laws are still insufficient to ensure full practice of this right, and access of all persons to these services. Moreover, some legislations could hinder the practical implementation of systems and mechanisms, such as the fees system, as well as the absence of legislation on guarantees for the right to defense.

2. **Infrastructure:** The real guarantee for the right to access justice requires that the institutions providing justice services be equipped to facilitate the provision of these services, and to meet the needs of the different groups of the community. The study showed that the infrastructure of the different types of the national courts is very weak. The courts are not well equipped to provide services for special needs groups. They do not consider the sensitive nature of several cases and some of the groups, such as women and children, whether in Shar'ia or civil cases. Moreover, the court halls are cramped and unable to host the number of litigants, which calls for more attention to the building and the infrastructure of the courts to respond to all the needs and to effectively serve justice.
3. **Judgment Execution:** There is a need to conduct a comprehensive revision of the execution mechanism and procedures from legislative and procedural aspects, communication channels with other related organizations, judgment execution departments' infrastructure, in addition to working in the capacity building and enhancement of their staff in numbers, qualifications and technical experience and efficiency. The current situation shows that the majority of the staff doesn't have legal background, although the work requires familiarity and knowledge of a variety of laws that directly intersect with the execution process.
4. **Legal awareness and the role of media:** The services provided by legal aid institutions are in need of media support to inform people of these organizations and the services they provide. Such promotion should be parallel to the service, providing organizations the ability to handle increasing demand on all types of legal aid (consultation, representation, mediation).
5. **Alleviation of the financial burdens:** The study concluded that the high cost of litigation and other related costs entailed in the process of litigation, such as lawyer fees, are of the most important obstacles preventing the use of the national justice system. While the bigger percentage of people exposed to legal problems are from the poor and middle class, this requires devising mechanisms to alleviate and decrease the financial burdens for these services, considering that the judiciary is originally free, and concentrating on the role of the bar association in this aspect to reduce the power of attorney fees and other fees the government collects for the bar association, with the possibility to solve some of the cases and legal problems administratively without courts and courts' fees.
6. **Expansion of the scope of the right to defense:** The exercise of the right to litigate is constitutionally granted, to ensure all persons are equal before law and before the judiciary, requires work on granting protection of the internationally recognized right to defense, not only in criminal cases but also in civil and Shar'ia cases. The work should focus on developing a legislative amendment to state the mandatory legal representation in civil and

Shar'ia cases, similar to the current law that obliges the presence of a lawyer in civil cases that cost more than JD 1000 ⁵⁶.

- 7. Matching the mandatory legal representation and provision of legal aid:** In accordance with the basic principles of human rights and to the standards of fair trial, all litigants have the right of defense. The state shall provide a defense attorney for free for those unable to hire one. The Jordanian legislator created articles that obligate the hiring of an attorney in civil cases that cost more than JD 1000, but didn't compliment the law with a mechanism to provide legal aid to the needy. Therefore, the law in its current status is in conflict with the right to litigate principle; this entails the need to create a legal mechanism to provide legal aid in cooperation with parties providing this service, to create legal provisions to obligate the hiring of lawyers in the different types of cases and not to limit this to the legal part, because the role of lawyers is essential in speeding up the procedure, protecting the rights of litigant parties and ensuring justice is best served.
- 8. Institutionalization of legal aid:** The national justice system needs the provision of legal aid services. The numbers and findings of this study showed that there is a huge demand on these services. This requires a response to those needs by creating a national institution to undertake this work, including a demand assessment on the needed legal aid services, identifying the targeted groups, and forming aid eligibility criteria that is considered a human right, and the state is responsible for its provision.
- 9. Increase of the number of staff and provision of training programs to justice service providers:** Recognition of the right of access justice services entails the importance of working to have qualified cadre to provide these services with a high level of professionalism, skill and legal knowledge in the different types of legal cases, in addition to other administrative skills. This requires the development of continual and specialized training programs for the justice service providers to have qualified, experienced, and knowledgeable staff in this area. Additionally, an increase in the number of the staff providing these services is important, such as the number of judges, legals and the administrative supporting staff.
- 10. Justice services quality control:** The development and reform efforts tackling the state's different sectors, including the national justice system, requires more attention to the judicial quality and enhancement of the legal and judicial services provided for justice seekers. The basics for this is the people need a comprehensive independent and impartial judicial system. The benefits of quality control and assurance services are not limited to the beneficiaries, but also extend to workers in the justice sector. Therefore, there is an increasingly urgent need to set criteria for quality control of services and develop quality assurance mechanisms. This can be achieved by applying a quality control system in the Bar Association, Ministry of Justice and the Judicial Council. This will enhance performance and increase public trust, by adapting fair trial standards, lowering costs for justice services,

⁵⁶ One of the Legal Aid Conference recommendation, Legal Aid Conference Report, Justice Center for Legal Aid 2013

setting up completely impartial and independent judges, providing easy access to legal information, ensuring the right to defense by realizing the right of litigation and equality before the law, and finally by providing effective equity mechanisms.

Annexes

Annex 1 – Legal articles and laws from international accords in relation to Access to Justice

Annex 2 – Table clarifying case fees and all transactions carried out by court departments

Annex 3 – Legal knowledge questionnaire template

Annex 4 – Questionnaire results

Annex 5 – A matrix for status description of the study components, in addition to the gaps, recommendations and proposed solutions.

Annex 1

Legal provisions in the international conventions related to Access to Justice:

First: relevant articles stated in the Universal Declaration of Human Rights:

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Second: relevant articles stated in International Covenant on Civil and Political Rights:

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at

law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;
 - (c) To be tried without undue delay;
 - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country

Annex 2

A table clarifying case fees and all transactions carried out by court departments

	Fees according to new system	Fees according to old system	Notes
1.	In conciliation cases: 3% of case value that is at least JD 10, not exceeding the maximum limit in First instance cases (JD 1200). In cases that are not estimated in cash, a fixed fee is estimated by the judge in the range of JD 10- JD 50.	3% of case value that is at least JD 10 and not exceeding JD 100. JD 5-25	The maximum amount limit was increased from 100 to 1200. The fee was increased by half.
2.	In first instance cases: 3% of the first ten thousand (10,000), 2% on the second ten thousand, 1% of amounts over that and to a maximum of JD 200 thousand (200,000), for the fee not to exceed JD 1,200. 1% on amounts exceeding JD 200 thousand, for the fee not to exceed a maximum of JD 5,000. In cases that are not estimated in cash, a judge estimates a fixed fee between JD 20- 250.	2% on the first ten thousand, 3% on the second ten thousand, 1% on amounts over that for the fee not to exceed JD 1200. JD 25- 150	The maximum amount of the fee was increased from JD 1200 to JD 5000. For all amounts over 200 thousand, a fee not exceeding JD 5000 is charged even if the case value was in millions.
3.	Lease evacuation cases: 3% of lease amount (JD 10-1000).	3% of lease amount (JD 10-400)	
4.	Expropriation, division and alternative utilization: 2% of immovable property value (JD 20-200).	2% of immovable property value (JD 15-150)	
5.	A fixed fee of JD 50 is charged for any request, not subject to fees submitted to judges for urgent cases.	A fixed fee of JD 10 is charged	
6.	Arbitration proceedings: the maximum limit of the fees is JD 3,000. - Invalidation (annulment)	Maximum limit of fees is JD 1200. - Invalidation (annulment) of arbitration decision: 3% of	The maximum limit of the fee was raised, but the new system decreased the fee to 2% and

	<p>of decision: 2% of the alleged amount to be invalidated.</p> <ul style="list-style-type: none"> - Execution of the decision: 2% of the alleged amount requested. - In cases other than these two cases, a fee of JD 100 is charged for any arbitration request submitted to court. 	<p>the claimed/ alleged amount.</p> <ul style="list-style-type: none"> - Endorsement of arbitration decision: 3% of the sentenced amount to be paid. - In cases other than these two cases a fixed fee of JD 2 is charged for any arbitration request submitted in conciliation cases, and a fixed fee of JD 5 in first instance cases. 	<p>increased the fixed fee to JD 100, whether the case is in first instance or conciliation courts.</p>
7.	<p>Foreign judgments:</p> <ul style="list-style-type: none"> - 2% of the sentenced amount or of the subject property value, according to the chief judge estimation. - Maximum limit of the fee is JD 3000. - Execution fee is JD 100. - Authentication of copies of the decision is JD 10 per copy. 	<ul style="list-style-type: none"> - 1% of the sentenced amount or of the subject property value if it was immovable property. - Maximum limit of the fee is JD 300. - Execution fee is JD 10. - Authentication of copies of the decision is JD 2 per copy. 	<p>According to the amendment, the following were increased:</p> <ul style="list-style-type: none"> - Maximum fee - Percentage fee - Execution fee - Decision copy authentication
8.	<p>Bankruptcy:</p> <ul style="list-style-type: none"> - JD 50 for each request by the creditor to declare bankruptcy when it is based on a sentence that is not executed in whole or in part. - A fixed fee of JD 50 for each request: to cancel bankruptcy, set or change a date for bankruptcy, assign or dismiss a bankruptcy guarantor and similar requests. 	<ul style="list-style-type: none"> - JD 15 for each request by the creditor to declare bankruptcy when it is based on a sentence that is not executed in whole or in part. - A fixed fee of JD 10 for each request: to cancel bankruptcy, set or change a date for bankruptcy, assign or dismiss a bankruptcy guarantor and similar requests. 	
9.	<p>Fees on conciliation judgment:</p> <ul style="list-style-type: none"> - 2% of the value of the sentenced amount (JD 1-1000). - If the sentenced amount doesn't exceed JD 10, no fee is charged for the first draft of the decision or for a copy of it. 	<ul style="list-style-type: none"> - 2% of the value of the sentenced amount (JD 1-100). - If the sentenced amount doesn't exceed JD 1, no fee is charged for the first draft of the decision or for a copy of it. 	

10.	Expropriation, division and alternative utilization case: 1% of the value of immovable property (JD 20- 200).	1% of the value of immovable property (JD 15- 100).	
11.	First instance judgments: - A fee of 2% (JD 10- 1000). - When estimation of the value of the judgment is not possible, half (1/2) the fees paid at submission of the case is charged.	- A percentage fee of 2% (JD 5- 1000). - When estimation of the value of the judgment is not possible, three quarters (3/4) the fees paid at submission of the case is charged.	- The amendment kept the maximum fee as is. - The amendment increased the fee percentage where a value estimation is not possible
12.	Civil rights appeals	A fixed fee of ten Jordanian dinars (JD 10) is charged for every authorization to repeal an appeal judgment submitted to the Court of Appeal.	
13.	Civil right in the cassation court: 25% of the repeal request fees for every request to repeal authorization submitted to the Chief Judge of the court of cassation, if the request accepted the amount paid as a calculated part of the fee for cassation.	A fixed fee of ten dinars (JD 10) is charged for every request submitted to the Chief Judge of court of cassation.	The fees for cassation request to repeal authorization have increased, and a percentage fee replaces the fixed fee. The justification for this was to lower the number of requests for repeal authorization submitted to the Chief Judge of the court of cassation.
14.	Supreme Court: If the case subject is of an investment or commercial nature, the maximum limit of the fee decided by the Chief Judge should be JD 3,000.		- This text on fees for cases of investment and commercial nature was newly introduced and didn't exist in the old system.
15.	Special Court: A fixed fee of JD 100 is charged when a request for special court assignment is submitted to the Chief Judge of the court of cassation.	A fee of JD 10 is charged when a special court request is submitted to the head of court of cassation.	
16.	Execution procedures: - JD 5 for notification of a religious or civil court decision. - 3% of the value of the	- JD 1 for notification of a religious or civil court judgment. - 3% of the value of sentenced amount not to exceed JD 100	- The system kept the maximum limit as is for the first instance cases and increased it for cases of conciliation.

	sentenced amount, not to exceed JD 200 in conciliation cases and JD 1200 in first instance cases.	in conciliation cases and JD 1200 in first instance cases.	- The system introduced new text on execution documents such as lease agreements considered by the landlords and tenants an executive document, but these documents are un-executable unless a court order determining the amount to be executed is issued.
17.	Fees on Penal judgments in first instance cases: - JD 1 for each month of the sentenced period if the judgment is temporary hard labor, jail, or detention, and the period that is less than one month is considered a month.	- JD 4 for each month of the sentence period.	- 10% of the sentenced fine is added to the fees in first instance cases, and all trial expenses endured during the case, including the wages of physicians, experts and witnesses expenses. - In case of multiple convicts, fees are charged from each of them for their sentences. - There is no fine on the person found innocent by the court, but the court has the right to fine the complainant or the person responsible for the complaint (JD 10-100) for court fees, in addition to other expenses of the case. - The public prosecutor has the right to fine the complainant (JD 50- 100) if the case is proved to be malicious, in addition to the expenses of the investigation, and other expenses the accused had to pay because of the complaint against him.
18.	Fees have been cancelled when sentences are appealed.	When sentences are appealed, the following fees are charged: - JD 3 in conciliation sentences.	For each appealed sentence or endorsement of the sentence, the same fees applied in the first court also apply, and if

		<ul style="list-style-type: none"> - JD 5 in first instance sentences. - JD 10 for criminal/penal sentences. 	<p>there is more than one convict, fees are charged from each of them.</p> <p>If the appeal decision reduced the sentence by the first court, the first court fees are reduced by a percentage parallel to the sentence reduction, and no fees are charged for the appeal sentence.</p>
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Notary Public documents

Power of attorney

Document	General Power of attorney		Special Power of attorney		Special Power of attorney that can't be revoked	
	JD	Fils	JD	Fils	JD	Fils
Judicial fees	3	500	3	500	13	500
Stamps	10	000	2	000	2	000
Deposits	000	500	000	500	000	500
Total	14	000	6	000	16	000
Additional signature fees*	2	500	2	500	12	500

** Additional copy fees*

Stamps on Original document	Do not exceed JD 5
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Guarantees, discharge, arbitration clause

Value		Judicial fees		Stamps		Deposits		Total	
From	To	JD	Fils	JD	Fils	JD	Fils	JD	Fils
1	499	3	500	1	000	000	500	5	000
500	999	3	500	2	000	000	500	6	000
1000	And over	3	500	0.003		000	500		

Unknown value for a governmental institution or shareholding company	3	500	10	500	000	500	14	500
Unknown value	3	500	1	500	000	500	5	500
If the case value has fractions, they are rounded to the nearest thousand (a fraction under a thousand is considered a thousand) for the purpose of calculating the stamps' value.								
Additional signature fees *	2	500					2	500

Judicial ultimatum

	Notary fees		Stamps		Deposits		Total	
	JD	Fils	JD	Fils	JD	Fils	JD	Fils
Ultimatum fees	4	000	1	000	000	500	5	500
Additional copy of ultimatum	1	000	1	000	000	500	2	500
Additional Warner *	1	000	1	000	000	000	1	000
<ul style="list-style-type: none"> - Ultimatum is submitted in three (3) copies. The fourth copy is considered an additional copy. - If more than one person signed the Ultimatum, the second signature is considered an additional Warner. 								
	Fee							
Special power of attorney *	14	300					14	300
General power of attorney *	12	300					12	300
Special power of attorney drafted by a non-Jordanian notary (stamp) *	2	000					2	000
General power of attorney drafted by a non-Jordanian notary (stamp) *	10	000					10	000

Copy documents (Replica)

	Fees		Stamps		Deposits		Total	
	JD	Fils	JD	Fils	JD	Fils	JD	Fils
	1	000	1	000	000	500	2	500

Pledges, oaths, agreements, contracts, affidavits, statutory declarations, transfer of dues

Case value		Fee				Stamps		Deposits		Total	
		Receipt Fee		Signature Fee							
From	to	JD	Fils	JD	Fils	JD	Fils	JD	Fils	JD	Fils
1	10	1	000	000	100	1	000	000	500	2	600
11	50	1	000	000	200	1	000	000	500	2	700
51	499	1	000	0.001 (of contract value) rounded to the nearest 10 dinars		1	000	000	500		
500	999	1	000	0.001 rounded to nearest 10 dinars		2	000	000	500		
1000	And more	1	000	0.001 rounded to nearest 10 dinars		*0.003		000	500		
Unknown value		1	000	2	500	10	000	000	500	14	000
Transfer of dues of unknown value		1	000	1	000	1	000	000	500	3	500
Transfer of dues of unknown value submitted to governmental organization		1	000	1	000	10	000	000	500	12	500
<ul style="list-style-type: none"> - Signature fees consider the number of signatures on the document. - If the value has fraction, then it is rounded to the nearest thousand (a fraction under a thousand is considered a thousand), to calculate stamps value. 											

Special power of attorney by non-Jordanian notary (stamps) *	2	000		2	000
General power of attorney by non-Jordanian notary (stamps) *	10	000		10	000

Translation

	Notary Fees		Stamps		Deposits		Per translated page		Stamps		Total	
	JD	Fils	JD	Fils	JD	Fils	JD	Fils	JD	Fils	JD	Fils
Translation fee	3	000	1	000	000	500	000	500	0.003 of contract or agreement value (if translation is for a contract or agreement)			
Additional translated copy *	1	000	1	000	000	500					2	500
-	<ul style="list-style-type: none"> - Translation is provided in three (3) copies; therefore, the fourth copy is considered an additional one. - If the translation is for a general power of attorney drafted outside Jordan, a stamp fee of JD 10 is charged. - If the translation is for a special power of attorney drafted outside Jordan, a stamp fee of JD 2 is charged. - If the translation is for a contract or an agreement, stamps are charged. 											

Noting and Certification:

Value		Notary fees				Stamps		Deposits		Total	
		Receipt fee		Signature fee per page							
From	To	JD	Fils	JD	Fils	JD	Fils	JD	Fils	JD	Fils

Unknown value	1	000	5	000	1	000	000	500		
1	50	1	000	200	200	1	000	000	500	
51 and over	1	000	0.001 rounded to nearest 10 dinars		1	000	000	500		
<ul style="list-style-type: none"> • For a general power of attorney drafted outside Jordan, a stamp fee of JD 10 is charged. • For a special power of attorney drafted outside Jordan, a stamp fee of JD 2 is charged. 										

Deputation

	Judicial fees		Stamps		Deposits		Total	
	JD	Fils	JD	Fils	JD	Fils	JD	Fils
Deputation fee	5	000	0	000	0	000	5	000

Annex 3

This is a special questionnaire about legal knowledge to survey the level of knowledge within different community groups.

First: General info (check (✓) the appropriate answer)

Gender	Academic Level	Age group	Marital status	Employment
€ Male	€ Post Graduate	€ Under 18	€ Married	€ Public Sector employee
€ Female	€ Graduate	€ 18-25	€ Single	€ Private sector employee
	€ Diploma	€ 26-35	€ Divorced	€ Freelancer
	€ High school	€ 36-45	€ Separated	€ Student
	€ Preparatory school	€ 46 and above	€ Widowed	€ Housewife
	€ Basic Education			€ Unemployed
	€ Other			

Second: Courts and Procedures

Did you face a legal problem in the past?

Yes No

If the answer is yes, did you go to court to solve the legal problem?

Yes No

What is your level of knowledge in court procedures in Jordan?

Excellent Very Good Good Weak Not at all

Did you visit a court or one of its departments for a specific procedure other than litigation?

Yes No

If your answer is "Yes" check (✓) below

- No criminal Record certificate
- Document and notation (Power of attorney/guarantee/ translation/...)
- Payment or receipt of property lease
- Execution department
- Testimony before courts/ Public prosecution departments
- Expert
- Other

Third: Legal knowledge

What is your level of knowledge of in-force legislation?

Excellent Very Good Good Weak Not at all

What is your level of knowledge of your rights and duties according to the Jordanian constitution?

Excellent Very Good Good Weak Not at all

What is the main source of your legal information?

- € Internet (websites and search engines)
- € Social Media
- € Multimedia (Newspapers, radio, TV)
- € Lawyer consultation
- € Relatives, friends and acquaintances
- € Formal sources (Official Gazette, Legislation and Opinion bureau, Ministry of justice, etc)
- € Specialized legal programs (Adala and Al Qestas programs, etc)
- € Training or course
- € Other

• **How well do you know the following legislations/ laws provisions**

The Jordanian Constitution

Excellent Very Good Good Weak Not at all

Labor Law

Excellent Very Good Good Weak Not at all

Personal status Law

Excellent Very Good Good Weak Not at all

Penal Code

Excellent Very Good Good Weak Not at all

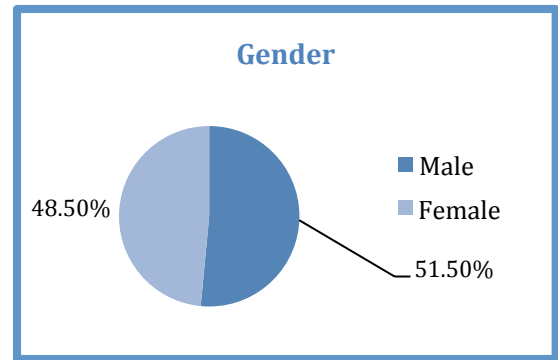
Landlord/ tenant act

Excellent Very Good Good Weak Not at all

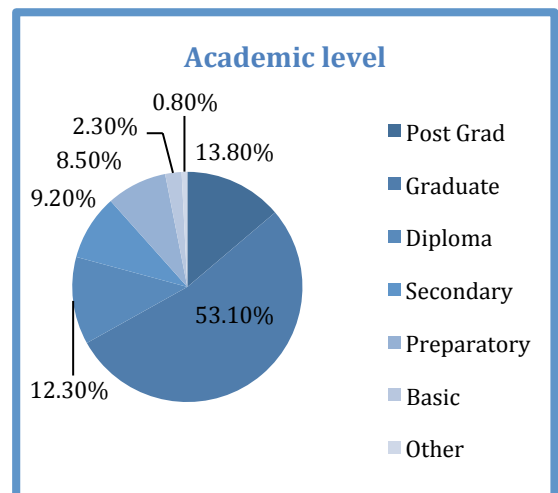
Annex 4

Legal knowledge questionnaire results

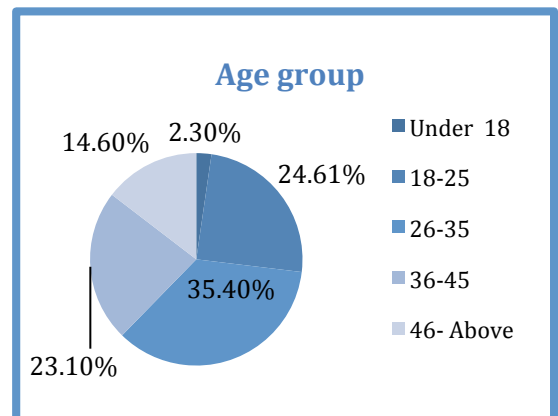
Access to Justice assessment		
First: General info		Gender
Options	Percentage	# of answers
Male	51.5%	67
Female	48.5%	63
Answered the question		130
Didn't answer the question		0



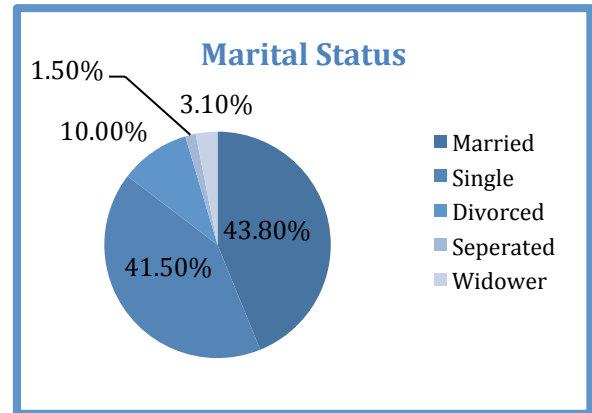
Academic level		
Options	Percentage	# of answers
Post Grad	13.8%	18
Graduate	53.1%	69
Diploma	12.3%	16
Secondary	9.2%	12
Preparatory	8.5%	11
Basic	2.3%	3
Other	0.8%	1
Answered the question		130
Didn't answer the question		0



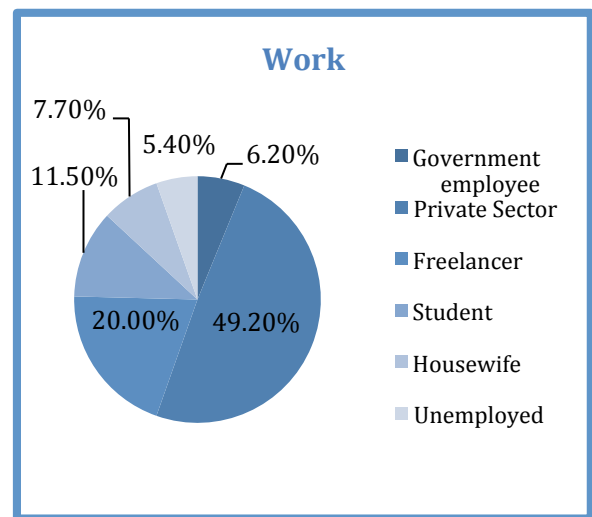
Age Group		
Options	Percentage	# of answers
Under 18	2.3%	3
18-25	24.6%	32
26-35	35.4%	46
36-45	23.1%	30
46- above	14.6%	19
Answered the question		130
Didn't answer the question		0



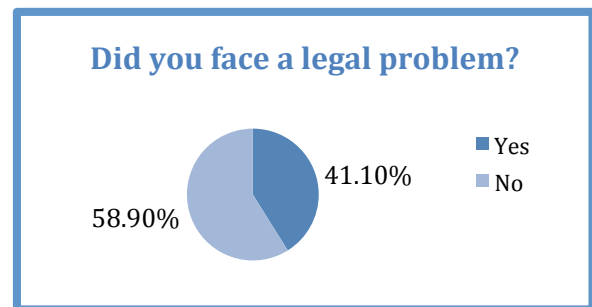
Marital Status		
Options	Percentage	# of answers
Married	43.8%	57
Single	41.5%	54
Divorced	10.0%	13
Separated	1.5%	2
Widowed	3.1%	4
Answered the question		130
Didn't answer the question		0



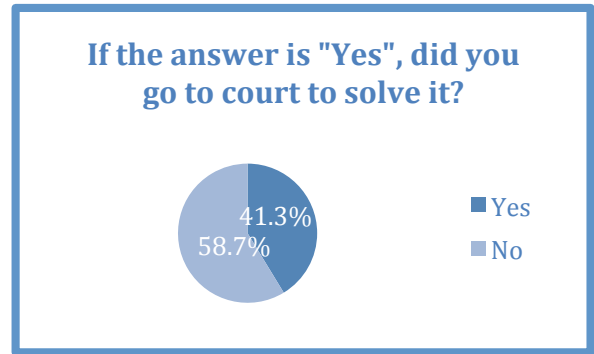
Work		
Options	Percentage	# of answers
Government Employee	6.2%	8
Private Sector Employee	49.2%	64
Freelancer	20.0%	26
Student	11.5%	15
Housewife	7.7%	10
Unemployed	5.4%	7
Answered the question		130
Didn't answer the question		0



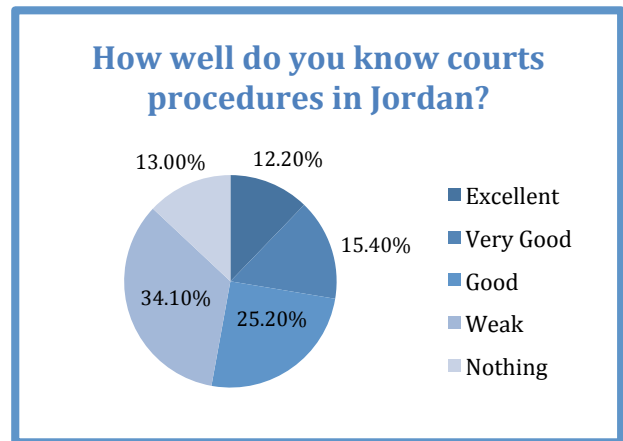
Second: Courts and Procedures		
Did you face a legal Problem?		
Options	Percentage	# of answers
Yes	41.1%	51
No	58.9%	73
Answered the question		124
Didn't answer the question		6



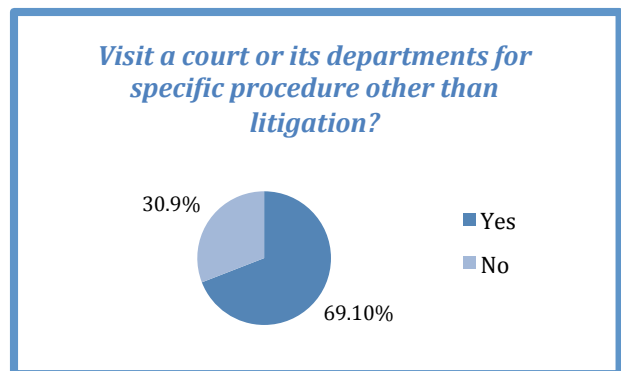
If the answer is Yes, did you go to court to solve the problem?		
<i>Options</i>	<i>Percentage</i>	<i># of answers</i>
Yes	41.3%	31
No	58.7%	44
Answered the question		75
Didn't answer the question		55



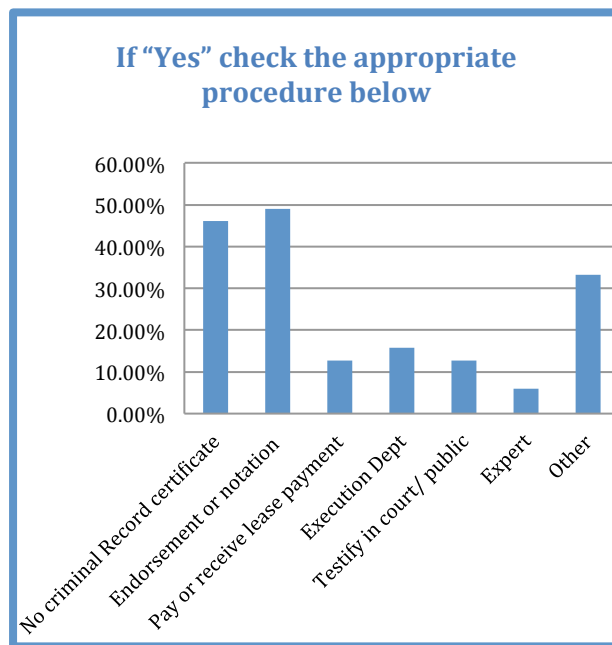
How well do you know courts procedures in Jordan?		
<i>Options</i>	<i>Percentage</i>	<i># of answers</i>
Excellent	12.2%	15
Very Good	15.4%	19
Good	25.2%	31
Weak	34.1%	42
Not at all	13.0%	16
Answered the question		123
Didn't answer the question		7



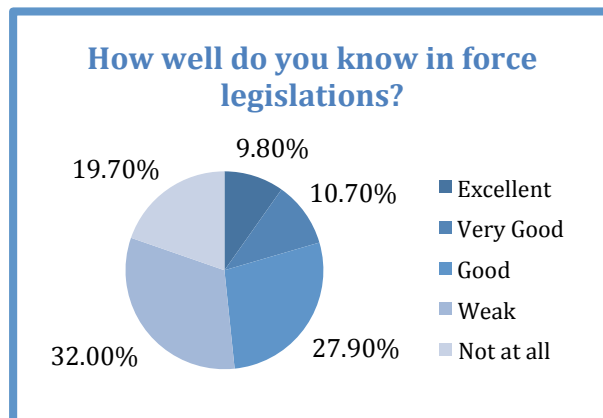
Did you visit a court or one of its departments for a specific procedure other than litigation?		
<i>Options</i>	<i>Percentage</i>	<i># of answers</i>
Yes	69.1%	85
No	30.9%	38
Answered the question		123
Didn't answer the question		7



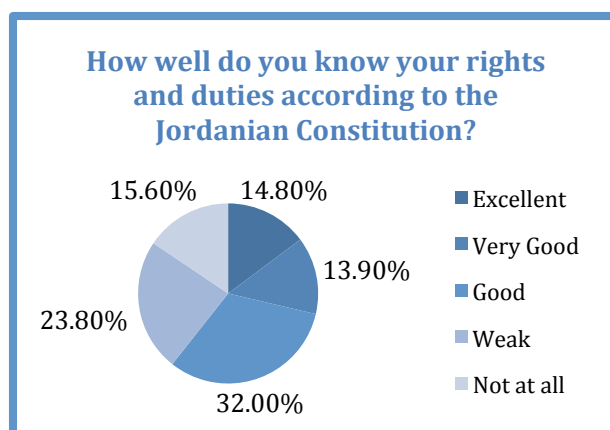
If "Yes" check (✓) the procedure		
Options	Percentage	# of answers
No criminal Record certificate	46.1%	47
Endorsement or notation (POA, Guarantee, translation, etc...)	49.0%	50
Pay or receive lease payment	12.7%	13
Execution Dept	15.7%	16
Testify in court/ public prosecution	12.7%	13
Expert	5.9%	6
Other	33.3%	34
Answered the question		102
Didn't answer the question		28



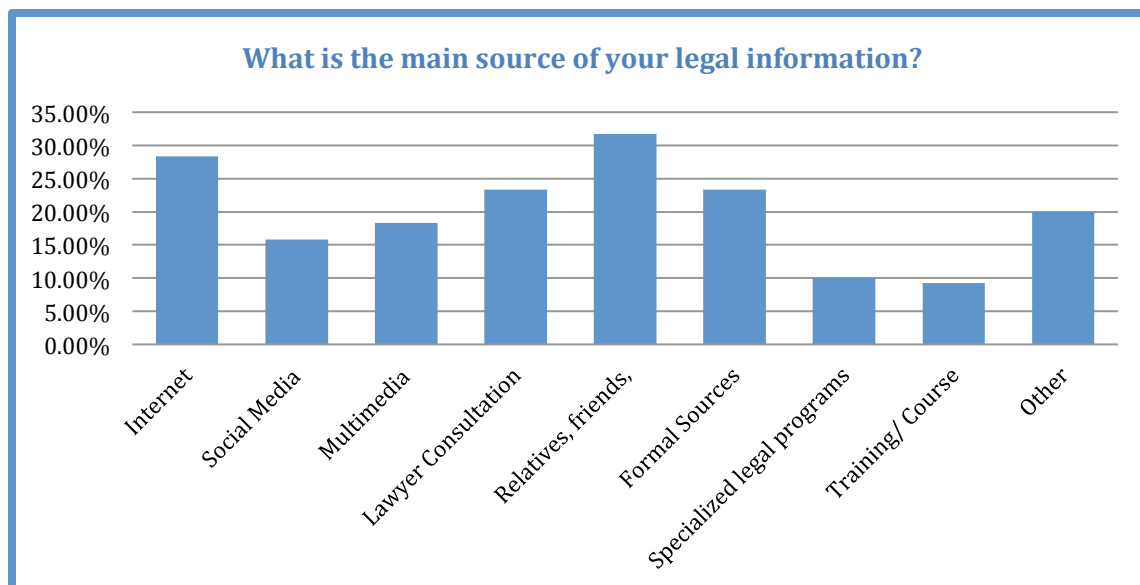
How well do you know in force legislations?		
Options	Percentage	# of answers
Excellent	9.8%	12
Very Good	10.7%	13
Good	27.9%	34
Weak	32.0%	39
Not at all	19.7%	24
Answered the question		122
Didn't answer the question		8



How well do you know your rights and duties according to the Jordanian Constitution?		
Options	Percentage	# of answers
Excellent	14.8%	18
Very Good	13.9%	17
Good	32.0%	39
Weak	23.8%	29
Not at all	15.6%	19
Answered the question		122
Didn't answer the question		8

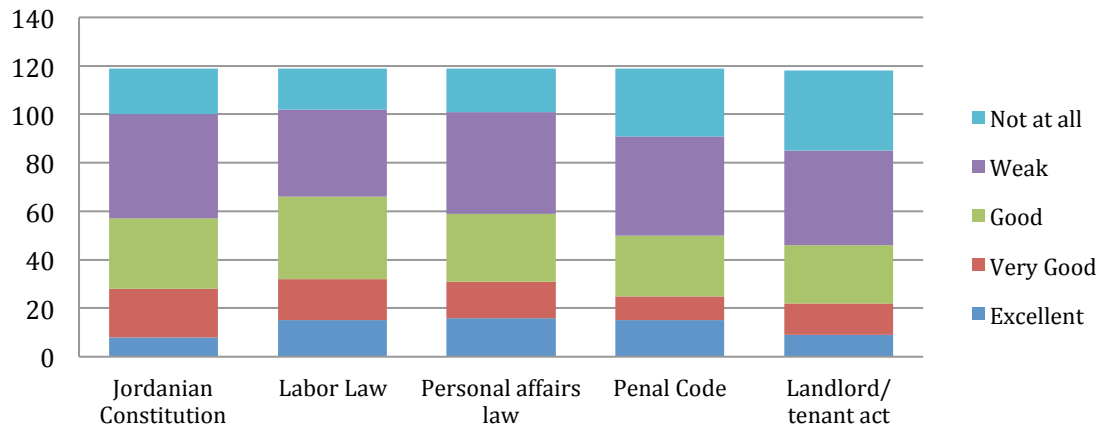


What is the main source for your legal information?		
Options	Percentage	# of answers
Internet (websites and search engines)	28.3%	34
Social Media	15.8%	19
Multimedia (Newspapers, radio, TV)	18.3%	22
Lawyer consultation	23.3%	28
Relatives, friends and acquaintances	31.7%	38
Formal sources (Official Gazette, Legislation and Opinion bureau, Ministry of Justice, etc)	23.3%	28
Specialized legal programs (Adala and Al Qestas programs, etc)	10.0%	12
Training or course	9.2%	11
Other	20.0%	24
Answered the question		120
Didn't answer the question		10



How well do you know the following Legislations/ laws						
Answer options	Excellent	Very Good	Good	Weak	Not at all	# of answers
Jordanian Constitution	8	20	29	43	19	119
Labor law	15	17	34	36	17	119
Personal status law	16	15	28	42	18	119
Penal code	15	10	25	41	28	119
Landlord/ Tenant act	9	13	24	39	33	118
Answered the question						119
Didn't answer the question						11

How well do you know the following legislations/ laws?



Annex 5

A matrix describing the current status of each of the study components is highlighted in the chart below, in addition to the gaps, recommendations and proposed solutions.

Legislative framework Component

Status	Challenges (Gap analysis)	Activities to bridge the gaps
<p>The national legislative system adopted a number of general principles to guarantee the right to access justice, starting from the the national documents, the constitution and finally the laws and special regulations:</p> <ul style="list-style-type: none"> - International Conventions - The Justice Sector Strategy - National documents - The Jordanian Constitution - Laws and Legislations 	<p>Legislative system is still insufficient to facilitate access to justice process.</p> <p>Not implementing the activities related to the third and sixth components of the “building stratgy” of the judicial author (criminal justice and increasing public confidence).</p> <p>There is no provision in the Jordanian Constitution that indicate:</p> <ul style="list-style-type: none"> - Multiple degrees of litigations. - Guarantee of the right to litigation. - Free litigation for marginalized and vulnerable groups. - Limitation of the equality before the law and the protection of the Jordanians only (article 6). - Fair trial standards included in the Jordanian Constitution are limited to the text in terms of guaranteeing the right to defense or guaranteeing this right for free to those unable to hire a lawyer for both civil and criminal parts. - Absence of specific reference for the church judiciary in terms of applied laws, procedures or fees. 	<ol style="list-style-type: none"> 1. Comprehensive study on the legislation organizing the access to justice process, identifying legislative obstacles, and developing legislative recommendations, which may include: <ol style="list-style-type: none"> 1.1 The right to legal representation, regardless of the punishment on the committed crime, and in all stages of the case (initial investigation/ investigation before public prosecution/ trial). 1.2 Reconsider the table of payable fees and postponement mechanism. 1.3 Inclusion of the multiple degrees of litigations in all court decisions and avoiding provisions implying final decisions. 2. Implement activities and goals approved in the national documents and agendas, including the building strategy of the judicial authority 2012-2014, particularly the third component of criminal justice and the sixth component on legal knowledge and awareness. 3. Coordination with church courts, and survey the opinions of concerned on publishing a unified legal encyclopedia of church legislations, fees and procedures.

Access to Justice Component

Status	Challenges (Gap analysis)	Activities to bridge the gaps
<p>-Shar'ia and civil courts are well distributed between districts and regions of the Kingdom, which guarantee easy access to courts based on the spacial jurisdiction of each court. A high percentage of courts are leased, which means they were not designed as courts halls or support units. Moreover, some of the buildings owned by the Ministry of Justice are old and need upgrading and restructuring.</p> <p>- Human resources are not enough.</p> <p>- Mizan 2 software is fully implemented in a centralized way at the main IT center located in the Ministry of Justice; it was installed in all courts of conciliation, first instance, public prosecution, and notary public and execution departments.</p> <p>- The minimum fees were increased in conciliation courts to 1200 dinar, and in first instance to 5000 (see Annex 1 for percentage and calculations of the fees).</p> <p>- The Chief Judge or his designee or the conciliation judge has the power to postpone payment of fees of a viewed case after verification of the poverty status of the requestor.</p> <p>- Numbers of judges in some courts don't suit the work load, which lengthen the litigation period.</p> <p>- Delay in distribution of cases to the courts of appeal bodies.</p> <p>- Legal aid services are not</p>	<p>- Shortage in the number of judges compared to registered cases and pending cases, which increases the work load and affects the disposition rate and quality of judgments.</p> <p>- Lack of cleriks, notifiers, and messengers in many of the courts, which impede the work at courts and the litigation.</p> <p>- A big percentage of court buildings are leased small and are insuitable because they are designed for housing; they don't suit the courts work and functions in terms of safety, security and design</p> <p>- Courts are not equipped to serve the disabled and people with special needs.</p> <p>- There are no waiting rooms for witnesses at courts, especially for women and children in civil and shar'ia courts.</p> <p>- Reconsideration of the fees system and the fees paid when filing a case, and at the same time, revise and reconsider the</p>	<ol style="list-style-type: none"> 1. Appoint judges and distribute them effectively in a manner that suits their competencies and the work-loads at courts. 2. Provide qualified and trained staff, legals and support staff in the courts to perform court functions. 3. Qualify, train, and enhance the capacity of employees in terms of administrative and procedural skills and knowledge. 4. For infrastructure of courts, tools, furniture and equipments, it is the responsibility of the Ministry of Justice to find solutions by establishing new buildings instead of leased ones, and restructuring and remodeling old justice palaces. 5. Provide waiting rooms and spaces for witnesses and litigants, and equip them properly, especially for women and children. 6. Provide the needed facilities and tools to accommodate people with special needs and the disabled, to facilitate access to justice institutions. For example, provision of special paths, ramps and other equipments.

<p>activated or don't exist because of the high cost of hiring a lawyer.</p>	<p>postponement mechanisms for the marginalized and vulnerable groups.</p> <p>- Legal representation could form an obstacle when appearing before court because of the high cost, or because it is not mandatory to appear before courts represented by a lawyer.</p>	<ol style="list-style-type: none"> 7. Modify the fees system and the table, focusing on the provisions of postponing the payment of fees, and the jurisdictions of the Chief Judge to take such decisions. 8. Legislative amendmet to guarantee provision of legal aid. 9. Re-engineering of court of appeal processes and procedure, particularly the period between receipt of the appeal, and registering and distributing the appeal cases to judges to shorten the litigation time that courts of appeal suffer from.
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Legal Knowledge Component

Status	Challenges (Gap analysis)	Activities to bridge the gaps
<p>- Efforts to overcome legal illiteracy are stil modest and didn't serve its purpose yet in raising awareness and legal culture because of the inability to access all groups and locations.</p> <p>- Civil society and its organizations didn't assume their effective role as they should have.</p> <p>Electronic program created to access</p>	<p>- Media doesn't aim to cover awareness, files and dissemination of information and culture. Media doesn't have a specific strategy toward the judicial sector and focuses on news and events. There is no commitment to professional standards and criteria in regards to news and reports of the judiciary.</p> <p>- General weakness in written, printed, and multi media when highlighting certain legal problems. It includes these reasons:</p>	<ol style="list-style-type: none"> 1. Develop a a media strategy in the legal issues with the participation of the judicial council, Ministry of Justice, Ministry of Media, Council of Ministers represented by the legislation and opinion bureau, media institutions and civil society organizations. The strategy should include programs and projects that guarantee the media to play its real role in raising awareness and legal knowledge to reach out for all community members. 2. Training courses for journalists, judges, and legals on drafting news and press releases to guarantee trusted media coverage.

<p>legislations and legal information; however, private firms or individuals usually own these programs. Thus benefiting from these resources stays limited because it depends on subscription fees.....</p> <p>There is a number of electronic websites that provide good legal information and the in force laws:</p> <ul style="list-style-type: none"> - Jordanian legislation - Prime Minister office -Ministry of Justice - Judicial council - Ministries and other official and governmental departments, which post legislations relevant to their scope of work. - Jordanian media played a role in promoting legal culture and knowledge. - Media coverage is limited to news and special events that are mostly dependable on available resources. 	<ul style="list-style-type: none"> - Difficulty of accessing information because resources are unwilling to cooperate. - Lack of training and capacity building in the standards and principles of production of legal media material, that is committed and professional. - Limited number of organizations providing legal aid and counseling, and if they exist, then their activities are limited and don't reach marginalized groups and the needy in all of the regions in the Kingdom. - Dependency of Civil society organizations and organizations providing legal aid, in particular on donor funding. - Legislative drafting and the frequent amendments on some laws are considered obstacles that impede access to justice. - Difficulty of accessing national and local laws and legislations in English and other languages. - There is continual updates of electronic websites that publish legislations. - Weak coordination between Ministry of Justice, judicial council, 	<ol style="list-style-type: none"> 3. Develop criteria for legal media news and reports in a trusted, correct and transparent approach. 4. Encourage civil society organizations to adopt the legal aid provision through: <ul style="list-style-type: none"> - Facilitate registration of such institutions. - Assist in providing funding. 5. Continuous upgrade and update of legislation published on websites of ministries about follow ups of new legislations and amendments of legislations. 6. Provide a legislative system in English language, or at least the main laws that interest the different groups of the community. At the same time, provide the proper and needed legal translation at courts during investigation and hearing of foreigners.
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Media are mostly focused on individual cases and stories on individual breaches.	and media.	
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Execution component

Status	Challenges (Gap analysis)	Activities to bridge the gaps
<p>Civil judgment execution procedure is regulated by a number of laws as follows:</p> <ul style="list-style-type: none"> - Execution law - Civil law - Company law - Immovable properties law <p>Criminal judgment execution procedure is regulated by a number of laws as follows:</p> <ul style="list-style-type: none"> - Criminal procedure code - Conciliation courts law - Court fees system <p>The infrastructure of execution departments and public prosecution departments is very weak.</p> <p>Most staff related to execution of judgment don't hold a law degree.</p> <p>Execution procedures have been automated by Al Mizan 2 software.</p>	<ul style="list-style-type: none"> - Appeals on execution judge's decisions don't have parameters. - Weak communication and coordination between the execution bodies and other organizations. - The public prosecutor jurisdiction in the execution process are limited and constrained. - There is no clear documented referential procedures clarifying the work steps. - Shortage in human resources and staff impede execution of judgments and hinder the process. - The problem of notifications and unclarity of addresses at all stages of the case cause delays in the execution of judgements; in addition, most notifications are processed in a wrong way. - Not automating all of 	<ol style="list-style-type: none"> 1. Amend the execution law as needed to specify decisions subject to appeal that are issued by execution judges to avoid delays in execution and stalling. 2. Sign Memorandum of Understanding between the judicial council, Ministry of Justice, gov. bodies, and other ministries, on the electronic networking between systems, processes and softwares that organize the work of these departments. 3. Revise the provisions of the criminal procedure code and conciliation courts law that are related to the execution of judgement issued by criminal courts, to increase efficiency of the mechanisms and jurisdiction of the public prosecutor in the execution process. 4. Provide training programs for the staff and human resources at the execution departments, such as legal, computer skills, procedures, customer care, etc. 5. Continue to develop computer software and programs that organize execution procedures to stay updated with all developments and legislative

	<p>the execution departmental procedures. Al mizan doesn't cover all work processes and procedures at the department of execution.</p> <p>- Lack of automated system to track incoming and outgoing correspondences and cases, and the use of manual record/ registry.</p> <p>- Problems in the financial system and the returns that are complicated and include one staff member processing the returns, which is not acceptable. Financial safety, security, and transparency requires more the one staff member involvement</p>	<p>amendments, etc.</p> <p>6. Re-engineer the financial processes at the departments of executions, especially: payment of amounts, returns, receiving of check, calculating interest, etc. Al Mizan has all functional specs that could organize these processes, but it is not activated, and it is difficult to apply especially for pending cases. These processes are still implemented manually.</p> <p>7. Development of a system that guarantees the safety and security of execution files, especially when moving from one section to another (tracking system).</p> <p>8. Restructuring of the organization of execution departments, and equip them with the proper and needed equipment/ furniture.</p>
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Guarantee of legal aid and representation component

Status	Challenges (Gap analysis)	Activities to bridge the gaps
<p>- The Jordanian legislator addressed the legal representation of litigants before investigative bodies, public prosecution in separate and various legislations, some of which are:</p> <ul style="list-style-type: none"> - Court of conciliation law. - Civil procedure code - Bar association law <p>Initial investigation</p>	<p>- There is no text in the criminal procedure act that state the mandatory legal representation at any stage of the criminal case except in the provision text that empowers the court to appoint a lawyer for the accused who can't afford to hire a lawyer, and limited this power to the cases of crimes punishable with penalty of death, life imprisonment with hard labor and life</p>	<ol style="list-style-type: none"> 1. Amendments to a number of legislations related to guarantee the right to defense and to state the provision of free representation for the needy either by services provided by the state or by civil society organizations, and develop application mechanisms. 2. The necessity to jointly adopt a national strategy to provide legal aid services, inviting the public sector, private sector and the civil society organizations to participate in its development.

<p>is conducted in complete absence of lawyers/ legal representatives.</p> <ul style="list-style-type: none"> - The constitution didn't address the guarantee of the right to defense. The head of the bar association has the jurisdiction to appoint one lawyer once a year to defend an accused proven to be poor and unable to pay for hiring a lawyer. - Limitation of the lawyer role during preliminary investigation; limited to attending sessions and observing without any active role. - The only guarantor of legal representation in the law is in article 208 of the criminal procedure code. - There are channels and bodies supporting the court in its functions, assisting in the facilitation of access to justice, for example: <ul style="list-style-type: none"> - Office of the Ombudsman - Wages authority 	<p>imprisonment. There is no specific or practical mechanism adopted in such cases.</p> <ul style="list-style-type: none"> - The legal aid services or legal representation services are not activated. - There is no criteria to clarify the mechanism in which the bar association assigns its members to represent a litigant in a case. - There is no legal text that guarantees free legal aid services to the needy. - Legal representation in the investigation stage is inefficient and limits the lawyer role to attendance and observation of sessions, without any active role. 	
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