



Microjustice

Legal Rights Protection Barometer
JORDAN - Report 2023



Microjustice is a Dutch foundation that works for the legal empowerment and inclusion of marginalized people and victims of humanitarian disasters. To achieve this aim, the foundation enables these people to exercise their fundamental legal rights and facilitates their access to legal aid through its Legal Rights Protection Program.

Since 2018, Microjustice has developed the Legal Rights Protection Barometer of Civil Justice , which aims to map the justice gap from the perspective of ordinary people in society, and to identify how to set up a Digital Legal Aid Platform. So far, Barometer research has been undertaken in Serbia, Bolivia, Kenya, Egypt, Jordan, and Ukraine.

Contents

I.	Introduction	4
	A. Research method.....	4
	B. A different perspective.....	5
	C. Legal context.....	6
	D. Highlights.....	7
II.	The capacity of the population to access and protect their rights	9
	Population:.....	9
	Poverty (based on income and informality indicators).....	9
	Other indicators defining risks of legal exclusion.....	9
III.	The state: Affordability and accessibility	10
A.	Procedures and institutions.....	11
	Identity-related documentation.....	11
	Birth certificates.....	11
	Recognition of children.....	12
	ID cards/citizenship.....	13
	Death certificates.....	13
	Family-related documentation.....	14
	Marriage and Marriage Certificate.....	14
	Cohabitation.....	14
	Divorce.....	15
	Divorce in agreement.....	15
	Divorce without an agreement.....	16
	Custody.....	17
	Child Support.....	18
	Inheritance related documentation.....	19
	Inheritance.....	19
	Pre-dead arrangements.....	20
	Property-related documentation.....	21
	First registration of property.....	21
	Legalization of Construction.....	21
	Registering the real property on the current owner / transfer of title.....	21
	Social-Economic activity related documentation.....	22
	Constitution of company and Individual business registration.....	22
	Civil associations 16.....	22
	Closing down of legal personality 16.....	22
	Labour.....	23
B.	Effective ways to enforce one's legal rights.....	24
	Courts.....	25
	Possibilities for alternative dispute resolution (ADR).....	25
	Mediation.....	26
	Arbitration.....	26
IV.	Affordability, accessibility, and quality of legal assistance	27
	Commercial legal assistance - lawyers.....	28
	Free Legal Aid.....	29
	Governmental legal aid.....	29
	Non-governmental legal aid.....	29
	Barometer conclusions.....	30
	1) People at risk of not having access to legal rights protection.....	30
	2) Effectiveness of state organisation and procedures for legal rights protection.....	32
	3) Accessibility and affordability of quality legal assistance.....	32
	Follow-up action needed: setting up a digital Legal Aid Platform and enhance judicial reform.....	33
Annex 1	34
	Refugees from Palestine and Syria & needed Legal Rights Protection Program.....	34

I INTRODUCTION

A. RESEARCH METHOD

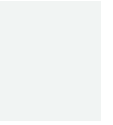
RESEARCH METHOD

The Microjustice Legal Rights Protection Barometer has been developed by Microjustice as a tool to scan, monitor, and enhance the access to justice component of SDG 16. So far Barometer research has been conducted in Bolivia, Serbia, Kenya, Egypt, Jordan, and Ukraine.

This report concerns the Barometer research for Jordan: a quick scan of the legal rights protection situation through indicators on a country-level. The research questions relate to the capacity of the people in Jordan to be legally protected and included in society through the analysis of three indicator categories: 1) the financial and educational capacity of the people in Jordan; 2) the accessibility and efficiency of the way the 'State' has organized the procedures for Legal Rights Protection in private and administrative law, and the effectiveness of the available enforcement mechanisms, and 3) the accessibility and affordability of quality legal aid in Jordan.

The research has been implemented through social interaction with various Jordanian and international organisations. Many consultations and interviews were conducted with Jordanian attorneys, legal experts, civil society representatives and representatives of state institutions such as the Ministry of Justice of Jordan.

Jordanian attorneys, with experience in the private and administrative law related to the basic legal needs of people, were filling out the barometer database in close cooperation with Microjustice team, applying the Microjustice methodology. Based on the research results, conclusions as well as a proposal for a digital Legal Aid Platform have been developed.



B.

A DIFFERENT PERSPECTIVE

A DIFFERENT PERSPECTIVE

There is a number of reports on Jordan related the state of justice sector.

The Barometer research report has a different approach, analysing the justice system from the perspective of the people. The value added is not to describe the system from an institutional perspective, but moreover to show legal inclusion from people's point of view: how can they make their basic legal needs come true? All people need to be embedded in the system of the country in which they live to assess the benefits of the system and to be able to protect their rights. The key question of this research is to what extend are people and their businesses in Jordan able to protect their rights. This research is the first step towards a solution by identifying the precise problems for the people, that will give input for defining a country-tailored digital Legal Aid Platform.



LEGAL CONTEXT

LEGAL CONTEXT

Jordan is governed by a limited constitutional monarchy. The Jordanian constitution establishes the judiciary as one of three separate and independent branches of government. The King, Prime Minister, and Council of Ministers exercise the executive functions of government; the Senate and Chamber of Deputies are the higher and lower houses of the National Assembly, which exercise the legislative functions; and various Civil, Religious and Special courts exercise the judicial power.

Jordan's present legal system is based on the Constitution, a civil and criminal code, and Islamic laws in parts of family and criminal law. Its legal system has been influenced by many sources:

- Tribes were very important in Jordan and these tribes had varied legal traditions.
- For over 400 years, Jordan was administered by the Ottoman Empire. The Jordan legal system developed from codes of law instituted by the Ottoman Empire (based on French law) and its legal system consisted of Sharia courts whose decisions were based on the four schools of Islamic law.
- From 1919 to 1946, Jordan was administered by British mandatory representatives. English common law was introduced in the West Bank between 1917 and 1948, during most of which time the area was incorporated into the British-administered Mandate of Palestine and introduced in the East Bank during the years 1921 to 1946, when the East Bank comprised the British Mandate of Transjordan. However now, Jordan has a codified law system.
- In 1946 United Nations recognized Jordan as an independent state.

The 1917 Ottoman Family Code forms the basis of modern Jordanian personal status laws. The first Constitution of Jordan was adopted in 1948. This started the process of creating a national legal system in the post-Ottoman period. Both the 1948 and 1952 Constitutions of Jordan affirm that Islam is the State religion.

Jordan has specific discrimination; Jordanians are treated differently than non-Jordanians.

In Jordan, like in all Islamic countries, the applicable family law is the Sharia, which means that women are by definition discriminated. An amendment in 2010 widened women's access to divorce and child custody. Article 9 of Jordan's nationality law does not allow Jordanian women married to non-Jordanian spouses to pass on their nationality to their spouse and children.

D. HIGHLIGHTS

HIGHLIGHTS

The main issues in Legal Rights Protection and the justice gap in Jordan have been identified, as follows:

- Jordanian laws do not apply to all people to the same extent. People without Jordanian nationality, women, people who are not Muslim or Christian have a lower chance in securing their rights, even in the daily legal needs as civil documents.
- Very poor (24.1% under the poverty line) and poor Jordanians with low income (lower middle class).
- Women face discrimination in all family and inheritance related issues. This gender-based discrimination obliges women to settle their rights through long lasting court procedures while during the time the procedure takes not enjoying legal rights protection. Women are in a vulnerable position related to marriage, divorce, child custody and alimony. Women need to be educated on their rights.
- Children without Jordanian father face discrimination as they have to go through complex procedures to get documents or they are deprived of the possibility to get documents such as birth certificates, ID, travel documents. This causes the issue of them not being able to receive healthcare, education and to be an equal part of society as children with Jordanian fathers. Children are part of labour force from a young age and are being exploited.
- Muslims make up 97.1 percent of the population while Christians make up 2.1 percent. Groups constituting less than 1 percent of the population include Buddhists, Baha'is, Hindus, and Druze (who are considered Muslims by the government). Islam is the country's official religion, but article 6 of the Constitution declares that citizens of all religions must be treated equally before the law. In practice religious minorities and people without religion cannot exercise their rights. From court procedures to administrative one's, the legal system in Jordan follows Muslim and Christian religious doctrines and people have to accept one of those doctrines.
- Immigrants and refugees especially – See Annex 1

Key legal needs are:

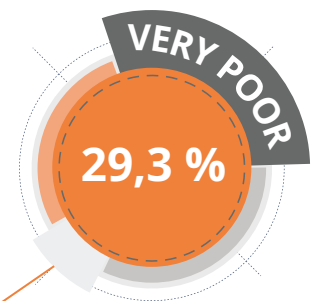
- Complicated real property registration procedures. People need to go through complex procedures and most of them don't register property. Procedures differ for people without Jordan nationality or residency, and it opens the door for legal insecurities and discrimination in inheritance procedures.
- Unfavourable inheritance system based on the Sharia law. Inheritance system is in men's favour, and women are often left without inheritance. People who don't practice Muslim religion are obligated to follow their inheritance laws.
- For women and children having access to legal information on family rights to formalize a divorce and to obtain alimony is fundamental. Children whose fathers are not Jordanian have trouble obtaining documents such as Birth Certificates, IDs etc.
- Legal insecurity in labour related rights and obligations. Most people do not have Employment Contracts and are not informed about their rights. Child labour is widespread in Jordan, particularly in the wholesale, retail trade and agriculture sectors.
- Refugees: The registration system for refugees in Syria is not functioning at all – they don't have identity papers, or marriage certificate or papers proving whose children's real parents are, which causes a lot of problems for the authorities in Jordan. Jordan is not issuing residency or citizenship papers to Syrian refugees, and they cannot permanently settle or work in Jordan. As a result, they can only legally settle in refugees centres.

II THE CAPACITY OF THE POPULATION TO ACCESS AND PROTECT THEIR RIGHTS

Poverty based on income and informality indicators

The big majority of the population is at risk of being legally unprotected due to lack of resources based on the following indicators:

01 Very poor, under the poverty line 24.1% with monthly income under €676



02 Low-income groups:



Average consumer basket: For a family of four, the estimated monthly costs are US\$1,376, excluding rent. For a single person, the estimated monthly costs are US\$385 excluding rent.

Minimum wage €373.15 (If you have a contract)

Average monthly income: €993

Gini Coefficient: 40 %

03 Formality indicators:

- 17.38% over the period 1991 to 2015 of businesses are informal
- Percentage of tax & social security on salary 14.25% as Employer contribution and 7.5% as Employee contribution
- 27,5% of labour has no Employment Contract which means that they have no legal protection

Other indicators defining risks of legal exclusion

- Language: not an issue for legal inclusion. People speak the official language which is Arabic.
- Education level: standard. About 9,7% of the population in Jordan was illiterate in 2018, and 71.96 % attended secondary school in 2021.
- Internet: 66% of the population has access to internet (mobile phones, computers, internet cafes).

III

THE STATE: Affordability & accessibility

A. Procedures and institutions

Identity-related documentation

BIRTH CERTIFICATE



Problematics: People who don't have Jordanian nationality experience problems obtaining Birth Certificates for their children. If one of the parents is a foreigner and is not holder of temporary Jordanian residency, he/she must obtain a personal number from the Residence and Borders Administration for foreigners or bring a non-resident proof from the Public Security Directorate. In case of obtaining a Birth Certificate beyond the legal deadline, the additional issue is increase of the costs and complexity of the procedure. Additional fees are imposed if a Birth Certificate is requested after 30 days since birth. If a Birth Certificate is requested after year of birth, a court procedure before the Magistrate's Court must be initiated in order to record the birth event.

At-risk groups:

- Poor, especially population living in the rural areas;
- Migrants: they need to obtain personal number or bring a non-resident proof which makes procedure more complicated.

◆ SOURCES OF DISCRIMINATION:

One's religion is mentioned on the Certificate.

◆ LEGAL ASSISTANCE IS NEEDED:

Only in cases of late requests where court procedure must be initiated and error correction procedures.

◆ RECOMMENDATIONS TO SOLVE LEGALITIES:

- Issue a temporary "incomplete" Birth Certificate without migrant parent data or of one parent whose data is known;
- Extend deadlines;
- Reduce the costs.

Recognition of children

Problematics:

Registering and recognizing children born out of marriage is extremely difficult. Personal Status Law stipulates that a child's parentage is registered to the mother upon birth and that her name is listed in the records. However, Civil Affairs Law, stipulates that an "illegitimate" infant is not registered under the parents' names in a birth certificate unless a written request is filed by both parents, or by one parent with the support of a final court ruling. In such cases, the notary chooses the parents' names, and any birth registered in violation of the provisions of this article with regards to citing the parents' names is considered void.

At-risk groups:

- Poor, especially population living in the rural areas;
- Migrants: they need to obtain personal number or bring a non-resident proof which makes procedure more complicated.

◆ SOURCES OF DISCRIMINATION:

One's religion is mentioned on the Certificate.

◆ LEGAL ASSISTANCE IS NEEDED:

Only in cases of late requests where court procedure must be initiated and error correction procedures.

◆ RECOMMENDATIONS TO SOLVE LEGALITIES:

- Allow mother to register a child without father/court permission;
- Mandatory DNA test;
- Reduce the costs.

ID cards/citizenship

Problematics: Replacing an ID card is difficult, and it involves a dealing with the police. This is a problem since an ID is needed to guarantee civil rights, and participating in day-to-day procedures such as receiving health, civil and other services, enrolling in studies, registering births and deaths etc. There is a 10 JDS fine if a person over the age of 18 doesn't have an ID. Children with a foreign father can get an ID only if a mother has a Jordanian nationality.

At-risk groups :

- Poor and uneducated people;
- Children with foreign fathers.

Sources of discrimination: parent's nationality.

Legal assistance needed: people usually do not need legal assistance.

Recommendations to solve legalities:

- Simplify procedure;
- Allow children with a foreign father to get an ID;
- Separate having ID with ability to practice their rights.

Death Certificate

Problematics: Death Certificate is necessary for a burial, and it's also being used as a proof of cause of death. If death is not reported within seven days, people need to pay higher fees. If death is reported after a year, people must file a lawsuit and wait for a final verdict in order to finalise the process and record death with different government bodies.

At-risk groups: Poor people.

Legal assistance needed: Yes, if death is reported after a year.

Recommendations to solve legalities:

- Allow burial without Death Certificate;
- Simplify process for reporting death after a year;
- Centralize process (one institution should be in charge throughout the process);
- Eliminate fees.

Family-related documentation

Marriage and Marriage Certificate

Problematics: Replacing an ID card is difficult, and it involves a dealing with the police. This is a problem since an ID is needed to guarantee civil rights, and participating in day-to-day procedures such as receiving health, civil and other services, enrolling in studies, registering births and deaths etc. There is a 10 JDS fine if a person over the age

At-risk groups :

- Muslim women;
- Groups with unrecognized religion.

Sources of discrimination: Gender and Religion.

Legal assistance needed: People do not need legal assistance unless they were married outside of Jordan and need to certify their marriage in Jordan.

Practical solution:

People go to a different country to get married.

Cohabitation

Problematics: Cohabitation is an exceptional thing in Jordan and only few people do it and in private. Cohabitation is not acceptable by religion, customs, and tradition. This causes problems in the day-to-day basis since men and woman are not allowed to live together even if they're only roommates. This is especially problematic for women since they can be killed by their families for living in cohabitation. Cohabitation is forbidden by Criminal Law and people can end up in jail in case one person in the couple is married. There are limited ways to recognize cohabitation and it has to be done in court. The procedure differs depending on the subject: 1) recognition of children; 2) existence of marriage; 3) inheritance, etc. In addition, solicitors provide the service of drafting cohabitation contracts, and prenups can be included.

At-risk groups:

- Women;
- Poor people who can't afford housing;
- Foreigners or people without residency permits.

Sources of discrimination: Religion, Custom, Tradition.

Legal assistance needed:

Yes, if people end up in prison and if they want to prove cohabitation. In this case It is important to hire an attorney because the procedure is complicated.

Divorce

There are three types of divorce:

1. The wife can file a divorce lawsuit for the sole reason of not wanting to continue the marriage. As a result, she will waive her rights which are agreed upon in the marriage certificate. The estimated time to finalize the divorce and get a divorce certificate using this option will be 3 to 5 months. For this procedure there is no requirement to provide proof. In this case, the wife has to return what she received from her husband which as stipulated in the marriage certificate. Usually, this option is the best option in case woman do not have enough evidence.
2. Filing a divorce lawsuit based on fights between husband and wife. As a result, the wife can ask for the rights which are agreed upon in the marriage certificate. The court assigns experts to evaluate the compensations. Estimated time to finalize the divorce and get a divorce certificate: 6-12 months.
3. If both the wife and the husband agreed to divorce. The attorney must submit a request to the court to register the agreement for divorce. Estimated time for finalizing registering the divorce: 48 – 72 working hours in normal cases.

Divorce in agreement

Problematics: People are uninformed about the procedures regarding divorce in agreement. Both parties must abandon something for the divorce to happen (this practice only happens within an agreement where both parties lay out their conditions and what they're planning to give up on, in order that the divorce happens without judicial interference) and most of the times these agreements are coordinated with a mediator who is an attorney.

At-risk groups:

- Poor people;
- Uneducated people;
- Groups with unrecognized religion.

Sources of discrimination: Religion.

Legal assistance needed:

Yes, parties need an attorney to serve as moderator.

Recommendations to solve legalities:

- Raise awareness about this type of divorce;
- Make civil courts in charge of divorce agreements.

Divorce without an agreement

Problematics: People are uninformed that there is a simpler procedure i.e., that there is divorce in agreement. Procedure itself is complicated and requires legal assistance throughout. People need to file a lawsuit in competent court (depending on parties' religion) and they need to have residency in order to do it. People without Jordan nationality or residency cannot get divorced.

At-risk groups:

- Poor people;
- Uneducated people;
- Groups with unrecognized religion.

Sources of discrimination: Religion.

Legal assistance needed:

Yes, parties need an attorney.

Recommendations to solve legalities:

- Raise awareness about divorce in agreement;
- Allow divorce for people without Jordan nationality or residency permit.
- Make civil courts in charge of divorce procedures.

Custody

Problematics: According to Sharia law, Jordanian (and foreign) mothers are granted custody of their children until the age of 15, but fathers have the educational mandate, and may determine the country of residence, medical treatment, and religious upbringing. The father is also responsible for obtaining passports and permitting international travel, unless the mother secures the court's approval to do so in a very long and tedious process. Mothers can lose custody of their children if the father decides to exaggerate claims of their alleged 'misconduct' under interpreted Islamic pretexts. Women will lose custody if they remarry after divorce.

Foreign custody orders are not enforceable in Jordan if they are viewed as contradicting the (Sharia) Personal Status Law or other local laws and practices. Under Jordanian law, any man can prevent his minor children from leaving Jordan with the Jordanian authorities. Adults can impose a travel ban on their spouses by an order from a Jordanian court. Uncles, brothers, and grandfathers of unmarried female adult relatives can also apply to the courts of Jordan for travel restrictions on their unmarried female adult relatives. Immigration officers can prevent minor children from traveling along with their mothers leaving Jordan without the permission of their father. A travel ban can only be removed by the person who installed it or by the court.

At-risk groups:

- Woman;
- Children;
- Groups with unrecognized religion.
- People without Jordan nationality/residency.

Sources of discrimination: Religion, gender, nationality.

Legal assistance needed:

Yes, people need an attorney throughout the process.

Child Support

Problematics: Obtaining child support from fathers is extremely difficult in Jordan. According to the law, it is fathers' obligation to take care of a child and if he is absent or poor, that obligation would fall on the paternal grandparents. However, in reality mothers are the ones who are paying everything most of the time. Mothers have no legal obligations to financially support their children, but they are pressured to do it by society and norms. Processes are complicated, mothers need to prove the fathers' ability to pay (people will hide their assets in other countries), and fathers can avoid lawsuits by going to a different country. Additionally, since the procedures are done in front of religious courts, if the Muslim father became an apostate, the mother of a child cannot file a lawsuit against him. Apostate in the sense of renouncing Islam is illegal and Muslim can face legal consequences of an 'apostasy case'. Still in some cases, apostate has been recognized by the Cassation Court.

At-risk groups:

- Woman;
- Children;
- Groups with unrecognized religion.

Sources of discrimination: Religion, gender.

Legal assistance needed:

Yes, people need an attorney throughout the process.

Practical solution:

When mothers aren't able to file a lawsuit against fathers there's this governmental project called Support Credit Fund which helps mothers by supporting their children, however it only covers less than 50% of the children needs.

Inheritance related documentation



Inheritance related documentation:

Problematics: Under Jordanian law, Sharia law must be applied by all the courts with regard to inheritance. While the inheritance rights of women are formally enshrined in the constitution, in Islamic law (Sharia), female heirs continue to face social pressure to renounce their rights in favour of male heirs. Only one-fourth of Jordanian women entitled to inheritance of real property receive it fully.

Making donations during life is a practical solution to give the inheritance equally to the daughters and to avoid that male family members will claim their share. Jordan women managed to obtain a mandatory period of three months after the death of the intestate before any transaction can occur, so that an attorney dealing with a real property was under obligation to inform the heirs of all properties included in an inheritance and that a judge must explain to the heirs the legal consequences of the exclusion of inheritance; this has resulted in judges asking for better education for women so that they can better defend their rights.

In matters of inheritance, Christians in Jordan, like in Egypt and Palestine, apply their own inheritance laws. The problem is only that Christian men can always decide to have the Sharia applicable in order to get a bigger share than under Christian law.

There are no inheritance taxes in Jordan.

At-risk groups:

- Woman;
- Groups with unrecognized religion;

Sources of discrimination: Gender.

Legal assistance needed:

Yes, people need attorneys to inform them about their inheritance rights.

Practical solution:

People can use pre-dead agreements.

Recommendations to solve legalities:

Educate women on their inheritance rights.

Pre-dead arrangements

Problematics: The usual way to deviate from the Sharia division rules is to make a gift during life. In this way women may be deprived altogether of their inheritance, but also can help daughters to receive a bigger share (see above).

In most cases, women receive symbolic gifts which are worth far less than the value of shares they are legally entitled to receive. In general, women are kept in the dark about the real value of assets such as land or an apartment. Donations to sons, while the (future) intestate is still alive, are very common.

At-risk groups:

- Woman;
- Groups with unrecognized religion;

Sources of discrimination: Religion, gender.

Legal assistance needed:

Yes, people need an attorney throughout the process.

Recommendations to solve legalities:

Educate women on their inheritance rights.

Property related documentation



First registration of property

Problematics: First registration of property is considered to be registration of land and not the real estate on it. This is because of the old system that was in place before the current system. Owners must prove via witnesses and the Mukhtar of the area that the land is actually theirs, and if nobody objects the ownership registration request, the first registration will be finalized. The procedure for foreigners is complex.

Legalization of Construction

Problematics: In order to legalize construction, people need to file for two permits; one before the beginning of the construction and a construction work permit. These permits are easy to obtain and recently it became available on the official government website. Like most administrative things in Jordan, the process can vary for foreigners and people without Jordan nationality.

Registering the real property on the current owner / transfer of title

Problematics: The procedure is complex especially for people who are registering for the first time. The owner(s) must prove via witnesses and the Mukhtar of the area that the real estate is theirs, and if nobody objected the ownership statement, they could sell the property. A request has to be made with an explanation of the basis for transfer and detailed description of the property.

At-risk groups:

- Poor people;
- People without Jordan nationality/residency.

Sources of discrimination: Nationality.

Legal assistance needed:

No.

Recommendations to solve legalities:

- Simplify the process;
- Create a same process for people with and without Jordan nationality.

Social-Economic activity related documentation

Constitution of company and Individual business registration

Establishing a company is easy and a lot of people do it. It is always advised for people to hire legal help, but the process can be done without any.

However, explanations in general are not public knowledge, so it is necessary to inform and educate people on this subject. When it comes to individual business registration there is a fee/deposit for people without Jordan nationality that amounts up to 50.000 JDR, which is something that should be reconsidered in the light of the right on equal trade. After registering a company people need to obtain permits for them to function properly, which takes time, and additional documentation.

Civil associations

Decisions refusing to register associations are being issued without reason, which deprives the people who filed a request of the opportunity to extend the court's authority to control the legality of the refusal decision. Further problems occur with multiplicities in charge of supervising associations, and the lack of coordination between them. People need legal help, however until the procedure when it comes to issuing decisions without reason isn't changed people won't be able to utilize civil associations to their full extent.

Closing down of legal personality

Entire procedure is long it takes time and requires submitting a lot of documentation. People need legal assistance due to the complexity of the procedure which varies according to the type of company and the goals and objectives of its establishment.

Recommendations to solve legalities:

- Provide standardized transparent information on the procedure.

Labour



Problematics: Jordan Labour Law recognizes verbal and written agreements as valid. Fixed-term contract is either limited to a specific period, or to an end of a specific project for which they are being concluded. There is a maximum limit for fixed-term contracts, which is five (5) years. Written agreements are not common and there is also a process of ratification by Jordan authorities. Problems occur when people don't have a written or verbal agreement before they start working, and are not educated about their rights, even though they are protected by Jordan Labour Law. Non-Jordanian workers must obtain a one-year, renewable work permit from the Ministry of Labour.

At-risk groups:

- Poor people;
- People without Jordan nationality/residency.

Sources of discrimination: Nationality.

Legal assistance needed:

Yes. People need to be educated about their rights and need an assistance when concluding a contract.

Recommendations to solve legalities:

- Make written agreements mandatory;
- Educate workers on their rights;
- Simplify procedure for ratifying Employment Contracts;
- Simplify procedure for obtaining work permits or remove them as a condition to conclude an Employment Contract.

B.

EFFECTIVE WAYS
TO ENFORCE
ONE'S
LEGAL RIGHTS

Courts



There are:

1. Civil courts and administrative courts;
Civil – are for Jordanian people and foreigners in administrative and other civil cases.
 2. Religious Sharia courts for family law and criminal law. Sharia courts are just for Jordanian people – in marriage related cases, inheritance, alimony, custody and family related documentation – marriage certificate.
For Sharia courts you have to finish – Sharia faculty of law, work for 2 years in Sharia court and pass judge exam – this is harder and more complicated than for civil courts.
- People are not allowed to represent themselves in court if the value of the lawsuit exceeds 1,000 JD;
 - Supreme Court case must be presented by an attorney with at least five years of experience;
 - Courts are not digitalized, and people need to request information offline. Length of the trial varies and is in correlation to the type of the case. Sharia courts tend to refuse modern technology and many of them still write on paper without a computer;
 - Courts' decisions are enforceable based on the provisions of the law; however, in practice execution meets challenges;
 - There are a lot of proceedings that do not involve courts (administrative procedures, notary procedures etc.) that cost between JD 6 and JD 30.

Possibilities for alternative dispute resolutions (ADR)

ADR is increasingly being adopted as a tool to help resolve disputes along with the court system itself. It is mostly applicable in private law. When it comes to legal representation, the same rules, the ones referring to representation in court, apply. Decisions are not always enforceable; it depends on the type of ADR, and decisions are enforceable only if they were approved by the court.

Mediation

Mediation is one of the alternative solutions to civil disputes that Jordan has adopted in line with the directions of the Jordanian judicial development strategy for the years (2004-2006), with the aim of shortening time, effort, and expenses, and to contribute to creating an attractive and competitive investment environment that keeps pace with the great development witnessed by the Kingdom in various aspects of life. The first mediation department was officially opened in 2006. It is usually done by attorneys. There are three types of mediation:

- Judicial mediation conducted through first instance judges – there are no fees;
- Private mediation conducted through retired judges, attorneys, professionals, and other specialists who are known for their impartiality and integrity - If the mediation is successful, the private mediator shall receive a fee equivalent to half of the judicial fees paid by the plaintiff, with a minimum of three hundred dinars, and if the amount is less than this limit, the parties to the dispute shall pay the difference equally among themselves. In the event of failure of mediation, the private mediator shall receive fees determined by the civil case administration judge, with a maximum limit not exceeding two hundred dinars, and the plaintiff is obligated to pay it, and this amount is considered among the expenses of the case;
- Mediation agreements carried out through a mediator agreed upon by the parties to the conflict - mediator appointed by the parties to the dispute shall fix his fees in agreement with parties.

People can represent themselves in simpler cases and all decisions need to be approved by a judge in order to be enforceable.

Arbitration

Arbitration is an exceptional way that is an alternative to the ordinary judiciary for resolving disputes between the parties. Often the contracts and agreements concluded between the parties include a clause called “arbitration clause” whereby it refers all or some of the disputes related to that contract or agreement to an arbitral tribunal for consideration. The contract or agreement may not include an arbitration clause, but the parties can decide on it in the event of a particular dispute. Arbitration is carried out by courts and filling a petition for arbitration amounts in 1000 JD. The arbitral tribunal will issue the judgment terminating the entire dispute within the date agreed upon by the two parties. The arbitral tribunal may extend this period, provided that it does not exceed six months, unless the parties agree on a period exceeding that. People cannot represent themselves and decisions are enforceable.

IV

AFFORDABILITY, ACCESSIBILITY AND QUALITY OF LEGAL ASSISTANCE

Commercial legal assistance

To become an Attorney at law you have to be Bachelor at law, then to practice first in court, then in a law office – in total 2 years. After these 2 practices one may pass the BAR exam and enrol in the BAR chamber. To become an attorney, one must be registered in accordance with Civil Bar Association Law, for civil law and in accordance with Sharia law, for family and Sharia laws. Attorneys need to be registered in the Jordanian Bar Association (for civil law) and for family (Sharia) law, attorneys must register with the Supreme Judge Department. For the first year the registration fee is 423 JDs.

Membership fee for the bar chamber is monthly and covers health insurance as well.

To represent a party before Administrative Court you must have 5 years' experience as attorney registered in Bar.

The attorneys' profession is restricted in many ways, and are not allowed:

- to occupy a ministerial position or a public post;
- to engage in business or trade or occupy an administrative position in public or private company;
- to advertise (advertising within reasonable limits is allowed);
- to obtain clients through intermediaries;
- to undercut the official tariffs.

Attorneys' fees:

Attorney's fees are controlled, and attorneys shall receive their fees in accordance with the contract concluded between them and the client, provided that the compensation for these fees is not less than 5% and does not exceed 25% of the real value of the case, except in exceptional cases whose estimation is up to the Bar Association.

Depending on the region in which the attorney's office is located, in some regions of Jordan the attorney's fees are lower than in the upper-class regions, and in some regions of the same governorate there is also a difference in the attorney's fees and also based on the area, is it remote/ rural area or a bureaucratic area. However, most people still cannot afford attorneys.

Free Legal Aid

Governmental legal aid

Jordanian legislation regulates the process of appointing an attorney at the state's expense for poor defendants, but only in limited cases that are punishable by death or life imprisonment. This is the only case in which the state provides legal aid. The Bar Association provides legal aid to anyone who is proven to be poor and unable to pay the attorney's fees, in accordance with the provisions of the Bar Association Law which includes all cases. However, family cases are not under Bar Association jurisdiction. It merely concerns a small number of cases for exceptional socially endangered target groups, and it is not functioning well.

The Ministry of justice and the Bar Association are responsible for monitoring the free legal aid.

This system is actually that all countries are obligatory by UN and other multilateral declarations to have in criminal justice system.

Non-governmental legal aid

There are few NGOs which provide free legal aid to citizens of the biggest Justice Centre for Legal Aid. Next to it the main ones are: ARDD (Legal Aid), Intersos Jordan, Norwegian Refugee Council, Adalah Centre. They are all donor funded.

In these NGOs attorneys are providing legal aid for citizens. The Bar is objecting that these attorneys provide legal aid – disciplinary measures were taken against some of attorneys and threatened to be removed from the Bar. A lot of cases were presented before the Court and charges were dismissed against these attorneys, so they continued to work for these NGOs. This has resulted in the situation that the free legal aid providing NGOs are in constant conflict with the Bar Association that continues to claim its monopoly in providing legal aid. This is also motivated by the fact that NGOs are financed by donors from western countries and its use cannot be easily tracked, thus turning it into a more political question.



Barometer conclusions

Comparing the results of the three indicator categories (people, state organization, legal aid) the indicator conclusions are as follows:

1) People at risk of not having access to legal rights protection

- Very poor (24.1% under the poverty line) and poor Jordanians with low income (lower middle classes and low-class), especially the informal sector
- Rural population,
- Women, especially in the Family law,
- Children, especially the ones who have Jordanian mother but not a Jordanian father,
- Religious minorities,
- Non-Jordanians,
- Immigrants & asylum seekers.

Among these, especially:

a) Women

Women face discrimination in all family and inheritance related issues. This gender-based discrimination obliges women to settle their rights through long lasting court procedures while during the time the procedure takes not enjoying legal rights protection. Women are in a vulnerable position related to marriage, divorce, child custody and alimony. Women need to be educated on their rights, but laws need to change and give more protection in these day-to-day matters.

b) Religious minorities

Children without Jordanian fathers' face discrimination as they have to go through complex procedures to get documents or they are deprived of possibility to get documents such as birth certificates, ID, travel documents. This causes the issue of them not being able to receive healthcare, education and to be an equal part of society as children with Jordanian fathers. Children are part of labour force from a young age and are being exploited.

c) Religious minorities:

Muslims make up 97.1 percent of the population while Christians make up 2.1 percent. Groups constituting less than 1 percent of the population include Buddhists, Baha'is, Hindus, and Druze (who are considered Muslims by the government). Islam is the country's official religion, but article 6 of the Constitution declares that citizens of all religions must be treated equally before the law. In practice religious minorities and people without religion cannot practice their rights. From court procedures to administrative one's, legal system in Jordan follows Muslim and Christian religious doctrines and people can either accept those doctrines or be deprived of basic rights.

d) Non - Jordanians

On a procedural level the Barometer has shown that the Legal Rights Protection of non-Jordanians defers in many matters importantly from Jordanian citizens, making all procedures more complex. And some important rights are lacking. This really relevant because large parts of the population are non-Jordanians who have been residing in Jordan for many decades and for many reasons; business, labour, forced out of their own country.

e) Immigrants/refugees:

Jordan has a serious refugee crisis. Even though Jordan government took steps in trying to fix the situation it is still far from ideal.

- Palestinian Refugees, (2021) 2,463,039 registered persons, about 18 percent live in the ten recognized Palestine refugee camps throughout the country;
- Syrian Refugees, (2021) 672,599 registered persons;
- Sudanese Refugees (2021), 5,891 registered persons;
- Iraqi Refugees, (2021), 66,386 registered persons;
- Yemeni Refugees, (2021) 12,787 registered persons;
- Somali Refugees (2021) 658 registered persons;
- others (2021), 1,424 registered persons.

This is a statistic of registered refugees; however, many refugees remain stranded. Refugees in Jordan rely on humanitarian assistance and over 80% of refugees are living in poverty. Complex procedures when it comes to getting personal documents, poverty, inability to get legal assistance only make their position worse.

2) Effectiveness of state organisation and procedures for legal rights protection

All groups at risk to be legally unprotected lack the resources and have difficulty with their Legal Rights Protection due to:

- The informality they live in, lacking all needed legal paperwork;
- Shadow-economy;
- Costs of the procedure;
- Lack of document within the procedure;
- Discrimination in the specific procedures;
- Lack of clarity and transparency;
- Lack of standardized unified legal procedures;
- Lack of adequate Digitalisation.

3) Accessibility and affordability of quality legal assistance

Commercial Legal Aid:

Registered attorneys are limited in what they can do and not do. **Attorneys are restricted in the following ways:**

- prohibited to actively look for clients through networking and PR activities;
- acquisition of clients through an intermediary who charges a commission is prohibited;
- prohibited to be the legal representative of a legal personality;
- prohibited to undercut the fixed tariffs;
- prohibited to be involved in politics;

For these restrictions, the Bar Association confronts perfectly honourable activities as:

- attorneys working with NGOs to give free legal aid to people in need;
- NGOs to provide legal aid in general.

Free legal aid:

- The State legal aid system is limited to criminal cases that are punishable by death or life imprisonment;
- The Bar Association provides legal aid in rare cases, but not in family law;
- NGOs are running free legal aid programs all over the country, relying on donor funding;
- This free legal aid is a thorn in the eyes of the Bar Association, and this conflict has been long lasting.

Most structural legal aid is provided by the NGOs, but a) this is financially not sustainable, and b) its very existence is at stake due to the fact that the Bar Association is against it.

Follow-up action needed: setting up a digital Legal Aid Platform and enhance judicial reform

Setting-up digital Legal Aid Platform

The Legal Aid Platform would target on people residing in Jordan while, for several reasons (refugees from Syria, Palestinians, people with foreign father et cetera), not enjoying full citizens' rights. The Legal Aid Platform provides legal information to the public and connects them to a attorney with focus on the following:

- Women in family law and inheritance;
- Personal status for immigrants and asylum seekers and related documentation;
- Informality in Labour rights and obligations;
- Non-Jordanians in their day-to-day justice issues.

Continued Legal Rights Protection Barometer research

While the Legal Aid Platform is built up and implemented, obstacles will be encountered in the standardization of the services and the procedures. The purpose is to do evidence-based advocacy in order to increase the effectiveness, transparency and affordability of the state procedures and legal practices.

Annex 1: Refugees from Palestine and Syria & needed Legal Rights Protection Program

The refugees have their legal issues in both the countries of origin and in the country where they are now, Jordan. Here we focus on their legal issues and the needed legal assistance in Jordan.

Two main groups of refugees are:

- Palestinian Refugees;
- Syrian Refugees;

Palestinian Refugees

Despite the fact that most Palestinian refugees have Jordanian citizenship, and many are integrated, Jordan still considers them 'refugees with a right of return to Palestine' and the Jordanian government has started withdrawing nationality from thousands of its citizens of Palestinian origin. Palestinians could get travel documents from the Jordanian government only if they had travel documents from the Palestinian Authority. Withdrawing Jordanian nationality from Palestinian people has caused problems.

Citizenship for Palestinians in Jordan is a complicated issue:

- Although most Palestinians have Jordanian citizenship and many have integrated, Jordan still considers them refugees with a right of return to Palestine.
- Around 150,000 Palestinians, mostly from Gaza but also those who remained in the West Bank after 1967 and only later came to Jordan, are denied citizenship.
- The government issues temporary passports to these Palestinians unless they already have travel documents from the Palestinian Authority.
- Jordan has withdrawn the nationality from thousands of its citizens of Palestinian origin.

Lacking nationality has the following consequences:

- Children lose access to free primary and secondary education;
- University education may be out of reach due to vastly higher costs for non-nationals;
- Healthcare costs are higher than for Jordanians;
- Renewal of drivers' licenses, with higher fees and shorter validity;
- Non-Jordanians cannot be employed by the state, and have greater difficulty on the private job market, as many employers will require proof of nationality to hire those of Palestinian origin, or clearance by the government;
- Palestinians cannot practice one of the organized professions such as law, as membership in the corresponding professional association is mandatory but restricted to Jordanian nationals;
- Palestinians can still obtain Jordanian passports, valid for two or five years, but only as travel documents, not proof of nationality, and at higher fees than Jordanians.

Syrian refugees

Syrian refugees have their own problems in Jordan. A lack of documentation, civil or legal, has produced cascading consequences for some families, as one documentation issue has led to another. Similarly, lacking one type of legal documentation has also led to other legal documentation problems.

All Syrians living in Jordan are required to register with the Jordanian Ministry of the Interior and receive an Mol Service Card (“Mol card”), which is valid only if the Syrian remains living in the district where the card was issued. Refugees without Syrian passports or identity cards may struggle to obtain the new Mol card. Refugees who lacked the new Mol card or other important documentation have experienced or feared a range of consequences, including restricted access to services, such as health and education, limitations on their eligibility to receive humanitarian and development assistance, and restrictions on their movements. In the longer term, adults and children without civil and legal documentation face a lot of risks, including problems proving legal identity and nationality, as well as a higher risk of exploitation in illegal work. Syrian women and girls without documentation may be at particular risk of early marriage, among other gender-based risks. These consequences and concerns implicate a range of human rights, including rights to health, education, birth registration, nationality, legal identity, and freedom of movement.

Withdrawing the Ministry of Interior’s Service Card has a range of consequences:

- restricted access to services, such as health and education, limitations on their eligibility to receive humanitarian and development assistance, and restrictions on their movements;
- adults and children without civil and legal documentation face problems proving legal identity and nationality, as well as a higher risk of exploitation in illegal work;
- Syrian women and girls without documentation may be at particular risk of early marriage, among other gender-based risks;
- Parents who lack official documents proving marriage are unable to register the births of their children who were born in Jordan;
- There is no legal process by which a child born in Syria can receive a birth certificate from Jordanian authorities;
- The status of missing persons and/or the lack of proof of death affects the legal and social safety of the family, in particular of wives who are unable to remarry, obtain child custody, and enjoy their inheritance rights, and of children who are unable to demonstrate their legal connection with their fathers, resulting in a heightened risk of statelessness.

Cross-border digital Legal Aid Platform

Recommendations to solve the legalities would include setting up a Cross-border digital Legal Aid Platform, implemented in Jordan as a bridge to fill in the Justice gap and enable refugees/non-Jordanians to get the needed legal assistance both in Jordan (host Country) and the Countries of Origin (Syria, Palestine). Needed for setting up this program would be upscaled barometer research (Phase II) where:

1. The Barometer will further enhance a legal assistance providers' stakeholder identification in Syria and Palestine and the host country with the major number of refugees. These stakeholders will be involved in the cross-border legal aid platform, parallelly developed to the barometer research.
2. Barometer as a tool for institutional capacity building and as a basis for filling in the justice gap with the following output:
 - Barometer mapping of the precise legal needs, the efficiency and effectiveness of in the legal & administrative procedures and possibilities to receive legal assistance in the countries of origin;
 - Barometer mapping in the host countries with as focus the legal needs and related issues in the system and possibilities of legal assistance of the refugees from Syria and Palestine;
 - Cross-border Stakeholder analysis of the legal assistance opportunities in both host countries and country of origin and creating a cross-border unified network of free/affordable legal aid providers;
 - Continued barometer research due course of Project implementation.
3. Developed cross-border legal aid provision infrastructure with the following output:

Cross-border digital legal aid platform

- a) For the refugees in Jordan the Platform informs them on their rights and how to realize them, and if there is a need, the Platform connects them to a legal aid provider:
 - Easily accessible legal information on their basic legal needs identified in the Barometer research Phase I;
 - Connects the refugees to a free or affordable legal service by an attorney in the place where this is needed (both in host country and the country of origin).
- b) Case Management System integrated within the Platform for:
 - Keeping track of the referral of cases;
 - Obtaining statistics for legal needs evaluation and advocacy purposes (= input to the continued Legal Rights Protection barometer research): what are the most requested legal necessities, how effective and efficient are the procedures, what are the loopholes in the system, how many cases resolved;
 - Case tracking.

The digital legal aid platform interface consists of:

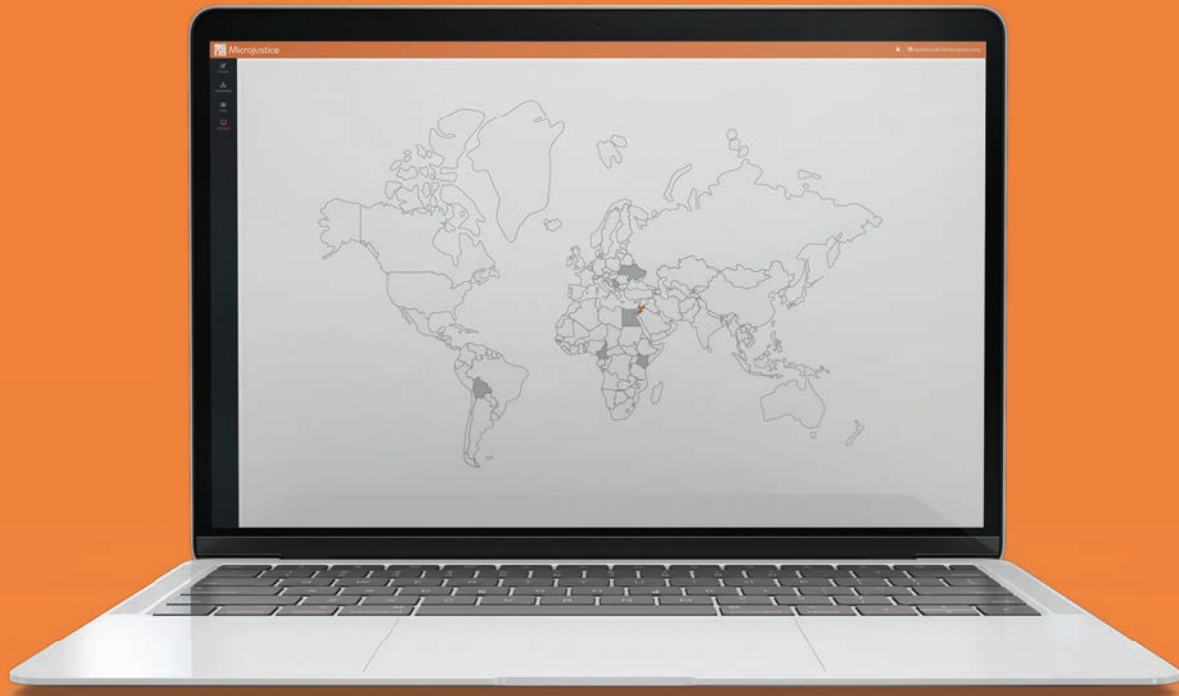
- a) Legal information page:
 - The public accesses this page;
 - Offers the list of available legal topics according to his/her legal need;
 - Offers summary of relevant legal information per specific case.

- b) Case referral page:
 - If one needs to contact a legal assistance provider for a specific procedure, one must first register as a Client (Name, email and contact - telephone number);
 - Request to create a case of the selected legal issue;
 - The Platform assigns the client a Legal Aid Provider in his/her municipality of origin country or in the host country with knowledge on the subject, and the Client receives an automatic email as a notice;
 - The Legal Aid Provider will personally contact the Client to analyse the case and agree on the best solution;t
 - Periodically, the CMS shows the progress of said procedure, both for the Client and for the Legal Aid Providers.

- c) On the Legal Aid Providers page:
 - The Platform provides a list of free or affordable legal aid providers with their contact details to which the public will be referred;
 - List of legal aid providers will be set to assign the needed legal assistance both in the host Country and in the Country of origin;
 - Internal Channel of communication between the legal aid providers both in Jordan and in host country;
 - NGOs mapped as main key stakeholders and a focal point on the ground to communicate with relevant bodies and institutions.

The cross – border Legal Aid Programme is exceptionally significant in this case, as it represents the only way for a (still) large number of refugees to obtain basic documents since the beneficiaries who do not hold travel documents and/or are objectively not in position to obtain needed documents personally. To achieve maximum outreach the essence is to unify the key stakeholders, including NGOs involved in providing legal aid, that have built trust and have good networks on the ground.

This all can be achieved with upscaled Barometer research, Phase II, and through implementing the suggested Cross– border Digital legal Aid Platform, which will enable large numbers of refugees to resolve fundamental civic rights and freedoms before the competent bodies, both in Jordan and their Country of origin.



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