



Learning for Change : Developing Innovative Solutions to Bridge Gaps and Reduce Demand for Legal Aid

Hadeel Abdel Aziz:

International Legal Aid Group (ILAG) 2025

Hashemite Kingdom of Jordan

Justice Center for Legal Aid

I. Country Context

Jordan's constitution enshrines several principles that inherently lead to ensuring access to justice. It guarantees right of access to courts by stating that "Courts Are Open to All and shall be free from any interference in their affairs"¹. However, it does not explicitly guarantee the right to defense or legal aid,

The Jordanian Criminal Procedures Law, article 208, stipulates mandatory representation by lawyers in felonies punishable by 10 years or above, or in capital cases. The same article stipulates that defendants who cannot afford a lawyer will have the right to legal aid in felonies punishable between 3 years and 10 years prison time.

According to the definition stated in Article 2 of the Legal Aid Bylaw No. 119 of 2018, legal aid is defined as "Legal representation before the public prosecution offices, regular courts and the Grand Criminal Court in accordance with the provisions of the applicable legislation." Accordingly, legal aid intended under this bylaw issued pursuant to the Code of Criminal Procedure is limited to ensuring legal representation through the appointment of an attorney to defend the suspect or the accused, before the public prosecutor during the preliminary investigation stages, and before the court during trial.

As stipulated in Article 2 of the Legal Aid Bylaw No. 119 of 2018 issued pursuant to the Code of Criminal Procedure, legal aid is defined as "Legal representation before the public prosecution offices, regular courts and the Grand Criminal Court in accordance with the provisions of the applicable legislation".

The Ministry of Justice established a legal aid directorate which is mandated in regulating legal aid services in Jordan. The criminal procedures law also mandated the establishment of the Legal Aid Fund to pay for the costs of legal aid lawyers as stipulated within the legal aid bylaw.

¹ Article 101, Constitution of Jordan

The Ministry's services remain limited to felonies as stipulated in Article 63 *bis* and Article 208 of the Code of Criminal Procedure; Also, the law does not enable the MOJ to provide services for victims of crimes, not even victims of domestic violence.

The Juveniles' Law stipulates the right to legal aid for juvenile defendants in felonies, this right is not granted in misdemeanors and is not granted for juveniles during initial investigation at the police.

Legal Aid by the Bar Association:

The Jordan Bar Association (JBA) law grants the authority for the bar chair to appoint a lawyer to provide one legal service on a voluntary basis every year, which theoretically give the bar the ability to provide around 24000 services every year.

In reality this role is not fulfilled or properly organized, On October 29th, 2024, JBA issued a new Legal Aid Bylaw pursuant to the Bar Association Law, legal aid was given a broader scope as it was defined as "legal representation before courts, administrative judiciary, public prosecution offices, special courts, and enforcement departments, and legal consultation in accordance with applicable legislation". Thus, extending legal aid to include consultation services and representation for various types of cases to include civil, criminal, and administrative cases, in addition to representation before the public prosecutor and special courts, as well as during judicial enforcement stages.

A study conducted by the UNDP in 2017, estimated that 70% of people are not represented in the Jordanian Courts.

Civil Society Organizations (CSOs) work to provide services particularly targeting the most vulnerable groups such as refugees, GBV survivors, juveniles and migrant workers. However, these programs and services, including their availability and effectiveness, are not well documented. In a recent study conducted by Jordanian National Commission for Women (JNCW) in 2024², 70% of CSOs included in the study specified that the main challenge faced by them is lack of funding and limited resources. Many CSOs encounter a range of challenges due to their reliance on either domestic or foreign funding. Domestic funding is often limited in scope and amount to be able to bring about meaningful impact or change. In addition to the challenges associated with domestic funding, CSOs also face significant challenges in accessing foreign funding opportunities, primarily due to the complex bureaucratic barriers like to foreign funding approvals from the Ministry of Planning and International Cooperation (MOPIC). This particular challenge is regarded as one of the main impediments facing CSOs generally, and organizations specialized in the provision of legal aid services in particular. According to an expert participating in one of the Key Informative Interviews (KIIs) indicated that the lack of adequate funding contributes to the reduction in the scope of services provided by these organizations. This in turn, limits the number of beneficiaries who can access legal aid, particularly in remote and rural areas where the need for such services is highest. Another expert added that restrictions of foreign funding, along with the complexity of bureaucratic procedures related to it, such as delays or rejections, can lead to significant delays and impediments in the provision of legal services.

Experts participating in the study also indicated the existence of funding shortages in relation to the provision of legal aid services; due to donor priorities and reluctance to support what they perceive as a core service that falls within governmental jurisdiction. Another key challenge lies in the limited duration

² Justice Center for Legal Aid and Jordanian National Commission for Women. (2024). *A study on legal aid services and a mapping of legal aid service providers.*

of funded projects; whereas litigation processes frequently extend beyond the lifespan of these projects. Qualitative findings and interview data further revealed that the duration and complexity of governmental procedures for foreign funding approvals exacerbate the negative spillovers of this issue; directly undermining program stability and services provision.

Consequently, CSOs have adopted multiple strategies to mitigate these risks, with the most notable being the diversification of funding sources and the establishment of partnerships, coalitions and strategic alliances, particularly with organizations whose work compliments that of legal aid services.

This paper will introduce a case study from Jordan, undertaken by the Justice Center for Legal Aid to enhance Guided Self-Representation the presentation will introduce strategies aiming to increase efficiency and value of available resources.

II. About the Justice Center for Legal Aid

Established in 2008, the Justice Center for Legal Aid (JCLA) is a Jordanian non-profit non-governmental organization committed to realizing a society where everyone has equal access to justice. JCLA has grown from one legal aid clinic in Amman to providing legal aid services through nine clinics across all twelve governorates. JCLA operates on three pillars as follows:

1. Response

JCLA provides consultation, accompaniment, in-court representation, mediation, and guided self-representation services. JCLA also manages 24/7 detention and protection hotlines. JCLA's provision of services is in line with international best practices, as all services are provided based on vulnerability assessment criteria.

2. Prevention

Throughout its experience, JCLA observed that the vulnerable often fall into a legal conflict due to their lack of awareness of their rights and responsibilities. JCLA manages an awareness program that aims at raising the public's legal awareness.

3. Advocacy

To achieve a tangible impact, JCLA engages and builds the capacity of key governmental institutions in Jordan, like the Ministry of Justice, Family Protection and Juvenile Department, and many others. JCLA conducts workshops, holds meetings, and conducts capacity-building trainings for all relevant stakeholders.

Every year, JCLA provides legal services for around ten thousand beneficiaries, with 70% of them being females. JCLA has reached out to hundreds of thousands through its awareness program. JCLA adopts a participatory approach for implementing its programs through 130 partnerships, and signed Memoranda of Understanding (MoU) with key governmental stakeholders like the Ministry of Justice, Family Protection and Juvenile Department (FPJD), Public Security Directorate (PSD) and the Ministry of Social Development (MOSD).

Since its establishment, JCLA had introduced exceptional contributions through innovative approaches including operating a specialized duty lawyer scheme through its 24/7 **Detention hotline**; established to ensure the enforcement of due process during pre-trial investigations and detention at police stations. While primarily a legal service, the detention hotline also functions as an on-the-ground advocacy tool, promoting the normalization of lawyer presence during police station procedures.

III. Case Study 1: Guided Self-Representation

Since its establishment, JCLA's model for service delivery relied heavily on lawyers' services, although the services are supported and partially delivered by paralegals that are called community facilitators (CFs).

The reason for this heavy dependency on lawyers was due to certain factors, as follows:

- 1- The Jordan Bar Associations law restrict the legal services delivery to lawyers, any person who is providing legal counseling can be charged by illegal practice of law.
- 2- The Jordanian law mandates representation by lawyers for civil cases valued over 1000 JDs, which makes representation mandatory, and limits the cases which can be supported by paralegals.
- 3- Complexity of the laws and legal proceedings in the Jordanian courts

JCLA, like other CSOs in Jordan, faced multiple challenges impacting its funding since 2020, starting by impact, then shifting priorities of donors during the war on Ukraine. This pushed JCLA to reshape its strategies to meet the increase in demand for its services corresponding with a reduction in the number of lawyers due to a reduction in resources. Hence, JCLA reviewed its network of legal clinics, revised its procedures, its eligibility criteria, its salary scale, and undertook multiple policies to reduce cost and enhance the efficiency of service provision, improve beneficiary follow-up, and ensure that beneficiaries' needs are met effectively.

One proposed model was to identify cases where beneficiaries could undertake the necessary legal actions themselves under the guidance of the legal aid lawyer. This is how JCLA introduced the "guided self-representation" model.

What is guided self-representation?

Guided self-representation is a legal service that enables the client to represent themselves in court, and to take all necessary steps to register their case or complete the legal process, with the support of the legal aid lawyer, and the follow-up of the specialized paralegal.

Steps of the service provision

Step 1: Assessment

Each case is initially assessed by the community facilitator (CF), who documents the case and conducts an initial assessment to determine eligibility in accordance with the established criteria. Eligibility includes two tiers financial eligibility and vulnerability assessment.

- *Financial Eligibility:* The income of the person receiving the services. JCLA determines the income level and property ownership (excluding the family residence).
- *Social Vulnerability Test:* The CF documents the socio-economic criteria that is adopted; the social vulnerability assessment looks at education, age, disability, and refugee status, it also

examines the social pressures on women, which may lead to their dropping of the case if they are unsupported.

For example, women who may be at risk of violence due to the social stigma associated with attending to court proceedings are referred immediately to lawyers for in-court representation rather than guided self-representation services.

Another criterion is the beneficiary's level of language proficiency, specifically their ability to effectively express themselves and communicate in Arabic.

- *Legal Assessment:*

The case file is referred to the assigned lawyer, who conducts a comprehensive legal consultation and determines the appropriate legal course of action. Following the consultation, the lawyer provides the legal opinion on the case's merits, which determines if there is any legal discourse that can be undertaken. Cases with no legal merit include cases where the statute of limitations has passed, or where the person has no proof in a civil claim. Criminal cases, however, are always considered to have legal merit, as the right to defense in itself is considered a sufficient factor for eligibility. The lawyer also upholds the "do no harm" principle; examining the risk of detention or deportation for migrants and refugees, so beneficiaries with high risk will be directed towards representation by a lawyer.

The legal assessment also assesses the type of case, and the court, if the case is legally mandated to have lawyer representation, then it is excluded from the self-representation course.

Step 2: Service Delivery and Follow-up

Once the lawyer decides the legal discourse, and if the service that is to be provided is "guided self-representation", the lawyer will support the beneficiary in preparing pleadings, preparing memos and providing legal guidance.

The beneficiary goes personally to court and initiate proceedings; in cases where the beneficiary is unable to afford the legal fees of the court, JCLA's CF will accompany them and pay for the fees. In cases where the beneficiary cannot afford transportation to court, JCLA will also cover transportation costs.

After each step or hearing, the CF will follow up with the beneficiary to ensure that the process is proceeding effectively. In case the beneficiary cannot complete the procedure, they are invited back to the clinic to receive further support from the lawyers.

Most common reasons for the case being redirected towards lawyer representation:

- The beneficiary's inability to comprehend the proceedings.
- Beneficiary being intimidated by the other party, particularly in cases of vulnerable persons such as victims and survivors of GBV.
- Changes to the legal discourse rendering the case more complex, such as introducing new evidence or the need to cross-examine experts, or the other party appealing the case or part of it, which requires mandatory representation.

Outcome Monitoring and Impact:

The Monitoring and Evaluation (M&E) unit at JCLA, in coordination with the Legal Quality Assurance Officer, conducts ongoing monitoring, evaluation, and quality assurance across all cases. According to the data collected by the M&E unit, 76% of beneficiaries expressed satisfaction with the guided self-representation model, with 70% reporting feeling empowered and capable of fully representing themselves before judicial authorities upon receiving the legal support and guidance from the lawyer.

On average, five self-representation cases require a level of effort and time comparable to that invested in a single case of full in-court representation. Moreover, this model eliminates the necessity for power of attorney fees, which amount to 52 Jordanian Dinars.

This line of services has demonstrated both efficiency and effectiveness. Nevertheless, several risks must be carefully managed by the legal aid provider. These risks include the possibility that insufficient follow-up may result in harm to the beneficiaries, or that beneficiaries may become discouraged and drop their cases. Additionally, there is a potential risk that prioritizing cost-efficiency could compromise service quality; thus, undermining the intended impact and quality of service. Therefore, legal aid organizations must show sensitivity and establish risk mitigation mechanisms to mitigate such risks.

Advocacy Efforts: Informing Change

JCLA like many legal aid organizations will have access to a large amount of data regarding the justice system and how it interacts with the court users. Like most other countries, poor persons in Jordan are more likely to face legal issues, a survey by the department of statistics in Jordan identified that the 70% of the families that faced legal issues had an income less than 500 JODs per month.³

To inform policy changes, JCLA adopted a process to document the most common challenges facing the poor and vulnerable, and invested in advocacy to amend the justice system including legislations, policies or practices to make the justice system more accessible and responsive, therefore reducing the need for people to need legal assistance.

To ensure the sustainability and possibility to expand the ability of the people to self represent in the Jordanian courts, JCLA decided to undertake an advocacy initiative to support the Ministry of Justice to implement and expand a fast track for small claims.

Small Claims Pilot in Jordan

In 2019, the Ministry of Justice, in collaboration with the United Nations Development Programme (UNDP), launched an initiative to introduce a special track within the courts for cases of smaller value, namely the “Small Claims Initiative”. This initiative sought to expedite the resolution of small-value civil and commercial disputes. The pilot project was initiated in two courts in Jordan assigning specialized judges and

Objectives and Implementation

The primary goals of the initiative included:

³ Department of Statistics. *Survey of Legal Issues Faced by the Jordanian Department of Statistics*. Jordan, 2011.

- **Simplifying Procedures:** Developing concise and low-cost procedures to make litigation more accessible to the average citizen.
- **Reducing Litigation Time:** Accelerating the resolution process for small claims to prevent prolonged legal battles.
- **Alleviating Court Backlogs:** Easing the accumulation of cases in courts by efficiently handling small financial disputes⁴

JCLA is currently conducting an assessment of that pilot project to identify the following:

1. **Legal Barriers:** the current legislations requires mandatory representation by lawyers for cases valued at 1000 JODs which limits the scope of the cases that can go through the fast track small claims process.
2. **Procedural barriers:** the current legal procedures mandate processes and notifications which limit the time that can be saved.
3. **Impact on the most vulnerable:** without true simplification of the procedures, the litigants who are self representing may continue to face challenges of their inability to understand the process, or to be able to submit their legal arguments, which may create a risk that their rights could be undermined.
JCLA's assessment will focus on the benefits of the pilot towards the poor and vulnerable, not from the perspective of efficiency of the legal system.

IV. Conclusion

The justice systems must be improved and simplified to create a special track for the most vulnerable people to be able to access justice even if they are not represented by lawyers.

This will require advocacy and institutional capacity building from one side, and will require that the system be designed from the perspective of the most vulnerable.

Legal Aid entities can play a significant role in empowering persons to seek justice by themselves, but they should ensure that enough support be made available for them to fall back into, self-representations could be supported by legal counseling and legal support without taking away the agency of the people to defend their own interests in the justice systems.

⁴ [‘Small Claims’ initiative seeks to cut short litigation period in monetary disputes | Jordan Times](#)