



## JUSTICE SECTOR SERVICES AND THE POOR IN JORDAN: DETERMINING NEEDS AND PRIORITIES

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**Introduction:** Understanding the demands and priorities of poor persons is important to effectively target services in the justice sector. Yet a comprehensive understanding of the demand-side of services remains mostly lacking in Jordan. To help enhance data, in 2012 the Department of Statistics implemented a survey of 10,000 households focusing on the justice sector – the first of its kind in Jordan.<sup>2</sup> The survey was administered throughout the country, covering both rural and urban areas. Its primary objective was to identify the most common types of legal disputes and identify the characteristics of the households and individuals involved. Disaggregation of data based on monthly expenditure levels of respondents provides valuable information on the types of issues most affecting the poor. This data will be useful in designing reforms linked to poverty reduction.

The survey covers a number of key issues within the justice sector, including: identifying the most common types of legal cases; accessing courts and lawyers in terms of costs

and knowledge of services provided; access to and familiarity with legal aid services; and the economic characteristics of families and individuals with legal disputes. It was administered to both families and individuals as respondents. Questions on use of services focused on those provided by courts and lawyers – no questions were asked about alternative dispute resolution mechanisms.

**Justice Sector Services and Poverty:** The 2012 household survey provides important data on the types of disputes encountered by poor persons and how they address disputes through formal institutions. The key findings include the following:

### *1 - Higher Demand, but More Limited Access*

Poorer families are more likely to report actionable legal issues. More than two-thirds (68%) of respondents reporting actionable legal issues fall into the two lowest categories of expenditure levels (expenditures less than 500JD per month), with only 6% falling within the highest expenditure category (more than 1000JD per month).<sup>3</sup> At the same time, poorer families are more likely to avoid court procedures when they have a dispute, and when they do go to court, are less likely to have the assistance of a lawyer due to financial restraints. (Figure 1) Of those respondents reporting a dispute but not accessing courts

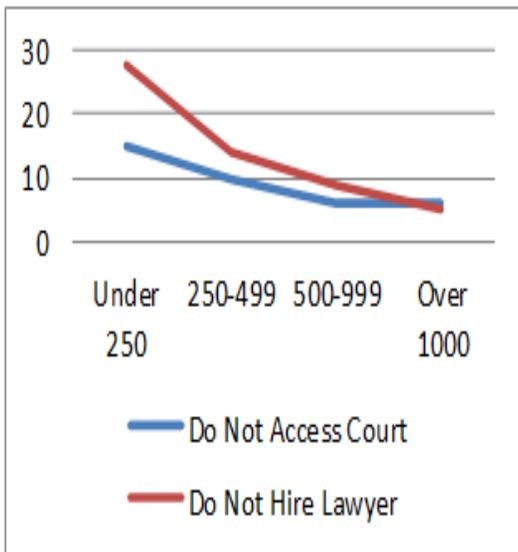
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<sup>2</sup> 'Statistical Survey on the Volume of Demand of Legal Aid Services'. The original content of the questionnaire was developed through a Seed Fund Grant from the Japan Social Development Fund (JSDF) of the World Bank, which now supports the provision of legal aid services through a civil society organization in Jordan.

<sup>3</sup> The categories of expenditure levels per month used in the survey are: less than 250 JDs; between 250-499JDs; between 500 and 999JDs; and over 1000 JDs.

because of the lack of financial resources, a large majority reported willingness to file complaints in court if they received the following support: lawyer fees, court fees and associated expenses such as transportation (87%); lawyer and court fees (85%); and only lawyer fees (83%).

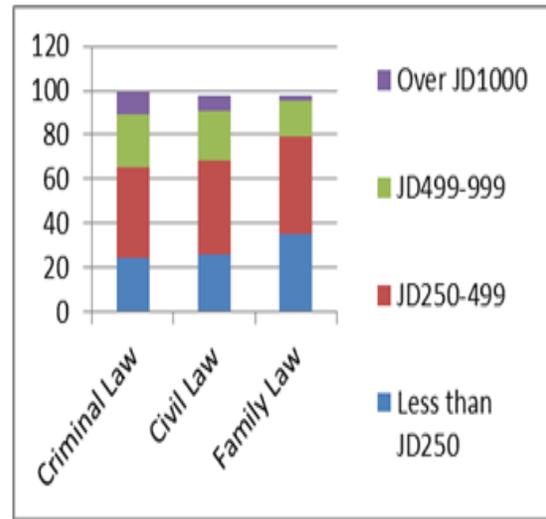
Figure 1- Use of Courts and Lawyers, by expenditure levels



## 2 - Differing Priorities between Richer and Poorer Respondents

The survey demonstrates that the most frequent types of cases reported vary by the expenditure levels of respondents. Poorer persons are more likely to be involved in personal status rather than criminal disputes, while the reverse is true for those with higher expenditure levels. Personal status cases involve family matters – marriage/divorce, child support and custody, alimony and inheritance. And it is within the category of personal status cases that the greatest variation between respondents of different expenditure levels is observed. (Figure 2).

Figure 2 - Frequency of case type by expenditure category



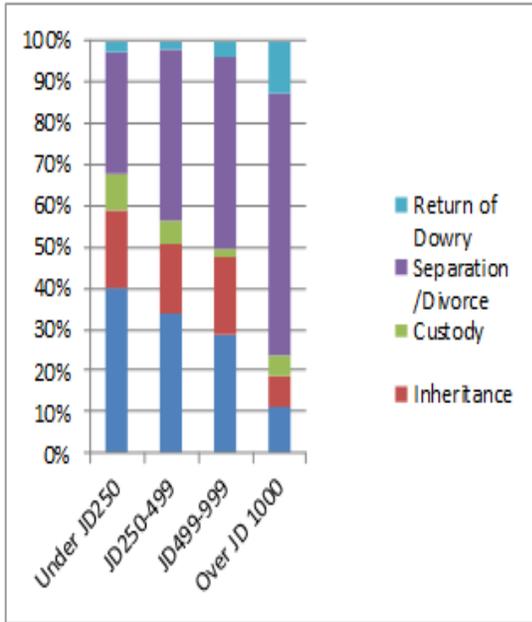
This trend is also reflected in an analysis of the caseload of the legal aid centers of the Justice Center for Legal Aid (JCLA), a Jordanian CSO that is the largest single provider of legal aid services in Jordan.<sup>4</sup> In 2012, JCLA carried out 1419 consultations and 1014 legal representations for poor persons. The largest percentage of cases for both counseling and representation (71%) involved personal status issues, followed by civil and then criminal cases. Within the category of personal status issues, there is an additional variation in terms of the most common types of cases. (Figure 3) Alimony and inheritance cases are of more importance for poorer persons, while divorce and access to dowries are more important for persons with more resources.

Overall, poorer persons form the bulk of respondents affected by legal disputes involving personal status cases. (Figure 4) There are several possibilities why. The economic value of assets falling under personal status jurisdiction – alimony, inheritance, child support and dowries – may constitute a

<sup>4</sup> In 2012, JCLA operated a total of six legal aid centers located in and around the cities of Amman, Madaba and Zarqa.

considerable portion of the overall economic assets of poorer persons, particularly poor women, and are therefore worth fighting for.

Figure 3 – Breakdown of personal status cases, by expenditure levels



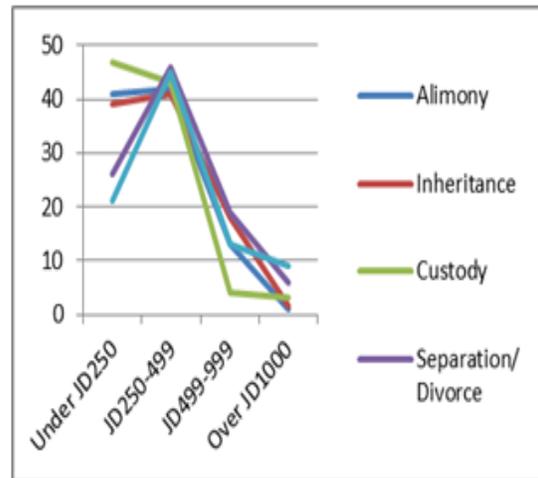
For those with more financial resources and less need to rely on such assets, the obstacles associated with court proceedings may outweigh the financial rewards. They may also have greater access to non-court procedures, such as negotiation through lawyers and mediation.

### 3 - Lack of Knowledge of, and Access to, Special Services

Individuals who did not access courts because of costs expressed overwhelming willingness to do so if they received assistance in covering certain costs, for example through legal aid services or waiver of court fees, both of which are provided by the state. However in the case of legal aid, 98% of survey respondents were unaware of existing service providers. And of the 2% that were aware of services, only 17% tried to access them. The primary reasons for not accessing legal aid services were lack of

knowledge how to reach service providers (35%), not actually needing legal aid assistance (33%) and complicated procedures for securing services (27%). Of those attempting to access legal aid services, 78% were able to secure them. The survey did not measure awareness of, and access to, services covering the deferment of court fees for poor persons involved in court proceedings. But anecdotal evidence suggests these services are rarely provided, primarily due to the lack of awareness of services by poor persons and justice sector officials, as well as complicated procedures for accessing them.

Figure 4 – Frequency of personal status cases, by expenditure levels



**Conclusion:** Though not a comprehensive accounting of the demand-side of services, the household survey does begin to shed light on the needs and priorities of poor communities. It provides a data-supported basis for three important findings: 1) poor persons are more affected by legal disputes, but less able to access services provided by courts and lawyers; 2) poor persons are primarily affected by a different set of issues than persons with more resources – in this case poorer persons are disproportionately affected by personal status cases; and 3) state-sponsored services that focus on criminal issues and court proceedings are

not well-aligned with needs of poorer persons, and awareness of services among targeted beneficiaries remains weak.

These findings should provide part of the basis for developing a data-informed approach to improving service delivery within the justice sector. The key areas for reform to impact poverty include: improving the quality of services in personal status cases, especially access to alimony, child support and inheritance; enhancing the provision of state-sponsored legal aid services and services provided by CSOs; simplifying the process of deferring court fees for poor persons; and strengthening special services developed to address personal status issues, including the newly-established Alimony Fund.

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