



AI-Urdun Al-Jadid Research Center

Assessment of the Electoral Framework

Final Report

The Hashemite Kingdom of Jordan

January 2007

Executive Summary

While previous elections in Jordan have been run efficiently, the 2007 parliamentary elections will use a temporary legal framework that falls short of some international standards for democratic elections, most notably by not guaranteeing the universal principle of equality of suffrage amongst voters. Systematic reform of the electoral framework is needed ahead of the next electoral cycle in 2011 as part of Jordan's commitments towards achieving political reform and democratisation. The absence of effective steps towards political reform and democratisation appears to have already undermined the public's confidence in elections and the democratic role of parliament. The government should avoid unwarranted delays of the 2007 elections and - given the narrow time frame - take immediate measures to address shortcomings of the current electoral framework. Further steps are also needed to strengthen guarantees for fundamental freedoms and political rights and to broaden public participation in government, especially through building a more effective role for elected members of Parliament, political parties, civil society groups and independent media. In general, Jordanian citizens are able to enjoy political freedoms but key decisions tend to be taken on the basis of informal consultation, rather than through debate in the lower house of Parliament, which has limited power of legislation and oversight.

The Hashemite Kingdom of Jordan is scheduled to hold parliamentary and municipal elections in 2007. The upcoming parliamentary elections - the fourth multi-party elections since a ban on political parties was lifted in 1992 - will be watched especially closely as a key indicator of the country's progress towards political reform, not least because of the role Jordan plays in the region as a potential model for democratic stability. At the same time, an increase in political liberalisation is yet to be translated into significantly more democratic or participatory governance. The elections will take place in a political climate where the government must find a balance between a range of opposing interests and competing factors, including the rise of the Islamic Action Front as the only significant political party and dissatisfaction at disproportionate political representation of various groups.

The 2007 general elections will be for a Chamber of Deputies that has systemic weaknesses in its ability to perform the role as the primary democratic institution in Jordan. The powers of the Chamber are duplicated or checked by an upper house of Parliament (Assembly of Senators), which is appointed by the King. Parliament cannot - and has not sought to - properly exercise oversight powers over the activities of the executive. The executive often legislates by issuing temporary legislation and decrees that function with the force of law without parliamentary approval. Although Parliament must approve the Prime Minister and the Cabinet of Ministers, it has no influence on the initial choice of nominees and there is no connection between the political make-up of Parliament and the members of the government. Parliament can debate, approve and initiate legislation but, in practice, it is rarely the forum for active consideration of legislation or for initiating new draft laws.

The Constitution provides the executive with the power to postpone elections for a period of up to two years and to suspend parliament indefinitely. These powers undermine Jordan's obligations under international law to guarantee periodic elections¹. Although there are concerns that these powers may lead to the postponement of parliamentary elections in 2007, King Abdullah II has repeatedly committed his government to holding both general and municipal elections this year.

With the exception of the Islamic Action Front, there is no prominent political party and, of some thirty registered parties, all seem to lack institutional capacity and resources to carry out an effective political campaign. In part, the electoral system used in Jordan - the Single Non-Transferable Vote (SNTV) - is considered to work against the interests of political parties and, in contrast, provides benefit to independent candidates with personal or tribal bases of support who hold the overwhelming majority of parliamentary seats. A further consequence of the electoral system is that elected parliamentarians only represent a small proportion of the votes cast. Given its weak role in political life, it appears that there is limited public confidence in parliament. Political parties likewise appear to enjoy only limited confidence.

The legal framework for parliamentary elections in Jordan lacks legal certainty as it is based around a temporary election law (TEL) that was introduced for the 2003 elections but which has never received the approval of Parliament that is required by the Constitution.

The most significant shortcoming of the electoral framework is that it does not guarantee equal suffrage: A policy to ensure the over-representation of parliamentary seats from rural areas at the expense of urban areas, where most Jordanians of Palestinian origin live, has led to large discrepancies in the number of voters that each seat represents. The TEL leaves this sensitive issue entirely in the hands of the cabinet and provides no criteria to be used for districting.

¹ Article 25 of the International Covenant for Civil and Political Rights (ICCPR) which was ratified by Jordan in June 2006.

Other shortcomings of the TEL that need to be addressed include:

- It provides no mechanism that allows a citizen to exercise their fundamental right to seek a legal remedy to protect or enforce their electoral rights or to ensure that there is compliance with the law. Although the Constitution provides that challenges against the validity of election results can be made to the newly elected parliament, such a procedure creates a conflict of interest in the resolution of electoral disputes.
- Although results have been published in full in the past, there is no legal requirement for a detailed and prompt publication of results at all levels of the counting and aggregation process.
- There are insufficient safeguards of the right to vote in secret for illiterate voters that could be addressed through a change in the design of ballot papers. More effective measures are also needed to prevent opportunities for double-voting.

The regulatory framework for campaigning for parliamentary elections is inadequate and contains legal provisions that potentially restrict fundamental freedoms and political rights that are necessary for there to be genuine elections, including restrictions on the freedom of assembly for the holding of campaign meetings. Moreover, there are a number of important omissions that would establish an adequate environment for an active election campaign and which would ensure voters are properly informed of the choice between candidates; for example there is no set campaign period or rules on campaign spending. There are no guarantees for equitable access for candidates to publicly-funded media.

Elections in Jordan are administered by the Ministry of Interior, while the Cabinet determines how seats are distributed among electoral districts. There are limited requirements for the elections to be run in a transparent, inclusive or consultative manner, which is an international best practice for elections. Candidates and parties have the right to observe the polling and counting of votes, but have no right to follow other parts of the election process (e.g. preparation of ballots, or aggregation of results). There is no provision to allow for non-partisan election observation by domestic or international groups.

The Jordanian parliament has recently adopted a new Law on Municipalities which has taken some positive steps towards improving the framework for the forthcoming municipal elections, including adopting a method to increase the proportion of women councillors. Nevertheless, the new law also has a number of shortcomings, including that in contrast to other municipalities, half of the councillors in Amman will be appointed by the government. There are separate election administration structures for municipal and parliamentary elections.

Despite calls for parliamentary and electoral reform from across the political spectrum, most notably by the cross-party 2004 National Agenda committee, which agreed on a detailed set of recommendations, no changes have been made until today. While it will not be possible to carry out a full reform of the electoral framework before the upcoming elections, a few significant problems could be addressed through administrative measures, notably:

- when adopting a decree on electoral districts, the Cabinet should seek to achieve a more balanced ratio of voters represented per seat across the territory, in order to ensure equal suffrage;
- the Ministry of Interior could adopt measures to increase the transparency of the electoral process, notably provide a framework for election observation, involve parties and candidates more in the preparation of the elections and provide for a prompt and detailed publication of results down to the level of polling stations.

Introduction and Acknowledgements

This report was prepared by Richard Chambers (UK) and Michaela Kűfner (Germany), Democracy Reporting International, Berlin and Hani Hourani and Hussein Abu-Rumman, Al-Urdun Al-Jadid (New Jordan) Research Center in Amman (Jordan). This report reflects the author's views. Together with UJRC's researchers, DRI's experts conducted an assessment mission including dozens of interviews with political parties, civil society and media representatives, in addition to government officials and members of Parliament. This mission took place from 17th November – 7th December 2006. Together, UJRC and DRI organised a workshop on 5th December in Amman to present and debate some of the initial findings of their electoral framework assessment with political party, government, media and other civil society representatives.

DRI and UJRC would like to thank all participants of the workshop and all the interlocutors they spoke to for their generosity in sharing their views and information.

This report is part of the regional programme "Assessing Electoral Frameworks in the Middle East and the Southern Mediterranean" carried out by DRI with financial support from the Foreign Office of the Federal Republic of Germany. DRI would like to thank the Foreign Office for its support. All views expressed are those of the authors and do not necessarily reflect those of the donor.

Elections and Democracy in Jordan

1.1 The Political Context to Elections in Jordan: a Balancing Act between Democratic Reform, Political Self-interest and Regional Pressures

The Hashemite Kingdom of Jordan is scheduled to hold parliamentary and municipal elections in 2007 and these elections will be seen by many as a further indicator of the country's important role as a model for democratic stability in the Middle East. The holding of parliamentary elections will be watched especially closely: set against a backdrop of security concerns, growing domestic political pressure and numerous regional crises, there will be significant interest in assessing the degree to which the repeated commitments of King Abdullah II and his government to democratic reforms are reflected in the openness of the electoral process, the engagement of political parties and the representative nature of the elected parliament.

Since 1989, Jordan has attracted much international praise from key strategic partners – primarily the United States and the European Union – for its political reform programme, initiated by the late King Hussein and which King Abdullah II has pledged to carry forward. Key aspects of reform have included the legalisation of political parties and the holding of multi-party parliamentary elections which, combined with other economic and social liberalising factors, has meant that Jordan has tended to be recognised as a progressive, tolerant and stabilising force in the region. Yet, at the same time as these positive changes have taken place, the strategic policy behind the move to democratic reform has been diminished by recurring restrictions on the exercise of fundamental freedoms and rights as well as a series of political manoeuvres that have limited opportunities for public participation in government and the wider democratic process. A particular problem has manifested itself in the framework and environment for the holding of parliamentary elections, including instances of the suspension of parliament and the postponement of elections, while the electoral system in place is designed to strengthen ruling interests and limit opportunities for opposition voices. One result is that parliament has a majority of independent members, unaffiliated to any political parties, who represent a range of limited tribal interests and who have generally been regarded as providing weak oversight of executive action.

The primary reason for these mixed levels of progress towards achieving democratic development in Jordan has been the regime's struggle to find a formula that it considers capable of safeguarding national unity and security while seeking to balance a number of conflicting political factors. These include the protection of the interests of the ruling elite and the traditionally dominant Trans-Jordanian tribal structures, the huge demographic changes caused by the surge in the population of Jordanians of Palestinian origin, the rise in support for political Islam and, since November 2005, the threat of terrorism. This balancing act has also been influenced by the country's dependency on foreign aid, caused by its lack of natural resources, and the direction of its foreign policy, which has drawn significant domestic public criticism, especially over the cooperative relations with the United States.

Jordan's vulnerability to external factors has created challenges that have continuously revisited the country since its independence in 1946; primary amongst these are the issues of Palestine and conflict in the Middle East at large. Palestinian refugees have had a massive impact on the society, economy and politics of Jordan and remain a major undercurrent to all aspects of national debate and political activity. The number of Palestinian refugees in Jordan is not accurately known but their integration as Jordanian citizens has generally been successful and it is widely assumed that they comprise around half of the population of 5.8 million.² However, complex issues relating to the systemic imbalance between their population size compared to the level of their political and parliamentary representation have long been a hurdle towards achieving greater democratic reform. In particular, the manner in which parliamentary seats are currently allocated among electoral districts has resulted in the significant under-representation in parliament of those areas where Jordanians of a Palestinian origin are resident.

Historically, Jordan has suffered numerous instances of internal tension and conflict and the regime has reacted to threats of the country's delicate power balance by clamping down on the opposition and other restrictions on public activities. Direct challenges to the Kingdom by Arab nationalist and Palestinian militant groups throughout the 1950s, 1960s and early 1970s led to repressive measures which included the proscription of political parties, the imposition of martial law and the frequent suspension of Parliament, for the longest period between 1971 and 1989 but also as recently as 2001 to 2003. Currently, despite general stability inside Jordan, there are clear concerns within the regime over

² The last census in Jordan took place in 2004. The demographic breakdown of the Jordanian population is not contained in the published data but it is widely estimated that approximately half the population is of Palestinian origin, the other half of East Bank heritage with 3 per cent of the population from minority groups including Chechens and Circassians. There is an estimated figure exceeding 700,000 Iraqi refugees in Jordan. (Reported by UNHCR and the International Organization for Migration).

regional tension and especially a serious threat from terrorist attacks. These fears have led to a significant tightening of security measures and a powerful increase in the political influence of the Department of General Intelligence (Da'irat al Mukhabarat al Aamma) which traditionally has been concerned that democratic reform could be a potentially destabilising force in Jordan.

The rise of Islamic political movements in the region – especially the success of Hamas in the 2006 Palestinian Legislative Council elections – has created apprehension within the Jordanian regime, as well as nervousness amongst their regional and international allies, over the level of popular support that may be held by the Islamic Action Front (IAF), the country's only major political party.³ In particular, there is concern that any further opening-up of the political space may strengthen opportunities for the IAF to increase its popular support, and, in turn, challenge the traditional base of tribal loyalties within Jordan. As a consequence, a demand for electoral reform through a change to a more proportional system, which is supported by a broad consensus of almost all political parties, has been routinely ignored by the Jordanian government. The government has recently sought to address some issues where political reform is needed, with draft laws on political parties and municipal governance placed before parliament, but has given no indication that there will be any electoral reform ahead of the 2007 parliamentary elections. Meanwhile Prime Minister Marouf Bakhit has told parliament that Municipal Elections will be held by the middle of the year based on a new draft Municipalities Law.⁴

Many political actors and leaders of civil society have expressed growing unease at the possibility that the holding of parliamentary elections may be considered by the government as a potential source of instability and that, as a result, parliamentary elections may be postponed from their due date of June 2007. King Abdullah II has committed his government to its "primary constitutional duty" of holding parliamentary elections in 2007 although no date has yet been set.⁵ In contrast to international democratisation programmes in other countries in the region, there has been little public pressure by the international community to push for Jordan to hold elections as an indicative benchmark in the democratic reform process. To a large extent this may reflect international concerns that progress in democratic reform in Jordan is a lesser priority if it endangers the country's stability. However, postponement of the elections could have two adverse affects: first, it would be a significant indicator that the democratic reform process in Jordan – a model for many countries in the region – has stalled, or is in reverse; and secondly, that a postponement may in itself be a destabilising event that could cause serious discontent within the country, especially amongst opposition groups. In fact periodic democratic elections serve long-term stability by allowing the expression of discontent in constitutional ways.

1.2 The System of Governance

1.2.1 The Constitutional Framework

The Constitution (1952) establishes the Hashemite Kingdom of Jordan as a hereditary monarchy with the King as Head of State and with a system of government consisting of a bicameral legislature, an executive headed by the King and an independent judiciary. The two-chamber National Assembly (Majlis al-Umma) is formed by an elected lower house, the Chamber of Deputies (Majlis al-Nuwwab) consisting of 110 members, and the upper house, the Assembly of Senators (Majlis al-A'yan), whose 55 members are appointed by the King.

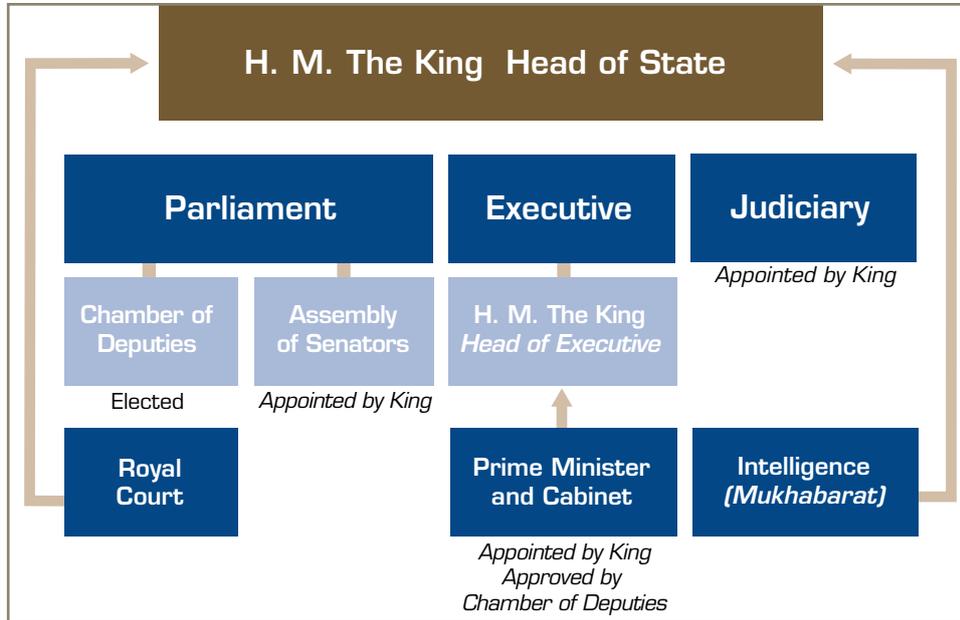
The King plays the central and controlling role in all aspects of the exercise of constitutional authority to a degree that dilutes the concept of separation of powers. As well as appointing one chamber of the legislature, the Constitution also grants the King powers to dissolve and suspend Parliament, to call parliamentary elections, to approve legislation, to select the Prime Minister and members of the government, to formally determine governmental and legislative policy and to appoint the judiciary. The Constitution balances these powers with a requirement that the executive acts with the confidence of the Chamber of Deputies: a vote of no confidence by the lower house in the work of the government or one of its ministers would remove them from office. If a government or minister loses a vote of confidence their alternative nominees would once again be chosen by appointment.

3 For an analysis of the 2006 Palestinian elections, see the DRI paper "Hamas' Victory: A Landslide in Seats, Not Votes" (at http://www.democracy-reporting.org/downloads/dri_plc_elections_02_06.pdf). A majority of Palestinian voters (56 per cent) voted for parties other than Hamas but, as a result of the election system used, Hamas was able to win 58 per cent of legislative council seats with just 44 per cent of the vote.

4 See Jordan Times article, Monday, 29th January 2007, <http://www.jordanembassyus.org/01292007001.htm>

5 See the most recent Speech from the Throne by HM King Abdullah II to open the 14th Parliament's Fourth Ordinary Session (28 November 2006).

Constitutional Structure of Government in Jordan



Parallel to the constitutional structures, the King also exercises substantial governmental powers through the role of the Royal Court and the security forces, specifically the Bureau of Intelligence. The Royal Court plays a key role in defining government policy as well as launching political initiatives.⁶ Meanwhile the omnipresent Mukhabarat has substantial political influence in determining political and legislative priorities, especially in blocking initiatives that it considers may threaten the country's stability. Both the Royal Court and the Mukhabarat report directly to the King but their precise mandate and structure are not clear and their operation remains non-transparent, with no requirement for parliamentary oversight. It appears to be widely regarded that Jordan has three competing branches of executive government, all headed by the King: the Cabinet of Ministers, the Royal Court and the Mukhabarat.

1.2.2 The Role of Parliament in the Legislative Process

The Constitution vests legislative power jointly between parliament and the King and states that “no law may be promulgated unless passed by both the Senate and the Chamber of Deputies and ratified by the King”.⁷ Draft legislation is referred initially to the Chamber of Deputies by the Prime Minister where it can be accepted, amended or rejected, before being passed on to the upper house. Each house has equal power to reject draft legislation and, to that extent, the Assembly of Senators – which is wholly appointed by the King – can effectively block draft legislation which is supported by the elected members of the Chamber of Deputies or vice versa.⁸

The King holds a constitutional right to veto any law adopted by parliament. He can return legislation to parliament together with a statement of reasons for his disapproval. The Constitution establishes a formal position of parliamentary primacy in that the King's veto can be overturned if the legislation is approved for a second time by both houses with two-third majorities of members. However, it does not appear feasible that such an action in opposition to the King could ever be invoked; even if a two-thirds parliamentary majority could be achieved, the King could use other constitutional powers to dissolve or suspend any parliament that tried to force through legislation against his will.⁹

Despite these measures, the government can circumvent parliamentary approval of legislation through a constitutional mechanism that allows provisional legislation to be issued by the Council of Ministers

6 For instance the “National Agenda” and “We Are All Jordan” initiatives were both part of a whole series of consultative measures on reform taken by the King through the Royal Court.

7 See Constitution, Articles 25 and 91. Parliament may also adopt changes to the Constitution upon a two-thirds majority of a joint session of parliament, provided they are subsequently ratified by the King.

8 See Constitution, Article 92. Where a draft law is passed twice by one house and rejected twice by the other, the Constitution requires a joint session of parliament to be held where the law will be adopted if passed by a two-thirds majority.

9 See Constitution Article 93(iv).

in situations where parliament is not sitting or has been dissolved. The Constitution envisages that the provisional legislation process applies to laws which “admit no delay or which necessitate expenditures incapable of postponement”¹⁰ but in practice the procedure has been widely used to ensure the adoption of important and often controversial laws without open debate in parliament. Provisional legislation only has the force of law if they are approved by the King and “provided that they are placed before parliament at the beginning of its next session” but in practice many of these temporary laws have not been placed before parliament and yet remain in force: so, for example, the current law for the holding of parliamentary elections is established by temporary legislation adopted in 2001 and has still not been discussed by parliament.¹¹ At the same time there is no provision that nullifies provisional legislation that is not placed before parliament.

The work of the executive is undertaken using a system of decrees. Royal Decrees are issued by the King under his constitutional powers and are not open to scrutiny by, or require the approval of, parliament. Governmental decrees are issued by the Cabinet of Ministers using secondary discretionary powers provided by legislation. In cases where these secondary powers are provided in provisional legislation, the government is exercising its authority without the approval of parliament.

Members of both houses of parliament are entitled to propose an item for legislation. Such a proposal must be supported by at least ten members of the house and is then referred to a relevant parliamentary committee. If that committee approves on behalf of parliament, the proposal is referred to the government to produce draft legislation which is then submitted to parliament for consideration. This process has a number of procedural flaws – for example, there is no formal obligation for the government to draft the legislation along the lines of the original proposal – and it has rarely been used by members of parliament to initiate new legislation even when there is broad parliamentary consensus in the house to push forward on particular issues.

Although the Constitution provides that parliament has formal primacy in the legislative process, the de facto control of the procedure rests with the King and the executive through the constitutional power to reject legislation, the control of the Senate and the possibility to issue provisional legislation and decrees. To that degree, there is no guarantee that legislative power represents the will of the elected Chamber of Deputies. This would appear to contravene one of the central tenets of international standards related to democratic governance. The General Comments of the United Nations Human Rights Committee, in their interpretation of Article 25 of the International Covenant on Civil and Political Rights (1966) identified that:

*“Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit...that those representatives do in fact exercise governmental power and that they are accountable through the electoral process for their exercise of that power.”*¹²

Similarly, the fact that the Chamber of Deputies and the Assembly of Senators have equal powers in the legislative process, although only the lower house is popularly elected, also appears to undermine the concept of democratic ascendancy within the Constitution.

10 See Constitution, Article 94(i).

11 Ibid.

12 See UN HRC General Comments (No 25) on “The right to participate in public affairs, voting rights and the right of equal access to public service (ICCPR Art. 25)” (12 July 1996)

1.3 Political Parties in Jordan

1.3.1 Background to Political Parties in Jordan

The 1992 legalisation of political parties marked a major step forward in the democratic reform process. Jordan now has 34 registered political parties.¹³ However, a combination of factors has meant that, with the exception of the IAF, political parties remain nascent and underperforming in their institutional development, political importance and parliamentary success.

Fundamentally, political parties struggle against a pervasive public perception that they are fragmented and on the periphery of political activity. Many appear to be small entities, with little participation by women or young people, and attempts to gain public backing rely on a core group of supporters or the patronage of prominent personalities rather than raising their political profile through thematic or ideological political programmes and grassroots activities. Partly, this comes from a lack of resources and limited opportunities for funding but it also stems from an on-going public reticence to join or support political parties given their recent proscribed status. While a broad spectrum of political views can foster public debate, most of Jordan's political parties seem to be unable to create effective political platforms or genuinely to represent political interests: the large number of leftist parties is one illustration of this fragmentation. The lack of success of political parties is also affected by the Single Non-Transferable Vote (SNTV) electoral system¹⁴, which is widely acknowledged to be specifically disadvantageous to the growth of political parties, and is thus a reason for the small role they play in the Chamber of Deputies. Perhaps a key factor to the notable public apathy towards political parties is that the weakness of parliament creates little incentive for people to be active in or to support political parties; in circumstances where even the government chooses not to align with any political party, it is understandable that the population tends to be hesitant to move towards supporting a political party culture.

It is generally accepted that political parties are one of the cornerstones of a viable democracy.¹⁵ The King has signalled his support for a more developed, less fragmented political party culture to be a major part of democratic reform and a Ministry of Political Development has been established to develop initiatives to encourage citizens to join political parties. Currently few Jordanians feel that party membership can benefit the representation of their interests. While the government continues to state its intention to strengthen the role of political parties, including through a new draft law on political parties (see below), the current electoral framework and its effects on the ground continue to play against them.

1.3.2 Legal Framework for Political Parties in Jordan

The current legal framework for the founding and operation of political parties is the 1992 Law on Political Parties, which implemented the Constitutional guarantee that Jordanians may form political parties.¹⁶ The law introduced a liberalised regulation for the formation of political parties through registration with the Ministry of Interior. In general, the law has allowed for parties to function without governmental interference.

At the time this report was prepared, the government had submitted to parliament a new draft law on political parties proposing a number of changes to the regulation of political parties. Significantly, the draft law introduces the possibility for State funding of registered parties which, if adopted, would strengthen opportunities for political parties to develop their organisational capacity. The draft law also proposes an increase in the number of founding members for a political party from 50 to 250 members, with a requirement that the party must also have members in at least five different governorates. A number of current political parties have expressed concern over their ability to meet the proposed new requirement; however, other political actors have welcomed the move as a step towards a less fragmented political party culture.

An important aspect of the draft new law is its proposal to introduce a condition that political parties must be non-discriminatory.¹⁷ This requirement would prohibit any party whose constitution was considered by the Ministry of Interior *inter alia* to discriminate on the grounds of religion or ethnicity. There has been

13 See Annex for a full list of political parties

14 For a detailed analysis of the SNTV, see chapter 2.2.2

15 See UN HRC Comments paragraph 26 "Political parties and membership in parties play a significant role in the conduct of public affairs and the election process."

16 See Constitution Article 16(2) "Jordanians are entitled to establish societies and political parties provided that the objects of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the Constitution".

17 The draft law submitted to Parliament by the Ministry of Political Development states: "Article 3b: A party shall be constituted without any discrimination founded on a sectarian, ethnic or group basis or favouritism because of gender, origin or religion." (Unofficial translation)

some speculation that the provision may potentially be used as a means to restrict parties that stand on a religious or ethnic platform. In another potential step that would specifically curb the role of religious parties, the draft law also proposes to restrict the use of religious premises for political party activity.

1.3.3 The Islamic Action Front Party

The Islamic Action Front Party (IAF) (Hizb Jabhat al 'Amal al Islami) is the dominant political party in Jordan. It was founded in 1992 as the political affiliate of the Muslim Brotherhood, which had already shown its electoral strength in the 1989 parliamentary election when its candidates won 22 of the 80 contested seats. The introduction of the SNTV system in the 1993 elections reduced the number of seats it won to 17 and, in protest at the electoral system, it boycotted the 1997 elections. Currently, it remains the party with the broadest popular support base, much of which is gained from the Muslim Brotherhood's deep integration in society as a provider of social services. The IAF decided to contest the 2003 elections, in which it won 17 seats, the largest number of seats held by a political party in parliament.¹⁸ The IAF is widely regarded as by far the best-organised political party in Jordan with a notable level of internal democracy.

Historically, there has been a complex, mutually-supportive relationship between the Jordanian government and the Muslim Brotherhood.¹⁹ Since its founding, the IAF has often taken a neutral position towards the government in parliament; however, in reflection of the regime's increasing wariness over the popularity of political Islam, the IAF is now clearly at the forefront of opposition politics in Jordan. It heads the thirteen-party bloc calling itself the 'Higher Co-ordination Committee of Opposition Parties' which calls for a new, more proportional, electoral system, although the IAF believes that its level of popular support is such that it could even increase its haul of parliamentary seats in elections held under the current SNTV system.²⁰

The IAF, as a party based on religion, is also potentially adversely affected by aspects of the new draft law on political parties that may prohibit parties that discriminate on the grounds of religion and restrict party activities from taking place in religious premises. Certainly, measures restricting party activities and election campaigning in its traditional areas of support, especially in mosques, as well as the arrest of two IAF Deputies, do reflect a government that looks increasingly less hesitant to use its powers to clamp down on any perceived threat from political Islamism to Jordan's security balance.²¹

1.3.4 Other Political Parties

The other parliamentary political parties include the National Constitutional Party (NCP), which was formed from a grouping of smaller political parties ahead of the 2003 elections in an attempt to start a political party supportive of the Royal Court. Its effectiveness as a political party was significantly hampered by the fact that many of its members stood as independent candidates and, despite having eleven elected deputies, it does not appear to function as a parliamentary bloc. As a political party, the NCP has offered strong criticism outside of parliament of the government's current policy of political reform and, along with a number of other smaller parties, has indicated that it may boycott the upcoming polls unless the election system is reformed.

The remaining parliamentary parties are relatively insignificant, holding only one or two seats each. In general, most political parties in Jordan – including three with parliamentary representation – fit the stereotype of small, personalised entities which display a limited reach of political influence, weak institutional capacity, and low levels of popular support.

Recent public opinion polls appear to confirm the impression that few Jordanians see political parties as a way to secure representation. Only 6.8 per cent of respondents felt that parties represented their political, social and economic aspirations.²² Only 4 per cent felt represented by the strongest political force, the Islamic Action Front and only 0.6 per cent saw the National Constitutional Party as their political voice. Overall, about 85 per cent of voters expressed the opinion that none of the existing parties could effectively represent them.

18 In 2003, the IAF only nominated 35 parliamentary candidates

19 See Nathan Brown "Jordan and Its Islamic Movement: The Limits of Inclusion?" (Carnegie Endowment for International Peace, November 2006)

20 The system could be used to a major political party's advantage if it selectively nominated candidates and ran a campaign that disciplined its voters to vote for specific candidates only.

21 Four IAF Deputies were arrested in July 2006 following their attendance at the family mourning of the militia leader Abu Musab al-Zarqawi, two of them were sentenced to prison terms of 1.5 and two years respectively.

22 Democracy in Jordan – 2006, Public Opinion Poll Unit, Center for Strategic Studies, University of Jordan, July 2006.

1.3.5 Other Political Actors in Jordanian Politics

The key political actors in Jordan, in terms of parliamentary success, are independent candidates who have routinely won the majority of seats even after the legalisation of political parties. The public perception in Jordan is that individual candidates are in a better position to deliver on election promises in the belief that tribal heritage and local ties remain a better guarantee than party programmes for voters' concerns to be catered for in parliament. One impact of this approach is that the priority of most elected Deputies is the solving of local problems, leading to the marginalisation of important national issues within parliament.

A number of prominent individuals, including a number of ex-military officials, have chosen to run as independent candidates. This has led to politicians building highly personalised political power bases and running individual campaigns within electoral districts, whether or not they belong to a political party. Independent candidates owe a large part of their success to the political authority of tribal structures and local interests in Jordan. The SNTV system means that voters can vote only for one candidate; many voters are expected to vote for the candidate that their tribe supports. As political parties and tribes in Jordan are natural competitors with each other for political influence, tribal leaders have tended to declare their support for candidates with no political party affiliation or who may be tribe members.

Independent candidates are returned from all electoral districts, including urban areas with populations of predominantly Palestinian origin. Traditionally, however, independent candidates are seen to represent the Trans-Jordanian tribal populations in the rural areas of the country. The current distribution of parliamentary seats among districts is heavily biased towards the electoral districts in tribal areas. The Trans-Jordanian tribal structures are the key powerbase of Hashemite rule and their members make up most of the political and administrative elites. It is clear that the tribal leaders are extremely wary of any reform that may threaten their privileges in access to government or dominance of parliament.

The constitutional role of the King – as Head of State, head of the executive, the nominator of the Cabinet of Ministers, the appointer of the Assembly of Senators and the approver of legislation – places him firmly at the centre of the political workings of government. This status has also created expectations among both his political allies and those political groupings calling for changes in policy that any reform must originate from the Palace. Hence political campaigns, whether by parties or civil society, focus on attracting the attention of the King to put an issue on the political agenda. There is a general perception across Jordanian society as a whole, including the country's political elites, that progress in any area depends on the King taking the lead.

1.4 The 2003 Parliamentary Elections

1.4.1 Composition of Parliament

Elections for the House of Deputies were last held on 17 June 2003. Significant changes had been made to the electoral system ahead of those elections, including an increase in the number of parliamentary seats – from 80 to 110 – as well as an increase in the number of electoral districts – from 21 to 45. A quota mechanism was also introduced to ensure the election of at least six women as Deputies. The current Chamber of Deputies, the fourteenth since Independence, has the following composition:

Political Affiliation*	Number of Seats	% of Seats	Number of Women Deputies
Independent Candidates	77	70%	5
Islamic Action Front	17	15.5%	1
National Constitutional Party	11	10%	0
Democratic Leftist Party	2	1.8%	0
Islamic Centrist Party	2	1.8%	0
Popular Committee's Movement Party	1	0.9%	0

* These figures are based on party affiliations at the time of election, though some members of the house have since changed or rejected party affiliations.

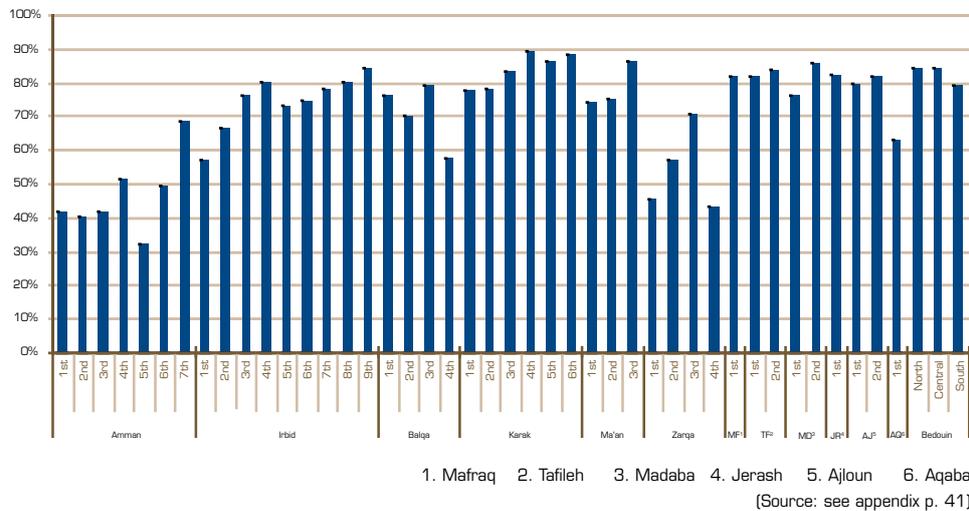
Out of the 33 elected Deputies who are members of political parties, only 17 were elected under a party banner. Hence, the current parliament reflects the lesser role of political parties in Jordan, and that substantial efforts are needed to strengthen their engagement in parliament. In fact, of the 709 candidates who stood for parliamentary office in 2003, only 102 were members of political parties or were supported by political parties. Of these more than two thirds were nominated by a political party, with several party members choosing to stand as independents, rather than declare their affiliation.

1.4.2 Voter Turnout

Voter turnout in the 2003 parliamentary election was 58.86 per cent of registered voters. While low compared to other countries in the region, this marked an increase from the previous elections in 1997, when there was 44 per cent turnout.²³ However, this increase is widely considered to be minor given the fact that the 2003 election benefited from a number of changes to voting procedures that sought to improve opportunities to vote as well as a significant voter education programme that encouraged citizens to cast their ballot. Moreover, in 1997 the elections were boycotted by a number of political parties, including the IAF.

It is notable that the level of voter turnout is significantly less in urban areas compared to rural areas – to the extent that some rural areas have almost double the level of voter turnout than in Amman – raising serious concerns over the disengagement of citizens from the democratic process. The difference between the geographical turnout of voters itself mirrors the way in which parliamentary seats are allocated among electoral districts, a policy that may provoke a lack of engagement in disadvantaged areas. Regardless of other issues related to electoral reform, it is clear that significant steps will need to be taken to promote voter participation in future elections, especially in urban areas.

Voter Turnout By Electoral District (2003 Election)



1.4.3 Parliamentary Blocs

After election, Deputies may affiliate themselves within parliamentary blocs.²⁴ With the exception of the IAF bloc, the blocs are not related to political parties and do not necessarily reflect the political views of their members or a common approach to voting on legislation. The blocs have no formal rules of procedure or internal structures. In practice, they are fragmented and in constant flux, with no central record being made of changes in their membership or the voting patterns of their members. The blocs do not represent any political force outside of the House of Deputies and the web of loose affiliations is symptomatic of a political system defined by regional and tribal ties rather than political party identity.

²³ Voter turnout in the 2006 national elections in Palestine and Yemen was 77 per cent and 65 per cent respectively.

²⁴ Information on the number of deputies in each parliamentary bloc is up to date as of November 2006

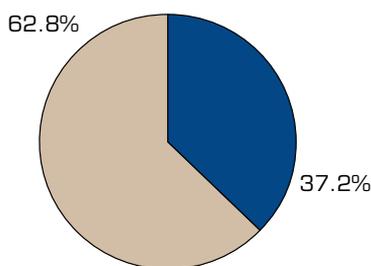
Name of Bloc	Number of Deputies
National Action Front Bloc	26
Islamic Action Front Bloc	15
Democratic Gathering Bloc	11
People's Bloc	10
National Democratic Bloc	10
Consensus Bloc	9
National Front Bloc	8
Reformist Bloc	4
Members without Affiliation to Bloc	15

All parties with elected members in Parliament have complained that their Deputies lack party discipline and that many have voted against their party's position on legislation being considered. Parliamentary discipline is an important aspect because the Constitution requires that the Chamber of Deputies must have a quorum of at least two-thirds (i.e. 73) of its 110 members to meet.²⁵ Thus, the government must lobby to ensure that there is a sufficient quorum in parliament. The legislative process could be blocked by a political party or a parliamentary bloc that was able to control 38 seats and thus deny a quorum.

1.4.4 The Representative Nature of Parliament

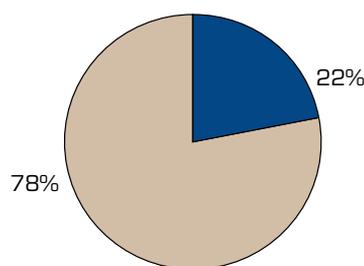
An analysis of the results of the 2003 parliamentary elections shows that elected Deputies represent only 37 per cent of the votes cast in the elections – that's less than a quarter of all registered voters in Jordan. Such a high level of 'wasted votes' (i.e. those cast for unsuccessful candidates) raises important questions over whether the current electoral system can produce a parliament that is truly representative of the political choices of the Jordanian electorate.

Percentage of Voters Who Voted Who Cast Votes For Elected Deputies 2003 Parliamentary Elections



■ Votes Cast For Elected Deputies (as % of Valid Votes cast)
 ■ Votes Cast For Other Candidates

Percentage of All Registered Voters Who Cast Votes For Elected Deputies 2003 Parliamentary Elections



■ Registered Voters Who voted For Elected Deputies (as % of All Registered Voters)
 ■ Registered Voters Who EITHER Did Not Vote OR Voted For Other Candidates

There is also a huge disparity between the number of votes needed by an elected Deputy to win a seat. In Amman's First District, the winning candidate secured 19,256 votes (27 per cent of votes cast in the district) but in Tafileh's second district the highest scoring candidate won a seat with only 997 votes (14 per cent of votes cast), while one of the candidates who won a seat through the women's quota system did so with just 365 votes. In fact, over half of all Deputies were elected with less than 4000 votes. With so few votes being needed to gain a seat, the system encourages candidates to focus on delivering local benefits to a small core group of supporters.

25 See Constitution Article 84(i)

1.5 Consensus on Reform

King Abdullah II has set up several successive consultative fora outside parliament to debate and draft action plans for reform on a range of issues. These bodies have tended to present broadly-founded indicators for cross-political consensus on key issues of national policy including election reform.

In 2004-05, the 'National Agenda' committee brought together some 400 representatives, including members of both houses of parliament as well as many other leading figures of society from across the political and economic spectrum. This initiative produced a comprehensive national action plan to address many important issues on which Jordan required development and improvement. Significantly, a key recommendation of the group was for wide-ranging electoral reform so as to strengthen the public's engagement in politics and, in particular, to build the capacity of parliament and political parties as democratic institutions. In recognising that many of the weaknesses of parliament reflected the weakness in the manner in which it was elected, the National Agenda made a series of proposals for changes to the electoral framework. All sides participating in the initiative were unanimous on the need for electoral reform and the proposed recommendations. Different views were expressed only on the type of election system that should be adopted, although on that issue consensus was reached that a 'mixed' system should be adopted.²⁶

Despite such consensus, the government seems to have chosen not to follow the recommendations of the National Agenda and its role has since been superseded by a new initiative called the "We are all Jordan" Forum. Its wider mandate focuses on economic as well as social reform but specifically excludes electoral reform.²⁷ These successive initiatives highlight two key factors of Jordan's political debate: first, that King Abdullah actively encourages and initiates policy discussions outside parliament, seeking a direct dialogue among key interlocutors; second, while the outcomes of these fora have no legally binding force, they are able to provide a clear indicator of the consensus for reform in Jordan and a joint compromise on the key challenges for reform may look like. Yet, while these initiatives have offered an important platform for all interlocutors to exchange ideas and reach political compromises, their set-up sidelines the institutional framework for political discussion and, in themselves, recognises the weak forum parliament provides. As far as election reform is concerned, the process has not delivered any progress. Despite broad consensus on necessary reforms, no steps have been taken at implementing them.

²⁶ Inter alia, the National Agenda Steering Committee called for a mixed electoral system combining district and proportional lists, along with greater transparency of the electoral process and electoral districts to be drawn. The national agenda includes measures to ensure fair regional representation. See page 13 of the National Agenda publication (<http://www.nationalagenda.jo/Portals/0/EnglishBooklet.pdf>)

²⁷ Parliament expressed its support for the initial recommendations of the 'We are all Jordan' Forum' at its session on 13 December 2006. Parliament has not formally discussed the recommendations of the National Agenda.

Analysis of the Legal and Administrative Framework for Parliamentary Elections in Jordan

2.1 Constitutional and Legal Basis for Parliamentary Elections

2.1.1 Temporary Nature of Legislation

The Constitution (Article 67) establishes the basis for elections to the House of Deputies, requiring direct general elections to be held through secret ballot and in accordance with an Election Law that should guarantee the principles of integrity, transparency and accountability. An Election Law was passed by parliament in 1986 but it was subsequently amended, and then repealed, by a series of provisional laws issued by the Jordanian Government. The current legislation on the conduct of parliamentary elections is provided by the Temporary Election Law (TEL), which was issued as provisional legislation in 2001 and amended again in 2003.

The TEL has never received the formal approval of parliament and there are outstanding questions over whether it has constitutional legitimacy. By law, provisional legislation is valid only if it is placed before parliament at the beginning of its next session.²⁸ The TEL was issued during a period when parliament was suspended but it has never been formally discussed by the current parliament in any of its four sessions since the last elections and so it is unclear what status the TEL actually has.²⁹ It is notable, however, that there has been no attempt to seek a judicial review of the constitutionality of the TEL or any move by Deputies to have the TEL discussed in parliament.

Despite this worrying lack of constitutional certainty, it is likely that the 2007 parliamentary elections will still be run within the framework of the current TEL without parliament's approval. Although there remains a possibility that new provisional legislation on elections could be introduced following the end of the current session of parliament but ahead of the next elections, it is not normally considered to be electoral best practice to change the legal framework for elections in the period shortly before elections are held.

Following the 2007 parliamentary elections, the Jordanian government and the newly elected parliament should take urgent steps to formalise the legal framework for parliamentary elections in order to ensure that future election legislation has a clear constitutional basis. An Election Law, adopted by Parliament should supplement current temporary legislation. The new election law should comply with Jordan's obligations under the ICCPR as well as other international standards and best practice for democratic elections.

If new provisional legislation on elections is to be adopted ahead of parliamentary elections in 2007, such steps would need to be undertaken as early as possible and follow proper debate and public information and consultation. Any amendment to the current provisional legislation should be in line with international obligations and standards for democratic elections and should have broad consensus support from all major political actors.

2.1.2 International Standards for Human Rights and Elections

Jordan has ratified the International Covenant on Civil and Political Rights (ICCPR), which sets out the basic international standards for genuine democratic elections. Importantly, the ICCPR now has the force of law in Jordan.³⁰

The Constitution and other laws in Jordan provide guarantees to protect the fundamental freedoms and rights that relate to democratic elections. These include the key freedoms of expression, association and assembly. The Constitution (Article 6) requires that these rights are to be provided without discrimination. There have been a number of recent events of political actors that have raised concerns on restrictions of human rights in Jordan, especially in connection to the freedoms of expression, assembly and association. These include the arrest of a senior political figure for expressing political opinions, the banning of some meetings by political parties and the arrest and detention of two elected Deputies for attending a funeral of a terrorist.

²⁸ See Constitution, Article 94(i) and above at 1.2.2.

²⁹ The fourth and final session of the current Parliament commenced in November 2006 and closed at the end of March 2007. Its legislative agenda does not include any discussion of the TEL or consideration of a draft new Election Law.

³⁰ The ICCPR (1966) was ratified by Jordan on 28 May 1975 and was published in the Official Gazette in June 2006 giving it the force of law. Jordan is also a signatory to the Arab Charter of Human Rights.

2.1.3 Requirement for Holding Periodic Elections

Elections for the Chamber of Deputies are required to be held regularly every four years but the Constitution grants the King a discretionary power to extend the term of Parliament “for a period of not less than one year and not more than two years” for whatever reason.³¹ The King can also postpone parliamentary elections indefinitely in circumstances where the government advises him that force majeure renders an election impossible.³² These constitutional provisions create a possibility for the arbitrary suspension of the primary democratic institution in Jordan; indeed, it was under these powers that parliament was suspended in 2001 and parliamentary elections were postponed for two years. There has been some speculation that there may be a delay in the scheduling of the next parliamentary elections, which should take place no later than June 17, 2007.³³ Most recent public speculation suggests that the government may be aiming for parliamentary elections no later than November 2007.³⁴

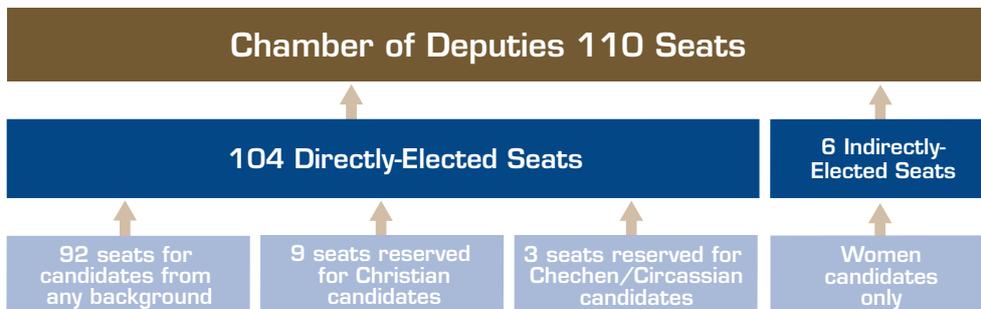
It would appear contrary to international democratic standards that the role of parliament, which reflects government by the will of the people, can be so easily disregarded by the executive. It is a requirement of both the Universal Declaration of Human Rights and the ICCPR that there be periodic elections.³⁵ Moreover, the UN Human Rights Committee has commented:

“Genuine periodic elections ... are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors.”³⁶

There should be legal guarantees that parliamentary elections in Jordan will be held at regular intervals and are not open to postponement for political reasons. To this extent the specified criteria offering the executive discretion to suspend parliament or to postpone parliamentary elections should be restricted or removed.

2.2 The Parliamentary Electoral System

2.2.1 The Number of Parliamentary Seats



Jordan’s Chamber of Deputies consists of 110 elected members. The actual number of parliamentary seats is not established by the Constitution or by legislation but, rather, is set by a governmental decree ahead of an election. The number of parliamentary seats was increased from 80 to 104 by a governmental decree issued in 2001. In 2003, six seats reserved for women were added, bringing the total to 110 seats. There are no formal criteria that determine the number of parliamentary seats and it could be changed at any time.

31 Constitution Article 68(i)

32 Constitution Article 73(iv). Where force majeure persists, the King upon the decision of the Government may reinstate the previous parliament (see Article 73(v)). If parliament is suspended but the Government considers that elections can take place in at least half of the electoral districts, the King may order partial elections in those districts (see Article 73(vi)).

33 Al Majd weekly newspaper, February 5, 2007., issue no. 516.

34 See Constitution Article 68(i): the parliamentary term of office runs for four years “from the date of the announcement of the results of the elections in the Official Gazette”.

35 See UDHR Article 21(3) and ICCPR Article 25(b).

36 See UN HRC Comments No 25, paragraph 9

Of the total number of seats, the TEL requires that some seats must be set aside for women candidates only. They are elected using a separate indirect mechanism whereby the seats are awarded to women candidates anywhere in the country who gained the highest proportion of votes cast in their district but who did not win the directly-elected seat they contested.³⁷ However, the TEL does not specify how many seats should be set aside for women but, rather, that the number is to be set by governmental decree. For the 2003 parliamentary elections, six seats were set aside for women candidates, representing 5.45 per cent of all parliamentary seats, and this number could be changed ahead of the next elections by governmental decree. Many activists have called for a significant increase in the number of set aside seats to ensure an improved representation of women in Parliament, highlighting the fact that no woman won a directly contested seat in 2003.

Historically, the electoral system in Jordan has also incorporated mechanisms to ensure a level of parliamentary representation for three minority groups (Bedouin tribes, Christians, and Circassians and Chechens) through reserving a number of directly-elected parliamentary seats for members of these groups. However, the TEL is silent on the issue and the only legal basis that allows seats to be reserved is found in the governmental decree that allocates seats among electoral districts.

For Christians and Circassians/Chechens, seats are reserved in districts where their communities are prevalent. In practice, only Christian candidates can contest the seats reserved for their group, while only candidates from a Chechen or Circassian background can run for the seats reserved for their communities. Three regional electoral districts (northern, central and southern) are reserved for members of specifically named Bedouin tribes. For the 2003 elections, of the 104 directly elected seats, nine seats were reserved for Christian candidates, three seats for candidates from the Circassian and Chechen communities and nine seats were allocated to the three Bedouin regional electoral districts.

A new Election Law should establish a genuine legislative basis for all aspects of the electoral system, in particular:

- (I) the number of elected seats in parliament;
- (II) the number of parliamentary seats that are set aside for women or reserved for minority groups;
- (III) assuming parliament decides to retain a constituency-based electoral system, the number of electoral districts for parliamentary elections; and
- (IV) the number of parliamentary seats allocated among electoral districts.

If changes are to be made to the number of seats or districts, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of independent consultation using published and justifiable criteria.

2.2.2 The Single Non-Transferable Vote

Jordan uses an electoral system known as 'Single Non-Transferable Vote' (SNTV) for parliamentary elections. This system is characterised by the fact that, regardless of how many seats there are in the electoral district, a voter may vote for only one candidate. Seats are then awarded to as many of the 'highest-polling' individual candidates as there are seats allocated to that district. However, in several electoral districts, there is only one seat open for election and in those districts, the election system is, in effect, the pluralistic/majoritarian system known as 'first past the post'.³⁸

The SNTV system is referred to in Jordan as 'one man, one vote', but this is not a useful description as it applies to a principle of equality of suffrage amongst voters rather than as a description of any one election system.³⁹ SNTV is notable for the rarity of its use: apart from Jordan, it is used only for general elections in the Republic of Vanuatu (a group of islands in the south-western Pacific Ocean) and, since 2005, in Afghanistan.⁴⁰ It was adopted as the electoral system in Jordan ahead of the 1993 parliamentary elections; in the previous election, each voter had been able to vote for as many candidates as there were seats in the electoral district.⁴¹ A reason for the infrequent use of SNTV as an electoral system is that it is widely acknowledged to be specifically disadvantageous towards the development of political parties and because it tends to result in votes being cast for individual candidates or those who represent specific groups in a

37 In contrast, the new Law on Municipalities (adopted by the Lower House of Parliament on 28 January 2007) specifies that a minimum of 20 per cent of municipal council seats should be set aside for women.

38 In 2003, 18 of the 45 electoral districts had contests for one parliamentary seat.

39 See UN HRC Comments Para 21 "The principle of one person, one vote, must apply and... the vote of one elector should be equal to the vote of another."

40 It is also used as part of the electoral system for elections to the upper houses of parliament in Indonesia and Thailand.

41 This is known as a 'block voting' electoral system. It is still used as the electoral system for municipal elections in Jordan.

district rather than those who stand for political party platforms. Given the dominance of the tribal culture in Jordan, voters have tended to use their single vote to support candidates connected to their tribe or family.

There were politically-motivated reasons for the adoption of SNTV as the electoral system in Jordan: although political parties were unlawful at the time, the 1989 parliamentary elections had produced strong results for candidates who, although nominally independent, were known to be members of 'political parties in waiting'. These candidates capitalised on the 'block voting' electoral system which was in place at the time. This system tends to heavily favour strong political parties by allowing for voters to vote for a number of different candidates, including candidates that come from the same political party.⁴² The SNTV system was identified as a specific means of diluting possibility for similar results in the 1993 parliamentary elections that followed the legalisation of political parties. The change was introduced through provisional legislation endorsed by the Lower House of 1993. Since then, none of the subsequent parliaments have attempted to revise this legislation, mainly because all parliaments have been dominated by independent candidates who hold personal or tribal bases of support.⁴³ Many of the successful candidates have tended to win with relatively small shares of the popular vote.

The current system is defended by those in government who consider that it guarantees a geographical balance in the representation of urban/rural areas within parliament and ensures that parliament retains representation from traditional community groups, such as tribes. From a political perspective, the system also reflects an effort to limit the possibility for popular political movements, such as Islamic groups, or candidates from larger communities, such as Jordanians of Palestinian origin, from winning significant numbers of parliamentary seats.

Well ahead of the next cycle of parliamentary elections due in 2011, there should be broad consultation on the electoral system that is most appropriate for Jordan and which is most acceptable to all electoral stakeholders in Jordan. The consultation should consider steps that can be taken within the electoral system to:

- (I) improve the representation of women in parliament; for example, by an increase in the quota of set aside seats for women
- (II) ensure the appropriate representation of all communities in Jordan.

Parliament should debate and adopt an appropriate electoral system for Jordan based on the outcome of this consultation. The Jordanian authorities should also commit themselves to adopting recommendations resulting from this process and to implementing them ahead of the next cycle of parliamentary elections due in 2011.

42 The 'block vote' system frequently produces results where the number of seats won by a party is not proportional to the votes it gained. For example, the use of a block voting system for half of the parliamentary seats in the 2006 Palestinian elections enabled Hamas to gain an absolute majority of seats despite winning only 44 per cent of the vote.

43 The 1997 elections were boycotted by a number of opposition political parties in protest against the continuing use of the SNTV electoral system.

2.2.3 Electoral Boundaries

Governorate	Number of Election Districts	Number of Parliamentary Seats
Amman	7	23
Irbid	9	16
Balqa	4	10
Karak	6	10
Ma'an	3	4
Zarqa	4	10
Mafraq	1	4
Tafileh	2	4
Madaba	2	4
Jerash	1	4
Ajloun	2	4
Aqaba	1	2
Bedouin	3	9
TOTAL	45	104

Jordan has 45 electoral districts. The number of districts was increased by a decision of the Cabinet of Ministers in 2003 from the 21 districts that had previously been in place. In general, the electoral districts are based on administrative divisions that exist within Jordan's twelve governorates although there is no direct connection between the districts and municipal boundaries. In addition, there are three regional electoral districts which are specifically designated to Bedouin tribal families from the northern, central and southern regions of Jordan and which cross the governorate borders. The TEL provides the government with full discretion to establish the number of electoral districts⁴⁴ and there are no clear legal criteria to establish the actual number of electoral districts or the manner in which boundaries should be determined. In practice, as seen in 2003, the number of electoral districts is simply set by a government decree that defines the geographical area of every district and is issued ahead of an election.

A new Election Law should establish a legal basis for the number of electoral districts for parliamentary elections. If changes are to be made to the number of electoral districts, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of an independent consultative body, such as an administrative divisions' commission, using published criteria.

2.2.4 Allocation of Seats

The TEL provides the Cabinet of Ministers with full discretionary power to decide on how the 104 directly-elected parliamentary seats should be distributed among the 45 different electoral districts. A governmental decree is issued ahead of an election stating how many seats have been allocated to each electoral district. There are no established criteria, such as population size or geographical or regional representation, for the method by which the government determines the allocation of seats.⁴⁵ For the 2003 elections, the number of seats assigned to the different districts ranged from one to seven.

⁴⁴ TEL Article 52.

⁴⁵ There are also no criteria to identify the basis upon which reserved seats for minorities will be allocated to particular districts so, theoretically, one of the three seats reserved for Circassian and Chechen candidates may be re-allocated to a district where there are few members of that minority.

Distribution of Parliamentary Seats between Electoral Districts *

Governorate	Election District (2003)	Number of Seats (2003)				Number of Registered Voters (2003)	Average Number of Voters per Seat (2003)
		Non-Reserved	Christian	Circassian/Chechen	TOTAL		
Amman	1st	4			4	168,613	42,153
	2nd	4			4	209,025	52,256
	3rd	4	1		5	162,422	32,484
	4th	3			3	133,802	44,601
	5th	2		1	3	114,525	38,175
	6th	2		1	3	75,791	25,264
	7th	1			1	23,300	23,300
Irbid	1st	4			4	170,393	42,598
	2nd	2	1		3	45,586	15,195
	3rd	1			1	20,408	20,408
	4th	2			2	42,118	21,059
	5th	2			2	38,062	19,031
	6th	1			1	37,748	37,748
	7th	1			1	40,892	40,892
	8th	1			1	13,162	13,162
	9th	1			1	11,949	11,949
Balqa	1st	5	2		7	80,573	11,510
	2nd	1			1	19,561	19,561
	3rd	1			1	21,869	21,869
	4th	1			1	48,727	48,727
Karak	1st	2	1		3	33,526	11,175
	2nd	1	1		2	14,681	7,341
	3rd	2			2	26,396	13,198
	4th	1			1	13,742	13,742
	5th	1			1	8,569	8,569
	6th	1			1	5,696	5,696
Ma'an	1st	2			2	16,581	8,291
	2nd	1			1	6,750	6,750
	3rd	1			1	8,586	8,586
Zarqa	1st	2	1	1	4	150,791	37,698
	2nd	3			3	49,786	16,595
	3rd	1			1	18,282	18,282
	4th	2			2	97,469	48,735
Mafraq	1st	4			4	50,254	12,564
Tafileh	1st	3			3	27,067	9,022
	2nd	1			1	8,215	8,215
Madaba	1st	2	1		3	42,571	14,190
	2nd	1			1	15,296	15,296
Jerash	1st	4			4	57,687	14,422
Ajloun	1st	2	1		3	46,071	15,357
	2nd	1			1	12,793	12,793
Aqaba	1st	2			2	23,570	11,785
Bedouin	North	3			3	45,494	15,165
	Central	3			3	32,458	10,819
	South	3			3	34,639	11,546
TOTAL		92	9	3	104	2,325,496	22,361

* Data taken from 'Who's Who in the Jordanian Parliament 2003-2007', Al Urduun Al Jadid Research Center, 2004.

Nevertheless, an analysis of the distribution of parliamentary seats among governorates in comparison with the distribution of voters shows that the current allocation of parliamentary seats in Jordan reflects a prevailing governmental priority for political representation: namely, that the rural and tribal areas should be over-represented in parliament at the expense of urban areas.

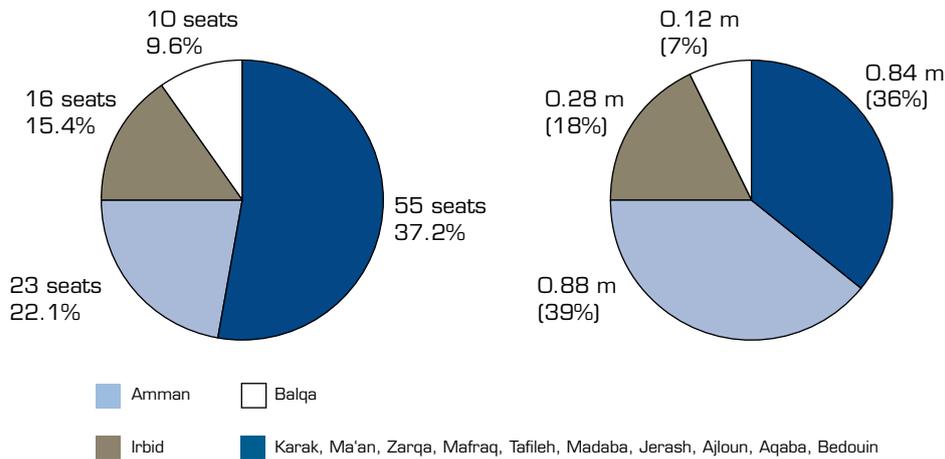
The official reason given by the Jordanian government for this highly disproportionate allocation of seats is to balance out differences in governmental access between "underprivileged areas" and the

“privileged urban centers”. Notably the government sees the large refugee population in and around the densely populated urban constituencies as “a political obstacle to any process of electoral reform. This may remain to be the case until the final status negotiations between Palestinians and Israelis reach a permanent solution on the issue of refugees.⁴⁶” This notion has led to the refugee areas to be underrepresented in the elections. This position fails to recognise that most of the Palestinian refugees have full citizenship. Art. 25 ICCPR , however, guarantees “every citizen” the right to “vote and be elected...by universal and equal suffrage⁴⁷”. Jordan should review this policy of parliamentary seat distribution towards a more proportionate allocation to meet its international commitments.

The two charts below show that there is little relationship between the number of registered voters in a governorate and the number of electoral districts or seats allocated to it: 36 per cent of the registered voters living in nine governorates, plus the three Bedouin regions, hold 55 per cent of the parliamentary seats. Amman has less than a quarter of the parliamentary seats despite having almost 40 per cent of the total number of registered voters in Jordan.

Number of Parliamentary Seats per Governorate
2003 Parliamentary Elections

Number of Registered Voters per Governorate
2003 Parliamentary Elections



One of the fundamental rights associated with elections is that there should be “equal suffrage”. Where an electoral system incorporates defined geographical districts, such as in Jordan, a key criterion in determining district boundaries and the allocation of seats among districts is that there should be an attempt to approach equality in the numbers of voters in each district. The UN Human Rights Committee has stated that:

*“the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group”.*⁴⁸

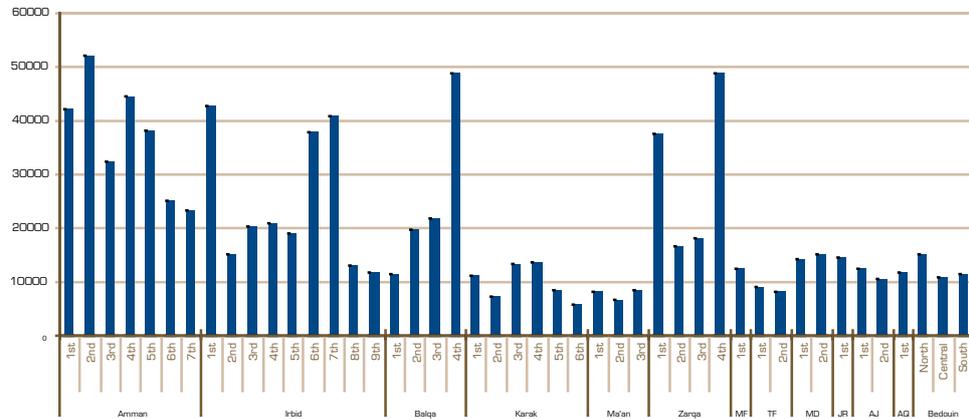
The right of equality of all Jordanians is also guaranteed in the Constitution (Art 6). Achieving arithmetic equality in the number of voters in different districts is an impossible task and there are always likely to be political, geographical or social reasons that may lead to differences but there must be roughly-equal parameters. However, in Jordan, as the chart below shows, there is an obvious and substantial difference among the numbers of registered voters per parliamentary seat. At its most extreme, there are nine times as many voters per parliamentary seat in Amman’s 2nd district as there are in the 6th district of Karak. Similar discrepancies can be found within the same district: in Balqa, the number of voters per parliamentary seat in its 1st District (Salt) is less than a quarter of the number in its 4th District.

46 See government position on the Embassy Website of Jordan in the US: <http://www.jordanembassyus.org/new/aboutjordan/dp2.shtml>

47 Art. 25 ICCPR

48 UN Human Rights Committee General Comments No. 25 paragraph 21

**Number of Registered Voters per Parliamentary Seat in Each Electoral District
(2003 Parliamentary Elections)**



A new Election Law should provide guarantees for equal suffrage in the sense that each seat in Parliament represents a broadly similar number of voters. A new Election Law should establish a legal basis for the number of seats allocated among electoral districts for parliamentary elections. If changes are to be made to the number of seats allocated to an electoral district, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of an independent consultative body, such as an administrative divisions' commission, using criteria foreseen in law.

However, given the current inequality, with large discrepancies in the ratio seats/votes, the government should reallocate seats ahead of the next parliamentary elections. Reallocation should aim to achieve greater parity between the numbers of registered voters for each seat and should follow a consultative and transparent process.

2.3 The Election Administration

The TEL establishes a temporary ad hoc four-tier hierarchical organisation with responsibility for the conduct of parliamentary elections in Jordan. The administrative structure is implemented and supervised by bodies consisting of officials from the Ministry of Interior (MOI), the judiciary, civil servants and local government agencies. In general, while it appears that there is confidence in the integrity and efficiency of the electoral administration in Jordan, there is also considerable public concern that the MOI plays such a primary role in the administration of elections. With the exception of individual members of the judiciary on the higher commissions, the majority of all members on all election committees are either governors or civil servants, all of whom are appointed by the incumbent government. Many election stakeholders, especially opposition political parties, see the role of the MOI as reflecting opportunities for governmental interference in and control of the election process even though committee members are required to act in an 'unbiased and neutral manner'.⁴⁹

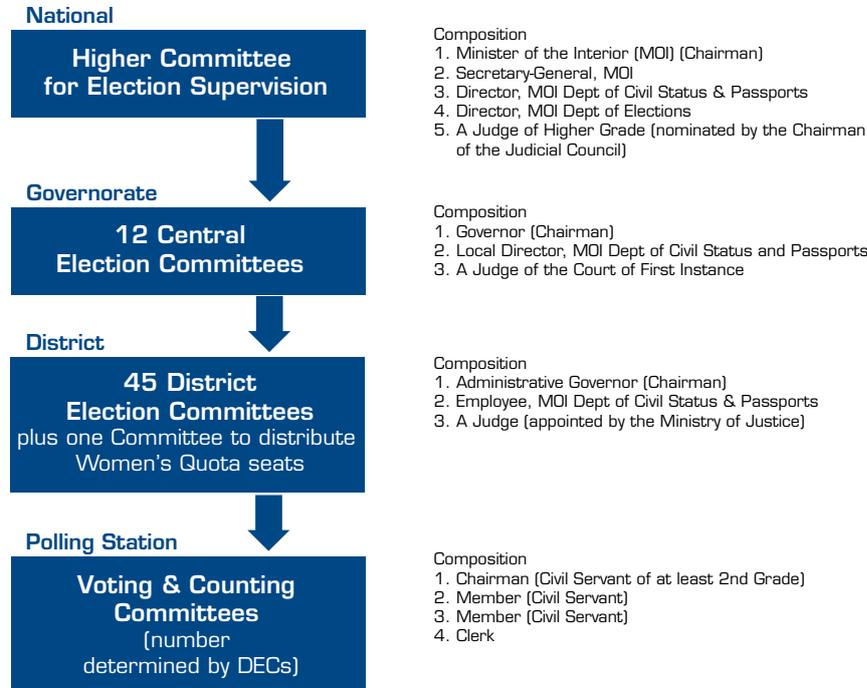
The UN HRC has recommended that "an independent electoral authority should be established to supervise the electoral process".⁵⁰ It is widely acknowledged international best practice, especially in transitional states, that elections should be administered by a professional, full-time and independent body so that election stakeholders can be more confident that the elections can be run professionally and without governmental interference.⁵¹

49 The TEL Articles 24(d) and 26 (b) require that members of the Central Election Committee, District Committees and the Voting & Counting Committees swear "to carry out tasks honestly and in an extremely unbiased and neutral manner" but this oath is not required from members of the Higher Committee supervising the elections.

50 See UN HRC General Comments, paragraph 20.

51 Yemen and Palestine both have independent electoral commissions, while the judiciary oversees elections in Egypt.

Parliamentary Election Administration



The existing four-tiered structure is not independent from government; indeed, the Ministry of Interior dominates all aspects of all levels of the electoral administration in Jordan. As well as the key positions held by the Minister and senior MOI civil servants on all of the three higher committees, the MOI has a permanent Department of Elections that provides the infrastructure to the election administration, including the preparation of materials, training and coordination of staff.⁵² There is no external supervision of the work of the committee structures and the Higher Committee is not formally required to report on the conduct of the electoral process to parliament or others, aside from a requirement that the Minister of Interior announces the results of the elections.

The TEL does not define the role and responsibilities of any of the four election committees in any adequate detail. It is not clear what powers the higher commissions have to supervise the work of the lower bodies and, if necessary, to enforce the electoral legislation. The TEL is silent on the way in which the commissions operate, such as whether voting is required for decision-making, or whether a quorum or the presence of all members is required before the commission can meet. Moreover, the TEL makes no reference to the role of the MOI Elections Department despite the key role it plays in preparing for parliamentary elections. There is no requirement for any of the election commissions to operate in a transparent manner, such as publishing its decisions, procedures or minutes of meetings. The absence of any clear terms of reference for the work of the election commissions can further undermine confidence that the role of the MOI acts impartially. The training of commission members at all levels in the professional skills required for election management seems to be organised on a haphazard basis.

⁵² The MOI Department of Civil Status and Passports, which has branches at every district level, is also significantly involved in election preparations, including the production of voter lists based on the National Identification database that it supervises.

Consideration should be given to establishing an election administration that is independent from the Ministry of Interior and other branches of government. The members of the Higher Committee should be non-partisan or, alternatively, should come from multi-party backgrounds that genuinely reflect the political spectrum in Jordan. Consideration should be given to structuring the election administration as a professional and permanent institution. The election administration should adopt rules of procedure and a Code of Conduct that ensure transparency and assurances of non-partisanship in the work of election commissions. Training should be provided to all levels of the election administration, including polling officials, on the technical and professional requirements of their role.

Consideration should be given to empowering a single election administration to coordinate the administration of parliamentary and municipal elections.

2.3.1 Role of the Judiciary

There appears to be a high degree of public confidence in the professional credibility and political independence of the judiciary in Jordan. As a consequence, there is broad consensus that the involvement of the judiciary in the electoral process strengthens the independence of the election administration and the fairness of the resolution of electoral disputes. Since 2003, the TEL has required that a senior judge sit as a member of the Higher Committee, while every CEC and DEC include a judge from the local Courts of First Instance as a member. As such, judges are the only 'independent' members of election commissions (i.e. not from the executive branch), although it is unclear to what extent they have any responsibility for decision-making within those bodies. A number of stakeholders have called for the judiciary to fully replace politicians and civil servants on election commissions. Such a step would have major ramifications on the constitutional role and professional workload of the judiciary. As an alternative, the judiciary could be provided with a clear and defined role in the resolution of electoral disputes, including procedures whereby appeals against the decisions of election bodies could be considered by the existing court structures. If the courts are to be given jurisdiction over election complaints, however, it would be important to establish strict and short deadlines for the resolution of election-related cases, and to ensure that the courts are staffed and trained to rule on the complaints within the stipulated periods.

2.4 The Right to Vote

2.4.1 The Right of Universal Suffrage

The TEL provides that the right to vote is held by all Jordan citizens who:

- have reached 18 years of age on 1 January of the year of the election;
- are not in service as a member of the armed forces, police forces etc;
- are not "insane or mentally retarded";
- do not have the following legal position:
 - are un-discharged bankrupts;
 - are held in custody;⁵³
 - have been sentenced to more than one year's imprisonment for a "non-political crime".⁵⁴

While it is common that the universal right of suffrage can be restricted from certain groups of people, all such restrictions should be "objective and reasonable".⁵⁵ The categories imposed by the TEL may well go beyond what is normally regarded as reasonable in democratic states. In particular, the large majority of democratic states consider universal suffrage to include voting by the military.

The restriction on suffrage imposed by the TEL in relation to persons held in custody requires more clarification: it is not clear from the legislation whether this applies to all persons held in custody at the time of an election, regardless of whether they have been convicted of a crime. The UN HRC has identified that restrictions on the right to vote from persons held in custody is unreasonable where it includes persons who have not been convicted of a crime.⁵⁶

53 TEL Article 3(c)(III): "One who has been placed under custody either personally or any other reason and such placement has not been removed".

54 TEL Article 3(c)(III): "One who has been sentenced to more than one year imprisonment for a non-political crime and has not been covered under a general amnesty or has not regained his/her regular status."

55 See UNHRC GC para 4.

56 See UNHRC GC para 14: "Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote."

Moreover, the provision to indefinitely remove the right to vote from persons who have been convicted of a crime and sentenced to more than one year's imprisonment appears unreasonable if it is a blanket prohibition.⁵⁷ This is especially important as there is no fixed definition of what constitutes a "non-political crime" in Jordanian criminal law or at what point a convicted person regains their "regular status" and even many minor offences in Jordan have the possibility of imposing such a length of sentence.

It is unusual for a voter register to exclude persons who reach 18 years of age on 2 January or later in an election year as voters while persons born on 1 January have the right to vote. It may perhaps be simpler if voter registration procedures recorded whether a voter is aged 18 or above on the day of the election. Un-discharged bankrupts are not commonly restricted from enjoying suffrage. The restriction on the grounds of mental incapacity should be applied only in cases where the condition has been formally established.

A review of the right to universal suffrage should be undertaken to ensure that all categories of restricted persons are reasonable. In particular, any new Election Law should ensure that the right to vote is held by: all persons over 18 years of age on Election Day; any detainee who has not been convicted of a crime; any person convicted of a crime but who has served the sentence imposed by a court; and any person declared bankrupt. Members of the police and armed forces should also be allowed to vote.

2.4.2 The Registration of Voters

The TEL provides for a passive, or state-initiated, system of registering persons who are eligible to vote, whereby the voter register is drawn from the data held by the National Personal Identification database which contains civic information on every Jordanian citizen. Voter lists for every electoral district are produced that record the name of every eligible voter registered on the database as a resident in that electoral district. In general, there appears to be public confidence in the accuracy of the voter lists produced through this mechanism. The current system, introduced by the TEL in 2001, replaced an earlier, more controversial system whereby a citizen had to pro-actively register as a voter in their electoral district, which led to many allegations of an inaccurate voter register.

A voter is required to use their National Personal Identification card as proof of identity and eligibility to vote in parliamentary elections. It is not clear how an eligible voter can vote if they do not possess such a card.⁵⁸ The identification card states in which electoral district the person is registered. Voter lists for individual polling stations are not produced as the TEL allows persons to vote in any polling station within an electoral district. This fact increases the risk of multiple voting (i.e. where voters illegally try to vote more than once) and a safeguard procedure is required to mark the identification card.⁵⁹

The TEL requires that provisional voter lists for each electoral district are posted for one week in every electoral district to allow for public inspection and challenge but the legislation provides no timeframe for when this process must be undertaken ahead of an election. An eligible voter who is not included in the provisional voter list for an electoral district may submit a complaint to the Civil Status and Passports Department (CSPD) to be added to the list. The voter can appeal to a Court of First Instance against the decision of the Civil Status and Passports Department not to include their name. Any voter can also complain to the CSPD against the inclusion or exclusion of another voter's name in the voter list. If the CSPD decides not to remove or to add the name, the complainant can appeal to the Court. The TEL does not oblige a DEC to inform a voter if their name has been removed or added in such circumstances, which may mean that a person so added/removed cannot challenge the decision in a Court. There is no requirement that the final version of the voter list be published after amendments have been made to allow for public inspection.

A new Election Law should provide a clear framework for the production of voter registers, including a timetable for the updating of the register ahead of an election and a requirement that the final version of a voter list be published to allow for public inspection.

⁵⁷ See UN HRC GC para 14 "If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence."

⁵⁸ In an opinion poll following the 2003 election, the University of Jordan Center for Strategic Studies identified that 20 per cent of the people who did not vote, despite being eligible, said they were prevented from voting because they did not have a valid identification card.

⁵⁹ In the 2003 parliamentary elections, the ID cards were marked with an indented stamp that was easily removable by ironing the card. Many political actors have reported that this allowed for high levels of multiple voting to take place, although no proof of significant fraud has been produced.

2.5 The Right to Be Elected

The right of Jordanian citizens to stand for election to Parliament is established by the Constitution and the TEL, although they also provide a series of restrictions that may limit a person's right to candidacy. In general, these restrictions appear reasonable.⁶⁰ However, there remain concerns on the definition of restrictions for those persons "in custody", convicted of "non-political crimes" and sentenced to terms of more than one year's imprisonment.

The TEL requires all persons who are employees of "ministries, government departments, institutions... and municipalities" to resign before standing as a candidate.⁶¹ This provision aims to prevent any abuse of office or conflict of interest during a campaign, and is similar to provisions in many other democratic countries. In Jordan, however, the number of public employees is a sizeable proportion of the working population of Jordan. In practical terms, the requirement significantly reduces the field of potential candidates as many public employees, many of whom are women, may be unwilling to resign from their positions.

The candidate registration procedure is relatively simple in Jordan, although the timeframe for candidate registration, which does not start until 30 days before Election Day, is extremely tight and provides for a very short period for campaigning. The period for submitting candidacy nominations is extremely short – just three days – especially if some candidates must first submit their resignation from the civil service. A nomination to be registered as a candidate is submitted to the Central Election Committee (CEC) at the Governorate level. The TEL provides that the CEC has discretion to refuse a nomination but that a rejected nominee must be provided with an explanation for the grounds of refusal. A rejected nominee can challenge the refusal to accept their candidacy through a complaint to a Court of First Instance but the decision of the Court is final and cannot be appealed. After the final list of candidates is published, the TEL provides any voter with the right to challenge the legality of a candidate's registration through a complaint to the Court of Appeals. Neither the candidate nor the CEC can appeal against the decision of the Court of Appeal.

The regulations on candidate registration should be reviewed.
In particular:

- (I) the timeframe for the nomination process should start earlier than the current 30 days prior to the election and to allow for a longer submission period than the current three days;
- (II) in order to increase the pool of available candidates, including women, the requirement that public employees must resign before becoming candidates should be reviewed and it may be considered more appropriate to require public employees to take an unpaid leave of absence to run for office and be required to resign if elected.

2.6 Complaints, Appeals and Electoral Offences

2.6.1 The Absence of Legal Remedies

A serious flaw in the electoral framework in Jordan is the absence of proper mechanisms to ensure that the electoral process is being conducted in accordance with the law. Apart from specific exceptions that relate to criminal acts or procedures for voter and candidate registration, the TEL fails to provide any opportunity for an electoral stakeholder to challenge an apparent violation of the law during the election campaign period. Thus, in circumstances where one candidate appeared to be in breach of campaign regulations, there is no procedure that entitles a person to formally lodge a complaint with an election commission to take action against the wrongdoer. Similarly, an apparently incorrect interpretation or application of the law by one election commission cannot be appealed to a superior election commission or to a court in order to determine its legality. To this extent, there are no legal mechanisms which can be used to ensure there is full compliance with the TEL during an election and denies the right to electoral stakeholders to obtain a remedy where their electoral rights have been infringed.

The ICCPR establishes a requirement for an effective remedy where rights and freedoms have been

⁶⁰ Requirements for a person who can submit their candidacy include: aged over 30 years; to have been a Jordanian citizen for more than 10 years; not to have a financial interest in government departments; not to be a close relative of the King; not to be a member of a non-Jordanian political association. In contrast to possible restrictions on the right to vote, it is common practice to exclude serving members of the security forces or un-discharged bankrupts from standing as elected officials.

⁶¹ See TEL Article 9(a) and (d)

violated.⁶² Moreover, the UN HRC has recognised that electoral stakeholders should have the right to seek to protect their electoral rights and, in particular, that “there should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process”.⁶³ As well as having the effect of undermining confidence in the fairness of the electoral process, the removal of the right to a judicial challenge of the legal basis for administrative acts appears contrary to the Jordanian Constitution.⁶⁴

2.6.2 Election Day Complaints

On election day, candidates are entitled to lodge complaints regarding alleged problems with voting or counting procedures to polling or counting officials present in a polling station.⁶⁵ However, the decision of that polling committee is final and cannot be appealed, even in cases where the acts or decision of the polling committee itself are being challenged. It is not reasonable for the body against which a complaint is made to act as final judge on the complaint against it. The UN HRC has identified the importance of an appeal to an independent body in these circumstances “so that electors have confidence in the security of the ballot and the counting of the votes.”⁶⁶ It is also appropriate that voters, and not just candidates, have the right to enforce their electoral rights on election day through making a complaint.

All stakeholders should have the right to lodge a complaint to a higher electoral body or a court against any act, decision or omission that is in apparent violation of the law. A new Election Law should establish an effective and clear framework for complaints, detailing the manner and the timeframes by which complaints are submitted, handled and resolved. The complaints mechanism should allow complainants:

- (I) to appeal to a court against decisions of the election administration.
- (II) to appeal to a higher election commission against a decision of a polling station committee on election day that may be in violation of the law or procedures.

2.6.3 Challenges to the Validity of Election Results

The Constitution (Article 71) provides a quasi-judicial mechanism that allows any voter to challenge the results of an election through the submission of a petition to the newly elected parliament. Article 71 requires that the challenge must be against the “validity of the election of a Deputy” in any electoral district after the results have been announced. All challenges submitted under Article 71 are reviewed and investigated by a Special Committee of parliament, headed by its Speaker, which reports to the full session of parliament. The criteria for submitting a challenge are not formalised in any piece of legislation and it is unclear upon what may constitute an ‘invalid’ election (e.g. whether it is against a specific candidate or against the entire election in a district), what levels of evidence are required and how that evidence is to be assessed by the Special Committee. Whatever the recommendations of the Special Committee, no election may be declared invalid without the approval of two-thirds of Deputies in parliament.

The power for parliament to determine the validity of parliamentary elections should be removed. In the interim period, parliament should delegate responsibility for determining so-called ‘Article 71’ complaints to an independent judicial body and commit itself to adopting the published recommendations of that body.

2.6.4 Electoral Offences

The TEL establishes a number of electoral offences, such as voter impersonation, fraud, bribery and intimidation, as well as relatively more minor procedural violations for which punishment ranges from fines to imprisonment for up to five years with hard labour.⁶⁷ However, it is unclear who has responsibility for taking action against alleged violators to ensure enforcement of these provisions. Neither the public prosecutor nor the criminal court structures have a specific framework for receiving or handling electoral

62 See ICCPR Article 2(3)

63 UNHRC GC paragraph 20.

64 See Constitution Article 102: “The Courts...shall have jurisdiction over all persons in all matters, civil and criminal”.

65 See TEL Articles 37 (voting) and 42 (counting). Complaints may be filed by “candidates or their designates” but not a voter or other electoral stakeholder.

66 UNHRC GC paragraph 20

67 See TEL Articles 47-51. Crimes cannot be prosecuted later than six months from an election (Art. 51).

offences, including whether complaints can be received from members of the public or only upon referral from election commissions. The absence of clear guidelines means that it is possible that the decision to prosecute electoral offences may be open to political or other external influence.

Ahead of future elections, the public prosecutor should produce clear guidelines on the manner in which complaints about electoral offences will be received and the criteria used to determine whether the prosecutor's office will seek prosecution of such offences.

2.7 Transparency of the Electoral Process

2.7.1 Guarantees of Transparency

Transparency is a vital element to the democratic nature of an election process and can be a significant factor towards ensuring public confidence in the credibility of the elections. However, there are no provisions in the TEL that require the election administration to operate in a transparent and open manner. For example, the administrative regulations for the management of the election, which provide detailed information on the implementation of the TEL especially in relation to voting and counting procedures, are not published. In general, an electoral stakeholder has no entitlement to receive copies of the decisions of election committees, while no records are published of their meetings. The lack of transparency can fuel concerns that decisions of the election administration are taken with motives of political self-interest. This concern is especially relevant over decisions taken on the allocation of seats to electoral districts; there was no public consultation on the issue and the decisions were published without any explanation of the criteria used, creating a strong public perception that the decisions were taken on political grounds alone.

A new Election Law should guarantee that all decisions, minutes and internal procedures by the election administration relating to a parliamentary electoral process are published promptly. The election administration and other decision-making bodies related to the electoral process should be required to consult with stakeholders on all key issues and to provide explanations for the decisions they take. Similar levels of transparency should occur for municipal elections.

2.7.2 Candidate Representatives and Political Party Agents

It is established international best practice that the election administration should provide full information on all its activities and also to promote opportunities for the participation of electoral stakeholders and candidates or political parties through consultation in advance of taking those decisions. Moreover, the Constitution requires that the "Electoral Law shall ensure ...the right of candidates to supervise the process of the election".⁶⁸ Under international best practices, this right of candidates to supervise an electoral process would not be limited to election day but would include all aspects of the long-term electoral process. Currently, the TEL provides for candidates (or their designated representatives) to be present for voting and counting inside polling stations but does not guarantee the right of candidates to supervise other aspects of the process or to be provided with key information. The TEL is also unclear on the full rights and responsibilities of the designated agents of candidates on election day and during the counting and tabulation processes.⁶⁹ The counting of votes takes place in front of candidate representatives but there is no right for them to receive copies of the results in the polling station which can be crucial for candidates to have confidence in the accuracy of the published results in their electoral district.

A new Election Law should establish a right for candidates to follow the whole election process and to gain access to all information to allow them to exercise that right. In particular, candidates or their representatives should have the right to receive an official copy of the results from every polling station. The same applies to municipal elections.

2.7.3 Election Observation

The TEL does not provide for independent observation of the electoral process by non-partisan groups, such as civil society organisations or international observers. The role of independent election

⁶⁸ Constitution Article 67(II)

⁶⁹ Some opposition political parties have claimed that, during the 2003 elections, designated agents were not permitted to be present during the count despite the right to be present provided by the TEL (Art 44).

observation has been widely recognised by many states as providing an essential element towards ensuring transparency and thus enhancing the integrity of an electoral process and the confidence of voters. Established democracies, such as the UK, Spain and Italy have received international election observation missions in recent years. The UN has sponsored a “Declaration of Principles of International Election Observation” that identifies pointing out the benefits, as well as the obligations, of responsible and professional election observing. This includes a detailed code of conduct that the bodies must not interfere in the electoral process. Previous to the 2003 parliamentary elections, there has been no observation of the electoral process in Jordan.

A new Election Law should establish the right for non-partisan groups in Jordan to observe the electoral process and to provide for similar access by international observers for both parliamentary and municipal elections.

2.8 Campaigning

Unlike many other countries, there is no formal campaign period for parliamentary elections in Jordan. The TEL allows candidates to start campaigning “as of the date of accepting [their] candidacy”.⁷⁰ In practice, this means most candidates are able to start campaigning at some stage between 24-30 days ahead of the election, depending on how quickly the CEC decides upon their candidacy, which may give some candidates an unfair advantage.⁷¹ All political parties have complained that, in any case, this is an insufficient period to allow for effective campaigning.

Candidates are prohibited from undertaking campaigning activities at a range of locations, including religious premises, universities, schools and governmental buildings.⁷² An unduly harsh restriction is the ban on the use of “public streets” for peaceful campaigning activities, which appears in contravention of the freedom of assembly. Further stringent restrictions on the freedom for political parties and candidates to campaign are found in the Public Gatherings Law (2001) which bans all public meetings without prior written permit from the government. The National Human Rights Centre⁷³ has recorded several instances in 2006 where political rallies were banned, effectively depriving political parties of a key avenue for informing their supporters and the wider public of their political ideas.

Moreover, the restriction on the use of public locations may seriously limit the options available for meetings or rallies, especially in rural areas, where private meeting places may not be readily available. It is common in many countries that public buildings are used for campaigning so long as they are available to all candidates on an equal basis. The central importance of public gatherings for political parties and civil society to exchange views and present ideas implies that there should be a high threshold to limit the right to freedom of assembly. The UN HRC has stressed that:

“the freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected ... It requires the full enjoyment and respect for the... freedom to debate public affairs, to hold peaceful demonstrations and meetings, ...to campaign for election.”⁷⁴

The TEL refers to the fact that “electoral publicity will be free” in that there will be no interference in its content except that the publicity (e.g. posters, leaflets etc.) must, inter alia, be in accordance with the Constitution, show respect for freedom of opinion and “safeguard national unity, security and stability of the country and non-discrimination between citizens”.⁷⁵ Any breach of these broad conditions is considered an electoral offence and is subject to a punishment of a fine or imprisonment, rather than any administrative sanction relevant to elections. As the election administration has no formal role in supervising election campaign, the public prosecutor is responsible for taking action against any alleged violations.

The TEL does not require that all candidates should have access to electoral publicity on an equal basis (e.g. that printing houses charge the same rate for all candidates). There are strict restrictions on where posters can be displayed. Local councils are required to provide display areas but posters placed elsewhere (such as walls or on any public property) can be removed at the discretion of the local council.

70 See TEL Article 17(a)

71 See TEL Articles 11 and 13. Candidates can submit nominations over a three-day period that starts 30 days before election day. The CEC has three days to decide whether to accept the candidacy. A candidate whose nomination is refused may appeal to a court, a process which may take up to a further six days.

72 See TEL Article 17(c). The prohibition includes using privately-owned schools. Religious premises are also often privately owned.

73 National Human Rights Centre, Annual Report 2005

74 See UN HRC General Comments No 25 paragraphs 12 and 25.

75 See TEL Articles 17 and 18.

There are no legal provisions regulating campaign expenditure for parliamentary elections. The 1992 Law on Political Parties establishes a basic regulatory framework for the financing of political parties (including, for example, a ban on receiving funding from non-Jordanian sources and a requirement to declare all donors). However there are no such restrictions that apply to the campaigns of any parliamentary candidate, whether they are independent or supported by a political party.

A new Election Law should establish a clear regulatory framework for campaigning, including a mechanism for defining a specified period of time for election campaigning. The election administration should have responsibility for monitoring adherence to the campaign regulations and be provided with enforcement powers. A regulatory framework for campaign financing, to ensure transparency and openness in the funding of candidates.

2.9 The Media and Elections

2.9.1 The Media Environment in Jordan

Radio and television are the prime sources of information in Jordan with the largest proportion of Jordanians (43%) turning to national state broadcaster Jordan Television (JTV) for domestic political news, closely followed by foreign-based Al Jazeera television (29%), and both are regarded as a trustworthy source of news.⁷⁶ In Jordan there are 21 licensed radio and 13 television stations. Seven daily and 24 weekly newspapers contribute to a broad-based newspaper market. While there is lively and at times heated debate in the country's newspapers on key political issues, recent events send a clear signal to editors that free speech is only encouraged to a point, in particular when it comes to sensitive political issues.

In November 2006, a former Head of the Royal Court, Adnan Abu Odeh, was questioned by civil and then military prosecutors after talking in an interview on Al-Jazeera Television about his time advising King Hussein and referring to the issue of whether the size of the Palestinian population is deliberately under-estimated by the government. Consequently he was charged for „stirring up sectarian strife or sedition among the nation“ and lèse majesté under articles 150 and 195 respectively of the Penal Code.⁷⁷ The case was later dropped. While Adnan Abu Odeh is a political commentator rather than a journalist, the fact that such a senior and respected figure in Jordanian society was attacked for criticism of the government has sent a worrying signal of possible restrictions of the freedoms of expression and opinion. In a CSS opinion poll, 74 per cent of those interviewed considered that they are unable to publicly criticise or disagree with the government, for fear of being subjected to adverse consequence to their security of living conditions.

While King Abdullah II has taken the positive step of issuing a directive prohibiting the arrest and detention of journalists. In addition the new Press and Publications Law also includes measures to prohibit the detention of journalists for exercising their freedom of expression⁷⁸, however, this measure does not go far enough towards removing restrictions on press freedom. The continuing application of Articles 150 and 195 of Penal Code in relation to freedom of speech has been linked by journalists to an over-arching atmosphere of self-censorship primarily among high-level media practitioners across all segments of the media. Many established democracies have demonstrated their commitment to the freedom of the press by abolishing press laws altogether while ensuring freedom of speech throughout all areas of society. While Jordan's media without doubt carries some of the most outspoken reporting and debates in the region, there is still some way to go to create a media climate detached from political concerns.

Jordan's authorities should allow the full enjoyment of the freedom of opinion and the freedom of expression and, in particular, to strengthen public confidence in the freedom to exercise these rights. Steps should be taken to improve guarantees for enjoyment of the freedom of assembly, including the legal obligation for the state to enable peaceful meetings to take place in public buildings and community areas, so long as access to the locations is made available on an equitable basis.

⁷⁶ Jordan University Center for Strategic Studies "Democracy in Jordan – 2006" Survey, <http://www.jcss.org>

⁷⁷ See Human Rights Watch's report on the case: (<http://hrw.org/english/docs/2006/11/07/jordan14529.htm>). Each offence carried a maximum term of three years in prison.

⁷⁸ Al Rai newspaper, March 22, 2007.

2.9.2 Legal Framework for the Media

The Constitution guarantees the freedom of opinion and expression for Jordanians.⁷⁹ These provisions mirror the fundamental rights protected by Article 19 of the ICCPR and which defines the rights as including the “freedom to seek, receive and impart information and ideas of all kinds”.⁸⁰ The UN Human Rights committee points out that the free communication of information about public and political ideas is “essential... in order to ensure the full enjoyment of rights” related to democratic elections.⁸¹ The close correlation between media freedom as a precondition for public dialogue and the development of political parties as platforms for the exchange of political ideas makes it crucial that provisions in the media law and penal code won’t curb freedom of speech for individuals as well as organisations.

The media is regulated by the Press and Publications Law of 1998, amended in 2003, which, following the dissolution of the Ministry of Information, places responsibility for the supervision of the media within Ministry for Political Development. The current law obliges all journalists to be members of the national press association and requires media owners to grant the Ministry access to budget information of all media organisations.⁸² Media practitioners report that these parameters allow the State to be overly intrusive in their work, leading to self-censorship among journalists wary of their careers and editors concerned about potential repercussions for their organisation.

A new draft law on Press and Publications has been prepared by the Ministry and foresees shifting responsibility for media control and licensing to the Prime Ministry.⁸³ The draft law has generally been welcomed as a positive step towards more press freedom as it relaxes licensing procedures and reduces penalties for journalists and publishers but, as with the existing 1998 law, it requires that “publications shall adhere to ...principles of ...national responsibility....and the values of the Arab and Islamic Nation”.⁸⁴ Such broad-based restrictions are open to wide interpretations forming an unclear provision that is likely to limit further the freedom of the media. However, one of the draft law’s core provisions prohibits the detention of journalists based on the “expression of opinion whether in writing, speech or any other means of expression....subject to the rules of (other) legislation in force”.⁸⁵ While this improves the protection of journalists from arrest under the media law, it still leaves them vulnerable to arrest and detention under provisions of the Penal Code.⁸⁶ Therefore, while the Draft Legislation marks an important step in the recognition of the importance of press freedom and freedom of speech, there is an urgent need to reform the penal code to safeguard these fundamental principles.

The regulatory framework for the media in Jordan should promote its autonomous role in the democratic process. The new Press and Publications Law should limit the possibility for State interference in the work of the media and should remove or, at least, provide clear definitions on the scope of media activity. The Penal Code, particularly Articles 150 and 195 should be revised to ensure freedom of speech is guaranteed, allowing the media to fulfil its role in safeguarding democratic principles.

2.9.3 Election Campaigning in the Media

The TEL provides no specific framework for regulating election campaigns in the media and there is no requirement that media agencies – public or private – must provide equitable and balanced coverage of the campaign. Unlike many other countries, there is no guarantee for candidates or political parties to have access to the public or private media by during an election period except that “Advertisements and statements will be exempted from licensing and fees”. This provision opens the possibility that political advertising can be published or broadcast for free. According to Jordan Television, consideration was given to providing free air time for political campaign spots during the 2003 parliamentary elections, although the initiative was dropped because parties and candidates did not have sufficient resources or funds to produce a short broadcast. In practice, there has been very little use of the media for

79 See Constitution, Article 15 (1)

80 See ICCPR, Article 19(1) “Everyone shall have the right to hold opinions without interference.” (2) “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.”

81 General Comment No. 25, www.unhcr.ch

82 See Press and Publications Law (1998), Article 20(b)

83 Draft Law on Press and Publications (2006), Article 2(1). This draft law had initially proposed connecting media institutions directly to the Ministry of Industry and Trade. However, the Chamber of Deputies demanded reinstating the Ministry of Media, which was suspended at an earlier time. Finally, it was agreed to connect the media institutions with the Prime Ministry (Al Rai newspaper, March 1, 2007).

84 See Press and Publications Law (1998), Article 5, and Draft Press and Publications Law (2006), Article 26 which prohibits the publication of material that “insults religious belief or feeling” and “insulting an individual’s dignity” or “containing false information or rumours”.

85 See Draft Press and Publications Law (2006), Article 30.7

86 Art 150 of the Penal Code allows the state to close media outlets and imprison individuals and journalists for up to three years for publishing information that “harms national unity” or the reputation of individuals or the state.

election campaigning; traditional campaigning methods of door-to-door canvassing and family or tribal gatherings are used. Moreover, the plethora of independent candidates and the limited profile of political parties during an election will create significant difficulties for the regulation of access to the national media. Nevertheless, the burgeoning growth of media activity in Jordan is likely to lead to their greater involvement in election coverage and advertising. The lack of any regulatory framework for the media's role, however, could undermine the possibility that a fair campaign can take place.

A new draft Election Law should establish a regulatory framework for the coverage of the election campaign in the media and guarantee freedom for the media to report fully and without interference. The State media should be required to show impartiality and balance in its coverage. Consideration should be given to providing equitable access to the State media for political parties in elections.

2.10 Election Day Procedures

2.10.1 Voting Procedures

Overall, the existing procedures for voting and counting in parliamentary elections are considered by stakeholders to be adequate and to provide for a well-run election day. However, concerns have been raised over some areas relating to guarantees over the secrecy of the ballot as is required by the Constitution.⁸⁷ The TEL does not explicitly require that a voter must mark their ballot in secret.⁸⁸ A specific problem relating to the secrecy of the ballot is caused by the unusual practice by which voters must write the name of their selected candidate into a space on their ballot paper rather than 'ticking' the choice of candidate. The TEL also provides that an illiterate voter must 'whisper' the name of their selected candidate to a polling official who then completes the ballot paper on their behalf. This process is a clear breach of the secrecy of the ballot for illiterate voters.

Changes introduced by the TEL in 2001 allowed for a voter to vote in any polling station within their electoral district. This was widely regarded as an improvement in the voting arrangements in Jordan, as in previous elections there had been significant problems in voters finding the polling station to which they had been assigned. The change was made possible through using voter lists produced from the National Identification database of all voters in an electoral district and for voters to use their National ID card as proof of eligibility to vote in a specific electoral district. However, in the 2003 parliamentary elections, there were repeated complaints that the measures to stop persons voting more than once – by stamping the voter's ID card – were insufficient as the impressed stamp could be easily removed. The MOI Department of Elections has indicated that a more effective means of marking ID cards will be used for future elections. At a wider level, there is no provision in the TEL to allow for persons to vote if they cannot attend a polling station, for reasons such as sickness, or being away from their designated electoral district on election day. This in effect may lead to the practical disenfranchisement of many voters.

Alternative measures should be sought to ensure that the secrecy of the ballot is enjoyed by all voters, including illiterate voters. These measures could include the re-design of the ballot paper to include symbols or photographs of candidates. More effective measures should be taken to prevent opportunities for multiple voting on Election Day. The Jordanian authorities should also consider providing an effective opportunity to allow voters to vote if they cannot attend polling stations.

2.10.2 Counting of Votes

The TEL establishes a procedure whereby the Voting and Counting Committee send the results of the count in their polling station to the DEC, who tabulate the results for the electoral district and send the election results to the CEC, who forward the results to the Minister of Interior, who announces the results. There is no explanation why the results must be submitted to the Minister and not to the Higher Committee which has formal responsibility for supervising the elections.

The current procedures for the tabulation and publication of results could be significantly improved by creating guarantees for transparency and openness including an obligation for the election administration to publish full and detailed results at all levels in a prompt manner. There is no requirement that the Voting & Counting Committee, the DEC or the CEC should publish the results of the counting and

⁸⁷ Constitution, Article 67

⁸⁸ See TEL Article 35 which establishes the procedure for issuing ballot papers and voting. The MOI Department of Elections guidelines to polling staff may provide further detail on the procedure but these were not made publicly available.

tabulation of votes at each level despite the fact that this information is readily available at each stage. Access to such information is crucial to ensure public confidence in the credibility of the results and the accuracy of the counting process. In particular, it is now an international best practice to make election results – by polling station – available on the internet as the results are received by the central election authority.

The Higher Committee should have full responsibility for supervising the entire elections process and, in particular, the tabulation and publication of the election results. A new Election Law should establish a clear framework for the results process at all levels, in particular to ensure that copies of the results are available for candidates and are displayed at every polling station and are available on the internet. Similar requirements should apply to municipal elections.

2.10.3 Women Candidates

Under the current temporary election law 2003, six parliamentary seats are reserved for women. This marks a significant step forward in securing women's representation in Parliament and has heightened awareness among political parties to work towards greater representation of women in politics. 54 women stood as candidates in the 2003 elections in 27 electoral districts. Only one female IAF candidate had enough votes to come close to being elected outside the women's quota system.

Seats allocated for women are decided according to the highest ratio of votes secured by female candidates in comparison to the number of voters in their constituency. This favours female candidates in small districts. Therefore, most of the six female members of the current parliament stem from rural districts⁸⁹, with the exception of the member from Zarqa, 1st district. While the quota is a welcome temporary measure to increase female political participation, the current procedure for selecting candidates does not guarantee seats to women who have the strongest mandate in terms of votes cast for them. The current debate on raising the female quota ahead of the upcoming polls offers the opportunity to revisit the current formula and seek ways to ensure a more geographically balanced way of securing women's place in parliament.

Seven of the 55 appointed members of the Assembly of Senators are women. As all Senators are directly appointed by the King, this demonstrates some commitment towards women's representation at the top level of the government. At the same time only one⁹⁰ of the 26 appointed Cabinet Ministers in Jordan is female, leaving women drastically under-represented in core government positions.

The newly adopted Municipalities bill includes a 20% women's quota on Municipal councils, secured through reserved seats. This implicitly means that political parties are not obliged to field a given percentage of women as candidates. In February 2007, the bill was endorsed by the Council of Deputies, and in March 2007, the Senate endorsed the bill after adding a few amendments that did not affect the women's quota.⁹¹ This may be an indicator that new election legislation for parliamentary elections could include an increase in reserved seats for women.

In the last Municipal elections only five women were elected nationwide into Municipal Councils. However, the Ministry for Municipal Affairs used its discretion to appoint half of all municipal council members in order to appoint 99 female Municipal Council members, significantly raising the ratio of women represented to 20.7 % of appointed members or 9.9% of overall Municipal Council members.⁹² While the Ministry of Municipal Affairs has been using its discretionary powers to increase the ratio of women among appointed members of Municipal Councils, the appointment of members in itself is not in line with democratic practices (see following chapter).

While there are no international standards prescribing the introduction of a women's quota, there are alternatives to the system currently used in Jordan, which would guarantee a more geographically balanced selection of female candidates.

All municipal council members, in all municipalities, should be elected.

89 Madaba 2nd District, Irbid 5th District, Tafileh 2nd District , Karak 1st District, Tafileh 1st District

90 Suhair Al-Ali, Minister of Planning and International Cooperation, appointed following a government reshuffle on 22 November 2006

91 Al Rai newspaper, March 2, 2007

92 Data provided by Al Urdun Al Jadid Research Center, Amman, Jordan.

Framework for Municipal Elections in Jordan

3.1 Legal Framework for Municipal Elections⁹³

The most recent municipal elections took place in July 2003, and were based on the temporary law of 2002. This law allowed the government to appoint mayors for all municipalities, in addition to appointing not more than half the members of the municipal councils.

This provision was widely criticised, leading to the government issuing the new municipalities' bill. This new bill allows citizens to elect all the members of the municipal councils, including the heads of these councils. One of the most important aspects of the new bill is that it reserves a minimum of 20% of the seats of the municipal councils for women.

Elections for Jordan's 99 municipal councils, plus the Greater Amman municipality, are due to take place in July 2007.⁹⁴ The previous municipal elections were held in July 2003- Municipal councils are elected for a four-year mandate.

At the time of reporting, a new Law on Municipalities has been adopted by parliament in January 2007, replacing the previous law of 1955, which was amended 34 times, most significantly in 1994 and 2002. The new law will have a major impact on the democratic nature of local government in Jordan and has been introduced as part of a programme to promote regional decentralisation in Jordan, including providing clarification on the powers and responsibilities of local authorities and increasing opportunities for direct public participation in local government.

The new law introduces a number of significant changes to the legal framework for electing municipal councils. Under the previous 2002 temporary law, only half of the members of municipal councils were elected, with the remaining 50 per cent of members and all municipal mayors appointed by the Minister of Municipal Affairs ('The Minister'). The new law has introduced a requirement that all councillors and mayors are to be elected, except in Amman where the previous rules will continue to apply, with half of council members being appointed by the Prime Ministry. However, the new law does retain a discretionary right for the Minister to appoint two additional members to each council. Although this provision has been used mainly to increase the number of female delegates following the last three Municipal elections, it is clearly contrary to the principle of democratic elections.

The power to decide on the number of council members for each municipality is held by the Minister but there is no clear definition of what criteria would be used to determine the size of the council. Under the new law, municipal councils are elected using the 'block voting' system where voters can vote for as many candidates as there are seats in their electoral district. This was the system used for previous municipal elections as well as the 1989 parliamentary elections. Although it can benefit the development of political parties at a local level, as voters can cast votes for both 'independent/tribal' and 'party' candidates, political parties have no strong tradition of performing well in local elections. Except for Amman, all municipalities are a single electoral district for their council elections, but the Minister has a discretionary power to divide a municipality into different electoral districts. The mayoral contests are determined through a simple 'first-past-the-post' system, where the candidate with the highest number of votes wins.

The Minister of Municipal Elections appoints a three-person Municipal Election Commission (MEC) in each municipality to administer the council and mayoral elections. The MEC is headed by a council member or a government employee and is also required to include a member of the judiciary. The new law envisages that the MEC has wide discretion in the administration of elections but fails to provide an adequate framework for the role and responsibilities of the MECs and the polling station committees they appoint. Although different in structure to the election administration that is in place for parliamentary elections, there are similar concerns that MECs are not independent from governmental or municipal control and could create a conflict of interest. Moreover, the absence in the law of key procedures for MECs may give rise to an inconsistent application of electoral practice in different parts of the country unless the MMA issues detailed guidelines and thus be required to play a similar role to that of the Ministry of Interior for parliamentary elections.

The new law includes a reduction in the age of eligibility for citizens to vote in a municipal election from 19 to 18 years. The right to vote is held by all Jordanians who have been resident in the municipality for at least 12 months before a voter register is compiled, with a broad definition of the term 'resident',

⁹³ International Standards for elections, such as those contained in the ICCPR, apply equally to local elections.

⁹⁴ Al Arab Al Yawm newspaper, March 3, 2007.

including persons who work in the municipality. It is not clear whether the law precludes persons from being registered as resident in more than one municipality, and thus be able to vote more than once. The right to vote is excluded from persons who have financial debts to the municipality which appears to be an unreasonable restriction on the right of suffrage. Apart from those without legal capacity, the categories of persons excluded from voting in parliamentary elections (e.g. members of the military, police, bankrupts, convicted criminals etc) are not specifically restricted from voting in municipal elections. The MEC is responsible for the registration of voters using the national ID card issued by the Civil Status and Passports Department. Eligible voters are registered through special voter databases according to the area or the electoral district they are residing in. Unlike the voter registration procedures used for parliamentary elections, a voter list will need to be prepared for each polling station rather than allow voters to cast their vote in any polling station in the municipality.

The right to stand for election as a mayor or councillor is guaranteed to all registered voters in the municipality with exceptions for those voters employed by public bodies and members of parliament. The new municipalities' bill⁹⁵ abolishes a minimum educational requirement for candidates running for the office of mayor whereas Deputy mayors have never been subject to this restriction.⁹⁶ The law does not provide a specific minimum period for the submission of nominations by candidates. This period is left up to the Minister to decide upon, once the date of the elections is set.

In contrast to the TEL, the new law provides stakeholders with the right to submit a judicial challenge to the election results, but there is no right to complain against the decision of a MEC or against an alleged violation of the law during the pre-election period or on election day. The new law provides a detailed list of electoral offences that can be prosecuted following a complaint by any voter or by the Attorney General (rather than the Public Prosecutor).

There remain a number of concerns over the level of transparency and openness of the election administration in municipal elections. Although candidates and their representatives are entitled to be present in polling stations during the vote and the count, they have no guaranteed right of access to information during the pre-election period. The new law has no provisions that address the issue of the campaign for municipal elections or the role of the media.

When voting, voters are required to write the names of the chosen candidates on the ballot paper; given that voters will be able to vote for several candidates for councils, this would appear to be an onerous obligation upon voters and lead to increased opportunities for mistakes of legibility to be made. The new law requires illiterate voters to inform polling station officials of their choices of candidate, a clear breach of the right to a secret vote. The new law states that an election will only be considered valid if there is a minimum turnout on election day of at least 50 per cent of registered voters; if there is not, polling must be extended to a second day, after which the level of turnout is irrelevant.

95 Al Rai newspaper, March 5, 2007

96 See UN HRC General Comments No 25 paragraph 15: "Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education..."

Recommendations

Legislative Reform in order to ensure a genuine Election Process

1. Following the 2007 parliamentary elections, the Jordanian government and the newly elected parliament should take urgent steps to formalise the legal framework for parliamentary elections in order to ensure that future election legislation has a clear constitutional basis. An Election Law, adopted by Parliament should supplement current temporary legislation. The new election law should comply with Jordan's obligations under the ICCPR as well as other international standards and best practice for democratic elections.
2. If new provisional legislation on elections is to be adopted ahead of parliamentary elections in 2007, such steps would need to be undertaken as early as possible and follow proper debate and public information and consultation. Any amendment to the current provisional legislation should be in line with international obligations and standards for democratic elections and should have broad consensus support from all major political actors.
3. A new Election Law should establish a genuine legislative basis for all aspects of the electoral system, in particular:
 - (I) the number of elected seats in parliament;
 - (II) the number of parliamentary seats that are set aside for women or reserved for minority groups;
 - (III) assuming parliament decides to retain a constituency-based electoral system, the number of electoral districts for parliamentary elections; and
 - (IV) the number of parliamentary seats allocated among electoral districts.

If changes are to be made to the number of seats or districts, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of independent consultation using published and justifiable criteria.

4. Well ahead of the next cycle of parliamentary elections due in 2011, there should be broad consultation on the electoral system that is most appropriate for Jordan and which is most acceptable to all electoral stakeholders in Jordan. The consultation should consider steps that can be taken within the electoral system to:
 - (I) improve the representation of women in parliament; for example, by an increase in the quota of set aside seats for women
 - (II) ensure the appropriate representation of all communities in Jordan.

Parliament should debate and adopt an appropriate electoral system for Jordan based on the outcome of this consultation. The Jordanian authorities should also commit themselves to adopting recommendations resulting from this process and to implementing them ahead of the next cycle of parliamentary elections due in 2011.

Guaranteeing Periodic and Regular Elections

5. There should be legal guarantees that parliamentary elections in Jordan will be held at regular intervals and are not open to postponement for political reasons. To this extent the specified criteria offering the executive discretion to suspend parliament or to postpone parliamentary elections should be restricted or removed.

Reform of the Election Administration

6. Consideration should be given to establishing an election administration that is independent from the Ministry of Interior and other branches of government. The members of the Higher Committee should be non-partisan or, alternatively, should come from multi-party backgrounds that genuinely reflect the political spectrum in Jordan. Consideration should be given to structuring the election administration as a professional and permanent institution. The election administration should adopt rules of procedure and a Code of Conduct that ensure transparency and assurances of non-partisanship in the work of election commissions. Training should be provided to all levels of the election administration, including polling officials, on the technical and professional requirements of their role.
7. Consideration should be given to empowering a single election administration to coordinate the administration of parliamentary and municipal elections.

Guaranteeing Universal and Equal Suffrage

8. A review of the right to universal suffrage should be undertaken to ensure that all categories of restricted persons are reasonable. In particular, any new Election Law should ensure that the right to vote is held by: all persons over 18 years of age on Election Day; any detainee who has not been convicted of a crime; any person convicted of a crime but who has served the sentence imposed by a court; and any person declared bankrupt. Members of the police and armed forces should also be allowed to vote.
9. A new Election Law should establish a legal basis for the number of electoral districts for parliamentary elections. If changes are to be made to the number of electoral districts, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of an independent consultative body, such as an administrative divisions' commission, using published criteria.
10. A new Election Law should provide guarantees for equal suffrage in the sense that each seat in Parliament represents a broadly similar number of voters. A new Election Law should establish a legal basis for the number of seats allocated among electoral districts for parliamentary elections. If changes are to be made to the number of seats allocated to an electoral district, the decision should be made by legislation, not by executive decree, and should be based on the recommendations of an independent consultative body, such as an administrative divisions' commission, using criteria foreseen in law.
11. However, given the current inequality, with large discrepancies in the ratio seats/votes, the government should reallocate seats ahead of the next parliamentary elections. Reallocation should aim to achieve greater parity between the numbers of registered voters for each seat and should follow a consultative and transparent process.
12. A new Election Law should provide a clear framework for the production of voter registers, including a timetable for the updating of the register ahead of an election and a requirement that the final version of a voter list be published to allow for public inspection.

Providing more effective Opportunities for the Right to stand for Election

13. The regulations on candidate registration should be reviewed. In particular:
 - (I) the timeframe for the nomination process should start earlier than the current 30 days prior to the election and to allow for a longer submission period than the current three days;
 - (II) in order to increase the pool of available candidates, including women, the requirement that public employees must resign before becoming candidates should be reviewed and it may be considered more appropriate to require public employees to take an unpaid leave of absence to run for office and be required to resign if elected.
14. All municipal council members, in all municipalities, should be elected.

Guarantee independent Scrutiny of the Electoral Process

15. All stakeholders should have the right to lodge a complaint to a higher electoral body or a court against any act, decision or omission that is in apparent violation of the law. A new Election Law should establish an effective and clear framework for complaints, detailing the manner and the timeframes by which complaints are submitted, handled and resolved. The complaints mechanism should allow complainants:
 - (III) to appeal to a court against decisions of the election administration.
 - (IV) to appeal to a higher election commission against a decision of a polling station committee on election day that may be in violation of the law or procedures.
16. The power for parliament to determine the validity of parliamentary elections should be removed. In the interim period, parliament should delegate responsibility for determining so-called 'Article 71' complaints to an independent judicial body and commit itself to adopting the published recommendations of that body.
17. Ahead of future elections, the public prosecutor should produce clear guidelines on the manner in which complaints about electoral offences will be received and the criteria used to determine whether the prosecutor's office will seek prosecution of such offences.

Strengthen the Transparency of the Electoral Process

18. A new Election Law should guarantee that all decisions, minutes and internal procedures by the election administration relating to a parliamentary electoral process are published promptly. The election administration and other decision-making bodies related to the electoral process should be required to consult with stakeholders on all key issues and to provide explanations for the decisions they take. Similar levels of transparency should occur for municipal elections.
19. A new Election Law should establish a right for candidates to follow the whole election process and to gain access to all information to allow them to exercise that right. In particular, candidates or their representatives should have the right to receive an official copy of the results from every polling station. The same applies to municipal elections.
20. A new Election Law should establish the right for non-partisan groups in Jordan to observe the electoral process and to provide for similar access by international observers for both parliamentary and municipal elections.

Provide Effective Opportunities for the Exercise of Fundamental Freedoms and Rights

21. Jordan's authorities should allow the full enjoyment of the freedom of opinion and the freedom of expression and, in particular, to strengthen public confidence in the freedom to exercise these rights. Steps should be taken to improve guarantees for enjoyment of the freedom of assembly, including the legal obligation for the state to enable peaceful meetings to take place in public buildings and community areas, so long as access to the locations is made available on an equitable basis.
22. A new Election Law should establish a clear regulatory framework for campaigning, including a mechanism for defining a specified period of time for election campaigning. The election administration should have responsibility for monitoring adherence to the campaign regulations and be provided with enforcement powers. A regulatory framework for campaign financing, to ensure transparency and openness in the funding of candidates.
23. A new Election Law should establish a regulatory framework for the coverage of the election campaign in the media and guarantee freedom for the media to report fully and without interference. The State media should be required to show impartiality and balance in its coverage. Consideration should be given to providing equitable access to the State media for political parties in elections.
24. More widely, the regulatory framework for the media in Jordan should promote its autonomous role in the democratic process. The new Press and Publications Law should limit the possibility for State interference in the work of the media and should remove or, at least, provide clear definitions on the scope of media activity. The Penal Code, particularly Articles 150 and 195 should be revised to ensure freedom of speech is guaranteed, allowing the media to fulfil its role in safeguarding democratic principles.

Guaranteeing the Secrecy of the Ballot and the Right to Vote

25. Alternative measures should be sought to ensure that the secrecy of the ballot is enjoyed by all voters, including illiterate voters. These measures could include the re-design of the ballot paper to include symbols or photographs of candidates. More effective measures should be taken to prevent opportunities for multiple voting on Election Day. The Jordanian authorities should also consider providing an effective opportunity to allow voters to vote if they cannot attend polling stations.

Guaranteeing Expression of the Free Will of the Voters

26. The Higher Committee should have full responsibility for supervising the entire elections process and, in particular, the tabulation and publication of the election results. A new Election Law should establish a clear framework for the results process at all levels, in particular to ensure that copies of the results are available for candidates and are displayed at every polling station and are available on the internet. Similar requirements should apply to municipal elections.

Women's Representation

27. While there are no international standards prescribing the introduction of a women's quota, there are alternatives to the system currently used in Jordan, which would guarantee a more geographically balanced selection of female candidates.

Building the Capacity of Political Parties

28. Combined efforts from the Jordanian authorities and civil society, with the support of the international community, should be made to strengthen the institutional capacity of political parties and independent candidates to undertake election campaigns and for the observation of the electoral process.

List of registered political parties ⁹⁷:

- 1.) Islamic Action Front Party* **
(Hizb Jabhat al-Amal a- Islami)
- 2.) Jordanian People's Democratic Party**
(Hizb al-Sha'b al-Democrati al-Urduni/ Hashd)
- 3.) Jordanian Democratic Popular Unity Party, **
(Hizb al-Wehdah al-Sha'biyyah al-Democrati al-Urduni)
- 4.) The Jordanian Communist Party **
(Al-Hizb al-Shuyu'ei al-Urduni)
- 5.) The Progressive Party **
(Al-Hizb al-Taqaddumi)
- 6.) The Jordanian Communist Workers Party **
(Hizb al-Shagheelah al-Shuyu'ei al-Urduni)
- 7.) Jordan Arab Socialist Ba'ath Party **
(Hizb al-Baa'th al-Arabi al-Ishtiraki al Urduni)
- 8.) Ba'ath Arab Progressive Party **
(Hizb al-Baa'th al-Arabi al-Taqaddumi)
- 9.) The Constitutional Jordanian Front Party **
(Hizb al-Jabha al-Urduniyyah al-Arabiyyah, al-Dustouriyah)
- 10.) Party of National Democratic Popular Movement **
(Hizb al-Harakah al-Qawmiyyah al-Democratiyyah al-Sha'biyyah)
- 11.) The National Action Party **
(Hizb al-Amal al-Qawmi/ HAQ)
- 12.) The Arab New Dawn Party **
(Hizb al-Fajr al-Jadeed al-Arabi al-Urduni)
- 13.) The Right of the Jordanian Citizen's Movement party **
(Hizb Harakat Hukuk al-Muwaten al-Urduni/ Hama)

* Represented in parliament

** Members of the Higher Coordination Committee of Opposition Parties

- 14.) The Arab Land Party
(Hizb Al-Ardh Al-Arabiyyah)
- 15.) Ansar Jordanian Arab Party
(Hizb Al-Ansar Al-Arabi Al-Urduni)
- 16.) The National Constitutional Party
(Al-Hizb Al-Watani Al-Dustouri)
- 17.) The Future Party
(Hizb Al-Mustaqbal)
- 18.) Al-Nahda Political Party
(Hizb Al-Nahda Al-Urduni)

⁹⁷ List of parties taken from 'Directory of Civil Society Organizations in Jordan', Al Urdun Al Jadid Research Center, 2006.

- 19.) Jordanian Labour Party
(Hizb Al-Amal Al-Urduni)
- 20.) Jordan Liberal Party
(Hizb Al-Ahrar)
- 21.) Al-Umma (Nation) Party
(Hizb Al-Umma)
- 22.) Jordan Peace Party
(Hizb Al-Salam)
- 23.) Al-Rafah (Welfare) Jordanian Party
(Hizb Al-Rafah Al-Urduni)
- 24.) The Jordanian Justice and Development Party
(Hizb Al-Adalah Wa Al-Tanmeyah Al-Urduni)
- 25.) Jordanian Generation Party
(Hizb Al-Ajial Al-Urduni)
- 26.) The Arab Jordanian Party
(Al-Hizb Al-Arabi Al-Urduni)
- 27.) The Green Party of Jordan
(Hizb Al-Khudur Al-Urduni)
- 28.) The Jordanian People's Committee Movement Party
(Hizb Harakat Lejan Al-Sha'b Al-Urduni)
- 29.) Mission Party
(Hizb Al-Ressalah)
- 30.) Pledge Party
(Hizb Al- 'Ahd)
- 31.) Jordanian Democratic Left Party
(Hizb Al-Yasar Al-Democrati Al-Urduni)
- 32.) The Arab Islamic Democratic Movement
(Al-Harakah Al-Arabiyyah Al-Islamiyyah Al-Democratiyyah, Du'aa)
- 33.) The Islamic Center Party
(Hizb Al-Wasat Al-Islami)
- 34.) Freedom and Equity Party
(Hizb Al-Hurriyah Wa Al-Musawah)

Election Results 2003 ⁹⁸

The General Voter Turnout per District in 2003 Elections

Governorate	No	District	Voting	Registered	Turnout	% of voter turnout
Capital – Amman	1	First	195,995	168,613	70,674	41.91
	2	Second	245,473	209,025	84,913	40.62
	3	Third	185,518	162,422	67,974	41.85
	4	Fourth	163,057	133,802	68,748	51.38
	5	Fifth	133,745	114,525	37,204	32.49
	6	Sixth	91,862	75,791	37,456	49.42
	7	Seventh	30,925	23,300	16,061	68.93
	8	Central Badia	32,458	32,458	27,421	84.48
TOTAL	8		1,079,033	919,936	410,451	44.62
Irbid	1	First	212,012	170,393	97,041	56.95
	2	Second	54,755	45,586	30,460	66.81
	3	Third	25,820	20,408	15,613	76.50
	4	Fourth	50,304	42,118	33,910	80.51
	5	Fifth	47,371	38,062	27,969	73.48
	6	Sixth	48,220	37,748	28,279	74.92
	7	Seventh	48,526	40,892	31,992	78.24
	8	Eighth	16,388	13,162	10,547	80.13
	9	Ninth	13,579	11,949	10,106	84.58
TOTAL	9		516,975	420,318	285,917	68.02
Balqa	1	First	94,894	80,573	61,641	76.50
	2	Second	22,990	19,561	13,686	69.96
	3	Third	26,659	21,869	17,349	79.33
	4	Fourth	57,392	48,727	27,980	57.,42
TOTAL	4		201,935	170,730	120,656	70.70

98 Data taken from 'Civil Society Issues' magazine, Al Urdun Al Jadid Research Center, Issue no. 15 '2003 Parliamentary Elections dossier', August 2003.

Karak	1	First	40,674	33,526	26,048	77.70
	2	Second	17,016	14,681	11,478	78.20
	3	Third	31,372	26,396	22,026	83.44
	4	Fourth	16,095	13,742	12,273	89.31
	5	Fifth	9,966	8,569	7,391	86.25
	6	Sixth	7,043	5,696	5,035	88.40
TOTAL	6		122,164	102,610	84,251	82.10
Ma'an	1	First	23,166	16,581	12,308	74.22
	2	Second	8,188	6,750	5,080	75.26
	3	Third	10,468	8,586	7,425	86.48
	4	Fourth	34,639	34,639	27,500	79.39
TOTAL	4		76,461	66,556	52,313	78.60
Zarqa	1	First	171,395	150,791	68,206	45.23
	2	Second	59,569	49,786	28,299	56.84
	3	Third	23,490	18,282	12,969	70.94
	4	Fourth	120,924	97,469	42,242	43.34
TOTAL	4		375,378	316,328	151,716	47.96
Mafraq	1	Mafraq	75,050	50,254	41,089	81.76
	2	North Badia	45,494	45,494	38,322	84.24
TOTAL	2		120,544	95,748	79,411	82.94
Tafileh	1	First	31,868	27,067	22,097	81.64
	2	Second	10,085	8,215	6,903	84.03
TOTAL	2		41,953	35,282	29,000	82.20
Madaba	1	First	53,591	42,571	32,362	76.02
	2	Second	18,885	15,296	13,139	85.90
TOTAL	2		72,476	57,867	45,501	78.63
Jerash	1	Jerash	72,500	57,687	47,465	82.54
Ajloun	1	First	56,812	46,071	36,818	79.92
	2	Second	15,846	12,793	10,492	82.01
TOTAL	2		72,658	58,864	47,310	80.37
Aqaba	1	Aqaba	30,279	23,570	14,888	63.17
OVERALL TOTAL	45		2,843,843	2,325,496	1,368,879	58.86

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This report is part of DRI's programme to review electoral frameworks in the Middle East and Southern Mediterranean. This programme is supported by the Foreign Office of the Federal Republic of Germany.