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**The Carter Center Releases Study Mission Report on
Jordan's 2013 Parliamentary Elections**

While Jordan's 2013 parliamentary elections yielded important technical advances, the elections were marred by a system that limits equality of suffrage and by persistent concerns about vote buying, proxy registration, and other problems, according to a report issued today by The Carter Center, which sent a study mission to assess the elections held on Jan. 23, 2013.

The report also concluded that the ultimate success of the elections will depend on whether King Abdullah II and the major political forces can work together to promote meaningful reform. This includes passage of a new consensus based election law to create a more representative electoral system that can serve as a genuine mechanism of democratic accountability.

Since the beginning of the Arab Spring, Jordan has witnessed increasingly strident demands for political and economic reforms from a widening set of opposition. The king has argued that the parliamentary elections would restore credibility to the parliament and enable it to serve as an effective mechanism of democratic accountability, and a venue for further reform. However, opposition forces, including the Muslim Brotherhood's Islamic Action Front (IAF), deemed the reforms enacted for the 2013 election insufficient and decided to boycott the process.

Carter Center Study Mission

The Carter Center study mission was composed of a small team of analysts who assessed a number of key issues, including the electoral system, election administration, and dispute resolution process. The mission was limited in scope, as the Center did not deploy observer teams and did not provide a comprehensive assessment of the electoral process as a whole.¹

The Center found that the new Independent Election Commission is to be commended for its efforts, despite a limited timeframe to prepare for the elections. The commission introduced several important procedural steps to safeguard ballot secrecy, improve electoral administration,

¹ The Center's mission was conducted in accordance with the applicable laws, regulations, and international commitments of Jordan as well as with the *Declaration of Principles for International Election Observation* and *Code of Conduct for International Observers* that were adopted at the United Nations in 2005 and have been endorsed by more than 40 intergovernmental and nongovernmental organizations.

and to promote transparency by ensuring broad access for political stakeholders, domestic citizen observer groups, and international observers. The efforts of the election commission in 2013 provide a strong foundation upon which to build. It will be critical that these gains are consolidated and sustained in future elections. Key steps that should be taken include further efforts to institutionalize the commission's independence, including budgetary autonomy and expanded staff capacity. In addition, stronger safeguards should be put in place to address persistent problems of vote buying and tribal/family politics in the Jordanian political system.

More broadly, in order to ensure a successful democratic transition, consistent with goals outlined by King Abdullah II, it is critical that the major political forces, including the new parliament, the king, political parties and other actors, work together to accelerate the pace of political reforms. In particular, reforms are needed to create an electoral system that provides for greater equality of suffrage across districts and promotes stronger political parties. The current electoral system suffers from significant malapportionment of the electoral districts and favors rural areas dominated by East Bank origin citizens supportive of the monarchy over more oppositional, urban areas inhabited largely by Palestinian origin citizens. The problem is compounded by the use of the single non-transferable vote system in the multi-member districts, which exacerbates the inequality of suffrage. Political reforms for the 2013 elections, including the introduction of seats elected via proportional representation (about 18 percent of the total seats), has done little to address this problem.

For the democratic reform process to gain the trust of all political stakeholders, a definitive road map is needed, including implementation mechanisms, clear benchmarks, and timeframes. In addition, it will be important to ensure that future parliaments have meaningful and effective power, including checks on the executive, more meaningful legislative power, and budgetary and procedural autonomy.

The Carter Center's full report offers several recommendations for improving future elections and strengthening Jordan's ongoing reform process. These include the following:

- ***Establish constitutional changes to reinforce parliamentary powers.*** In order to ensure genuine democratic accountability, elected parliaments should have the right to supervise the executive and to legislate without external interference. Jordan's constitution prescribes that legislative power is vested in the National Assembly, but also with the king.² Constitutional changes are required to clearly establish the legislative power of parliament.
- ***Create an equitable electoral system.*** In order to improve the equality of suffrage, discussions should continue between a broad base of political stakeholders, both in parliament and outside, to jointly define an electoral system that is more representative of the Jordanian population, while also suited for the political realities of the country. Various models have been proposed in the past, including by the National Dialogue Committee, and could be used as a starting point for future discussions.

² The Constitution of the Hashemite Kingdom of Jordan, art. 25.

- ***Increase women’s participation in parliament and the cabinet.*** The new parliament should consider more effective ways to increase women’s representation in parliament, with the goal of eliminating gender disparity. Although the number of seats for the women’s quota increased from 12 to 15 from the 2010 elections, the percentage of seats reserved for women remained at only 10 percent, far short of the Millennium Development Goal. The new parliament also should take steps to ensure greater representation of women in its leadership positions (i.e., the spokesperson, the secretary general, the chairpersons of different commissions). In addition, the new cabinet should include a significant proportion of women.
- ***Strengthen political parties.*** Jordan should continue its efforts to strengthen political parties. Jordan should also consider expanding the percentage of seats on national proportional lists.
- ***Ensure the independence of the Independent Election Commission.*** The commission should be strengthened by ensuring its institutional independence and by providing budgetary autonomy and permanent staff. Members of the election commission’s board of commissioners should be nominated by a transparent procedure and with clear and consistent criteria for selection to guarantee its independence. The commission should retain full control over its budget, and its internal financial and staffing procedures while under the control of state auditing authorities.
- ***Strengthen campaign finance laws.*** Campaign finance laws should be strengthened and enforcement assured to reduce the adverse influence of money in campaigns.
- ***Ensure effective enforcement of campaign violations.*** Strong measures should be taken to enforce campaign violations, particularly to reduce vote-buying, the use of state symbols in campaigns, and campaigning on election day.
- ***Improve Election Administration and Safeguards:***
 - ***Eliminate family registration.*** The practice of family registration, which was supposed to allow a voter to designate someone of his choice to pick up his voter card, appears to have opened the door to large-scale abuse. To avoid this in the future, it should be eliminated so that voters cannot be registered unless they clearly consent.
 - ***Continue assigning voters to a specific polling station.*** Voters should continue to be assigned to a specific polling station, keeping an important safeguard in place against multiple voting.
 - ***Enshrine in the electoral law the use of pre-printed ballots.*** Pre-printed ballots provided an important safeguard to ensure the secrecy of the vote. This should be included in the electoral law to guarantee that this provision for future elections.
 - ***Clearly define procedures for announcement of results.*** Results announcement procedures and deadlines and the seat allocation system should be clearly defined in the law. Invalid ballots should be determined according to consistent standards.

The full Carter Center report is available at www.cartercenter.org.

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The Carter Center’s Study Mission Report for Jordan’s 2013 Parliamentary Elections

Feb. 14, 2013

Summary

Jordan’s Independent Elections Commission (IEC) contributed to significant technical advances for the Jan. 23, 2013, parliamentary elections. Several important procedural steps were introduced to ensure the secrecy of the ballot, improve electoral administration, and promote transparency in the process including by ensuring broad access to the process by political stakeholders, domestic citizen observer groups, and international observers. The work of the IEC laid a strong procedural foundation to build upon for future elections in Jordan.

Despite these procedural improvements, the legal framework for the parliamentary elections did not sufficiently address the need for a genuinely representative electoral system. The primary issues of contention—malapportionment, and the single non-transferable vote (SNTV)—all remained in place for the 2013 parliamentary elections. This system favored tribal candidates over party-based ones and resulted in significant variances in the equality of suffrage for voters, especially in multi-member electoral districts. As a result, many who participated in the elections saw the electoral system as flawed, while many opposition forces refused to participate.

Significant reforms in the electoral process and the broader institutional structure are required in order to move political reform forward in Jordan. This will depend on the extent to which all political forces—including the king, parliament, and other major actors work together to pass a new consensus-based election law that creates a more representative electoral system, promotes stronger political parties, and serves as a meaningful mechanism of democratic accountability.

In order for the reform process to gain the trust of all political stakeholders, it should be guided by a definitive road map complete with implementation mechanisms, precise milestones, and within a clearly agreed upon timeframe. In addition, future parliaments should have meaningful and effective governmental power, including supervision of the executive, legislative power, and budget and procedural autonomy, in line with international standards for democratic governance.³

³ UN, ICCPR, art. 25.

Quick Statistics:

Population of Jordan:	6,388,000 (estimated)
Number of Governorates:	12
Number of Registered Voters:	2,272,182
Number of Polling Stations (PS):	4,069
Number of Polling Centers:	1,484
Average Number of Voters per PS:	558
Turnout:	56.6 percent of registered voters

January 2013 elections The Jordanian Lower House of Representatives 150 seats spread across 45 constituencies as well as one national constituency			
108 seats (72 percent) from 45 constituencies using majoritarian rules		National Constituency	Women's Quota
18 seats (12 percent) from single-member districts	90 seats (60 percent) from 27 multi-member districts	27 seats (18 percent) using proportional representation	15 seats (10 percent)

National List Results: Top Five Lists

Islamic Centrist Party (3 seats)	114,458 (8.89 percent)
Stronger Jordan (2 seats)	100,159 (7.78 percent)
The Homeland (2 seats)	94,682 (7.35 percent)
National Union Party (2 seats)	68,149 (5.29 percent)
National Current Party (1 seat)	48,970 (3.8 percent)

Political Background

Jordan's 2013 parliamentary elections came in the midst of intensifying economic and political struggles in Jordan. Since the beginning of the Arab Spring, the kingdom has witnessed increasingly strident demands from a widening set of opposition: from retired military officers, long-time opposition parties, and "tribal youth." These forces are not entirely united, and they present varied demands. However, overall these demands have been escalating. Slogans have evolved from calls for an end to corruption to political reforms and, following subsidy cuts in November 2012, the end of the monarchy. These escalating demands echo discontent among the populace at large – reflected in a September 2012 International Republican Institute poll that

found that the percentage of Jordanians who felt the country was on the wrong path far outpaced those who felt it was headed in the right direction.⁴

Grievances

Deteriorating economic conditions, persistent income disparity,⁵ and reports of rampant corruption have fuelled the public discontent. Jordan's economy has been slow to reform due to elite networks of privilege, dependence on external aid, weak political and economic institutions, and high unemployment. At the same time, reports of blatant corruption and of prominent figures skimming profits from public coffers grated on Jordanians who find it difficult to meet their daily needs. A highly publicized anti-corruption campaign led to indictment of some major figures, perhaps most notably the king's uncle.⁶ However, even the anti-corruption campaign led to scandals over failures to prosecute or punish major offenders and prompted many Jordanians to feel that the reported cases only scratch the surface. These cases have also reinforced the beliefs of many Jordanians that the elected parliament is ineffective and illegitimate.

Constitutionally, Jordan's parliament is highly constrained. The king can dismiss parliament and has done so on number of occasions.⁷ The parliament also has not been consulted in the formation of governments.⁸

Elections in 2007 and 2010, which were organized by the Ministry of Interior, were undermined by widespread reports of fraud and manipulation. In addition, elected parliamentarians have been routinely criticized for not taking decisions to serve the public interest and for quickly reversing decisions in response to pressures from other authorities.⁹ As a result, they appear increasingly unable to check unelected authorities.¹⁰ This, combined with the fact that many Jordanians see

⁴ International Republican Institute (I), Jordan Index, Sept. 24, 2012.

⁵ Although income inequality has improved slightly in Jordan, it remains high. The GINI coefficient for the kingdom was 0.393 in 2008, slightly down from 0.399 in 2006. The richest 20 percent of the population received 35.1 percent of the share of national income in 2008, down from 43.9 percent in 2006, and the poorest 20 percent of the population received 11.2 percent of the national income in 2008, up from 7.7 percent in 2006 (quoted from PEA).

⁶ The husband of the King's aunt, Princess Basma is Walid Kurdi. His "company signed a series of maritime contracts with a foreign company shortly after its privatization in 2006, with the price at more than 40 million dollars above the market rate." <http://www.turkeytribune.com/turkey-tribune/jordanian-monarchs-uncle-charged-with-corruption.html>. As former head of the Jordan Phosphate Mines Company Walid Kurdi, has been charged with "10 counts of 'abuse of office' during his service at the head of the firm in 2008-2011." The company had been signing deals with other companies owned by Kurdi and family members. See <http://www.albawaba.com/business/jordan-phosphate-corruption-465534>. Another noteworthy case arose in February 2012, when former head of Jordanian intelligence Muhammad Dhahabi was detained for paying off "a network of journalists while he was head of the mukhabarat." See: [http://mideast.foreignpolicy.com/posts/2012/02/09/identity_and_corruption_in_jordanian_politics.](http://mideast.foreignpolicy.com/posts/2012/02/09/identity_and_corruption_in_jordanian_politics)"

⁷ King Abdullah II exercised this option in 2010 and 2012.

⁸ The king appoints the prime minister, who then forms a government in consultation with the king. The parliament can push for the dissolution of government with a vote of no-confidence. However, they have not done so, even after voicing vociferous objections to the government on some occasions. This is perhaps not surprising, given that the King can dissolve unruly or ineffective parliaments.

⁹ Due to the widespread perception that parliamentarians take direction from regime authorities, they came to be dubbed "the telephone parliament." As an example, according to a palace statement on June 28, 2011, regarding the then newly passed electoral law, "The king asked parliament today to hold an extraordinary session early next month to amend some articles in the electoral law to help ensure wider public participation in the process." This came after the Muslim Brotherhood, who threatened to boycott the election if the electoral law was not changed, exerted pressure on the king to amend the laws. See <http://pomed.org/blog/2012/06/jordans-king-orders-pms-to-amend-election-law.html/>.

¹⁰ Former Prime Minister Marouf Bakhit, appointed by King Abdullah II, recently avoided corruption charges and indictment by the parliament for illegally approving a casino project in 2007 with Oasis Holdings Ltd. Despite the evidence of letters from

parliamentarians as unable or unwilling to provide constituent services due in part to budget constraints, fosters apathy and anger toward parliament.

While most Jordanians agree that reforms are necessary, they are deeply divided on the path forward. Many are wary of change they see as “too fast.” They are keenly aware of the instability and violence in Egypt and Syria – as they come into contact with and are affected economically by Syrian refugees flowing across their border on a daily basis. They point to long-standing tensions between Jordanians of East Bank and those of Palestinian descent, arguing that rapid change could spark internal conflict. Some also eye the rise of Islamists in Tunisia and Egypt with suspicion and fear that opening the political system to Islamists (and especially the Muslim Brotherhood’s Islamic Action Front (IAF)) could lead to the same outcome in Jordan. Others believe that Jordan is responding too slowly, arguing that the palace is more interested in discussing reform than actually taking the steps needed to ensure significant democratic reform.

Reforms

The palace has responded with a series of measures that chart a halting, haphazard course, overseen by five different prime ministers since January 2011. On the one hand, it amended the public gatherings law, unveiled constitutional amendments aimed at strengthening parliament, and consistently promised that the king will consult with parliamentary blocks when appointing the prime minister and forming a new government. On the other hand, new media laws have reduced Internet freedom and the new electoral law disappointed Jordanians across the political spectrum and limited the pace of reform.

These changes come amidst promises that more significant reforms are on the way, as most recently published in a series of Discussion Papers, issued by King Abdullah II on Dec. 30, 2012, and Jan. 17, 2013. King Abdullah II’s decision to disband parliament and call for early elections – for the second time in four years – was also part of an attempt to address corrupt past elections and restore confidence in parliament.

The 2013 parliamentary elections can be seen as a critical point on the path of reform. The king has argued that a newly elected parliament can restore its credibility, serve as an effective mechanism of democratic accountability, and provide the venue for reform. Electing new faces to parliament, even if only a minority, could help to create the force necessary for a new electoral law and, more generally, for more steadfast positions in parliament. However, opposition forces, including the IAF, have deemed these changes insufficient. They chose to boycott the process and viewed the elections as meaningless, regardless of the outcome, and the parliament as illegitimate.¹¹ Nevertheless, even for these forces, there is an opportunity to press the king and the new parliament for further reform, and if it doesn’t materialize, to mobilize stronger opposition.

PM Bakhit to Tourism Minister Dabbas approving the casino deal, Dabbas was indicted instead. See details of the case and letters here: <http://www.aljazeera.com/news/middleeast/2011/07/2011724125647625781.html>.

¹¹ This is the IAF’s third boycott in the last five elections. The IAF boycotted in 1997, ran a reduced slate in 2003, participated in 2007, and boycotted again in 2010.

Consequently, the 2013 elections were a test for both the legitimacy of the electoral process as well as for the broader democratic transition.¹² For the electoral process, the success of the elections can be assessed by the degree to which the electoral process credibly and accurately expressed the will of the Jordanian people, as well as by the representativeness and character of the new parliament, including the removal of former MPs largely viewed as corrupt. However, for the larger political transition, the key tests will be whether the new parliament ushers in a broad-based consultative process that can produce electoral and constitutional reforms that move Jordan to a more genuine system of democratic governance and one where the parliament has effective governmental powers. King Abdullah II's decision to concede to parliament the power to select the prime minister is a positive step in this direction. Nevertheless, given the make-up of the divided and self-interested parliament, it will be challenging for the king to fulfil his promises of forming the government through consultation and advancing significant reforms.

Electoral Background

Jordan has ratified or acceded to a number of international treaties that form the basis of its international obligations for genuine democratic elections.¹³ To meet these obligations, several fundamental rights and freedoms must be guaranteed. Elections must be held at regular intervals, and be scheduled with adequate time for preparation and implementation to ensure that the authority of the government is continually representative of the voters.¹⁴ Certain participatory rights must also be fulfilled in order for the voting process to accurately reflect a genuine election. Foremost among these are the right to vote, to be elected and participate in public affairs, and the freedoms of assembly, association, movement, and opinion.¹⁵

Social Structure and Elections

Jordan's social structure affects the impact of these provisions. Tribes are more effective political actors than political parties, particularly among Jordanians of East Bank descent. Many of these tribes have traditionally been the backbone of the Jordanian monarchy, and they are based in less-densely populated areas. Many of these tribes hold electoral primaries, encourage registration of tribal members in ancestral homelands, and mobilize voters through lists of tribal members. In contrast, political parties have been notably weak. Many Jordanians refuse to join political parties. Some recall decades of repression before political parties were legalized in 1992 and point out that even today, they fear that joining a political party could jeopardize their

¹² The battleground is as much around the elections as it is within it. Pro-election/pro-regime forces have attempted to discredit the boycott and non-participation (witness especially, King's speech of December 29, 2012, in which the King equated non-participation with anti-citizenship, while arguing that Jordan's future depended on 'practices of good citizenship.'). as well as in a highly-publicized anti-vote-buying campaign, strong efforts to run 'clean' elections, and an interest in international recognition of these efforts. For the opposition, the goal was to undermine the legitimacy of the elections by drawing attention to flaws in the system, and linking them to political and economic grievances, through rallies and writings.

¹³ This includes: The Universal Declaration of Human Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Political Rights of Women, the Convention on the Elimination of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Corruption, the Convention on the Rights of Persons with Disabilities and the Arab Charter on Human Rights.

¹⁴ See Universal Declaration of Human Rights (UDHR), art. 21 (stating that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage..."); Arab Charter on Human Rights (ACHR), art. 33.

¹⁵ UDHR, art. 21; See UN, Human Rights and Elections, para. 76 (establishing that the extent to which the will of the people has been fully expressed is dependent on whether other obligations associated with the electoral process have been upheld).

prospects for university scholarships, obtaining government employment, or otherwise rising in the public sector. King Abdullah II himself has noted that 90 percent of Jordanians are reluctant to join parties.¹⁶

Electoral system and boundary delimitation

International obligations for democratic elections do not mandate the use of a specific electoral system. However, electoral systems must be in line with core international human rights obligations, including the obligation to ensure equal suffrage. Although there is often variation in the number of voters across constituencies, international good practice indicates that constituency boundaries should be drawn so that voters are represented in the legislature on a roughly equally basis.¹⁷

Jordan's Parliament is composed of the Senate (whose members are appointed by the king) and the House of Representatives (members elected through universal suffrage). The number of MPs has increased from 80 in 1989, to 110 in 2001 and 120 in 2010. For the 2013 elections, the total number of seats was raised to 150.

In 1989, when parliamentary elections were reintroduced, a block voting system was employed under which voters cast as many votes as the number of seats allocated to the district, with winners being the candidates with the most votes in the district. This system was changed in 1993 to the single non-transferable vote (SNTV), by which voters have only one vote in districts with multiple seats. This is known in Jordan somewhat incongruously as "the one-person, one-vote" system, referring to the single vote that individuals can cast in multi-member districts using the SNTV system.

To complicate matters, for the 2010 elections, one-member "virtual" sub-districts (districts without geographical delimitation) were created inside each multi-member district, but without candidates knowing which other candidates they would be competing against nor with voters knowing which candidates were running in each virtual district. This led to accusations that certain candidates received privileged information that allowed them to select virtual districts in which weaker candidates were running. Furthermore, it limited efforts on the part of voters to properly mobilize behind favored candidates.

Districting

In accordance with international good practice, the drawing of electoral districts should be done at regular intervals in an impartial and transparent manner with the inclusion of different stakeholders, and should ensure representation on an equal basis.¹⁸

¹⁶ King Abdullah II said in an interview with Fareed Zakaria at DAVOS, in Al-Rai, on January 27, 2013, "In my country, 90 percent of the people are still adverse of being aligned to political parties. And so although we've had this wonderful parliament outcome of the 56 percent plus, way beyond I think anybody's expectations, the challenge now - and I see in Jordan specifically, the hard work for us is actually creating that political party culture..." See the full interview at <http://www.weforum.org/sessions/summary/special-address-19>.

¹⁷ UNHRC, General Comment 25, para. 21.

¹⁸ International IDEA, Legal Framework, p.27; Venice Commission, Code of Good Practice, sec. I.2.2.v.

In Jordan, the delimitation of the constituencies, as well as the number of seats per district, is determined by decree from the Cabinet of Ministers upon recommendation of the Ministry of Interior. Neither the previous nor the current electoral law provides any criteria for the allocation of seats or the process of boundary delimitation. In 2001, the number of districts was increased from 22 to 45, which remained in place for the 2013 parliamentary elections. The electoral districts are said to be roughly the same as administrative districts. However, there are some variations, which according to the Ministry of Interior were undertaken on geographical grounds (e.g., to keep a tribe together in the same district—although in some cases tribes are divided across districts) or demographical grounds (to deal with uneven population numbers). There is no mathematical rule to determine the number of seats allocated to a district in the Parliamentary Election Law. The last revision occurred in 2010 when four additional seats were allocated to districts with high population rates. Given that the variance between district populations remains high, it is not clear why additional seats were not added again for the 2013 elections in the districts with high population figures.

Electoral Reform as a Key to Political Reform

In March 2011, King Abdullah II started an initiative to create a national dialogue to foster political reform. The National Dialogue Committee (NDC) was created, comprising 52 members from various political backgrounds. The Muslim Brotherhood's IAF refused to participate directly, but other opposition parties were represented.

The NDC recommended the following changes to the parliamentary electoral system:

- Eliminating the SNTV majoritarian system and introducing instead an open list proportional representation electoral system;
- Dividing the Kingdom into electoral districts based on the governorates;
- Increasing the women's quota while maintaining all other quota systems (i.e., quotas for Circassians/Chechens, Bedouins, and Christians).

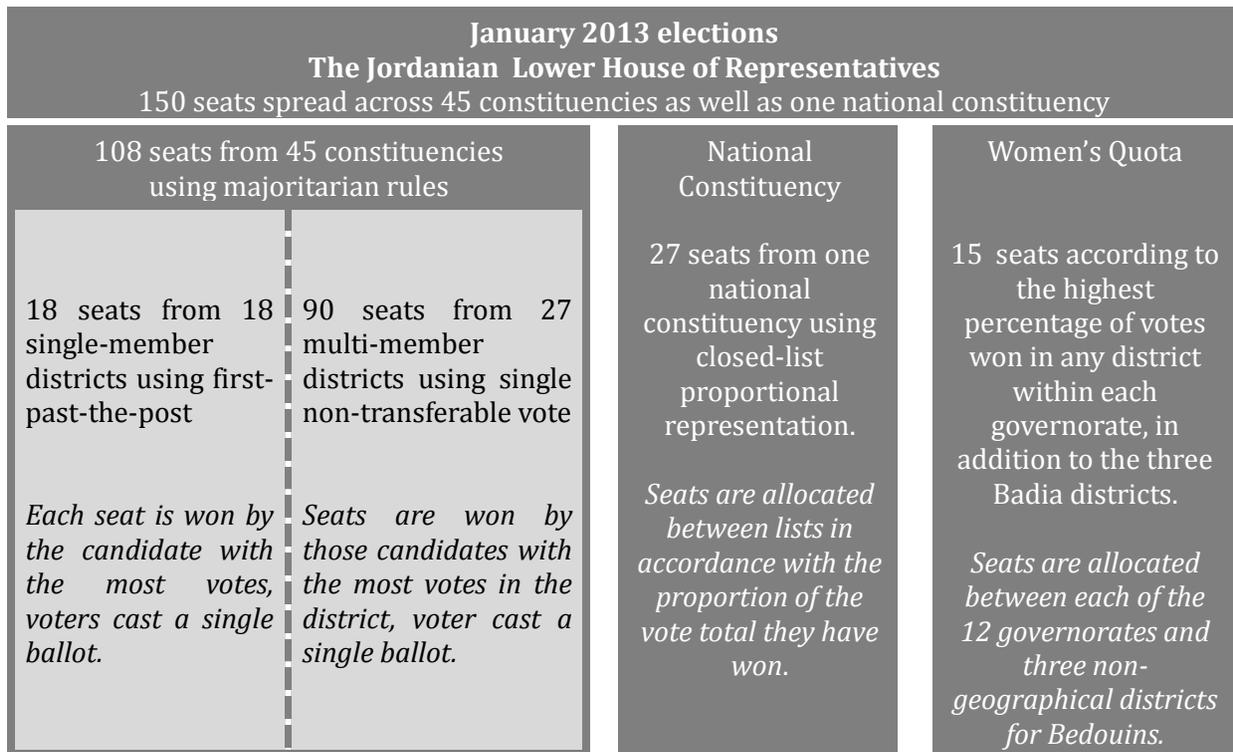
The NDC proposed to make these changes by introducing an electoral system that combined an open-list proportional system at the provincial level (a total of 115 parliamentarians) with an open-list proportional system on the national level (15 parliamentarians). The NDC also proposed to increase the number of MPs from 120 to 130.

The new Parliamentary Election Law, passed in July 2012, did not follow most of the recommendations of the NDC. While the law did include the establishment of the Independent Electoral Commission and a national list system, both NDC recommendations, it retained the SNTV as well as other provisions that the NDC had rejected. The failure to implement the recommendations of the NDC, particularly its suggestions to remove the SNTV system, caused many Jordanians and independent analysts to view the new electoral law as a missed opportunity to push the country's political system in the right direction.

This also contributed to the decision by the IAF and other political parties and groups (many under the umbrella of the National Front for Reform) to boycott the elections, resulting in a failed opportunity to bring the opposition fully into the process. However, some actors that initially announced their boycott of the elections later reversed their decision, arguing that this would enable them to work for changes from within parliament.

Electoral System

The 2012 Parliamentary Election Law maintained the division of the country into 45 electoral districts, while adding a single national-level district. In the 45 local districts, elections are held under a mix of First-Past-the Post and SNTV rules in single and multi-member constituencies electing a total of 108 seats. Included in the local districts are quotas for Chechens and Circassians (three), Christians (nine), and Bedouins (nine in total, with three in each of three Bedouin areas). In addition, 27 seats are elected in a nationwide single district under a largest remainder, closed-list proportional representation system, and 15 seats are reserved for women through a quota at the governorate/Bedouin area level. The chart below provides an overview of the distribution of seats.



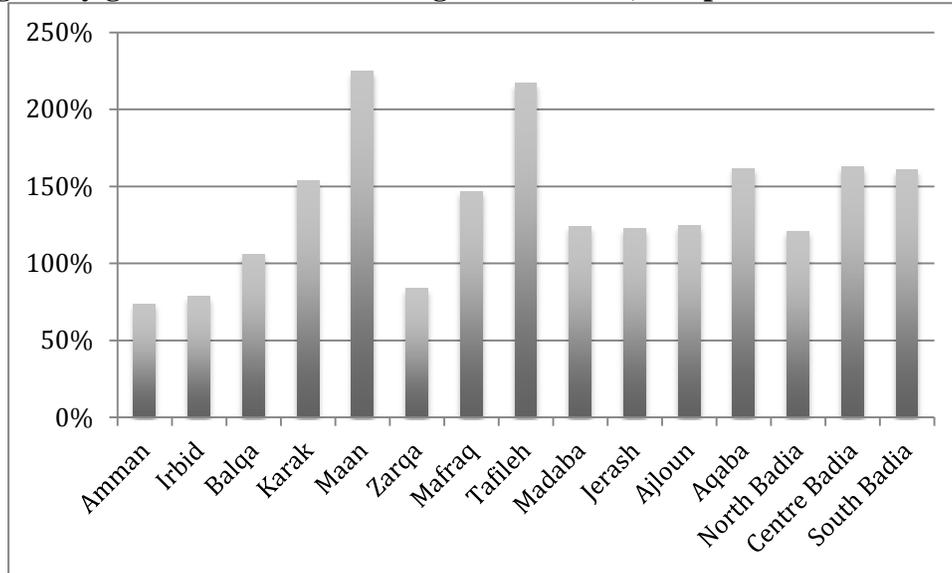
Equal Suffrage

Many Jordanians have raised two primary concerns about the inequality between voters. The first is linked to the number of votes required to obtain a seat in parliament. When calculated based on the population, the votes required to elect a seat ranges from 98,936 in Amman governorate to 25,350 in Tafileh governorate. Another illustration of the disparity can be seen in comparing registered voters for the 2013 parliamentary elections. District Seven in Irbid contained 48,701 registered voters compared to 6,733 in Ma'an's Second District. As a result, the winning vote total for Irbid's Seventh District was 11,624 votes, while Ma'an's Second District required only 1,648 votes to win the seat.

Another way to look at the same issue is to assess the "weight" of a vote in the various districts

and governorates of Jordan, in terms of their difference from the nationwide average. The variation of the weight ranges currently from 52 percent for Irbid’s Seventh district to 318 percent for Ma’an’s Second district.¹⁹ These figures are based on the number of registered voters. When comparing the population of the governorates,²⁰ the variation is from 68 percent for Amman to 278 percent for Tafileh. It should be mentioned that the introduction of proportional representation slightly reduced the differences between the weight of the votes. Without the introduction of proportional representation, the weight for Irbid’s Seventh District would be 42 percent and Ma’an’s Second District would be 366 percent.

Vote “weight” by governorate based on registered voters, compared to national average



The second concern relates to the perception that votes cast in single member districts count “100 percent,” (in that the “whole” vote is cast for one seat), whereas votes cast in multi-member districts are worth less depending on the number of seats in the district (i.e. in districts with two seats, voters elect only one-half the representation of the district, and similarly in districts with three seats voters elect only one-third the representation of the district). This inequality is inconsistent with the obligation for equal suffrage.²¹ While international obligations do not prescribe complete equality of suffrage and allow for a certain degree of difference in the weight of a vote across districts,²² a difference of 150 percent or more is clearly too high. The fact that this inequality is concentrated in urban areas with high populations of Jordanians of Palestinian origin results in a specific group being disadvantaged from participating in political life.

¹⁹ The average weight is 100 percent.

²⁰ District figures are extremely difficult to use due to the difference between administrative and electoral districts. In addition, no population figures exist for the Bedouin districts.

²¹ Universal Declaration of Human Rights (UDHR) art.21, International Covenant on Civil and Political Rights (ICCPR) art. 25 and Arab Charter on Human Rights(ACHR) art. 24.

²² The Venice Commission places the acceptable variation at 10 percent (with quotas for minority groups as a separate issue).

Election Administration

A professional, independent electoral authority that operates transparently and impartially is internationally recognized as an effective means of ensuring that citizens can participate in genuine democratic elections and that other international obligations related to the electoral process are met.²³

The creation of the Independent Elections Commission (IEC) was one of the main features of the recent electoral reforms in Jordan. Established through Article 67 of the amended Constitution, the IEC is governed by the Independent Election Commission Law no. 11 of April 9, 2012, with the mandate to manage and supervise the parliamentary elections. The IEC can also be asked by the Council of Ministers to supervise any other elections.

The IEC is comprised of a five-member board of commissioners, including a Chairperson, who are appointed by Royal Decree 06/05/12 for a non-renewable term of six years. The position and personality of the Chairperson played a key role in the 2013 elections. The IEC executive branch consists of a secretary general and several directorates.²⁴

The IEC enjoys legal, financial, and administrative independence. However, the Council of Ministers determines some of its internal procedures²⁵ and approves its budget. The permanent staff of the IEC is limited in number, and most are employees of various ministries on temporary secondment to the commission, including from the Ministry of Interior.²⁶ While this had initially been reported as a possible concern limiting the independence of the IEC, there were few complaints regarding the independence of the commission's actions.

As one of its primary challenges, the IEC sought to restore confidence in the administration of the election. At the same time, it faced a critical obstacle due to the relatively short time frame – eight months – to effectively implement the 2013 parliamentary elections within a reformed framework. The commission was generally seen as impartial²⁷ and was widely recognized as committed to delivering transparent elections in accordance with international standards.

Importantly, the IEC played a crucial role in adopting new procedures to enhance the secrecy of the ballot, increase transparency, and combat election fraud (see section on new election day safeguards and procedures). However, the legal framework did not include provisions and timelines for the announcement of results and the allocation of seats. The commission's last executive instruction on the matter²⁸ was published only one day before election day, far too late in the process. The instructions also remained vague on procedures, deadlines, and technical steps to manually aggregate results, cross check results against the data system, audit the results, and publish final official results.

²³ UNHRC, General Comment no. 25 para. 20.

²⁴ At the district level, 45 district offices were set up three months before the elections.

²⁵ Regulation no. 39, 40, and 41 regulating staffing, finance and procurement.

²⁶ For instance, seven out of 45 heads of District Election Committees were from the MoI, as well as most of the IEC staff working at operational level.

²⁷ For instance, the IEC did not take a position against the boycott. The main message of the IEC voter education program was "it is your choice." The IEC imposed a code of conduct on its staff and took disciplinary measures in a few occasions.

²⁸ Executive instruction number 14/2013 on declaring results of elections and organizing objections.

The tensions and uncertainties provoked by some delays in the result process – final results were not officially announced until January 28 - as well as a lack of understanding over the procedures had a negative effect on the positive image the IEC enjoyed among all stakeholders. However, this did not affect its overall credibility and there is a general consensus that the commission should remain a permanent institution.

Voter Registration and Suffrage

Voter registration is recognized internationally as an important means to ensure the right to vote, and international obligations mandate that voter registration should be made available to the broadest pool of citizens possible to ensure universal and equal suffrage are protected.²⁹

Universal suffrage is not enshrined in Jordan's Constitution, and the Parliamentary Elections Law does not allow several categories of Jordanians to vote, including members of the Jordanian Armed forces, General Intelligence, Public Security, Gendarmerie, and Civil Defense, while in service. Similarly, anyone who has been declared bankrupt and has not been rehabilitated cannot vote. Finally, citizens who are classified as insane or mentally disabled or who have been indicted for any reason cannot vote.³⁰ Furthermore, the law does not foresee special provisions for absentee or special needs voters, so many voters are, de facto disenfranchised.

Although voter registration was again conducted by the Civil Status and Passports Department of the Ministry of Interior, in 2013 it fell under the supervision of the IEC. To carry out the registration process, 75 offices of the Civil Status Department and 134 non-permanent or mobile offices were set up across the country. It is doubtful that meaningful supervision happened in the districts as the District Election Committees were formed only as voter registration concluded.

Voter registration was conducted from Aug. 7 – Oct. 15, 2012. After a slow start, it was extended twice, in accordance with the law, in order to allow more voters to register. All eligible citizens aged 18 and above on Dec. 1, 2012³¹ were able to participate in the voter registration exercise. Upon registering to vote, voters would receive a voter card. On election day, voters would then have to show both their national identity card³² and their voter card to be able to vote. There was limited confidence in the national identity card due to allegations that it could be forged,³³ therefore its use for identification purpose would not have been widely trusted for these elections. Lawmakers therefore opted to use voter cards as a confidence-building measure and as a safeguard against multiple voting.

For the first time, voters were asked during registration to choose where they wished to cast their ballot, and voters were pre-assigned to specific polling stations, reducing the possibilities for

²⁹ UNHCR, General Comment 25; UN ICCPR, art. 25 (b).

³⁰ 2012 Parliamentary Election Law, Article 3 C and D.

³¹ As per executive instruction no. 1, because the IEC was planning for elections in December 2012.

³² Expired cards were still accepted.

³³ In September 2012, the Muslim Brotherhood's Islamic Action Front claimed to have details concerning 70,000 national identity cards that were fraudulently used in the 2010 elections: <http://www.albawaba.com/news/jordan-corruption-441335>.

manipulations on election day. In past elections, voters were allowed to choose their polling station on election day making it almost impossible to check multiple voting.

The 2012 Parliamentary Election Law does not clearly define the residency requirement for registration. In its executive instruction No. 1, the IEC tried to restrict registration to the district of residency, with some exceptions allowed.³⁴ If the voters' father or grandfather was born in another district from their residence, they could register in that district.³⁵ Similarly, designated minority voters (Christian, Circassian, or Chechen) could register in another governorate, should their district not have a minority seat. These provisions caused some confusion in their application and some complaints³⁶ were registered. These provisions can also be abused by candidates who want to "move" their electorate from one district to another. As a whole, around 400,000³⁷ voters used the option to register in a district other than the one of their residence.

Approximately 70 percent of the eligible voting population registered (2,282,182 citizens), slightly less than in 2012.³⁸ This included 1,178,864 women.³⁹ Although voter registration was contentious in previous elections, as many called into question the credibility and accuracy of the voter register, for the 2013 parliamentary elections, the voter register was widely seen as accurate.⁴⁰

The primary concern about the voter registration process was family registration, or proxy registration. The Parliamentary Election Law stipulates that "the voter or somebody of his choice should pick up the voter card as per executive instruction of the IEC." The IEC executive instruction No. 1 and No. 4 interpreted the law as allowing a voter to register and pick-up the voter cards for his entire family including his brothers and sisters.⁴¹ These practices present two primary concerns: the first is the potential to abuse the registration system, as a proxy could register citizens without their consent; the second is the possibility for a voter to collect a high number of voter cards for the purpose of controlling or trading them (e.g., buying or selling votes).

According to different sources, a very high percentage of voter cards were picked up by persons who did not own them. The Carter Center received reports that public liaisons were appointed in public institutions to facilitate and encourage registration of public sector employees. Rumors also spread in Palestinian communities that if citizens of Palestinian origin did not register, their national identity card would be withdrawn. The Carter Center study mission received information that around 85 percent of the applications for voter cards had been done by such

³⁴ Article 7.

³⁵ A married woman could also register in her husband's father or grandfather place of birth, hence up to 5 districts.

³⁶ The Carter Center study mission was informed that there were approximately 26,000 complaints on this particular issue.

³⁷ Source: meeting with the IEC chairman, meeting with the Director of Civil Status.

³⁸ In 2010 approx. 2,370,000 voters registered. Source International Idea in <http://www.idea.int/vt/countryview.cfm?CountryCode=JO>.

³⁹ More women than men registered, probably due to the fact that men serving in the army, security forces or Police could not register.

⁴⁰ See the Civil Coalition for Monitoring the 2013 Parliamentary elections/RASED report from November 5, 2012 on the "Verification of the preliminary voters' lists published by the IEC."

⁴¹ As per parenthood defined in the family book, including brothers and sisters.

proxy.⁴² The Integrity Coalition for Election Observation estimated that 62 percent of the cards were distributed through proxy. The process of proxy registration has been widely criticised among observer groups.

Campaigning

The equal treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to protecting the integrity of the democratic election process.⁴³ Several rights must be respected to meet this obligation, including the right to be elected,⁴⁴ the right to freedom of expression,⁴⁵ and the right to peaceful assembly.⁴⁶

Individual Candidate and National List Registration

For the 2013 parliamentary elections, all candidates running for an individual seat or on a list were required to submit a 500JD registration fee, (approximately \$760) and in some areas (depending on the municipality) they were required to pay a municipal deposit to ensure they removed campaign materials.⁴⁷ The deposit was levied variably by municipality, and often not enforced. Despite these fees, candidates did not report problems with registration, and Jordanians did not complain that they were prevented from entering the race. Perhaps given the regime's interest in fostering participation, some prominent Jordanians reported that they or others they knew were encouraged by those at high levels to run in elections.

The national list system was interpreted such that the right of individual citizens to run in an election was ensured. Political parties and other advisors first lobbied to limit the national lists to established political parties, arguing that doing so was critical to strengthening Jordan's weak political party system. However, others objected on the basis that allowing only parties would limit their constitutional rights to equal participation. The electoral law that was finalized and approved by parliament ultimately agreed that limiting lists to established political parties conflicted with the constitutional right for equal participation, particularly given the limited party membership in Jordan. This allowed groups of individuals to form lists, although a minimum of nine individuals per list was required in order to discourage fragmentation. The decision to allow groups of individuals to form lists had two problematic consequences. First, as discussed below, it contributed to the establishment of a large number of lists and fragmentation in results.⁴⁸ Second, many argued that it promoted the influence of political money. Wealthy candidates heading lists paid others to join them, recognizing it was likely that only the head of the list would gain a seat.

⁴² Source: Ministry of Interior, Department of Civil Status.

⁴³ UN, ICCPR, art. 25(b); International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(c).

⁴⁴ UN, ICCPR, art. 25; LAS, Arab Charter on Human Rights, art. 24.

⁴⁵ UN, ICCPR, art. 19.

⁴⁶ UN, ICCPR, art. 21; LAS, Arab Charter on Human Rights, art. 28.

⁴⁷ The maximum fee was in Amman, where candidates were required to deposit 4000JD (approximately \$5,650).

⁴⁸ Only four lists won more than one seat, and of these, only one list won three seats.

Freedom of Expression and Assembly

The Government of Jordan promoted vigorous campaigning during the 2013 parliamentary elections. Parliamentary campaigns included posters and advertising, visits to those with whom the candidate and their supporters have personal relations, and the establishment of campaign headquarters in tents that became the sites of rallies and evening meet-and-greets between candidates and their constituents. Particularly among Jordanians of East Bank origin, campaigns and voting patterns are shaped by tribal relations, with tribes acting as political parties – holding electoral primaries and caucuses to choose candidates, fundraising from family and tribal members, and using tribal lists for get-out-the-vote activities.

Thus, although freedoms of expression and assembly broadly exist, campaign rallies focus on candidates' relationships with their constituents. The extent to which families, tribes, and neighborhoods support the candidate is highlighted, and meetings inside tents often resemble large family reunions.

The introduction of national lists stimulated some debate over issues. Organizations held meetings in which national list candidates discussed economic policies, political reform, and social problems, as well as regional and international affairs. A late ruling of the Ministry of Political Development also allowed social societies to host candidates (having earlier prohibited them from doing so), as long as they hosted competing candidates.

Campaign Regulations and Violations

Authorities allowed vibrant campaigns, but they also failed to regulate campaigns effectively, overlooking violations such as election day campaigning and the use of state logos and symbols. This may have been in part due to an interest in promoting high participation. It may also have resulted from the vague administrative procedures and inexperience of District Election Committee and IEC officials, combined with the relative lack of information among political actors and the public about the laws in place. Regardless of the reason, it is clear that authorities often turned a blind eye to campaign regulations.

Use of State Logos and Symbols. Executive Instruction 11, Article 7(4) states that Jordanians “shall not use the official state emblem in electoral meetings, election ads, leaflets and any other types of writings, drawings and images used in advertising and campaigning.” Yet, despite these rules, campaign posters and other materials prominently displayed these symbols, particularly pictures of the king and the Jordanian flag. The practice was so widespread that many interlocutors whom the Center met were not aware this was prohibited.

Vote Buying. Perhaps more importantly, the 2013 elections saw widespread reports of vote-buying, in violation of Executive Instruction 11, Article 7(7).⁴⁹ Group registration and retrieval, which allowed individuals to pick up groups of voting cards, appeared to facilitate the practice. Many Jordanians believed vote-buying was also fostered by the increasingly difficult economic

⁴⁹ Reads: “They shall refrain from practicing any form of pressure, intimidation, and promises of material and immaterial gains for the purposes of influencing voters' choices and to pressure them to elect or refrain from electing a particular candidate or a specific list.”

situation and cynicism toward parliament. Persons in need of money offered by candidates and their agents had an incentive to vote for candidates offering compensation.

The IEC spearheaded a highly publicized round-up of prominent vote-buyers toward the end of the pre-election period. The IEC argued that they needed sufficient evidence to charge individuals with vote-buying. However, public scepticism and the sense that vote-buying was rampant led many to question the timing of the round-up. Some went as far as to argue that the round-up helped to promote some candidates, and the fact that three of the indicted candidates won election reinforced this belief.⁵⁰

Election Day Campaigning. Election day campaigning also undermined confidence in the elections. Campaigning continued long past the deadline of the night of elections – with candidate information materials handed out at polling stations, groups of supporters gathered near polling stations, and buses with prominently displayed campaign material transporting voters to the polls. These events were in violation of Article 4 of Executive Instruction 11, which prohibits campaigning after the night preceding the election, and Articles 7(12) and 7(14) of the same Executive Instruction, which prohibit the holding of festivals and gatherings within 200 meters of polling centers and advertising or campaigning inside polling and counting centers.⁵¹

Campaign Finance

Campaign finance regulations in Jordan remain weak. Candidates were requested to fill out forms stating their sources of income and expenditures, but compliance was not regulated. Moreover, no attention was paid to campaign spending limits, which allowed political money to play a large role in the elections. Efforts should be made to redress these problems in order to restore confidence in the electoral process.

Election Day: New Procedures and Safeguards

Electoral laws that clearly define the electoral process and the roles and responsibilities of all electoral stakeholders are critical to the effective administration of genuine elections. Electoral legislation should protect civil, political and human rights and ensure that elections guarantee the free expression of the will of the voters.⁵² The right of voters to cast their ballot in secret, to have their votes counted in an impartial and transparent manner,⁵³ and to be granted access to the results⁵⁴ are critical elements of a genuine electoral process that is free from corruption.⁵⁵

⁵⁰ Those arrested include Ahmed Safadi (who won seat in the 3rd district of Amman), Adnan Abu Rakbeh (who won a seat in the 1st district of Madaba), Mohammed al-Khushman (who won a seat on National Union List), Nahlah Mahmoud Hussein Thalji (who lost a seat in Mafraq), Sultan Asaker (who lost a seat in the 2nd district of Amman) and Ghazi Aliyan (who lost a seat in the 2nd district of Amman).

⁵¹ The National Democratic Institute stated that “most observers reported active campaigning on the streets immediately outside polling places. Vote buying, while discouraged through new rules and enforcement of existing laws, was still a factor.” In addition, “Candidates and agents distributed campaign materials and, at times, voters were seen entering polling stations with these materials.” See NDI International Observation Mission Preliminary Statement, January 24, 2013, p. 2. The International Republican Institute echoed the findings, noting “campaigning in violation of the current law outside the majority of polling centers visited.” See “Electoral Administration, Environment Improve; Electoral Framework Continues to Fall Short,” IRI, January 24, 2013.

⁵² UN, ICCPR, art. 25 (b).

⁵³ UN, ICCPR, art. 25.

⁵⁴ UN, ICCPR, art. 19.

Jordan's new Parliamentary Election Law brings some improvements including new voter registration procedures, complaints and appeals procedures involving the Judiciary, safeguards to enhance integrity of the vote such as the use of indelible ink, as well as the presence of candidate representatives and observers at all stages of the process. The law allows for a certain degree of flexibility as the IEC can issue executive instructions.

However, the Parliamentary Election Law is unclear on some key aspects of the process, such as the special needs voters who are in hospitals or prisons, housebound persons, or absentee voters, including the polling staff (who numbered in tens of thousands). In addition, the law is not consistent in defining criteria to determine valid ballots. For the national list, a ballot with two marks for two different lists is deemed invalid, whereas for the local district voting, a ballot bearing two marks for two different candidates is deemed valid, but only the candidate marked first (higher position on the ballot) was to be counted.

Pre-printed Ballot

One of the most significant reforms introduced by the IEC to enhance the integrity of the vote was the use of pre-printed, standardised ballots. Pre-printed ballots help to ensure the secrecy of the vote, a key obligation for genuine democratic elections. In past elections, voters had to write the name of the candidate of their choice. For illiterate voters who were not able to write, they would typically say the name of their candidate aloud so that the polling staff could write it on the ballot. This voting procedure was open to widespread abuse and was exploited such that non-illiterate persons would say the name of candidates as a means of breaching the secrecy of the vote and facilitating vote buying. To combat such practices, the IEC reformed the procedures to allow all voters to cast their ballot in secret.

For the 2013 parliamentary elections, ballots were designed according to international best practice, bearing the names, symbols, and numbers of candidates and lists, and also incorporated security features. Voters could either mark the ballot in the blank space in front of the candidate name or write there the full name of the candidate. As an additional safeguard, ballots were to be stamped and signed by the polling station chairperson so that it would not be possible to introduce fake ballots in the ballot box. In addition, to protect the secrecy of the ballot and the integrity of the vote, the IEC forbid the use of cameras or mobile phones in the polling station. The commission also introduced low polling booths to ensure that the voter would be seen if they attempted to take a picture of their ballot or use a pre-marked ballot.

Posting of Results

Several best practices were implemented by the IEC to increase the transparency of the process. Importantly, results at each level of the process were to be posted and made public. Final results were published by the commission on its website on Jan. 28, five days after election day. The IEC also established a media center in Amman to provide observers and stakeholders with regular information, including real time information on the turnout. Executive instruction 14 specifies that the published final results include valid votes, but does not mention providing

⁵⁵ UNHRC General Comment 25, para. 20; United Nations Convention Against Corruption, art. 18.

information about invalid and/or spoiled ballots. However, the commission released a paper detailing the total of invalid ballots, including blank ballots, with 8.8 percent at the national level and 3.4 percent on local ballots. For future elections, the IEC should ensure that published results report information about valid as well as invalid ballots.

Additional Safeguards

Additional safeguards were also introduced for the 2013 parliamentary elections, including the use of indelible ink to prevent multiple voting. For the first time, all staff involved in election day (approximately 32,000) received training.

A data entry system was introduced at polling stations with the dual function of checking the eligibility and identity of the voter⁵⁶ and aggregating results at both the polling station and District Election Committee levels. This computerised data system was not, however, legally binding but rather was to serve as a check on the different manual counts and tabulations.

However, there was some redundancy in the polling and counting procedures. The process of verifying and recording a voter's information on two separate hand-written lists, in addition to checking it on the electronic database, was unnecessary and extended the time needed to complete the voting process.⁵⁷ In addition, results were counted multiple times. At polling station level, they were entered into the electronic database and on the forms foreseen for that purpose. At District Election Commission level, the same polling station results were entered a second time into the electronic database for electronic tabulation, and also tabulated manually, as well as on a giant whiteboard visible to all observers and party agents. The existence of four separate cross checks in the counting and tabulation processes is perhaps more than necessary, and should be re-evaluated for future electoral cycles.

Results Process

The delay of several days in the announcement of final results, in addition to the complaint lodged by a candidate on the national list over the results, provoked some uncertainty and criticism of the IEC.⁵⁸ A five-member special committee was formed, as per article 50 of the Parliamentary Election Law, to audit and certify the district results, calculate and announce the official results of the women's reserved seat election, and tabulate and announce the official results of the national, proportional list. The special committee finished its work on Jan. 27, after recounting and auditing polling station forms for all races and comparing them with the electronic data.

⁵⁶ Each polling station was granted a computer connected in real time with the voter register. Each voter would appear on the screen, including his photo. An additional screens was facing observers and candidate agents so the could control that no voter was impersonating.

⁵⁷ The IEC implemented this procedure to comply with language in the electoral law, cf art. 39.

⁵⁸ Three days after the elections, a candidate heading a national list, Mrs. Abla Abu Olbeh, complained to the IEC through the National Center for Human Rights about a discrepancy in the preliminary results (which indicated she was elected) versus the final –but still unofficial- results published by the IEC (which indicated she did not win a seat). The IEC convened the special results committee for reviewing the results in front of observers and representatives of the two candidates. The committee then decided on its own to audit all the results, but without specifically inviting all party agents, although with the presence of international and domestic observers. This decision was seen as controversial by domestic observers and fuelled other unofficial complaints from different lists.

The records for the 4,069 polling stations in the 45 districts were reviewed by 20 teams of two auditors to ensure the complete accuracy of the results. The teams reviewed the records and checked that they matched the electronic files. While the special results committee acted swiftly and openly, there is room for improving the transparency of the procedures regarding results. The lack of clear procedures explains most of the misunderstandings between some candidates and the IEC.

Election Observation

The IEC accredited several observers and candidates' representatives, and they were permitted to observe all stages of the electoral process. Official election observation efforts were mobilized by groups that can be divided into three categories: international election observers; domestic citizen election observers; and candidate agents. The National Democratic Institute, the International Republican Institute, the European Union, the League of Arab States, and the Organization of Islamic Conference deployed nearly 400 international observers to Jordan for the elections. An additional 7,800 domestic citizen observers were deployed from The Civil Coalition for Monitoring the 2013 Parliamentary Elections (RASED), the Integrity Coalition (Nazaha), and the National Team for Election Observation of the National Council for Human Rights in Jordan. In total, 23,606 candidate agents were accredited by the IEC.

The IEC worked closely with international and domestic observers in a consultative manner, and all observer groups reported a good communication with the commission. However, domestic and international observation groups also noted the need for further political reforms and were critical of various aspects of the electoral process (i.e. the Political Parties Law). Domestic observation missions drew attention to serious flaws in the electoral process, including violations during the campaign period and errors in the vote tally results.⁵⁹

Electoral Dispute Resolution

An effective remedy for violations of rights and freedoms throughout the electoral process is a critical element of genuine, democratic elections.⁶⁰ Voters and other electoral stakeholders are entitled to a fair and public hearing to resolve any electoral disputes.⁶¹

The Parliamentary Elections Law deals with electoral offences and crimes in detail, and penalties are established for a variety of issues that may affect the electoral process. The IEC handles preliminary petitions or complaints at various stages of the process, and if the complainants are not satisfied with its decision, they may appeal to the courts. Different courts hear appeals concerning the various stages of the electoral process. The Courts of First Instance deals with challenges concerning voter registration and campaigning. The Courts of Appeals deal

⁵⁹ In a press conference a few days after the elections, RASED called for investigations into the controversial tabulation of the results for four electoral districts and polling stations, as well as for 20 national lists for which the results contradicted their parallel vote tabulation. NCHR publicized their tabulation results confirming the claim made by the head of the Democratic Rising List, Ablah Abu Obleh, that her list deserved one more seat than it was apportioned according to official national list election results.

⁶⁰ UDHR, art. 8.

⁶¹ UN, ICCPR, art. 14.

exclusively with challenges concerning candidatures and election results, in accordance with a Constitutional amendment in 2011. This amendment is seen as a positive step as past appeals were dealt with by parliament, engendering a conflict of interest.

The IEC received 25,265 objections concerning voter registration, out of which 7,473 decisions were appealed to the Courts of First Instance. The cases were mostly related to residency issues.

The complaints during the electoral campaign period were primarily related to felony vote buying. Six candidates were charged and detained prior to election day on these grounds. All were released after the elections on bail and currently await trial. Another five candidates are being investigated for the same crime and cases may be opened against some of them. Four of the accused candidates have obtained a seat in parliament and it is doubtful that these MPs will face prosecution. For this to happen, parliament would need to relieve them of their immunity. The accused who did not obtain a seat may be brought to court and, if convicted, face a sentence of between three and seven years of imprisonment.

The public administration dealt with other campaign violations, mostly concerning campaign posters and other propaganda posted in forbidden spaces. Many municipalities requested that candidates pay a deposit to ensure that they would retrieve their campaign materials and used these funds to remove the campaign materials on behalf of the candidates if found of violating campaign rules. The police were not requested to enforce this provision of the law and did not wish to do so as they saw it as being too politically sensitive. Other campaign violations (i.e., the use of state symbols) were not dealt with at all.

The IEC played an active role in conveying vote buying complaints to the relevant authorities, yet it shied away from using its legal powers to act on matters related to campaign violations in the period just before and during polling day. The IEC should have made candidates aware that breaking the law would have repercussions, instead of leaving the responsibility primarily with the municipalities, which resulted in no enforcement of the law by the relevant authorities except regarding campaign materials.

The three Courts of Appeal received a total of 12 cases regarding challenges to candidate nominations, all of which were decided in favor of the decisions made by the IEC. As of the time of this report, the six challenges concerning national lists and district elections have been presented to the Courts of Appeals.

Women's Participation

Legal framework

Jordan's international obligations⁶² require that all appropriate measures be taken to ensure the full development and advancement of women on a basis of equality with men. To this end,

⁶² Jordan signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1980, but the Convention was ratified in 1992 with reservations made on Article 9 (2), 15 (4), and 16 (1), paragraphs c, d and g. However, the publication in the official gazette only took place in August 2007. In 2009 the government of Jordan lifted the reservation on Article 15 Paragraph 4. However there are still reservations on the following: (1) Article 9 Paragraph 2 regarding the

international law provides that in some instances, states shall take special, temporary measures to achieve *de facto* equality for women.⁶³

In Jordan, many activists voiced their disappointment at the missed opportunity of including the word “gender” within the scope of Art. 6 of the constitution when it was amended in 2011. The inclusion of gender in Art. 6 would have enshrined in the constitution an important aspect of non-discrimination, which, in turn could have given grounds for the newly created Constitutional Court to review existing legislation.

Jordanian legislation is civil except for the Personal Status Law, which is derived from Islamic Sharia Law and affects women’s rights in both familial and economic matters.⁶⁴ Jordan is one of the countries in the region that limits the right of conferring nationality to children to male citizens.⁶⁵ This legal impediment has been criticised as a barrier to equal opportunities regarding citizenship.

According to the 2010 gender indicators of the Jordanian Department of Statistics, illiteracy is at 10 percent for women and 3 percent for men, with significant variations between rural and urban areas. On average, female illiteracy is 17 percent in rural areas, reaching 20 percent in some cities like Ma’an in the South of Jordan.⁶⁶

2013 Parliamentary Elections

Women in Jordan have had the right to vote since 1974. The quota system was introduced in the 2003 elections, reserving six of 110 parliamentary seats for women candidates. The quota was doubled to 12 seats in 2010 and then to 15 seats for the 2013 election. The 60 senators in the Upper House are appointed by the king without a quota for women. In the last parliament, seven women were appointed senators from among 60 members of the Upper House and only one woman was elected to the Lower House outside the quota system. In the 2013 elections 18 women were elected to parliament, 15 through the quota, two as heads of national proportional representation lists, and one elected through the majoritarian system in the districts.

There are several concerns regarding Jordan’s quota system for the 2013 parliamentary elections. First, from a general perspective, reserved seats for women may be perceived as an “inadvertent ceiling for women’s participation, leading elites and citizens to assume that seats not explicitly reserved for women are therefore implicitly reserved for men.”⁶⁷ Second, Jordan’s “best loser system” for seat allocation is calculated in each governorate based on the percentage of votes

rights of women to pass nationality to husband and children; and (2) Article 16 Paragraph 1 (c,d,g) related to marriage, divorce, and custody.

⁶³ UN, Convention on the Elimination of All Forms of Discrimination Against Women, art. 3 & 4

⁶⁴ For instance, the ability of women to seek employment, women’s rights related to inheritance, the ability of women to travel and the ability of women to testify in courts.

⁶⁵ Article 3 of the Jordanian Nationality Law.

⁶⁶ Source: Jordan CEDAW shadow report, Geneva 2012 by CEDAW Alliance Coordinator: Jordanian Women’s Union.

⁶⁷ Source OSCE/ODIHR “Gender Equality in Elected Office: a six step action plan” available at <http://www.osce.org/odihr/78432>

women candidates receive out of the total votes cast within the district in which they run, and not on the total number of votes they actually receive.⁶⁸

Sociological background

The general social environment in Jordan is not conducive for the equal participation of women in political life. Among the major constraints are the predominance of family life and housework in their lives,⁶⁹ difficulties associated with travel required in order to campaign, pressures from the family and society not to run for office and lack of financial resources to campaign. Gender stereotypes and many discriminatory practices affect the ability of women to make decisions independently, as they need to obtain prior approval from their husbands, brothers or fathers. Women lack financial support to launch and carry out campaigns for elected political positions independently of their husbands or male family members, which likely affects their ability to take stands on the issues they believe in.

Tribal primaries are a common feature of Jordanian elections, particularly in the rural areas. This type of electoral behavior has significant negative effects on the ability of women to choose their candidate without pressure from others, as women are denied the right to vote in such elections or are expected to cast their vote according to the collective decision of the men in their family.

Women in the 2013 parliamentary elections

Out of the 819 candidates that contested the national list, 84 were women (10.3 percent), and out of the 606 candidates for the local district seats, 105 were women (17.3 percent). Two lists were headed by women. Regrettably, the IEC board of commissioners is made up entirely of men and only two District Election Committees had female heads. On the positive side, the board of commissioners nominated one woman to sit at the special committee in charge of auditing and verifying the election results. Additionally, the IEC voter education program – although limited in time and resources – targeted women voters. There were 1,178,864 registered women (51.9 percent).

⁶⁸ As a result of this system, a woman with a high percentage of votes but a low number of total votes from a small district could earn the women's seat for that governorate with less total votes than women with lower vote percentages from other districts in that governorate. Stakeholders noted that this system leads to tactical practices by smaller tribes who do not have a chance of winning a non-reserved, open seat under the system, and instead nominate a woman candidate calculating that they can win the seat.

⁶⁹ "The widely spread social perception that women should stay home because they cannot combine work and family obligations continues to be a major socio-cultural barrier to limiting the opportunities for women to participate in the public sphere." AWO shadow report to CEDAW session, February 2012.

Conclusion and Recommendations

As discussed above, given Jordan's difficult political context, the success of the elections can be assessed by the degree to which the electoral process credibly and accurately expresses the will of the Jordanian people, as well as by the character and representativeness of the new parliament.

Technical Advances in the Electoral Process

From a technical and procedural perspective, the electoral process has been an improvement over 2007 and 2010 polls. The newly established IEC made significant procedural improvements for the 2013 elections and operated in a transparent manner. However, the election was marred by an electoral system that limits equality of suffrage and by persistent concerns about vote buying, proxy registration, and other problems. Although voter turnout was higher than many predicted – 56.6 percent – some of the turnout can be linked to vote-buying and state pressure to participate.⁷⁰

Parliamentary Renewal

The king has argued that the election would return a parliament that could be a catalyst for reform. For this to happen, however, required that enough reformers earn a seat in parliament to help carry forward the king's promises of change and the replacement of parliamentarians that Jordanians widely view as corrupt.

The election outcomes provide only modest steps in this direction. The elections did return some new members, seen as reformist forces. However, their number is small, while the elections also returned to parliament many former parliamentarians seen as corrupt, including candidates who were indicted on vote-buying charges. The results brought back a large number of "tribal candidates," due to the retention of the SNTV system in the multi-member districts and the malapportionment of electoral districts, as well as the ruling that lists could be run by groups of individuals. Thus, as in earlier periods, the parliament remains fragmented and filled with members who benefit from many of the provisions in the election law that should be reformed. While King Abdullah II's decision to concede to parliament the power to select the prime minister is a positive step in this direction, it will be difficult for the king to carry out his promises of forming the government through consultation and pushing reforms forward with a divided and self-interested parliament.

Significant reforms in the electoral process and broader institutional structure are thus required in order to move political reform forward in Jordan. This is imperative if Jordan is to avoid the economic and security problems experienced by its neighbors, a desire expressed by Jordanians across the political spectrum. With this in mind, The Carter Center respectfully offers the following recommendations to contribute to Jordan's ongoing political and electoral reform process:

⁷⁰ Several changes in the electoral system and process also are likely to have increased participation rates: . The increased number of parliamentary seats and the introduction of party lists gave citizens more incentive to run in elections, and for their supporters (often those with whom they have personal relationships) to vote. In addition, since voter registration was lower than in 2010, the denominator used to calculate participation rates was reduced, artificially raising the turnout figure. In total, only approximately 30,000 more Jordanians turned out to vote in 2013 than in 2010.

Broad Political Reforms

Steps should be taken to strengthen parliamentarians' roles in legislation and executive oversight. These include:

- ***Establish constitutional changes to reinforce parliamentary powers.*** In order to ensure genuine democratic accountability, elected parliaments should have the right to supervise the executive and to legislate without external interference. Jordan's constitution prescribes that legislative power is vested in the National Assembly, but also with the King.⁷¹ Constitutional changes are required to clearly establish the legislative powers of parliament.
- ***Limit the role of intelligence and security forces.*** The role of security forces and intelligence services should be more clearly delineated and constrained to ensure that these forces do not play inappropriate roles in governance. Democratic, civilian oversight of these forces should be strengthened.
- ***Increase bureaucratic transparency and efficiency.*** Establishing better bureaucratic services and public hiring practices can help diminish parliamentarians' role as service providers and decrease the tendency to vote on the basis of personal relationships. Voters who are less reliant on parliamentarians for personal favors in order to access public services and employment will be more likely to hold their parliamentarians accountable. Efforts to improve public administration are thus a key to democratic elections.
- ***Strengthen political parties.*** Jordan should continue its efforts to strengthen political parties. Jordan should also consider expanding the percentage of seats allocated to national proportional lists.

Electoral System

International obligations do not stipulate the type of electoral system that should be used in Jordan. However, the electoral system and the delimitation of boundaries must uphold fundamental rights and freedoms, including universal and equal suffrage.

- ***Create an equitable electoral system.*** In order to improve the equality of suffrage, discussions should continue between a broad base of political stakeholders, both in parliament and outside, to jointly define an electoral system that is more representative of the Jordanian population, while also suitable for the political realities of the country. Various models have been proposed in the past, including by the National Dialogue Committee, and could be used as a starting point for future discussions. One option would be adjusting the size of the districts to match the governorates, perhaps creating 12 multi-member districts. Adjustments could be made in seat allocation to more closely correspond with population size, and the districts could use either an open list proportional representation system, with voters selecting among candidates from the lists

⁷¹ The Constitution of the Hashemite Kingdom of Jordan, art. 25.

or a majoritarian bloc vote with multiple votes cast in multi-member districts (as many votes as seats) and voters selecting among candidates inside the lists. This would encourage broader alliances across the governorate and would make it easier to ensure equal suffrage as the overall population of governorates are closer to each other than individual districts in Jordan. In fact, the disproportion which exists today between districts could be reduced if electoral districts were drawn along governorate lines, without any changes in seat allocation. Another option would be to increase the number of seats (and the percentage of total seats) elected via a single, national district under open list proportional representation. This would support the development of political parties with national agendas. Further consideration could also be given to removing quotas for ethnic and religious groups.

- ***Reconsider the size of parliament.*** There are several proposals for resizing parliament, including some calling for a return to the 80 seats of 1989. Some interlocutors have proposed reducing the number of parliamentarians in the least populated governorates to two seats and/or providing the most populated governorates with additional seats.
- ***Consider holding elections for the senate.*** For future elections, consideration could be given to holding elections for the senate instead of appointment by the king. If senators continue to be appointed, the senate should include a significant number of women and should be representative of different groups within society (ethnic, religious, etc.), allowing these groups to monitor the work done by the house of representatives in order to ensure that none of them is treated unfairly.

Electoral Law

- ***Provide suffrage to the widest pool of voters possible.*** In order to ensure that the widest possible pool of citizens can vote, mentally disabled persons should not be disenfranchised unless by a decision of a court or another competent authority. Further, while the Carter Center acknowledges the specific challenges related to granting the right to vote to active personnel of the army, gendarmerie and police, lawmakers should consider the possibility to grant them the right to vote in the near future. The law should also include provisions to ensure that special-need voters can cast their vote.
- ***Clearly define procedures for announcement of results.*** Results announcement procedures and deadlines, as well as the seat allocation system should be clearly defined in the law. Invalid ballots should be determined according to a consistent standard.
- ***Enshrine in the electoral law the use of pre-printed ballots.*** Pre-printed ballots provided an important safeguard to ensure the secrecy of the vote. This should be included in the electoral law to guarantee that this provision will continue for future elections.

Election Management

- ***Ensure the independence of the IEC.*** The IEC should be strengthened by ensuring its institutional independence, and providing budgetary autonomy and permanent staff. Members of the commission's board of commissioners should be nominated by a

transparent procedure and with criteria for selection to guarantee its independence. The IEC should retain full control over its budget and its internal financial and staffing procedures while under the control of state auditing authorities.

Campaigning

- ***Strengthen campaign finance laws.*** Campaign finance laws should be strengthened and enforced to reduce the influence of political money in campaigns.
- ***Ensure effective enforcement of campaign violations.*** Strong measures should be taken to enforce campaign violations, particularly to reduce vote-buying, the use of state logos and symbols in campaigns, and campaigning on election day.

Voter Registration

- ***Ensure IEC management of the voter registration process.*** The IEC should fully manage the entire voter registration process. This should include a stronger staffing and operational structure.
- ***Reconsider the use of voter cards.*** Alternatives to the use of voter cards should be studied. Consideration should also be given to using national identity cards for future elections, including addressing concerns about problems with national identity cards.
- ***Eliminate family registration.*** The practice of family registration, which was supposed to allow a voter to designate someone of his choice to pick up his voter card, appears to have opened the door to large-scale abuse. To avoid this in the future, it should be eliminated so that voters cannot be registered unless they clearly consent to do so.
- ***Continue assigning voters to a specific polling station.*** Voters should continue to be assigned to a specific polling station, keeping an important safeguard in place against multiple voting.

Election Day: New Procedures and Safeguards

Although The Carter Center did not conduct a systematic observation on election day, the mission was able to make a general assessment of some procedural steps, and the following recommendations are offered for consideration:

- ***Blank and invalid ballots in official results.*** Official and preliminary results should include information about blank and invalid ballots at all levels of the reports.
- ***Simplify election day procedures.*** The use of two written lists to record voters' names at the polling stations was done to conform with language in the electoral law. Election day procedures applied at polling stations, DEC, and special committee levels should be reviewed and revised in the electoral law, with the goal of simplifying and removing any redundant steps. The use and role of the data entry system should be evaluated, and its aim and functioning should be explained in law or in executive instruction.

Electoral Dispute Resolution

The legal framework for electoral dispute resolution is complicated by the fact that the IEC is given enforcement powers and because many provisions in the Parliamentary Elections Law are not being implemented, according to many interlocutors, because they “contradict political culture.” In addition, while clear timelines are established for voters and candidates to appeal decisions regarding voter registration, candidate nomination, and results, clear timelines are not provided for voters and candidates to appeal decisions regarding campaign violations and results aggregation at the district and national level. Therefore, the Center offers the following recommendations to improve the electoral dispute resolution process:

- ***The legal framework should ensure that legal remedy is available at two levels for all phases of the electoral process, and that regulations are established sufficiently in advance of relevant electoral processes.*** Under the current legal framework, the IEC handles preliminary complaints at various stages of the process, and a second level of appeal is available through the judiciary. However, the procedure to present complaints about the aggregation of results at district and national level was only issued one day before the elections, making it extremely difficult for candidates and their agents to use these procedures.
- ***If the IEC is given powers to manage complaints and enforce the law, it should be adequately staffed.*** A vacuum was evident during the electoral process with regard to management of complaints at the various levels. The legal department of the IEC was perceived more as an advisor than an operational department dealing with cases. This became especially obvious regarding the complaints related to the preliminary results. While the IEC acted on vote buying cases, they did not do so on all other campaign violations (other than informing authorities). If the IEC is to be given para-judiciary and enforcement powers, it should be staffed accordingly and should effectively implement its decisions.
- ***Apply decisions in a timely manner.*** Decisions should be applied in a timely manner by the competent body. This would be enabled most effectively by establishing a clear timeframe in the election law itself. However, currently, no specific timeframe is given for the follow up of complaints and appeals regarding criminal offenses at Courts of First Instance, leaving the decision about the cases open after the elections are over and therefore void of any immediate impact.

Currently, elected MPs accused of violations (e.g., vote buying) will need to be stripped of their immunity by a Special Committee in Parliament in order to be prosecuted, which is unlikely. Consideration could be given to the formation of a special court to handle elections disputes to ensure that they are dealt with in a timely manner during the electoral process.

Women's Participation

- ***Ensure non-discrimination of women.*** The new parliament should consider amending Article 6 of the Constitution so it would explicitly stipulate non-discrimination related to gender on the same grounds as religion, race and language.
- ***Review existing legislation to enhance the rights of women.*** The new parliament should review laws that discriminate against women, in particular the Personal Status Law in order to align them with Jordan's international commitments.
- ***Increase women's participation in Parliament and the Cabinet.*** The new parliament should consider more effective ways to increase women's representation in parliament, with the goal of eliminating gender disparity. Although the number of seats for the women's quota increased from 12 to 15 from the 2010 elections, the percentage of seats reserved for women remained at only 10 percent, far short of the Millennium Development Goal. The new parliament should also take steps to ensure greater representation of women in its leadership positions (i.e., the Spokesperson, the Secretary General, the Chairpersons of different commissions). In addition, the new cabinet should include a significant proportion of women.
- ***Increase women's participation in electoral administration.*** The IEC should adopt a positive policy in promoting more women at all levels of electoral administration, including management positions such as District Election Committee chairpersons. In addition, there should be equitable representation of women on the board of commissioners, as well as within the special committee established by the IEC for the results process verification.
- ***Take additional steps to promote gender equality.*** Initiatives should be encouraged to combat stereotypes and raise awareness of gender discrimination, including among elected MPs, including media campaigns and citizen education. Political party initiatives should also be encouraged, including women's sections and the promotion of women leaders.

The Carter Center's Study Mission in Jordan

The Carter Center's study mission for Jordan's Jan. 23 parliamentary elections was composed of a small team of expert analysts who assessed several key issues in the elections, including the electoral system, election administration, and dispute resolution process. The Center's mission was limited in scope, as the Center did not deploy observer teams and did not aim to provide a comprehensive assessment of the electoral process as a whole.⁷²

⁷² The Center's mission was conducted in accordance with the applicable laws, regulations, and international commitments of Jordan as well as with the *Declaration of Principles for International Election Observation* and *Code of Conduct for International Observers* that were adopted at the United Nations in 2005 and have been endorsed by more than 40 election observation groups.

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