GENDER AND JUSTICE IN JORDAN:
WOMEN, DEMAND AND ACCESS

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Introduction: Two key dimensions on access to justice sector services in Jordan are poverty and gender. The poverty dimension was explored in World Bank Quick Note No. 96 ‘Justice Sector Services and the Poor in Jordan: Determining Needs and Priorities’ (May 2013). That Note highlighted the variance in the types of disputes for poor versus wealthier respondents to a survey of 10,000 households on the justice sector – the Statistical Survey on the Volume of Demand for Legal Aid (LAS) – conducted by the Department of Statistics in 2011. It also examines the means by which poor persons attempt to resolve disputes. Its key findings suggest that:

- poor persons have higher demand for, but reduced access to, court and lawyer services
- poor persons prioritize services related to personal status (family law) cases while wealthier persons focus on other civil and criminal issues
- there is a high lack of awareness of services targeting the poor, such as legal aid and deferment of court fees

In many respects limited access to services remains heavily an issue of poverty – those with greater financial resources, whether men or women, have greater means to navigate the justice sector system formally or informally.

The Gender Dimension: The gender dimension to accessing formal justice sector services, namely court and lawyer services, is anchored in the reality that women and men in Jordan demonstrate different needs and priorities for services, and face different obstacles in accessing them. Understanding these differences has been considerably enhanced by disaggregation of data from the LAS by gender. This data is complimented by analysis of the caseload of the Justice Center for Legal Aid (JCLA), which is arguably Jordan’s largest legal aid provider and whose beneficiaries are predominately women. Understanding the impacts these differences create in restricting women from economic, social and political participation has been explored in the World Bank’s Jordan Country Gender Assessment: Economic Participation, Agency and Access to Justice (Jordan Country Gender Assessment, 2013). Together this data

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2 The survey covers factors key to assessing access to justice, including: the most common types of disputes reported by citizens; use of services performed by courts and lawyers; and awareness of, and willingness to use, legal aid services.

and information can aid policy-makers in improving the targeting of services to women, hopefully within the broader strategic objective of the justice sector contributing to overall gender equality in development.

**Women and men tend to experience different levels and types of disputes:** Men and male-headed households are considerably more likely to report legal disputes, according to the LAS. As individuals, men were three times as likely as women (75% for men versus 25% for women) to report having a legal dispute in the last five years. Of the households reporting disputes, 92% were headed by men and 8% by women. It is unclear from the survey data the extent to which men, in general, have more legal disputes or are simply more likely to report them. The reality is likely a combination of both given the traditional and legal role of men as family guardians, which requires them to undertake more transactions and exposes them to more potential disputes, and social pressures on women to avoid formal institutions. The Jordan Country Gender Assessment (2013) highlights the facts that the labor force participation of women – at 22% - remains relatively low, and that restraints on women’s agency continue to negatively affect their ability to conduct business transactions and control economic assets. Lessor involvement in employment, and business and other economic transactions, likely minimizes disputes involving women.

When women experience disputes, they tend to be different types than men. Women are much more likely to report personal status disputes such as marriage, divorce, alimony, child custody and support, inheritance and access to dowries. These cases are under the jurisdiction of religious courts, Sharia Courts for Muslims and Ecclesiastical Courts for Christians. According to the LAS women were nearly four times as likely as men to have a dispute involving personal status issues – 41% of women versus 11% of men. This represents the widest gap between men and women in terms of case type. Women were less likely than men to report legal disputes related to criminal or civil law. (Figure 1)

*Figure 1: Reported dispute categories by gender*

When poverty is considered as a factor, the gap between men and women related to personal status disputes widens further. Analysis of the JCLA caseload demonstrates that poor women were almost ten times as likely to request counseling for personal status issues, and eighteen times as likely to qualify for legal representation, based on poverty status, for such cases. (Figure 2)

*Figure 2: Case Statistics, Justice Center for Legal Aid (May 2013)*

Women and men access courts and lawyers at varying frequencies and for different cases

There are variations in the types of disputes men and women will bring to court. (Figure 3) Women were much more likely than men to access court services for personal status cases, as reported in the LAS, but much less likely for criminal and civil disputes even though women view courts as more effective than men do (see Figure 5, below). This suggests that personal status issues are viewed by women as more

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4 Source: Statistical Survey on the Volume of Demand for Legal Aid, Department of Statistics
5 Source: JCLA Caseload 2012
critically impacting their lives, to the extent that women will pursue these issues through complicated and often expensive procedures.\(^6\) This might be partly explained by the fact personal status cases involve access to economic assets that are exclusively available to women (alimony and child support); primarily available to women versus men (dowries); or may represent a considerable source of economic interests, for example inheritance, for women with limited access to other assets.

Access to financial resources in addressing disputes is more of a constraint for women than for men, and even more so for female-headed households. The LAS demonstrates that women and female-headed households were more likely to avoid filing claims in court because of lack of financial resources, and were more likely to proceed to court without a lawyer because of inability to pay lawyers’ fees. (Figure 4) Men’s greater control of economic assets, highlighted in the Jordan Country Gender Assessment (2013), suggests they may have greater ability to pay court fees, which are relatively high in Jordan as compared to the rest of the region, and hire a lawyer. So women may be at a particular disadvantage where facing off in court proceedings against men – which would primarily be the case for the majority of personal status cases. The lack of an effective system for providing free information, legal counseling and representation for civil and personal status cases, as well as for waiving of court fees for poor persons, thus has a particularly negative impact on poor women.

Women are also less likely to find amicable solutions for their disputes. Almost 40% of men reporting disputes in the LAS solved them amicably, while only just over 30% of women were able to do the same. This suggests men may have greater access to informal means of dispute resolution, for example through family and business contacts, and that perhaps women’s restricted agency in social, economic and political life reduces their potential networks. The LAS also suggests women are more likely to know the perpetrator when a crime is committed against them, a finding perhaps partially explained by the high levels of domestic violence reported in the Jordan Country Gender Assessment (2013). In terms of awareness of court procedures and the process of hiring a lawyer, women and men are nearly identical, which is perhaps partly a reflection of Jordan’s 90% gender parity in literacy.

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\(^{6}\) Procedures for personal status cases involve relatively lower costs than for civil or criminal proceedings. For example, many procedures are either free or lower cost than similar procedures in civil and criminal courts. However, even low costs may prove an obstacle to the poor. And as reported in the LAS, average lawyer fees for personal status cases are roughly 542 Jordanian Dinars (roughly 760 US Dollars).

\(^{7}\) Source: Statistical Survey on the Volume of Demand for Legal Aid, Department of Statistics

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\(^{8}\) Source: Statistical Survey on the Volume of Demand for Legal Aid, Department of Statistics
Social norms play a role in determining where women seek redress: Women are more likely to avoid going to court because of social norms even though there are no formal restrictions on access to court services. The LAS found that women are more likely than men – 26% versus 17% - to report avoiding court due to customs and traditions. Anecdotal evidence strongly suggests women face societal pressures to avoid pursuing disputes through formal institutions. This may be particularly true in certain personal status issues, such as divorce, inheritance, and domestic or sexual violence. On the latter, justice sector officials may be reluctant to become involved in what are often seen as ‘private’ family issues. Women run the risk becoming targets of honor crimes if they report sexual abuse by someone outside of the family. Social pressure may also steer women from initiating claims formally and instead seek assistance from civil society organizations - women are nearly 70% of the beneficiaries of JCLA.

Conclusion: Justice Sector officials and policymakers now have better empirical data to inform reforms aimed at improving service delivery. This data can also be used to target services to better support broader objectives of increased economic participation and agency for women, and shed light on how the justice sector can impact inclusion and equality. The data already highlights some of the primary gaps in service delivery. Women are more likely to need services related to personal status issues, and more likely to avoid court proceedings and use of lawyers because of lack of financial resources. Yet services such as legal aid remain limited, especially for personal status cases, thus adversely affecting poor women. Enhancing public information and developing self-help (pro se) representation mechanisms may help in increasing access to services and make services more financially sustainable. Such initiatives may prove particularly useful in personal status cases, where the convergence of justice and gender dimensions appears the most comprehensive, and perhaps where greater impact on women’s development could be obtained.

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9 Source: Statistical Survey on the Volume of Demand for Legal Aid, Department of Statistics
10 The Jordan Population and Family Health Survey (2007) found almost one-third of never-married women reporting being subjected to violence, with divorced women reporting the highest levels of abuse. Less educated and poorer women also reported higher levels of violence versus more educated and wealthier women, respectively.