

## **Access to Justice**

Access to justice is considered one of basic inherent rights of any individual, just like the right to life. Therefore, it is the state's duty to ensure this right and take all necessary measures to protect it.

The goal of access to justice is to create interaction between the formal judicial system and the citizens based on confidence between the people and the State, so that this system primarily meet the legal needs of individuals and raises their awareness on their basic rights. It also provides them constantly with information on the methods and procedures used to achieve justice especially those used to resolve disputes. It is also important for the methods used to disseminate legal information to be available and affordable to everyone, and for the judicial system to be transparent whereby the public have access to the details of a court decision (the principles on which the decision was based, and any procedures followed to reach the findings of the fair decision efficiently and effectively) and not only allow the public to have access to the resolution as such. The system should ensure, as well, the option to transfer and disseminate the information the state provides to the public through the use of different means of communication including the internet, thus ensuring the expansion of the beneficiaries of this system.

### **Good Governance and Access to Justice:**

"Governance" is a wider term than "government" as it includes the constitution, the legislature, and the executive and judicial authorities as basic elements. Governance includes the interaction amongst these official institutions and the ones concerned with civil society. "Good Governance" is based on participation, transparency, accountability, and law strengthening. It, therefore, stresses on the political, economic, and social priorities based on the extensive agreement among the society, whereby the poorest and most vulnerable people are represented in the decision making process especially those decisions related to allocating resources for development.

The fundamental slogan of the global campaign for urban governance "Comprehensive City"<sup>1</sup>, is the city that makes a balance between the development elements and the values of equity. It is the place where any of its inhabitants (citizens & residents) can effectively contribute in all the social, economic, and political opportunities granted by the cities, regardless of the resident's economic capabilities, gender, origin, tribe, or religion. Achieving "social equity" is the ultimate objective of all the economic and social development programs, and the good urban governance facilitates achieving this "social equity".

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\*This is a translation of the original text in Arabic, if faced with any discrepancy between the two texts; the Arabic text will be used.

Translated by Ms.Nisreen Moh'd Ali

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<sup>1</sup> United Nations Human Settlements Program

- The importance of awareness on Human Rights

The community-based organizations were established as a component of the civic society to meet actual clear needs that are unfulfilled, because the majority of people in the world suffer from problems that affect their direct public and personal rights, due to violations by the executive authority or negligence by government administrations. This urges the need for trained staff, institutions and organizations that work on defending human rights according to national legislation and international conventions the governments ratify.

Creating awareness among citizens on their legal and constitutional rights, and their relation with the authorities are extremely important in societies where the rate of human rights violations is high. It is also considered a fundamental need in some societies with high rates of illiteracy in general and legal ignorance in particular. While the proper awareness on human rights impacts mentalities, conduct, and human relations between different segments of society as well as between the citizen and the authority, the lack of this awareness and the legal ignorance certainly are impediments to development, democracy and society improvement. It particularly results in women abuse which prevents the access to justice.<sup>2</sup>

- Poverty and Human Right Violations :

Poverty can be both a cause and a consequence for human right violations. People whose rights are denied such as victims of discrimination and persecution are likely to be poor. In general, they find it difficult or even impossible to get involved in the labour market, besides they have very little chance to access basic services or resources. In many communities, the poor do not get their rights to education, health, and residence

The most important reason for not resorting to the judiciary is poverty and absence of middle class in Arab countries, the length of court procedures, expensive trial fees, and the lack of a fund that guarantees one's right to the access to justice. It is a grave violation of human rights for people not to be able to claim for their rights. Laws guarantee access to legal remedy, however in practice this is not always the case. In spite of the humiliation, many women do not file for divorce simply because they cannot afford it. Besides, the issue of execution creates a problem for alimony cases before religious courts<sup>3</sup>.

A study on "Diagnosing Poverty in Jordan 2002", explains that poverty is the result of administrative and regulatory factors like administrative and financial corruption, imported labor, women's little contribution to development, the incompetence of the institutions catering for the poor, and social service's narrow scope.

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<sup>2</sup> Interview with the legal consultant for Sisterhood Is Global

<sup>3</sup> An interview with the legal consultant of the Sisterhood Is Global

## **The State's Position Vis a Vi Access to Justice.**

### **1-The "Jordan First" Document:**

In 2002, Jordan has adopted the Document of "Jordan First" which included ten concepts that interpret the slogan, followed by mechanisms for implementation. It stressed on gender equality amongst all Jordanians in their rights to justice, equality, supremacy of law, transparency, and accountability. It also stressed on the right to citizenship as a basic right guaranteed by the constitution for all Jordanians. A chapter of the document discussed the judiciary system and its preparation to cope with recent developments in the economic, social, technological, scientific and communications fields, and to protect the litigants' rights by expediting the settlement of court cases, modernizing and providing court houses with the requirements for implementing their venerable tasks, and finally the possibility of establishing the constitutional court in the right time.

### **2- The National Agenda**

The national agenda was issued in 2006 and included the formulation of sophisticated vision of Jordan responding to the demands of modernity and the benefits of competition and integration into the regional and international levels, and seeks to develop specific national goals and time associated operational programs, and proposes initiatives for the development of political, economic and social development, and application control and monitor its implementation. The national agenda aimed at accelerating the growth and development of political, economic and social sustainable and balance through the implementation of a transition program that puts Jordan on the wide path of rapid economic growth and social and political participation. The initiatives represent the core of the national agenda that successfully adopted programs that will be implemented in governments during the next ten years until 2015. Note that the agenda requires periodic review throughout the application, taking into account the political, domestic, economic and social developments, in addition to the external factors that may affect them. The main objective of the national agenda is to improve the quality of life of the Jordanian citizen by improving living standards and providing welfare and social security, and creating new jobs. Entrusted with the task of preparing the national agenda , the steering committee was formed under the will of ownership Semitism on February 9, 2005, the Committee included representatives of the government, the nation and the institutions of civil society and the private sector, the media, political parties and academics. The Steering Committee was keen to ensure national involvement in the preparation of this agenda through the involvement of other stakeholders from different sectors of Jordanian society in the technical work teams, in order to reflect the interests of various segments of the agenda of social development in the political, economic and social desired. The agenda aims to embody the aspirations of Jordanians and ambitions in a comprehensive and sincere.

### **3- ( All for Jordan) Document :**

Upon the guidance of the Royal directions through the forum "All For Jordan" which was held in Jordan in July 2006, a document "All for Jordan" emerged, it included a national plan of action to Jordanian governments including emphasis on what is stated in the national agenda, the most important article in this document is to emphasize the principle of protection of the State law Act. The adoption of policies, legislation and

procedures to combat corruption, nepotism and all manifestations that are inconsistent with the rule of law, social justice and that the enactment of a law to fight corruption (Anti-Corruption Authority Act). The document affirmed that the reform priorities emphasis on the independence and impartiality of the judiciary which is considered the most basic guarantee of freedom and human rights and strengthening democratic path, and it is the most important guarantee for the protection of the Constitution itself. Through these government initiatives that reflected the willingness of the Jordanian government and its commitment to the right of every citizen to have access to justice and the efforts taken in the matter to activate the principles of justice, equality, transparency, therefore the legislative and political will to ensure that this right exists except there are flaws in the mechanisms of application we are submitting as follows:

It is clear from these government initiatives **the state's commitment to guarantee the right of every citizen to access to justice**, and its efforts to activate the concepts of justice, equality and transparency, and to ensure this right in any way and on all spheres. Nevertheless, there are **some gaps** in the application which are stated below:

- **Judicial monitoring on constitutionality of laws:**

The Constitution is considered the highest law in the state and includes the basic principles governing this state. The laws establish detailed rules for these principles and on this basis may not contain any laws incompatible with the constitutional principle of organized Hence the importance of control over the constitutionality of laws. Article 24 of the Jordanian constitution provided for the concept of the rule of nation when it stated that the nation is the source of authorities. Some people believe that this concept contradicts with the right of judiciary to monitor the constitutionality of laws<sup>4</sup>, and that establishing a constitutional court for this purpose needs an amendment of the constitution. Despite the absence of a constitutional court in Jordan article 9 of the Supreme Court's Law provides for monitoring the constitutionality of laws through the ancillary appeal by a person with interest or through the court abstaining from implementing the unconstitutional law. The unconstitutional law, however, stays effective in the absence of a constitutional court, since a court decision of not implementing it in a certain case does not prevent this implementation in all other cases, which jeopardizes the right of individuals to a fair rule of law, as the constitutional court is the only competent court to repeal an unconstitutional law and to ensure the legality of all states' actions by revoking any unconstitutional action thereof. This is certainly considered the main and most efficient guarantee for compliance with the constitution<sup>5</sup>. It is noted that civil society does not seek to contest the constitutionality of laws as a mean for achieving access to justice.

- **The right to equality before law and courts:**

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<sup>4</sup> A decade of Democracy in Jordan- Civil Society series 2001- New Jordan Research Center

<sup>5</sup> The document of "Jordan First" emphasized on the significance & necessity of establishing a constitutional court in the right time

On a legislative and judicial aspect, the Jordanian constitution guarantees the equality of all citizens before law by virtue of article 6 Paragraph 1 which reads as follows:

"1. Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion." It also ensures the right of every individual to go to courts as one of the constitutional principles included in article 101 that reads: "1. The courts shall be open to all and shall be free from any interference in their affairs." This was confirmed in several decisions by the court of cassation, like resolution number 628 for the year 1988. From a practical aspect, however, there are many obstacles that often impede activating these legal provisions, either due to ignorance or to reluctance of going through the judicial process.

In addition, and in spite of the high education rate among the Jordanian society, its tribal structure still impacts the mentality and the conduct of a large number of its members. The economic and political impact of this tribal structure affected the process of drafting legislation. The election law, for example, took the tribal environment of the society into consideration despite the state's realization of the need for a comprehensive political development.

In spite of the equality between men and women provided for in the law, there are still some laws that discriminate between them, such as the Nationality Law and the Social Security Law<sup>6</sup>. A significant percentage of women are unaware of their legal rights. Therefore, civil societies and NGOs recently became active in holding awareness workshops and programs for women on their rights guaranteed by the laws. The social pressure exercised on women results in compromising her civil rights provided for in the "Shari'a", which is why creating awareness amongst women in particular and the society in general on the concepts of gender equity is as important as the legal awareness. It is noteworthy that ignorance in laws is not the only problem; there is that of mistreatment of women by the civil servants when they approach government departments<sup>7</sup>, this requires a reexamination of harassment in the workplace, in addition to the loopholes that require some amendments, like the provision in the Crimes' Prevention Law which does not allow the release of a woman out of detention or prison unless she was handed over to one of her male relatives<sup>8</sup>.

▪ **Legal Aid:**

*Mona Wanted to file a law suit to claim compensation for arbitrary divorce and demand her deferred dowry , she resorted to a lawyer for the lawsuit brought upon ,However, due to her inability to pay the cost for a lawyer she has changed her mind in claiming her rights.*

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<sup>6</sup> The woman has no right to inherit her husband's pension unless he proves his complete incapability to support himself. In case of his death, the wife has the right to half of her husband's pension, however, if she is a working woman she has no right to this pension regardless of the number of children she has to support".

<sup>7</sup> An interview with the legal consultant of Sisterhood is Global.

<sup>8</sup> An interview with the legal consultant of the *Business and Professional Women's Forum*.

Lawyers play a fundamental role in providing judicial assistance for the needy through the Bar Association which organizes this support<sup>9</sup> aiming at achieving justice, since everybody has the right to equality before law and since the right to litigation is a fundamental right that shall not be denied due to financial need. Public awareness of this fund shall be raised and financial support has to be provided so that this judicial assistance will be activated. It must include every needy person whether a citizen or a foreigner. Although the Jordanian Constitution does not provide for a rule that guarantees the right to defense like the Egyptian constitution, this does not cause a practical problem in Jordanian courts since litigation procedures laws have already guaranteed this right.<sup>10</sup>

The Jordanian legal system guarantees the right to defense for the accused. However, on one hand these guarantees are not compliant with the international standards, and on the other hand **some courts sometimes violate the principle of the right to defense** <sup>11</sup>. The international standards stipulate that a lawyer has to be made available for the accused if he can't afford one without stipulating a type of the crime or the penalty to enjoy this right . Yet, in the Jordanian Legal system a similar provision can only be found in article (208) in the Criminal Trial Procedures Law<sup>12</sup>, and it would be better, in this regard, to stipulate the conditions that require providing a lawyer for the accused in any crime penalized with more than a year<sup>13</sup>.

The problem arising here is that lawyers are not given fair incentives to provide this judicial assistance. Though in regular cases the Bar Association law regulates attorney fees, what is lacking, however, are such rules when lawyers represent the poor before the judiciary in an attempt to safeguard the principle of equality in the quality of legal services provided for the client whether poor or rich. This is especially important because most of those accused with crimes cannot afford assigning a lawyer to defend them.

Justice requires expanding the scope of the financial and political governmental support for the legal assistance system, enhancing the development of trustworthy role

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<sup>9</sup> Article5/5 of the bar association law which states that the bar association is obligated to provide judicial assistance to incapable citizens, and 7/100 of the Bar Association Law provides that "A person who proves for the chairman of the Bar Association to be needy and incapable of affording lawyer's fees shall be provided with an attorney by the court , the court shall rule for his fees to be paid by the opponent if the later proves to be not rightful "

<sup>10</sup> Article (63)of the Criminal Trial Procedures Law provides for the right of the accused in a penal case not to respond to the accusation without the presence of a lawyer and obliged the public prosecutor to advise the accused about it under the penalty of nullifying the statement of the accused if his lawyer did not attend the session. Also articles (232 and 175) of the same guarantees for the accused the right to defend himself and providing counter evidence.

<sup>11</sup> An example on courts' violation of the right to defense, is when the court of state's security and the military courts refuse to invite some witnesses like high officials or politicians in a case , under the pretext of the uselessness of their testimonies as defense evidences, although the laws obligate courts to invite defense witnesses, on basis that the public prosecution uses all means to prove that the accused has committed the crime, thus the accused should be allowed to prove the contrary by all means of proof. -The status of judiciary in Jordan report for the year 2006 –The concept of judiciary efficiency *The Arab Center for the Development of the Rule of Law and Integrity*

<sup>12</sup> Crimes which are penalized by execution, hard labour for life, or life confinement

<sup>13</sup> Report of the status of judiciary in Jordan for the year 2007- *The Arab Center for the Development of the Rule of Law and Integrity*

models to ensure effective legal representation, and improving the quality of criminal counseling with all associated services. Towards this end, the Ministry of Justice seeks to expand the realm of the legal assistance provided through the allocations for the Witnessed Crime Fund which reached (230.000) JDs in 2006. This allocation in the Ministry of Justice budget extends to include- besides what the Criminal Trial Procedure Law provided for: "the accused of a crime penalized by execution, hard labor for life, or life confinement"- other vulnerable groups in the society who prove to be incapable of affording legal assistance. The human rights and family affairs department is to coordinate with the bar association and civil society organization to provide legal assistance. A number of civil society organizations especially those for women, such as Women's Support Fund<sup>14</sup> and Business and Professional Women Forum<sup>15</sup>, provide free legal assistance in addition to support economic empowerment services. Besides more than one women's organization collaborate in providing services for women. The International Institute for Women Solidarity, for example, collaborates with the Women's Loan Fund in providing financial support. While the Institute works with the National Center for Psychiatric Health in providing counseling and group counseling in addition to providing legal assistance through specialized lawyers<sup>16</sup>.

- **Expediting the settlement of court cases**

*Aishah, aged 45 years married a man in his late 60s and this was her second marriage. After a period of time passed she wanted to visit her children who live outside the Kingdom so she left to see them. Her husband's children took advantage of her absence and of their father's bad health and made him sign a power of Attorney in their favour and divorced his wife Aisha. Upon her return from visiting her children she discovered that she was divorced by her husband's children and immediately filed a lawsuit to demand deferred dowry. Due to long court and trial procedures, her husband died before the court gave a ruling on this case and that forced her to file another lawsuit demanding the right to inheritance.*

Due to the fact that the Jordanian litigation system does not categorize the court cases<sup>17</sup> in order to set reasonable timeframes for settlement in its different phases, settlement of court cases in Jordan takes a very long time. It's important to mention, however, that the Civil Trial Procedures Law has set some rules to prevent slow

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<sup>14</sup> An interview with the legal consultant of the Women's Support Fund: "the fund provides loans for women to establish businesses to support their families. For this purpose, the fund has opened 11 branch all over the Kingdom, like the public service desks, in addition to providing legal counseling services through a liaison officer reporting to the fund. The legal consultant also stressed that it is the responsibility of the legal practitioners, the judges and the bar association to support and legal empowerment to women in all fields, since the Fund's work revealed that a large number of women are ignorant to many of their basic rights."

<sup>15</sup> An interview with the legal consultant of the Business and Professional Women Forum: "the forum was among the first women's NGOs to establish law centers serving the public in the prime 80s. The forum provides legal and economic counseling for member and non-member women. Many women have benefited from these services, however the legal counseling center ceased to provide this service on constant basis due to the lack of funding to meet the center's basic needs."

<sup>16</sup> An interview with the legal consultant of Sisterhood is Global

<sup>17</sup> With the exception of the categories mentioned in article 60 of the civil procedures and the categories of crimes in accordance with its penalties ( felony , misdemeanor )

litigation procedures in articles (56-57-77) thereof<sup>18</sup>. The judiciary independence law and the judiciary code of conduct have also considered the unjustified delay in case settlement a breach of judicial duties that qualifies as a ground for the judge's accountability.

Nevertheless, there are lots of violations of the litigation procedures that result in delaying the settlement of court cases at all litigation levels. The statistics of the Ministry of Justice show that court cases take an average of one and a half years at the court of first instance. Therefore, the mediation was introduced in law no. (12) for the year 2006 as an alternative dispute resolution mechanism, while case management which was established in 2001 for that purpose, is now operating in eleven courts of first instance, and will be in all over the Kingdom courts by the end of this year. An evaluation was conducted on the management of mediation in Amman court of first instance after a year of implementation, in order to apply the model in the courts of first instance in Western Amman and in Irbid. The Ministry and the Judicial Council are also implementing several international cooperation programs aiming at judiciary reform. With such amendments aiming for shortening litigation there are more than (3248) cases in the courts from three years or more, for legislative and execution purposes as well as the shortage of administrative staff and their insufficient knowledge of the legal process, especially those from other ministries<sup>19</sup>.

The civil society institutions, such as the Business & Professional Women's Forum, play a significant role in acquainting women of these legal amendments and the Alternative Dispute Resolution mechanisms introduced in Jordanian courts, whereby the forum raises legal awareness amongst women on these amicable mechanisms in order to mitigate their concerns of going to courts to solve their disputes. The Forum's legal consultant indicated that the most common reason of the reluctance to go to courts are the litigation fees, the lawyers' fees, and the lengthy litigation process. Therefore, the amicable dispute resolution is often a better way to reach a satisfying compromise for both parties.

### **Public Pronouncement of Judgments**

Article 101 of the Jordanian Constitution emphasized the concept of public hearings, which means that the court decision – be it civil or criminal- should be publicly pronounced, except for very limited cases. This concept applies to any judgment rendered by any court including the military and the appeal courts. The exception to this concept is when the court deems the confidentiality necessary to maintain the public order, or protect morale like in juvenile cases.

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<sup>18</sup> Setting binding timeframes for submitting the defense, evidences, counter defense and the expeditious summary system in order to save time in some kinds of cases. Article 77 of the same law prohibited delaying the court hearing more than 15 days unless it's necessary to do otherwise, it also prohibited delaying the session more than once for the same reason upon one of the parties' request, or to delay the hearing for the pronouncement of judgment more than 30 days.

<sup>19</sup> Report of the National Center for Human Rights 2006

### **Notifications:**

There has always been a problem in notification. The law has contributed in this by allowing notifications through private companies and law officers in return for 3 JDs per notification, which are not included in the litigation expenses and thus the losing party is not compelled to pay them. The Ministry of Justice is now working on improving the performance of law officers through training courses, incentives, the increase in transportation allowances to encourage productivity and discipline, linking every officer to a judge of case management instead of the head of register, computerizing the notification system whereby it gives an alarm that a notification

was not resent within five days which holds the officer accountable, and finally examining the possibility of applying Aramex system for notification.

### **Execution:**

There are many impediments to a good execution system; the inefficiency of the notification system, the lack and insufficiency of qualified human resources to deal with the great number of the execution cases, in addition to the appeals of the execution decisions that pause the execution even if it was a second appeal .

Criminal trial procedures law has provided for specific rules to execute criminal courts' decisions, 2%<sup>20</sup> of the cases executed however is faced by the problem of names similarity which results in arresting the wrong persons.

Civil courts decisions are executed according to the Execution Law no. (63) for the year 2002. A plan is being implemented to improve the performance of the execution department in Amman's court of first instance, the plan includes a set of procedures to enhance the performance of the execution departments, through redesigning the building and computerizing the execution applications, providing waiting areas for the public and allocate a special area inside the execution department for the appeal panel in order to expedite the appeal process. This system is intended to be applied outside Amman if proved to be successful.

The system also provides for training courses for human resource. As for the delay in execution due to unjustified appeals, a fees by-law is being drafted aiming at reducing the delays through stipulating a specified amount of money as a guarantee for the second appeal, if the appeal was dismissed the money will be confiscated in order to limit this kind of unjustified appeals.

It is worth mentioning that there are ( 201) Execution judges and percentage of cases settled is 90% in execution departments until 30/7/2007<sup>21</sup>

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<sup>20</sup> Report of the National Center for Human Rights 2006

<sup>21</sup> Report on the courts performance of Jordan – Ministry of Justice , for the period of 1/1/2007 till 30/7/2007

### **Litigation fees:**

*Omar wanted to sue a person he knew and claim a debt owed by that person, but registration of this case required paying fees by certain value to the amount claimed .As he didn't have the money and due to ignorance in this issue that he can defer fees in certain cases, he changed his mind to claim his right.*

The high litigation fees require the heads of courts to use their powers in allowing the delay of fees payment instead of forbidding it. Moreover, imposing fees on criminal appeals impedes exercising the right of defense before all courts, especially that these appeals are directly related to human rights and freedoms.

- **Establishing a Judicial Record:**

Penal laws decided to aggravate penalty in cases of crime repetition. This requires having a judicial record under the supervision of Ministry of Justice, making it imperative to present this record to the judge prior to deciding on the penalty for anyone standing in a case before court, and not to depend on the security record of precedents prepared by the police.

The National Center for Human Rights which records the violations caused by administrative arrests and detentions recommends amending the Criminal Trial Procedures law so that a judicial record would be established at the Ministry of Justice based on irreversible judicial judgments rather than relying on the records of precedents at the police, in order to ensure sound implementation of law. The report also recommends enhancing the role of public prosecutors to practice the authorities entrusted to them by the laws through direct investigation with the person complained against.<sup>22</sup>

### **Abuse of authority:**

If employees in the government are responsible for the torture and mistreatment of victims, then the state should offer compensation to victims, who should always be treated with respect. This compensation should take into consideration their needs and desires and should cover the financial damages as well as the psychological ones through rehabilitation.

The right to financial indemnity stems from the concept of compensation for damages in the Civil Law, and as the state is responsible for the damage caused by torture or abuse, then it should offer compensation. It is important to mention that the victim can sue the state before the civil court for damages caused by its mistake (master's liability for the actions of its follower). The Ministry of Justice emphasizes, in this regard, the significance of institutionalizing the legal support that enables these people

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<sup>22</sup> The National Human Rights Center report on the human rights status in Jordan for the year 2006

to claim for compensation. Regulating this support will be within the mandate of human rights and family affairs department.

In 1981, the United Nations Voluntary Fund for Victims of Torture was established to receive voluntary contributions from governments, non-governmental organizations and individuals, to be distributed to non-governmental organizations providing humanitarian assistance, legal and financial assistance to victims of torture and members of their family.

▪ **Programs to support crime victims**

The Jordanian legislation does not give any consideration for the victim's satisfaction with the measures taken by courts, even though this satisfaction affects the public opinion in the system of justice. The victim or its family members only have the right to sue for damages before civil courts, while in criminal courts the public prosecution exercises this right on behalf of the society. Thus, achieving the criminal justice requires special attention to the parties involved in the crime, especially the victims who were neither protected from the crime for lack of precautionary measures by the justice system, nor did the system provide them with justice after they were affected by the crime. In general, the victims of crimes are a major element in the criminal justice system, as the extensive concept of the criminal justice is to rectify the injustice and give each one his due rights.

The types of services that can be provided to the victims

- Explanation of the court procedures, as ignorance in such procedures causes fear and tension.
- Having escorts available at court for elderly and disabled people.
- Reminding them of the sessions dates and their attendance at court.
- Provide them with transportation expenses to get to the court.
- Direct intervention with employers who do not understand the nature of the situation that the victim or the witness is in.
- Provision of support or advisory services to the victim.

Victims should be compensated for the incurred expenses and losses as a result of this crime (medical invoices, loss of wages, and loss of future wages). This will contribute in strengthening the relationship between public prosecutors and citizens.

**Judicial Inspection:**

The by-law of Judicial Inspection on Regular Courts no. (47) for the year 2005 gave the judicial inspection department the right to evaluate the performance of judges, public attorneys, civil prosecutor counsel assistants, and the execution judges. However, up to year 2006 there were only 7 inspectors all over the kingdom. This department proved limited capacity and capability to deal with problems in the justice sector in light of the approved evaluation criteria for judges' performance, and the fact

that the inspection department answers to the Minister of Justice. This urges the need for specific criteria for judges' accountability to ensure their compliance with the law, not rushing decisions causing damage to litigant's interests, and a sound legal wording of the court decisions.

### **Corruption (Bribe and Favoritism):**

Corruption is the use of the person's job or official position to serve personal interests. It is when the government official illegitimately takes advantage of his/her authority to serve a personal interest for himself/ herself, his/her relatives, friends, political party, or tribe. The most common forms of corruption are Nepotism, Favoritism, Bribery, dishonesty in doing the job, and waste of state's money.

- Nepotism: it is common in Jordan as well as all over the Arab world. One of the examples is employing the official's relatives in the government institutions regardless of their qualifications and capability to do the job.
- Favouritism and Partiality: Some of the officials favour certain people and grant them privileges, most of which are financial. This practice results in restricting the public benefits and services to a small category of people with authorities or those who have relations with officials, which causes injustice towards all other citizens.
- Bribery: it is one of the significant forms of corruption. It is when the government employee accepts money, presents or any other personal benefit in return for services directly related to his job. Bribery is forbidden in all religions and it contradicts with the society's values and moral as well as the public office ethics which require serving all citizens equally and fairly.

Combating corruption in the society and suggesting the suitable legislative, judicial, administrative, and financial mechanisms, require raising awareness among society on the destructive consequences of corruption, enhancing the role of governmental and non-governmental monitoring institutions, and asserting the significant role of media in creating awareness, in addition to creating an independent and impartial judiciary that can play an efficient role in combating corruption.

Upon Royal instructions in Jordan, the law of Anti-Corruption Commission no. 62 for the year 2006 was enacted. Article 3 thereof states that the commission is an autonomous body that answers directly to the Prime Minister<sup>23</sup>. In order to protect the state's money, ensure equity and equal opportunities, and prevent character assassination, the commission sets and implements efficient policies in coordination

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<sup>23</sup> Article 3: A): " an "Anti-Corruption Commission" shall be created in the Kingdom as a legal entity with financial and administrative autonomy reporting to the Prime Minister. In this capacity, it can carry out all the necessary legal actions to meet its objectives, including contracting and litigation. The commission is represented by the public attorney in judicial procedures and by the chief administrative prosecutor in administrative cases. B) The commission shall enjoy freedom and independence in carrying out its mandate with no interference or influence by any entity. C) the commission shall be located in Amman.

with other concerned entities to combat corruption and to reveal it, be it financial, administrative, nepotism, or favoritism impacting people's right. (Article 4 of the law)

Judiciary corruption is the act by any party from inside the court system that negatively impacts the integrity of the litigation procedures.

The International Transparency Organization emphasized in its 2007 report, that corruption destroys the judicial systems, and deprives the citizens from access to justice and their right to a fair and impartial trial, and sometimes their right to litigation as such. The judicial corruption can spread over the courts procedures, from the pre-trial phase throughout the court proceedings, all the way to the post-decision phase in execution and appeal.

The "Corruption in the Judicial System" report stated that: "the equality before law is cornerstone in the democratic communities. Corruption in courts due to greediness and political opportunism creates injustice that the normal citizens will suffer from". As the corrupted judiciary impairs the capacity of the international community to pursue crimes, prevents the access to justice, and increases the human rights violation. It also hinders the economic growth through creating distrust in investment, and impedes the efforts of poverty alleviation.

### **Family violence and children rights**

All kinds of domestic violence still exist in every aspect of life in the Arab societies, despite all the human rights' conventions dealing with domestic violence ratified by most of the Arab countries, and the efforts put to solve this problem.

Jordan has made significant steps in the field of family protection. The Family Protection Project launched in 1999 is a pilot project that deals with social problems and differences in participation with governmental institutions and NGOs, using a new human rights-based approach to combat domestic violence against women and children, all in compliance with the traditions, customs and religion. The project meets its objectives through capacity building of institutions that tackle domestic violence and raise awareness on family protection in Jordan. A "family protection management" department was established in 1998 to deal with cases of domestic violence whether or not the victim was a member of the family.<sup>24</sup>

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<sup>24</sup> The jurisdiction of this department includes all kind of violence exercised on children, and sexual abuse on women. It records testimonies of abused children on video tapes provided by the Ministry of Justice. Unfortunately, the judges and public prosecutors in the court of greater felonies attach these tapes to the case file without watching them, and they only use the CCTV technology during court proceedings and when listening to the abused child's testimony. The criminal justice for juveniles project includes a section on using this technology in the criminal court of first instance in Amman. The Ministry of Justice also amended article 158/3 of the Criminal Trial Procedures Law to allow for the use of the closed circuit television (CCTV) technology at courts to listen to the child's testimony. The technology was installed in the court of greater felonies and in one of the court rooms in Amman court of felonies. It is also being installed in Zarqa' Juvenile court.

The Ministry of Justice has established a department for human rights and family affairs to supervise the domestic violence cases in courts. The department is now organizing training courses in domestic violence cases for judges and the administrative staff, besides establishing special registers at courts for the domestic violence cases and allocating special court rooms for such cases or special rooms for civil society institutions that work on guidance and rehabilitation in these cases.

In addition, The Ministry is working with the Ministry of Finance to introduce a special numerical code to distinguish the domestic violence cases and juvenile cases, whereby the case is given a serial number when registered in the relevant register.

Furthermore, the Ministry of Justice is implementing a project of model buildings for the conciliation courts and the courts of first instance. The family affairs department is working in cooperation with the department of buildings and maintenance on allocating some rooms for domestic violence cases within this building. The family affairs department is also working on preparing a guide for the institutions that provide support, protection, care, and implementation of alternative penalties like rehabilitation programs for criminals in those cases.

As for the child rights, the Ministry of Social Development is implementing a Juvenile criminal Justice Project, whereby it introduced extensive amendments on Juvenile Law, and prepared new training manuals on juvenile criminal justice for judges, the Ministry of Social Development, and the police, besides the previously prepared manuals by other projects. It also held several training workshops for judges and public prosecutors on the international standards for dealing with juvenile. The judges were also trained on methods of juvenile cases management, based on granting the judge discretion to decide on the best way to protect the juvenile. The Ministry of Social Development is also conducting a statistical study that enables the Ministry of Justice to identify the courts where specialized judges and prosecutors in juvenile cases are needed.

### **Crimes of Honor:**

*A group of youths Fought and started exchanging bad words and insults, one of them said to another (watch your sister's actions). The brother without ascertaining the authenticity of what he was told he killed his sister. After forensic examination it was found that the victim was a virgin. The brother asked his friend why he said so on his sister and he answered him (just something that came out).*

Although the Penal Code does not contain such term, it been used to describe female genocide i.e. when the female is murdered by one of her male family relatives to preserve the honor of the family. Article (98) of the penal code has been used in court to allow it to grant the extenuating excuse when such crimes are committed. . Honor Crimes are one of the most controversial issues in our society. The United Nations statistics showed that the crimes committed under the pretext of "defending honor" are increasing, and that it is the most extreme form of domestic violence. Murders for the defense of "honor" are a drastic consequence of gender discrimination common in our society. While too many murderers for "defending honor" stay free, governors, in

many cases, imprison women by virtue of the Crimes Prevention Law in order to protect them from threats to be killed by their family members. They may be kept in detention for more than ten years.

The administrative detention is a precautionary measure to prevent violation of public order. Since it directly impacts the rights of individuals, exercising this right should be restricted by specific criteria to prevent its abuse. The National center for Human Rights has recommended in its 2006 report on the status of human rights in Jordan amending the Crime Prevention Law, which has never been amended since its enactment in 1954.

- **Family /Religious Courts**

Religious courts are competent to adjudicate all the cases related to Muslim personal status or in cases when one of the parties is non Muslim but agrees to litigate before the religious court. Decisions and rulings are only executed when they become final with the exception of alimony related rulings or urgent decisions.

Legislators have promulgated the Personal Status Law no. (61) for the year 1976 to regulate family matters, however it is evident that this law has favored man's interest at the expense of other family members<sup>25</sup>.

It should be noted that there are many personal status laws governing Christian sects which are not published in the Official Gazette and therefore are beyond the control of the State. Such laws should be published in the Official Gazette and thereafter work on amending texts contained therein, which are discriminatory to women.

- **Judicial Sharia Execution Law no. (11) for 2006:**

*Samia got married and gave birth to child; later on a dispute with her husband happened led to their separation. Samia filed a law suit claiming for alimony, the lawsuit stopped at the stage of implementation for more than a year in court. As a result of the husband's desire to travel to work outside and being banned from travel because of the issue of alimony, he was forced to pay it.*

The law aims at simplifying the procedures of religious litigation and facilitating it for citizens. The civil courts used to be in charge of the execution of religious courts' decisions. However, many cases especially alimony cases are halted at the executive phase, hence, many women's organizations believe that resorting to courts is a

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<sup>25</sup> The justification may be that in the period the law was enacted the extended family was the common type of families, so the law came to reflect the existing social situation then. However, the development in the state's role that included its intervention to protect the individuals' rights, and encumbered the responsibility of providing free education, health care, and its first steps toward safety and security. All has resulted in reducing the burden off the man's shoulder especially with regard to women and child care and protection. This was accompanied with the increase in the percentage of educated women, and their existence in the labour market, which resulted in a higher contribution by the woman in the family budget, and her enjoyment of a certain degree of economic independence, besides that the nuclear families became the common trend.

problem due to the difficulty in judgments' execution. The National Committee for Women's Affairs proposed establishing an alimony fund at religious courts to solve this problem.

### **Women and Law of Nationality**

*Samia's mother is married to a non Jordanian, and although Samia's father had lived a long time in Jordan and has good behaviour and was a good father to his family, he could not obtain the Jordanian citizenship, which led to the loss of many of the rights associated with citizenship, such as the right for education, security and stability in addition to depriving his children from obtaining a residence permit that does not grant any rights. His daughter Salma was the first on her district in high school grades but not holding a Jordanian nationality banned her from taking advantage of the scholarship for high achievers and, of course, it was impossible to study at private Universities because of the high costs of these universities. That led her to accept the marriage of the first addressed to the condition that he holds the Jordanian nationality so that she can acquire it after 3 years by the law and so does not give birth to children considered non Jordanians and repeat the suffering experienced by her family.*

The Jordanian legislation had based the right to nationality on the blood relation to the father, but it also took into consideration the blood relation to the mother in some cases, and the relation to the place in other cases. It also gave the right to persons without nationality to obtain the Jordanian nationality under certain conditions.

Therefore, the right of Jordanian women's children to her nationality doesn't raise a legal and juristic issue, since the concept is acknowledged in some cases.

Tens of Jordanian women who support children from non-Jordanian husbands suffer from depriving their children from their mothers' nationality<sup>26</sup>, hoping that the amendment of this law will put an end to their unjust situation and suffering and achieve stability and equal opportunities for all Jordanians (As nationality is a constitutional right for both men and women). It was obvious that the state's policy direction was strict on enhancing equality before law among citizens, respecting the human rights, and eliminating all kinds of discrimination against women. The state has taken a number of steps to implement this through instructions which give the children of Jordanian women the right to their mothers' nationality in humanitarian cases and upon the discretion of the Minister of Interiors and the Council of Ministers. Nevertheless, the law was not amended to this effect.

It is noteworthy in this regard that the Supreme Court is the competent court to decide on challenged decisions regarding nationality.

#### **▪ Tribal Law**

Tribal judiciary is a set of laws and norms that captures the gist of a long assay with all the issues and problems the desert community experienced repeatedly until people

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<sup>26</sup> – There is a view that the Jordanian Constitution recognizes women's right to grant her Jordanian nationality based on its provision that states that every person has the right to obtain the Jordanian nationality and to grant it. The term “person” applies to men and women .

could find satisfying solutions that were established and were considered as a constitution according to which people act. This law ,however, is amendable and accepts addition to meet the requirements of every age and environment.

Tribe is an essential segment in the political, social, cultural structure of the Jordanian community. It is considered the basic reference for many even those with different political affiliations. Also, Tribes play an important role in resolving disputes and conflicts between the members of two or more tribes, or when a crime takes place. The following are some of the common methods for resolving conflicts through tribal judiciary:

-**"Al Atwa"** is a truce between two disputing parties following an accident involving members of the two parties, during which negotiations and discussions take place in order to end the dispute.

-**"Al Jalwa" (eviction):** which is repelling the criminal from the area where crime was committed to a distant neutral area. Separating the parties of conflict and keeping them away from each other is among the critical measures in the tribal judiciary since seeing the murderer of a one's brother, father or any kin is provoking for revenge.

- **Al Munshed (The Claimant):** It is a judicial form where the victim's guardian is entitled to claim for whatever he/she wants. Among the demands made is clearing one's honor which is a process of covering a house with white fabric to prove that a woman whose reputation was offended and attacked is honourable and the defamation was a failure attempt made by a fool. The woman's guardian can claim for all the perpetrator money including his livestock, so that he will be made a lesson for similar fools.

-**Tribal Reconciliation and Renouncing Personal Right:** There has been a lengthy debate on whether the child's guardian is entitled to renounce the personal right of the victimized child due to his capacity as the guardian or custodian. A study conducted by Jordanian Women Federation earlier this year showed that in 24% of the cases of children's sexual molestation the children's guardians, usually being the father or the grandfather, waive their personal rights. However, legally and judicially article (99) of the penal code provides for the remission of penalty in crimes where a discretionary extenuating reason can be found that shall be at the discretion of the court according to the ruling of the Cassation Court " Cassation Court decision for criminal case no. 474/2006 (quintal committee ) dated in 18May2006 that taking the extenuating reason into consideration or not, shall not be considered a ground for appeal before the court of cassation, since this depends on the particularities and conditions of the case, and the court of substance exclusively is entitled to assess (criminal case no. 93/299 P/1566 for the year/1993)." The Legislator gives the court the discretion in viewing the cases, weighing evidences, and taking the extenuating or aggravating circumstances into consideration. It is entitled to decide the penalty based on the discretionary extenuating or aggravating reasons as provided in article 99 of the penal code. However, it should be restricted within this discretion not to opt for the minimum penalty, i.e. it shall take all the discretionary extenuating reasons or

extenuating excuses into consideration, but may not decide the minimum penalty then remit it more, as this renders penalty pointless and strips off its deterring influence<sup>27</sup>.

### **Labor and Protection of wages:**

Legislation on social services:

Through reading laws relating to social services in Jordan, we discover that these laws are largely concerned with the issue of economic empowerment more than empowering poor citizens in legal terms. For instance, so far, King Abdullah II Fund for Development has stated in the law No. 37 of 2004 to contribute in the establishment of pilot projects production for citizens, contribute to the achievement of comprehensive development in the various governorates, and also support efforts, programs and activities designed to increase national productivity in order to contribute in improving the living standards of citizens. The Jordanian Hashemite Fund for Human Development (JOHD)<sup>28</sup> founded under law No. 73 for 1985, aims to provide support for Social voluntary works. The National Aid Fund provides many services and help to poor families; however, all the services provided by the Fund are associated with economic empowerment and are not within its objectives to provide legal empowerment of the poor<sup>29</sup>.

The Development and Employment Fund (DEF) also contributes in reducing the problems of poverty and unemployment through accomplishing its objectives stated as article 4 of law No. 33 of 1992. "The DEF aims to empower poor, low-income or unemployed individuals and families and encourage them to work and be productive in order to contribute in fighting poverty and unemployment."

Concluding all the above, we realize the government's concerns and interest in confronting the problems of poverty and unemployment, however, there hasn't been any provisions in the laws legislated by concerned parties to familiarize citizens with the services they offer, and did not include any provisions meant to provide legal services to citizens beneficiaries of the services.

Article 23 of the Jordanian constitution granted citizens the right to work, and obliged the state to provide labor through directing and developing the national economy. The state has also the duty to protect labor and regulate it in a legislation that sets several principles like giving the worker a wage compatible with his work, defining the

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<sup>27</sup> A study entitled "The legal application of the criminal courts in Jordan and authority in the weight of evidence in the murders on females compared to those committed on males Society for the Protection of Victims of Domestic Violence -unpublished.

<sup>28</sup> Article 4 of the Law of the Jordanian Hashemite Fund for Human Development, and its amendments, No. 37, 1985 (a. JOHD contributes in supporting and developing social voluntary work in all areas of social aspects within its available means).

<sup>29</sup> National Aid Fund aims through its services to shift Jordanian poor families who are capable to work and produce but also recipients of cash aid, to become working productive and independent families, at the same time provide aid to poor families who are unable to work and people of special needs through physical rehabilitation and appropriate regulatory environment and effective partnership relations with the institutions concerned.

weekly working hours, the weekly and annual paid leaves, the compensation in case of dismissal, illness and disability, as well as the work emergencies and the special conditions for women and minors' labor. The labor law no. (8) for the year 1996 has been amended seven times to respond to the job market indicators on one hand and to Jordan's obligation by virtue of the Labor International Conventions on the other hand.<sup>30</sup>

Nevertheless, the National Center for Human Rights' report on the human rights status in Jordan for the year 2006 showed that there are still many reasons and factors which negatively impact exercising this right despite all the constitutional and legislative provisions that protect it.<sup>31</sup>

### **The Disabled**

People with (special needs) exist in all societies, they are sometimes called (the disabled) or (the differently able), as this latter term sounds positive for people who have such cases.

The differently able lives a contradiction between his/her difficult condition on one hand and the healthy community he/she lives in on the other hand.

The Law of Disabled People Rights no. 31 for the year 2007 defined the disabled as: "every person with permanent, full or partial disability in any of his/her senses, physical, psychological, or mental capabilities to the extent that restricts his/her ability to learn, qualify, or work, that he/she cannot fulfill his/her basic needs under the same conditions of a normal life as with a normal person"

This law has also forbidden discrimination against handicapped when it stated that: "any limitation, restriction, elimination, nullification, or denial of any right or freedom granted by this law or any other law, caused by disability". Article 4/J provided for the right of disabled to litigation as follows:" 1- health conditions of the disabled should be taken into consideration in regards to the detention places if the nature & circumstances of the case required his/her detention. 2- Provision of supporting techniques for the disabled including translation of sign language

Moreover, "The higher council for disabled people" was established with the following mandate:

- Set the policy related to disabled people, review this policy and monitor its implementation in coordination with concerned entities aiming at unifying the

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<sup>30</sup> Since 1975 Jordan acceded to the International Covenant on Economic and Social Rights , articles (6,7 and 8) of which recognized the right of everyone to work in just and favourable conditions that guarantee decent state of living. Jordan also acceded to 26 out of 189 international conventions on labour, approved by the International Labour Organization. National Center for Human Rights ' report on the Human rights status in Jordan For the period (1/6/2003- 31/12/2005\4)

<sup>31</sup> Report of the National Center on Human Rights 2006

efforts to improve the state of living for these disabled and facilitate their integration into the society".

- Suggest amendments on relevant legislation, and propose by-laws and instructions needed to implement the law of disabled people rights.

As an expression of its belief in the significance of an international legal framework to protect the rights of disabled people, Jordan has, in 2003, ratified the international convention no. 159 on vocational training for disabled people. The labour law also guaranteed the right of disabled to work, and obliged the Ministry of Labour in cooperation with other government entities to train the disabled in order to enable them to work in jobs which their disabilities do not impair. Article 13 of the same imposed on the employer who has a minimum of 50 employees and whose nature of work allows, to employ a minimum of 2% disabled people of the total number of employees, provided that they have received training through programs and vocational training centers approved or established by the ministry, and to send the ministry a list of the posts filled by these disabled and the wage of each<sup>32</sup>.

Despite having joint committees consisting of representatives of the Ministry of Labour, the Ministry of Social Development, and the Higher Commission for Handicapped, with the mandate of monitoring the implementation of the said article, yet, this provision is being violated due to the lack of punishment procedures. Therefore, the Disabled People's Rights Law has obliged the public and private institutions and companies that employ between 25 and 50 workers to employ at least 4% disabled if the nature of work allows this. In order to ensure compliance, article 12<sup>33</sup> of the same law has penalized violating this concept.

In 1977, the Ministry of Social Development has established a special department for disabled people, through which it provides services for this segment, and a database of the disabilities in Jordan categorized by reasons, types, and degrees of disabilities. It also issued for them special Identity cards to facilitate their integration in the society.

A diagnostic survey of disabled was conducted in 11 governorates in the Kingdom, and the same survey will be completed in Amman in 2007. But since the database is not ready yet, there are no specific numbers of the cases till the date.<sup>34</sup>

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<sup>32</sup> The Handicapped Affairs Department at the Ministry of Social Development

<sup>33</sup> Article 12 of the Disabled People's Rights Law reads as follows: " Any private institution that refrains from implementing article 4/C(3) of this law is compelled to pay a fine of not less than double the monthly salaries of the minimum number of disabled whom he should have employed during the year. The fine shall be doubled in case of repetition.

<sup>34</sup> The services offered by the Handicapped Affairs Department at the Ministry of Social Development are: 1. Social qualifying services. 2. Day educational and training services. 3. Professional skills development services. 4. Institutional care services. 5. Vocational training services. 6. Guidance services. 7. Health, medical, and rehabilitation service. 8. Disabled recruitment services. 9. Entertainment services. 10. Exemptions. 11. National register services (database for disability cases in Jordan). 12. Technical and financial assistance services.

### **Professional Unions:**

Up until 2006, there were 17 Professional unions under the ambit of the General Federation of Professional Unions. However, only 9% of the total workers in Jordan joined these unions.

There are 13 professional associations, and no new ones were established in 2006. And since the labour law prohibits conducting any professional association-related activities inside the institutions they work in, many of the associations' members have asked for some kind of impunity through introducing new provisions in the labour law to prevent the dismissal of workers due their associations-related activities, or through an agreement between the employers and employees to guarantee this protection.

This issue becomes more important in light of intense unions-related activities in 2006 whereby workers conducted 10 strikes in public and private institution complaining about their living conditions and demanding increase in their basic salaries, health insurance, and social security benefits. The Professional unions have led these strikes and negotiated on behalf of employees to reach a satisfactory compromise for all parties.

### **Woman's Participation in Professional Unions:**

15% of the professional unions' members are women, but only 20 out of 250 board members are women. This is due to many reasons, most important of which is ignorance in laws, lack of woman's understanding of her role as a member of a professional union, gender discrimination, the common belief that this kind of work is against the government's policy, and the woman's misconception that the professional union won't give her full rights as a member. All this, results in women refusing to be members in professional unions. The General Federation of Professional Unions urged to appoint a female member in each management board, in order to enhance her role in these unions.

### **To ensure efficiency of the "Access to Justice" system:**

- Create awareness on the principles the judicial system is based on, its legislative grounds, and the procedures followed to make a fair decision.
- Develop and enhance the efficiency of the current system related to awareness on legal services provided by the state, through the participation of media and information technologies in the development process.
- Constant training for legal service providers, whether they were lawyers or not
- Simplifying the legal terminology in order for the layperson to understand
- Ensure access to legal information by all categories of people, which ensures the litigant's interaction with the court proceedings.
  
- Monitor the validity of legal information promoted through the "Access to Justice" system.
- Create a balance between society's right to access legal information, and the protection of litigants' privacy.

- Creating legal awareness on the available dispute resolution options to enable the individual to choose the dispute resolution mechanism that he deems convenient.
- Collect the best practices for disputes resolution in different kinds of cases (corporate, labour)
- Establish a fund to support the poor in paying litigation fees
- Specialization amongst judges and lawyer to broaden their legal knowledge which reflects the justice integrity.

Finally, the fair trial procedures increase the possibility of obtaining fair decisions.

## Recommendations

- Raising awareness on the importance of an independent judicial system , its foundations, its legislative sources and procedures used to reach a fair decision.
- Developing existing mechanisms for raising awareness on the legal services provided by the state through partnership with the media and modern technology invoked in the reform process.
- Continuous training for providers of legal services, whether legal or not.
- Simplifying legal terminology so that the average person can comprehend.
- Ensuring access to all categories of legal information with no restrictions to certain categories, in order to ensure the interaction of the person requiring judicial service with the trial proceedings.
- Controlling the validity of legal information through the system of access to justice.
- Striking a balance between the right of society to access legal information and to preserve the privacy of parties involved.
- Ensuring the availability of legal awareness of conflict resolution opportunities to enable the individual to choose the appropriate method of conflict resolution
- Collecting best practices for settling disputes in various types of cases (companies, labor...etc).
- Creating a fund to support the poor in paying legal fees
- Supporting the issuance of a law establishing a special fund for family maintenance
- Specialization of judges and lawyers leads to more legal expertise, which will reflect positively on the effectiveness of the judicial system.
- Advocating for including a provision in the law obligating the state to appoint a lawyer to any defendant accused of a crime punishable with more than one year imprisonment (legal aid).
- Expanding the state's financial support to legal aid as well as its political support, and to encourage the development of reliable models to ensure effective legal representation; as well as improving the quality of the legal and penal services.
- Encouraging civil society to challenge the constitutionality of laws according to the legal means available.
- Developing a clear definition and criteria for the acts that constitute harassment especially in the workplace.
- The recognition of the importance of a fair trial is essential in making access to justice an achievable goal.

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