



## **THE HASHEMITE KINGDOM OF JORDAN**

### **FINAL REPORT**

### **Parliamentary Elections 2013**

## **EUROPEAN UNION ELECTION OBSERVATION MISSION**

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*This report is produced by the European Union Election Observation Mission and presents the findings of the EU EOM on the 2013 Parliamentary Election in the Hashemite Kingdom of Jordan. The content of this report has not been approved or adopted by the European Union and cannot be considered as a statement from the European Commission. The European Union does not guarantee the facts reported in this report, and does not accept responsibility for any way in which these may be used.*

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**The Hashemite Kingdom of Jordan  
Parliamentary Elections  
23 January 2013**

**European Union Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

The parliamentary elections for the 17<sup>th</sup> House of Representatives in The Hashemite Kingdom of Jordan were held on 23 January 2013. The European Union Election Observation Mission (EU EOM) has been present in the country between 13 December 2012 and 7 February 2013 following an invitation from the Independent Election Commission. The EU EOM was led by Mr. David Martin, Member of the European Parliament. A delegation of members of the European Parliament, headed by Mr. Christian Dan Preda, also joined the mission. The EU EOM deployed over 80 observers from all EU Member States, Norway and Switzerland across the country to assess the entire electoral process in accordance with international and regional commitments for elections as well as the laws of The Hashemite Kingdom of Jordan (registration of voters was assessed indirectly). The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

The 23 January 2013 parliamentary elections were organised and conducted in a transparent and credible manner. Elections were technically well-administered despite serious inadequacies in the recently adopted legal framework. Election day was calm and peaceful despite sporadic local violent incidences. Polling, counting and tabulation of results were well-administered in the polling stations observed by EU EOM observers. However, delays and incoherent accessibility provided to the tabulation of national constituency results and related re-tabulations had a negative impact on the impartiality and transparency image of the Independent Election Commission.

Jordan has ratified the major international and regional human rights instruments. Fundamental freedoms including civil and political rights are included and elaborated in Chapter Two of the Constitution. These elections were governed by a newly adopted legal framework which, generally, complies with international and regional obligations and commitments pledged by The Hashemite Kingdom of Jordan. However, it contains substantial gaps and deficiencies which undermine the protection of universally accepted principles such as the equality of votes and the universality of suffrage. The adoption of the new Election Law by the National Assembly and the establishment of an independent election management body signify an improvement and a start for further essential legal reforms.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Arabic.

The Independent Election Commission has made significant efforts to perform its mission in a transparent and impartial manner. Technical preparations were effectively accomplished within the operational and legal deadlines. A number of safeguard measures were introduced enhancing the public confidence in the process. However, the lack of a publicly available consolidated electoral calendar did not allow stakeholders to assess the stage by stage status of preparations. Election materials were timely distributed at the District Election Committees and further to the polling stations. For the first time, printed ballot papers including the names of the contestants with high standard security features were produced as well as the use of indelible ink.

The legal framework contains substantial gaps and deficiencies which undermine the protection of the universally accepted principle of equality of votes. Provisions for constituency delimitation including competence, criteria and periodicity and the number of seats for each constituency were not included in the legal framework. Large discrepancies have been identified between the size of constituencies. For example the single-seat constituency in Ma'an 2 has 6.733 registered voters while the single-seat constituency in Irbid 7 has 48.701 registered voters.

The universality of the right to vote was curtailed by the exclusion of large groups such as the armed forces, general intelligence, public security, gendarmerie and civil defense while in active service and is not in line with international commitments and the principal of universal suffrage enshrined in Article 25 of the International Covenant on Civil and Political Rights. The final voter list included 2.272.182 voters. Some 71 per cent of the eligible voters were registered. However, extensive proxy voter registration affected the credibility of the voter registration process and contributed to a general perception of distrust about the accuracy of the voter list.

Candidacy requirements are stipulated in the Election Law containing a detailed list of requirements, prohibitions and incompatibility largely in line with international commitments. The total number of candidates contesting was of 1,425, of which 606 (105 women) were running for the local constituencies and 819 (86 women) for the national constituency enlisted on 61 national lists.

The constitutional rights of freedom of assembly, freedom of expression and movement were enjoyed by all contestants during the campaign period. Throughout the country, campaign was low key and overall calm, mainly concentrated in large urban areas and mostly visible through posters and banners, door-to-door activities, and gatherings in campaign tents. The lack of intensity and substantive content in the messages reflected disconnection with the socio-economic situation in the country. Several cases of extensive use of political money, vote buying and other fraud attempts marked the campaign period. Suspects including candidates were detained, allegedly, involved in forging or withholding voter cards, offering money to voters and "donations" to clubs and associations.

The Constitution guarantees freedom of opinion and expression as well as freedom of the press. However, a rigid regulatory framework and self-censorship limited a lively public debate in the print and broadcast media. Whereas public media were legally obliged to provide balanced and neutral reporting, the private media remained in this respect unregulated. Broadcasting, print and online news media campaign coverage was highly commercialized.

The Constitution does not explicitly protect the principles of gender equality and non-discrimination. Women in Jordan are seriously under-represented in public life. The quota in the new Election Law remained the same, 10 per cent (15 seats). A total of 191 women contested, representing 13.4 per cent of the total number of candidates, while women represent 51.8 per cent of the registered voters. Only 3 women gained a seat outside the quota system. Women's representation in the election administration was low, particularly in decision-making positions.

Civil society organizations took an active part in all phases of the electoral process. Some 250 civil society organisations engaged in the electoral process by forming three domestic observation coalitions, namely, the Civil Coalition for Monitoring the Jordanian Parliamentary Elections (RASED), the Integrity Coalition for Election Observation and the National Team and accredited 6,990 observers to all 4,069 polling stations throughout the country to observe polling, counting and tabulation of results. Civil society organisations carried out considerable efforts on voter education by disseminating information material, conducting panel discussions and arranging for interactive voter education activities.

The Election law and the Executive Instructions are regulating complaints covering voter registration, candidacy, campaign, polling and counting, tabulation of results and against the validity of the results. The legal framework provides for the first time to the judiciary the role to adjudicate complaints for registration, candidacy and election results. The complaint resolution process is under-regulated and lacks detailed procedures and timelines. It has been undermined by insufficient voter information, the presence of alternative forms of conflict resolution and by the distrust in the authority and the institutions.

Election day was calm and peaceful overall. Voting conducted orderly and efficiently in the polling stations observed and procedures were largely followed with minor procedural irregularities that did not impact on the integrity of the process. Polling staff acted professionally and impartial in the polling stations observed. Widespread illegal campaign activities and campaign material were observed by EU EOM observers. Counting was conducted in a competent manner in the polling stations observed in the presence of candidates, representatives of national lists and candidate agents contributing to the inclusiveness and transparency of the process. The tabulation of results at the District Election Committees was assessed positively by EU EOM observers in the tabulation centers observed. The Special Committee competent to establish preliminary election results for the closed proportional list system and the quota seats for female candidates conducted repeated audits due to data entry errors in the preliminary results. Small-scale clashes were initiated by supporters of non-elected candidates targeted official buildings and private properties in protest of the results.

The final results were published in the official *Gazette* on 29 January 2013. Voter turnout was 56.7 per cent. A total of 1,288,043 registered voters had cast their ballots. The results announced by the Independent Election Commission provided limited information and did not include the number of invalid votes and the election results established at polling station level.

A comprehensive set of detailed recommendations is included at the end of this report for consideration by the relevant authorities in order to further improve certain areas in the election process. Priority recommendations include:

- Consideration for inclusion in the Constitution of provisions for periodic boundary delimitation including criteria (e.g. magnitude, population), competence and timeframe to reflect equality in the number of people represented and to provide equality of votes. Assuring the fundamental principle of universal elections as the basis of representative democracy, delimitation of constituency boundaries may be conducted in such way, that the varying number of people represented would not exceed to such extent that the principles of equality and proportional representation are severely undermined. In recognition of the immense differences in the electoral districts, future delimitations have to redress such inequalities and political gerrymandering could be avoided.
- Through a national and inclusive dialogue Jordanians could decide on the electoral system that expresses the aspirations and wishes of the people for future government. The current electoral system of ‘single non-transferable vote’ does not reinforce political parties while individual candidates are largely benefited from it.
- If the current mixed electoral system is retained, consideration could be given the national lists to be open only for political parties in order to reinforce the role of political parties in the House of Representatives.
- Consideration could be given to remove provisions for concurrent regulatory power of the Independent Election Commission and the Council of Ministers in both the Election Law and the IEC Law to guarantee effective independence and unfettered regulatory power of Independent Election Commission.
- Election campaign media regulations could be improved by extending to private media the obligation for an equitable and neutral treatment of the contestants; by including specific violations and sanctions for the election campaign period and a provision for allocation of free airtime to contestants on the public broadcast media, particularly for contestants running at national level. Procedures regarding the allocation and format of the free airtime need to be timely and clearly outlined.

## **II. INTRODUCTION**

The European Union Election Observation Mission (EU EOM) has been present in The Hashemite Kingdom of Jordan from 13 December 2012 to 7 February 2013 following an invitation from the Independent Election Commission. The EU EOM was led by Chief Observer, Mr. David Martin, Member of the European Parliament (United Kingdom). In total, the EU EOM deployed over 80 observers from all (27) EU Member States, Norway and Switzerland across the country to assess the whole electoral process in accordance with international and regional commitments for elections as well as the laws of The Hashemite Kingdom of Jordan. A delegation of members of the European Parliament, headed by Mr.

Christian Dan Preda MEP, also joined the mission. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005. On election day, observers visited over 355 polling stations in all 45 electoral districts of The Hashemite Kingdom of Jordan to observe voting and counting.

The EU EOM wishes to express its appreciation to the Independent Election Commission and other Jordanian authorities, political parties and civil society as well as the people of Jordan for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Union to The Hashemite Kingdom of Jordan and the European Union member states' diplomatic missions resident in Jordan for their support throughout.

### **III. POLITICAL BACKGROUND**

#### ***A) Political Context***

The Parliamentary Elections for the 17<sup>th</sup> House of Representatives on 23 January 2013 were governed by a new legislative framework and conducted under a mixed electoral system. The newly adopted Election Law had increased the number of seats for the House of Representatives to 150 and introduced a national constituency of 27 seats to be elected by proportional representation through closed lists. For the first time, an Independent Election Commission was established to supervise and administer all phases of the Parliamentary Elections. The total number of candidates contesting was of 1,425, of which 606 (105 women) were running for the local constituencies and 819 (86 women) for the national constituency enlisted on 61 national lists. These elections took place against the backdrop of some political and reformists forces boycotting or not participating in the election process (the Islamic Action Front, the Communist Party, the Jordanian Popular Democratic Unity Party, the National Front for Reform and various segments of the Al Hirak popular movement).

#### ***B) Key Political Actors***

The political forces in the country are more or less divided into three camps:

- (i) The loyalists who have moved from unconditional to conditional loyalty: that includes many tribal leaders, prominent businessmen and neo-liberals, and some relatively newly formed political parties in anticipation of the strengthened role of the latter in the political arena: the Jordanian United Front, the National Unity Party (which, along with other parties, had formed a coalition supporting the elections), the National Tayyar Party and the National Constitutional Party.
- (ii) The Islamist camp, which comprises the Muslim Brotherhood whose political branch, is the Islamic Action Front (IAF) and the Islamic Centrist Party. The latter party is a split from the Muslim Brotherhood.

- (iii) The secular, leftist and Pan-Arab camp. This camp is scattered and considers itself as weak primarily due to lack of financial resources. It includes the Jordanian Democratic Popular Unity Party (WIHDA), the Jordanian People's Democratic Party (the HASHD party), the Communist Party, the Arab Progressive Baath Party, the Arab Socialist Baath Party and the Direct Democratic Pan-Arab Movement.

Additionally, there is another force constituted by the Al Hirak (the 'Movement' in Arabic). It is primarily a non-partisan youth and reform movement, with segments affiliated to political parties and movements, primarily secular and Islamist. A small group of hardliners are calling for the downfall of the regime but do not propose an alternative. The movement does not convey any official line and remains extremely loose.

The Islamic Action Front (IAF) was widely seen as the largest and most structured political force of the country. It was created in 1992 after the adoption of the law on political parties. The IAF was consistently the largest winning party when they participated. However, the IAF intermittently boycotted elections. The Muslim Brotherhood participated in the 1989 (running as independent), the IAF in 1993, 2003, and 2007 parliamentary elections but they boycotted the 1997, 2010 and the 2013 elections.

In the 2013 elections, 61 national lists contested for the 27 seats to be elected by proportional representation through closed lists. While these seats were intended to be dedicated to political parties, most of the lists were non-partisan, did not have an electoral platform and their members were usually unknown in the political arena. They were also primarily regional and local based. The main lists, supported by political parties, were the pro-regime lists "*National Tayyar*", "*United Front*", the "*Islamic Centrist*" list, the secular "*Citizenship*" and "*Democratic Renaissance*" lists. The other national lists were a result of coalitions of individuals and political movements.

#### IV. LEGAL ISSUES

##### *A) Legal Framework*

The 2013 parliamentary elections were governed by a newly adopted legal framework which includes the Constitution of 1952 as amended in 2011; the Election Law for the Lower House of the Parliament N. 25/2012; the Independent Election Commission Law N.11/2012; the Political Party Law, N.16/2012; the Nationality Law, N.6/1954 (last amended in 1987); the Constitutional Court Law, N.15/2012; Penal Code 1960; and 14 Executive Instructions issued by the IEC.<sup>2</sup>

The legal framework, generally, complies with international and regional obligations and commitments pledged by The Hashemite Kingdom of Jordan. However, it contains substantial

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<sup>2</sup> Additionally, other laws such as Nationality Law N. 6 1954 (last amended 1987), Penal Code 1960, are recalled in the various electoral legal instruments or apply indirectly like the Constitutional Court Law 15/2012, Law of Assembly N.7 /2004.



gaps and deficiencies which undermine the protection of universally accepted principles such as the equality of votes and the universality of suffrage. The adoption of the new Election Law by the National Assembly, upholding the certainty<sup>3</sup> of law, and the establishment of an independent election management body signify an improvement and a start for further legal reforms.

The Independent Election Commission has been established by a constitutional provision and enjoys financial and administrative independence. Financial independence is secured by an independent budget and by the presence of an administrative body appointed by the Board of Commissioners and endorsed by a Royal Decree. The institutional independence could be challenged by provisions in the Election Law and IEC Law according to which both laws should be implemented by the Council of Ministers and provisions for a concurrent regulatory power of the Independent Election Commission and Council of Ministers in issuing instructions and regulations related to the implementation of these electoral laws. The Council of Minister has issued regulations on administration, finance, procurement and infrastructure according to the IEC Law thus not relinquishing this power to the Independent Election Commission.

Noteworthy is the effort of the Independent Election Commission to complement the missing procedures by adopting a number of Executive Instructions or by broadly interpreting the provisions of the Election Law as stated in Article 69 B EL and Article 27 IEC Law. However, an important Executive Instruction specifically regulated by Article 12 IEC Law on vote tabulation and relative objections was issued only on the 21 January; a few days before the elections thus leaving little time for understanding and implementing important steps in the electoral process.

Electoral offences are defined by Articles 60 to 65 of the Election Law, generally providing severe penalties against violations, including imprisonment. Other national laws are applicable in case they provide harsher penalties for the same cases. False assertion of illiteracy is an offence according to the Election Law and punishable with imprisonment and the 'archaic' provision of hard labour described by Art. 18 of the Penal Code but reportedly not implemented. In past elections it was a widespread practice for literate voters to claim illiteracy so they could be accompanied in the polling stations in order to provide evidence how they voted. This provision has become redundant with the adoption of the current polling procedures. Punishable with imprisonment are also offences committed by polling staff members should they not display the open boxes in front of candidates or representatives prior to the start of voting and should they do not read out correctly the content of the ballot papers during counting. These provisions are unusual and derive from past experiences when polling staff allegedly stuffed the ballot boxes prior to opening and misread the voter's choice in front of the accredited agents in the polling stations.

Vote buying in all its contents (sum of money, gifts, loans, benefits, services) and modalities (promising, offering, and receiving) and forms (directly and indirectly) it is considered an offence and is punished with hard labour between three to seven years. However, a special

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<sup>3</sup> Previous electoral exercises were only based on governmental 'provisional laws' according to Article 94 of the Constitution.

judicial procedure should be regulated to enable prompt resolution of those cases to be solved before the completion of the election process.

### ***B) Universal and Regional Instruments***

Jordan has signed and ratified the major international human rights instruments that constitute the basis of normative entitlements for legitimate elections. These international instruments include the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In addition, Jordan has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1992 with reservations regarding equal rights in matters of nationality, freedom of movement, and marriage, the Convention on the Rights of the Child (CRC) in 1991, with reservations concerning adoption and freedom of choice of religion, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1991 and the Convention on the Rights of Persons with Disabilities (CRPD) in 2008. With regard to regional instruments Jordan has signed and ratified the Arab Charter on Human Rights.

Jordan is also a member of the Inter-Parliamentary Union (IPU) and therefore the IPU Declaration on Criteria for Free and Fair Elections was therefore applicable for the 2013 elections.

### ***C) Government System***

The Hashemite Kingdom of Jordan is a constitutional Monarchy with a strong executive vested in the King and the Council of Ministers and a feeble Parliament. The Parliament consists of an Upper House, the Senate, which members are appointed by the King and an elected Lower House, the House of Representatives. The members of both houses hold office for a four year term. The number of seats in the Senate should not exceed 50 per cent of the number of seats in the House of Representatives according to the Constitution. There are 150 in the House of Representatives. Draft laws shall be sent to each house for approval by the Prime Minister and then presented to the King for ratification. The King can return the law within six months with a statement containing the reasons for the non-ratification. If the law is returned and is approved again by the two Houses with a qualified majority of two-third of the members of each House then the law is considered effective and ratified.

The Government, composed of the Prime Minister and the Council of Ministers, is appointed by the King.<sup>4</sup> The Council of Ministers must request a vote of confidence within a month from the

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<sup>4</sup> The King has publicly pledged the piloting of a parliamentary government system that will require several parliamentary cycles to properly evolve in conjunction with the evolution of political parties in the country. Accordingly, the selection of the Prime Minister will be based on consultation with the majority coalition of Parliamentary blocs emerging from the new Parliament or the overall parliamentary blocs to form the new parliamentary government which will still have to obtain parliament's vote of confidence. As political parties would evolve over parliamentary cycle, he stated, the parliamentary blocs will be based on political parties. The

appointment. The confidence is obtained with the absolute majority of the members of the lower house. The recent constitutional amendments introduced provisions limiting the executive power vis-à-vis-the Parliament in particular on the vote of confidence obtained requiring an absolute majority of the House of Representatives. The amended Constitution also provides for a motion of no confidence which is adopted by an absolute majority of the House of Representatives.

#### *D) Delimitation of constituency boundaries*

The legal framework contains substantial gaps and deficiencies which undermine the protection of the universally accepted principle of equality of votes. Provisions for constituency delimitation including competence, criteria and periodicity and the number of seats for each constituency were not included in the new legal framework. For the purpose of these elections, the previous constituency delimitation was re-applied and annexed to the Election Law without the due revision reflecting population movement and seriously undermined the equality of the vote between urban and rural voters. Large discrepancies have been identified between the size of constituencies. For example there is the single-seat constituency in Ma'an 2 with 6.733 registered voters and the single-seat constituency in Irbid 7 with 48.701 registered voters. In Amman 2 and in Balqa 1 constituencies 187.408 and 89.972 registered voters respectively are represented equally by five seats. Worthy to mention that in Balqa 1 constituency there is additionally a quota of two seats reserved for the Christians.

#### *E) Electoral System*

The newly adopted Election Law introduced a mixed electoral system of a single-non-transferable-vote system and a proportional closed-list system. The House of Representatives is composed of 150 seats. Through the 'single non-transferable vote' (SNTV) electoral system 108 seats were elected in 45 local (multi or single-seat<sup>5</sup>) constituencies. Among those 108 seats, nine seats were reserved for Christians and three for Circassia/ Chechens. In addition, citizens belonging to Bedouin families are entitled to stand and vote for nine seats in three non- territorial constituencies (North, Centre and South of the country). In addition to the 108 seats, 15 seats were reserved to women candidates who obtained the highest percentage of valid votes in the respective local constituencies, corresponding to one seat in each of the 12 governorates and one in each of the three Bedouin non- territorial constituencies. The Election Law has introduced, for the first time, a national constituency of 27 seats to be elected by proportional representation through closed lists of political parties, coalitions and alliances of candidates. Whilst the SNTV system and the quotas for women and for ethnic and religious groups were incorporated in previous elections, the introduction of the proportional closed-list system was an innovation compared with Jordan's previous electoral cycles.

The current mixed electoral system was contested by different political parties, outgoing legislators and civil society activists.

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pledge of the King is not based on any constitutional provision as Articles 35 to 37 of the Constitution remain unchanged.

<sup>5</sup> 18 constituencies have only one seat, essentially turning SNTV into a 'first past the post' contest.

## V. ELECTION ADMINISTRATION

### A) *Election Management Bodies*

The election administration is based on a three-tier structure. The Independent Election Commission is a newly established body under the new Election Law (2012),<sup>6</sup> and is mandated by law with the supervision and administration of all phases of parliamentary elections as well as the supervision of other elections, if called for by the Cabinet of Ministers. The Board of Commissioners supported by a multi-departmental Secretariat, headed by its Secretary General and his Deputy, was composed by five Commissioners and chaired by a former Minister of Foreign Affairs and Ambassador, who enjoyed high public confidence in terms of impartiality, commitment to the rule of law and resistance to any means of favoritism.

The second tier of the election management body was defined by a total of 45 District Election Committees (DECs), which were established one in each of the 45 local constituencies.<sup>7</sup> The District Election Committees were mandated to pre-select and assure training for polling and counting officials, to handle procurement, to supervise the Polling and Counting Committees, to receive the sensitive election material after polling station results had been established and to receive complaints on the local constituency election results. A total of 4,069 Polling and Counting Committees (PCCs) were established for election day. Some 34,500 polling station staff members were recruited, trained and deployed on election day.

The Independent Election Commission has no institutional representation at governorate level and has no permanent staff at district level. The recruitment and selection process for committee members (DECs, PCCs and Special Committees<sup>8</sup>) was hardly transparent and the names of the Special Committees members were disclosed at a very late stage. All heads of DEC were public employees, who in most cases continued to perform in their dual capacities, which might stimulate conflict of interests,<sup>9</sup> immense work load and a public perception that elections were prepared for and conducted rather by ‘the government’ than by a truly independent election commission and its heads of district election committees.

In an effort to increase its efficiency, the Independent Election recruited more than 100 ‘campaign field monitors’ to follow the campaigning of the contestants, some 3,000 technical and administrative liaison officers for the polling centers and more than 4,000 volunteers,

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<sup>6</sup> All previous elections were held under the auspice of the Ministry of Interior. A Royal Decree of 6 May 2012 appointed the Board of Commissioners, followed by the opening of the IEC Secretariat on 12 May 2012.

<sup>7</sup> 42 of such electoral districts were divided territorial amongst the 12 governorates, whilst the three constituencies (Al-Badiah) for the Bedouins were rather regional. The Northern Al-Badia incorporated the governorates of Irbid, Jarash, Aljoun and Mafraq; the Central Al-Badia covered the Amman, Zarqa, Balqa and Madaba governorates and the Southern Al-Badia included Karak, Tafileh, Ma’an and Aqaba.

<sup>8</sup> There is one for the review of candidate applications and one Special Committee to establish preliminary national constituency results and to allot seats to national lists and the 15 reserved quota seats from woman candidates.

<sup>9</sup> In this regard, four out of 45 DECs were headed by district governors (Irbid/ Al Ramtha, Irbid/ Bani Kenana, Balqa/ Southern Shounah and Karak/ Faqou) and one by the deputy district governor in Jerash/Qasaba. The Head of the DEC for the Central Bedouin district is the provincial governor of Jeezah and the one for the Southern Bedouin District a retired governor.

providing the electorate will last minute information on where and how to vote. Although the mobilization of such civil forces was welcomed, no ruling regulations or terms of references were established, outlining the executive mandate, rights and obligations of these officials, replicating for instance some public confusion over the enforcement mandate of those field monitors who identify or witness illegal campaigning or electoral offences and crimes.<sup>10</sup>

### ***B) Election Preparations***

The newly established Independent Election Commission has made significant efforts to perform its mission in a transparent and impartial manner. Technical preparations were effectively accomplished within the operational and legal deadlines. A number of safeguard measures were introduced enhancing the public confidence in the process. However, the lack of a publicly available consolidated electoral calendar did not allow stakeholders to assess the stage by stage status of preparations. Election materials were timely distributed at the District Election Committees and further to the polling stations. For the first time, printed ballot papers including the names of the contestants with high standard security features were produced as well as the use of indelible ink. Domestic and international observers were invited to observe the printing of ballot papers, adding to the transparency of the process.

The cascade-training of polling staff had been well prepared and been in time. EU EOM observers observed a number of trainings conducted throughout the country and assessed the general procedural knowledge of trainers and trainees as positive, although the IEC 'Manual for Counting and Polling Procedures' incorporated some inconsistencies and procedural loopholes. The observed trainings were well organized and well conducted in an interactive manner. Nonetheless the training was already provided one month prior to polling day and the envisioned refreshment workshop foreseen for all officials before polling day had not been realized. Instead late instructions and interpretation of the rules and procedures on polling and counting were delivered mainly to the Head of the PCCs only.<sup>11</sup>

Electoral stakeholders expressed until polling day their positive assessment of the Independent Election Commission with regard to its impartial policy and general accessibility and transparency. But the Independent Election Commission gradually lost some of the confidence, mainly due to its increasingly selective response to campaign malpractices, incoherent accessibility provided to the tabulation of national constituency results and related re-tabulations and finally to its increasingly late policy-making and discerning information policy.

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<sup>10</sup> In this regard EU EOM took notice of a considerable variety of IEC and DEC responses to unlawful election campaigning. In some governorates, like Irbid, the IEC field monitors redirected their findings to the police, the respective administrative judge or the IEC Secretariat, whilst others like in Ajoun, informed the DEC, which then requested from the governor to communicate to the responsible candidate. In Jerash, the DEC asks the municipal administration or the governorate office of the Ministry of Public Works to respond correctively, whilst in Zarqa the staff members of the district election committees remove unlawful election campaign material by themselves.

<sup>11</sup> In consequence, the accuracy of the consolidation and results forms filled by the polling and counting committees was limited, leveling the ground for considerable challenges for district and national tabulation exercises conducted by the DEC's and the IEC's Special Committee.

### *C) Voter Education*

The Election Law does not foresee an explicit mandate for the Independent Election Commission to take on responsibility for voter education. Overall, voter education was a decisive element in the preparation and conduct of these elections; largely due to first-time establishment of an Independent Election Commission, the introduction of a mixed electoral system, which incorporates proportional representation through a national constituency, the issuance of voter cards, and the new concept of pre-designed ballot papers. In the absence of a national voter education policy, the Independent Election Commission produced, displayed and disseminated numerous print products and broadcasted TV and radio spots; whilst civil society organisations mainly focused on outreach activities on district and municipality level. All these efforts were however limited and scattered. EU EOM noticed diverse and sometimes inconsistent, overlapping and diverse voter education activities by various electoral stakeholders.

## **VI. VOTER REGISTRATION**

### *A) Right to Vote*

A person has the right to vote if he/she is a citizen of The Hashemite Kingdom of Jordan and has attained the age of eighteen years. The Election Law suspends the right to vote to the members of the armed forces, general intelligence, public security, gendarmerie and civil defense while in active service. Further, it denies the right to vote to persons declared bankrupt, retarded insane or interdicted. Additionally, there was no provision for proxy voting; voting abroad; voting of prisoners; and persons in pre-trial detention. The universality of the right to vote was curtailed by the exclusion of large groups such as the members of the armed forces, general intelligence, public security, gendarmerie and civil defense while in active service and is against international commitments and the principal of universal suffrage enshrined in Article 25 of the International Covenant on Civil and Political Rights. Some 220.000 officers and employees of the state security apparatus were excluded from the right to vote including civil defense, fire fighters and other civilian disaster management staff. In addition, the suspension of the right to vote to persons in pre-trial detention is in contradiction with international commitments and the principal of presumption of innocence.<sup>12</sup>

### *B) Registration of Voters*

The final voter list was, compiled on the basis of a completely new voter registration exercise since 1989, included 2.272.182 voters (51.8 per cent are women and 48.2 per cent men). It was published by the Independent Election Commission on 22 December 2012. Some 71 per cent of the eligible voters were registered during this exercise. In comparison to the preliminary voter list, 5.004 initially registered voters were removed from and 109 eligible citizens were added to the list, due to the decisions of challenges and appeals process. Voter registration started on 7

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<sup>12</sup> Art. 11 Universal Declaration of Human Rights

August 2012 and after two extensions in view of the perceived low turnout concluded on 15 October 2012.

Most political stakeholders challenged and questioned the accuracy of the final voter list largely due to the extensive use of proxy registration. Domestic observer coalitions had repeatedly stated their disapproval of the extensive proxy voter registration. The abuse of proxy registration legal provisions resulted not only in the registration of eligible citizens against their knowledge or even will, but also in the highly disputed malpractice of possession of multiple voter cards on behalf of others. A rigid implementation of the legal provisions of proxy registration for family relatives of first kind only and only through submission of national ID cards and not of family books or even without any documentation would have contributed to a broad confidence in the integrity of the voter register. To a positive note, the issuance for the first time of single-use voter cards with safety features of high quality was introduced as an additional preventive measure against multiple voting and impersonation.

The effort made by the Independent Election Commission was positive and went in the right direction. However, the Independent Election Commission lacked ownership over the voter registration process as it was not involved in recruiting, training and direct supervision of voter registration officers.

## **VII. CANDIDATE AND NATIONAL LIST REGISTRATION**

The requirements for candidacy for the House of Representatives are stipulated in the Election Law containing a detailed list of requirements, prohibition and incompatibility largely in line with international commitments. To qualify as a candidate a person should have Jordanian citizenship for at least ten years; no dual citizenship; age of 30 years; not being declared bankrupt and not been rehabilitated; not being interdicted; not being sentenced and imprisoned for a period of more than one year for non-political crimes and not been pardoned; not being retarded or insane; not being relative of the King according to special law; not being under contract with the government or public institutions or companies owned or controlled by the state, except for land, property and shareholding in a company owned by more than ten persons; and must be registered in the final voter list. Ministers, staff of regional and international organisations, the Mayor of Amman, Amman municipal council members and their staff, Chairman, members and staff of municipal councils cannot apply for candidacy unless they resign at least sixty days before the start of candidate registration period.

The three-day period of submitting nomination applications for candidacy either for the local constituency or the national constituency began on 22 December 2012. Applications for local constituencies were submitted to the respective District Election Committee (DEC), which forwarded these to the IEC's Special Committee for review. National lists' applications were submitted directly to the IEC. Applicants for candidacy were required to pay 500 Jordanian Dinars (equivalent to 535 EUR) as a non-refundable deposit to the treasury. The IEC accepted applications from a total of 1,528 candidates. Of which 829 were enlisted in the national list for the general constituency election, including 86 women. For the local constituency election, 699 applications were accepted from the 45 District Election Committees, including those from 129

women candidates. A total of 118 candidates withdrew (93 for the local constituencies and 25 for the national list including 12 women). The final number of contestants for the 2013 legislative elections were known and the final preparation for ballot paper design and printing started after the deadline for withdrawals for the national lists (8 January 2013) and local constituency candidates (13 January 2013).

## **VIII. ELECTION CAMPAIGN**

Campaign is regulated in the Election Law (art. 21 to 25). The constitutional rights of freedom of assembly, freedom of expression and movement were enjoyed by all contestants during the campaign period. Campaign officially commenced with the start of the registration of candidates' period on 22 December 2012 and ended on 22 January 2013 at midnight. As of the first day of registration on 22 December 2012, registered candidates' billboards started to appear in the streets of Amman and online banderols on several news websites. There were nevertheless few cases of early campaigning in Amman brought to the attention of the Independent Election Commission.

Generally, campaign was not very competitive despite the high number of candidates and national lists contesting - largely due to tribal alliances, clan affiliations and/or family ties, uneven financial resources amongst the contestants and the non-participation of some opposition forces in the process. Throughout the country, campaign was low key and overall calm, mainly concentrated in large urban areas and mostly visible through posters and banners, door-to-door activities, and gatherings in campaign tents. Few debates on the elections and programs for reforms amongst candidates and national lists were organized. Social media did not play a pertinent role during the campaign. The lack of intensity and substantive content in the messages reflected disconnection with the socio-economic situation in the country as well as a generation gap between the candidates and the voters, most of whom being in their twenties. The second week of the campaign was affected by harsh weather conditions.

Over the campaign period, there were recurrent small-scale protests every Friday calling for reforms and boycott of the elections. A demonstration called "Friday of Popular Legitimacy" in Amman was called for by the non-participating/boycotting forces (Al Hirak, Democratic Unity Party, the Muslim Brotherhood and other forces) on 18 January 2013. It was announced to be the largest demonstration in Jordan since the beginning of the Arab Spring but fell short from the expectations of the organizers. Dominated by the Muslim Brotherhood, it only succeeded in gathering 1.500 people.

Several cases of extensive use of political money, vote buying and other fraud attempts marked the campaign period. Suspects, including candidates, had been detained and interrogated under order of Public Prosecutors in Amman, Mafrq, Balqa and Madaba allegedly involved in forging or withholding voter cards, offering money to voters and "donations" to clubs and associations. All were finally released on bail while court decisions are still pending. Domestic observer coalitions accused the Independent Election Commission of not taking immediate or even actions to cases reported to it and referral them to the Courts.



Few isolated incidents including burning of campaign vehicles and tents and an alleged candidate assault in Irbid, Mafraq, Zarqa were reported. As of writing, these incidents are still under investigation.

The Election Law and all relevant legislation for elections do not regulate campaign finance. The newly enacted Political Party Law lacks the limits for campaign expenditure creating an uneven playing field among different candidates with women being the most affected. In addition, the decision of municipalities to request a refundable compulsory deposit up to 4000 JD for campaign material removal after elections did not favor candidates and national lists with limited financial resources. Three<sup>13</sup> out of 61 national lists and 93 local constituency candidates did not disclose their financial expenses. The Election Law does not foresee any sanctions against lists and candidates, which did not disclose their campaign expenses.

## **IX. THE MEDIA**

### ***A) Media Environment***

Despite an increase in numbers and diversity of media outlets in Jordan in recent years, several factors such as a rigid regulatory framework as well as self-censorship and at times feeble professional journalistic ethics curtail their capacity to become a reliable source of information and to provide a platform for a lively public debate.

The state owned media include a public broadcaster composed by two radio stations and one TV channel, *Jordan TV*, the daily newspapers *Al Rai* and *Addustour*, and the only daily newspaper in English, *The Jordan Times*.<sup>14</sup> State owned media play a major role as official media in line with government position rather than fulfilling the duty of an independent public service.

The private broadcast sector has been developed in the last ten years, after the Audio-Visual Media Law (2002) opened up the sector to privately-owned companies. Currently, 40 TV channels are licensed but only seven are based in Jordan and owned by Jordanian citizens, while the remaining are owned by Arabic investments in Jordan and broadcast programs from Jordan and the Arab region. The great majority of the 28 licensed private radio stations and TV channels are mainly entertainment based and do not provide the public with consistent and valuable informative content. All TV channels broadcast via satellite. Satellite kits are affordable for the vast majority of the population. Privately owned print media offer a diverse scene with newspapers aligned alongside different political and editorial lines.

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<sup>13</sup> Those lists are: Al-Jabha Al-Muwahada (the United Front), Al-Shaab (the People) and Al-Salt Al-Watania (National Salt).

<sup>14</sup> State-owned newspapers have a distribution of 90,000 copies daily for *Al Rai*, 80,000 for *Addustour* (the highest circulation in the country) and 10,000 for *The Jordan Times*.

The country's high penetration enabled a flourishing of online news media and led to a vibrant online media scene.<sup>15</sup> News websites are playing an important role towards citizens' information and foster the public debate. However a number of them are often not supported by adequate professionalism and journalism ethics. Social media platforms are also freely accessible and very popular.

#### *Freedom of expression and media professional working conditions*

In spite of Jordan being signatory of a number of international treaties protecting, *inter alia*, freedom of expression and speech, various obstacles hinder free expression and the work of journalists. Several interlocutors met by the EU EOM confirmed that soft-containment measures by national security agencies towards media outlets and journalists are still applied. Self-censorship is widely practiced and journalists rarely cross red lines, particularly concerning issues that could be perceived as harmful to national security, national unity or the royal family. The Arab Spring had the positive effect to encourage journalists to speak out on sensitive issues, especially in online media. Unfortunately, according to the *Center for Defending Freedom of Journalists*, an increase of journalists' harassments was also observed in the last two years.

An amendment to the Press and Publication Law approved in September 2012 with the intent to extend the tight regulations of print media to online media monopolized the debate on freedom of expression in Jordan. The law is perceived by media representatives as an attack on their freedom of expression and opinion and has encountered a strong opposition of online news media, which declared they will not comply with it. While Jordanian media benefit from the positive presence of media and civil society organisations committed to defend freedom of expression and foster media development; media outlets and professionals have not yet been able to establish a self-regulatory body and a widely shared voluntary code of conduct.

#### ***B) Legal Framework for the Media and Election***

The Constitution guarantees freedom of opinion and expression as well as freedom of the press. The Provisional Law No. 71 of 2002 for Audio-Visual Media regulates the broadcasting sector and set up the Audio-Visual Commission, a regulatory authority entitled to license broadcasters consider after reviewing their programming plan, to deal with complaints against broadcasters and take action against broadcasters who breach their license conditions. Broadcasting license responsibilities are shared by the Council of Ministers, the Audio-Visual Commission and Telecommunication Regulatory Commission. However, the Council of Ministers has the right to refuse to grant broadcasting licenses to media outlets without stating the reasons for such rejection.

The Press and Publication Law (1998 as amended in 2012) provides for the legal framework for print media. According to the law, all print media outlets have to register and get a license from the Press and Public Department, the press regulatory body. The amendments approved on 16 September 2012 extended the print media regulations and the jurisdiction of the Press and Public

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<sup>15</sup> 38,1 per cent of the population has access to internet (<http://www.internetworldstats.com/stats5.htm>)

Department to the online news media. The new provisions require, *inter alia*, news websites to appoint an Editor-in-chief, to register and get a license from the Press Public Department and hold site owners as well the Editors-in-chief responsible for news content published and posted comments. By 18 January 2013 news websites had to be registered and licensed by the Press and Publication Department. After strong and critical reactions of several websites against the registration and the decision to block those online media not complying with the law, the law was temporarily suspended.

Media coverage of the election was not duly regulated in the Election Law, which only provided an obligation for the public media to “*treat candidates with equality and neutrality*”, whereas private media remained in this respect unregulated. The Independent Election Commission, which was responsible to regulate and oversee the media during the election campaign, issued two Executive instructions (EI 11 and EI 13) providing regulations for paid election advertisement and for accreditation of media representatives. The regulation required media outlets to offer equal conditions to contestants purchasing paid election advertisement in public and private media, while there was no ceiling on the prices set by the media outlets and to the candidates’ expenditures.<sup>16</sup>

Media regulations lacked a legal procedure to deal with media complaints and violations during and after election campaign. The only provision established was a general call center to which voters, media and candidates could refer. While on election day accredited by the Independent Election Commission media representatives facing any obstacles obstructing their work, were allowed to complaint directly to the Commission Liaison Officer at the polling centers. The IEC with the Jordan Media Institute and academics from Jordanian universities organised a media monitoring project. However media violations registered by the media monitoring, published in two reports, remained not prosecuted by the Independent Election Commission.

Several interlocutors reported to the EU EOM media malpractices including news websites blackmailing candidates to force them to advertise on their website. Although the Independent Election Commission during the campaign reiterated its intention to prosecute all media violations – without specifying how - no complain related to the latter or other media violations was officially submitted to the Independent Election Commission or to the pertinent judicial bodies.

### ***C) Monitoring of Media Coverage of the Election***

Media outlets devoted more coverage to the electoral process rather than to the content and messages of the electoral campaign. The Independent Election Commission was the main protagonist of the campaign period, enjoying more coverage than the contestants in the news and political information. The campaign coverage was marked by its high commercialisation as paid advertising by candidates and national lists – explicitly permitted by the Independent Election Commission without definition of a financial ceiling – was extensively used.<sup>17</sup>

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<sup>16</sup> Executive Instruction 11 Art.10

<sup>17</sup> Detailed results of the EU EOM Media monitoring could be found in the annexes.

Jordan TV offered each local constituency candidate “one minute” free airtime. However, only a limited number of candidates decided to travel to Amman to record their message. Furthermore, Jordan TV moved the free air time space from prime time, as initially announced, to 14:00, thus lowering the number of citizens that could have benefited from it. The public channel offered some free air time also to national lists inviting their representatives on its usual prime time current affairs and talk shows. At least half of the national lists profited from this opportunity.

Campaign coverage by privately owned broadcasters was often unbalanced. Four of them - Josat, Nourmina TV, A1 Jordan TV and Al Haqiqa Al Duwaliya TV - were owned by or affiliated to national lists’ leaders or candidates and granted them extensive airtime. Broadcasting and online news media, with exceptions such as Radio Al Balad, devoted more space to paid advertising than news coverage. Most media did not clearly distinguish between independent editorial content and paid coverage, including interviews and talk shows hosting candidates. This misled citizens and raises concerns about professional ethics of media practitioners. Despite concrete efforts of some broadcasting media, very few electoral debates were organized as candidates were not willing to participate. Although paid advertisement was also widely observed in print media, most newspapers reported extensively on the electoral process, some even introducing an “election section”. In addition to that, the private newspaper Al Ghad offered to national lists a specific section to present their platforms. Noteworthy is that the state owned newspaper Al Rai was the daily to devote most space to the Independent Election Commission. The coverage devoted to constants and other electoral stakeholders was largely neutral in tone. Despite Facebook is the most visited social media platform in Jordan and enjoys a very high number of users, social media did not played a pertinent role in these elections.

Media outlets monitored respected the silence period on election day. The only exception observed was A1 Jordan TV that broadcasted campaign material and live broadcast to support the owner of the TV channel and leader of the national list Jordanian National Union Party. No action was taken against A1 Jordan TV for breaching the law. Broadcast media largely covered election day, in particular Roya TV broadcasted live all press conferences held by the Independent Election Commission.

## **X. GENDER EQUALITY**

The recently amended Constitution does not explicitly protect the principles of gender equality and non-discrimination. Women in Jordan remain seriously under-represented in public life. The legal framework provides for women quota of 15 seats, representing 10 per cent of the total number of seats for the House of Representatives, the same as it was in the previous elections. A total of 191 women contested for these elections, representing 13.4 per cent of the total number of candidates, while women represent 51.8 per cent of the registered voters. Out of 61 national lists, only two national lists were headed by women candidates. In the other lists, female candidates were usually listed on the fifth position or below, and had thus relatively few chances to get elected. Women were not allowed to participate in the internal selection of candidates of the Bedouin tribes. Only 3 women gained a seat outside the quota system.

Women's representation in the election administration was low, particular in decision-making positions. There was no woman member of the Board of Commissioners. As a positive note four women were the heads of the Public Outreach, International Cooperation and Civic Awareness Departments as well as the Deputy Secretary General in the Independent Election Commission.

Reportedly, women were often used as a strategy to obtain a seat through the quota reserved for women and obtain a family/tribe representative in the Parliament in cases where men would not have chances to win. The additional three Bedouin seats in the quota system appear to further reinforce the patriarchal/ tribal system more than promoting women representation. Moreover, some observers in the field reported that often Bedouin women candidates were scarcely informed and sometimes not even invited to participate in the campaign activities.

The obstacles against women participation and equality in addition to be embedded in the legal framework derive from socio-cultural factors such as the tribal society which enforces different roles for men and women and it is based on the family and not the individual with women being the pillar of it. Finally, as traditionally men are in control of finances, this is an additional difficulty for women to be able to fund their campaign.

## **XI. MINORITIES AND OTHER GROUPS**

The Constitution provides general guarantees of equal rights and freedoms and prohibits discrimination on grounds of race, religion or language. Chechen, Circassia and Christian minorities as well as the Bedouin tribes are benefiting from quotas guaranteeing parliamentary seats as a result of article 8 of the Election Law. Three seats were allocated to Chechens/Circassia; nine seats to Christians; nine seats to the three major Bedouin Tribes in the North, Central and South regions. Jordanians of Palestinian origin, in spite of representing an important part of the Jordanian population, are underrepresented in the political life.

## **XII. HUMAN RIGHTS AND ELECTIONS**

Jordan has ratified the major international and regional human rights instruments.<sup>18</sup> However, two important reservations regarding equal rights for women in matters of nationality, freedom of movement and marriage in the Convention on Elimination of all Forms of Discrimination against Women and on adoption and freedom of choice of religion in the Convention on the Rights of the Child have not been lifted yet.

Fundamental freedoms including civil and political rights are included and elaborated in Chapter Two of the Constitution. However, those rights can only be exercised within the boundaries of laws. Thanks to recent constitutional amendments it has been established that those laws cannot curtail the essence of such rights. The establishment of the Constitutional Court as a guarantor of the compliance of laws with the Constitution can be seen as a positive step to prevent the possibility of laws curtailing those rights. However, the right to petition to the Constitutional

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<sup>18</sup> As described under the Universal and Regional Instruments Chapter.

Court is limited to the House of Representatives, Senate, and Council of Ministers and only to individual if directly involved in a lawsuit where the law is applicable thus rendering access quite limited. Article 6 of the Constitution providing for equality before the law does not protect against discrimination based on gender although the article was recently amended. A large number of civil society organisations have battled for inclusion of gender equality in the Article 6 of the Constitution but this provision was removed at the last moment.

The National Centre for Human Rights has the mandate of protecting, promoting and monitoring of Human Rights status in Jordan. The Centre has been recognized by the International Coordinating Committee of National Human Rights Institutions. The Chairman, the Commissioner General and board members are appointed by the King. According to the law they could establish sub-offices in the country but so far they have only established focal points (mainly covered by lawyers) at the governorate level.

### **XIII. CIVIL SOCIETY AND ELECTION OBSERVATION**

Civil society organizations took an active part in all phases of the electoral process. Some 250 civil society organisations engaged in the electoral process by forming three domestic observation coalitions, namely, the Civil Coalition for Monitoring the Jordanian Parliamentary Elections (RASED), the Integrity Coalition for Election Observation (NAZAHA) and the National Team (the National Centre for Human Rights, NCHR lead coalition). Civil society organisations carried out considerable efforts on voter education by disseminating information material, conducting panel discussions and arranging for interactive voter education activities. Domestic observation coalitions deployed 522 long-term observers to assess all stages of the elections, including voter registration, candidate nomination and campaigning. On election day, they accredited 6,990 observers to all 4,069 polling stations throughout the country to observe polling, counting and tabulation of results.

Next to the considerable efforts provided by the civil society to voter education and election observation, coalitions like RASED contributed to the assessment of credible election results by conducting a parallel vote tabulation exercise, whilst Nazaha established independently some assessments on voter turn-out and NCHR initiated the recount of ballots in Balqa's first electoral district. Such practices contributed to the transparency and credibility of the electoral process. However, the link of persons and organisations contesting on the one side, but being also coalition members of domestic election observation coalitions on the other includes risks for the establishment of credible, impartial and un-biased observation findings.<sup>19</sup>

The Independent Election Commission had accredited 345 international observers from nine regional and international election observation missions such as the International Republican Institute (IRI), the National Democratic Institute for International Affairs (NDI), the League of

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<sup>19</sup> On 29 January 2013, Abdul Karim Shraideh, president of the Arab Association for Human Rights, held together with some 20 non-elected candidates a press conference, elaborating on alleged means of fraudulent practices. Mr. Shraideh himself run unsuccessfully for legislative seat in 6<sup>th</sup> electoral district of Irbid and his CSO AAHR served as a key partner CSO in the National Team observation coalition.

Arab States (LAS), and the Organisation of Islamic Cooperation (OIC); assessment teams as the Carter Center (TCC) and some international special guests from diplomatic missions.

#### **XIV. ELECTION DAY**

##### ***A) Voting operations***

Election day was calm and peaceful despite sporadic local violent incidences. Polling stations observed opened on time or within an hour of the scheduled time mainly due to technical glitches and slow preparations by the polling staff. All essential election materials were available. Voting conducted in an orderly and efficient manner in the polling stations observed. Polling procedures in the polling stations observed were largely followed with minor procedural irregularities that did not impact on the overall integrity of the process. However, the secrecy of vote in a number of polling stations observed was insufficiently protected, mainly due to inadequate polling station lay out, open voting practices and of voters' carelessness. Polling staff acted professionally and impartial in the polling stations observed. In violation to campaign regulations, widespread campaign activities and campaign material were observed by EU EOM observers in the vicinity of polling stations observed. Security forces, although present outside the polling centers adopted a passive approach as it has been jointly decided by the Independent Election Commission and the Department for Public Security prior to election day to implement a de-escalating strategy. Half an hour before the official closing hour, polling was extended by an hour by the Independent Election Commission, due to queues in a number of polling stations across the country. At 20:15, the Chairman of the Independent Election Commission declared a voter turnout of 56.7 per cent.

##### ***B) Closing and counting***

Counting was conducted in an efficient manner in the polling stations observed in the presence of candidates, representatives of national lists and candidate agents; contributing to the inclusiveness and transparency of the process. Counting was overall assessed as good to very good in the polling stations observed. Domestic observers were present in most of polling stations observed. Counting procedures were largely respected and a copy of the official results was displayed in the vast majority of polling station observed by EU EOM observers. Although representatives and agents largely followed polling and counting, considerable numbers of them left once the number of valid votes for their list or candidate had been declared, especially since no provision foresaw them to receive a copy of the results forms. In consequence, the contestants had no presence ensuring the complete and coherent consolidation and comprehensive and accurate establishment of the official results forms.

##### ***C) Tabulation of results***

The tabulation of results at the District Election Committees was assessed positively by EU EOM observers in the tabulation centers observed. Tabulation of results was conducted largely in an orderly manner. Certain delays occurred during the tabulation of results mainly due to the

transport of election material per polling center and not per polling station to the respective District Election Committees; the slow processing of ballots and result forms; the low tolerance thresholds in the electronic inter-linkage systems software which had caused numerous rejections of data entry sets. The verification exercise demanded repeated consultations with the IEC Secretariat and the Special Committee. EU EOM observers reported insufficient staff training and knowledge in these later stages of the electoral process.

The Special Committee competent to establish preliminary election results for the closed proportional list system and the 15 reserved quota seats for female candidates conducted repeated auditing exercises due to data entry errors in the preliminary results of the ‘Democratic Renaissance’ list, and ‘Citizenship’ list competing for the last seat of the 27 national constituency seats. In an effort to minimize mistakes, the Special Committee expanded the audit to all national lists in all electoral districts in the presence of local and international observers as well as the media. The Special Committee also recounted the ballots from polling station 137 of the first electoral district in Balqa in the presence of local and international observers upon request from the respective head of the DEC on the large discrepancy of 140 votes between the number of voters processed and the number of ballots retrieved from the ballot box.

Serious but locally and small-scale erupted clashes were reported in Ajloun, Maan, Karak, Mafraq, Madaba, Tafilah, Jerash and Balqa. Supporters of failing candidates targeted official buildings and scorched public and private properties in protest of the results, while others attacked supporters of the winning candidates, sometimes in inter-tribal fights. One fatality incidentally occurred in Maan while several people were injured. Gendarmerie intervened in many instances firing tear gas at the protesters.

## **XV. COMPLAINTS AND APPEALS**

The Election law and the Executive Instructions are regulating objections and complaints covering all phases of the electoral cycle, namely registration, candidacy, campaign, polling and counting, tabulation of results and against the validity of the elections. The current legal framework provides for the first time to the judiciary the role to adjudicate objections for registration (Court of First Instance) and complaints for candidacy and election results (Court of Appeal). In previous elections these cases were handled by the Parliament.

A total of 25.265 objections against the provisional voter list, published in November, were submitted to the Independent Election Commission. Some 7.473 of them were appealed to the Court of First Instance, while 6.208 were accepted and 1.265 were rejected. The complaints were largely related to errors in the voter card such as misspellings and typos, change of place of residence and refusal of registration.

During the examination of candidates and national lists list, the IEC rejected only one list named ‘Saddam Hussein’ – which appealed the case - on the ground that the use of public figures’ names was not allowed. The Court of Appeal upheld the decision of the Commission and rejected the candidature. The authorised representative of the list changed the name of the list to



“Honor of the Nation” and it was included among the contestant. Overall, the complaints against local candidates submitted to Amman, Irbid and Ma’an Courts of Appeal were low in number and produced minor changes in the final (before withdrawals) list published by the Independent Election Commission. This might be due to the fact that procedurally, the Election Law is quite complete in this section and also to the pragmatic work undertaken by the IEC which endeavored to interpret relevant legal provisions in an inclusive manner providing adequate possibility to aspirants to apply and to rectify missing information. However, decisions of the Court of Appeal were final and candidates and voters were therefore denied a second possibility of revision of IEC decisions.

Clear procedures for complaints during polling and counting remained under-regulated, establishing the possibility only for candidates and their representatives to complaint against implementation of polling and counting procedures without a defined timeframe. The Independent Election Commission reported that no official complaints submitted on polling and counting. Grievances such as slow process and other minor irregularities were dealt verbally and solved on the spot.

After the announcement of preliminary results, several re-tabulation exercises<sup>20</sup> were undertaken by the Special Committee established by the IEC upon complaints submitted on errors occurred during the tabulation.

The Constitution provides for any voter in a given constituency to submit a complaint to the Court of Appeal having jurisdiction over the constituency within 15 days from the announcement of the results. The Court of Appeal has 30 days to adjudicate the complaint. As of 6 February 2013, the Court of Appeal of Amman received six complaints.<sup>21</sup>

The complaint resolution process is under-regulated and lacks detailed procedures and timelines. It appears that it has been undermined by insufficient voter information, the presence of

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<sup>20</sup> The Head of Democratic Renaissance list, Ms. Ablu Abu Olbeh, leader of HASHD Party, filed a complaint with the Independent Election Commission with the support of the NHCR requesting a recount as she claimed some errors in the tallying resulted in the wrong allocation of the last seat to the Citizenship list. After two rounds of re-tallying the head of the Citizenship list, Dr. Hazem Qushou, was declared winner. Ablu Abu Olbeh rejected this result on grounds that the authorised representative of her list did not attend the final round of re-tallying and appealed to the Court of Appeal of Amman. At the same time, RASED asked for the re-tallying of all lists which was done the first time showing no discrepancies. However, since this happened in absence of authorized representatives, the IEC re-checked all the lists by districts after calling all list representatives in an effort to be transparent and inclusive. Upon request of NHRC, the IEC Special Committee also undertook recount of both ballot boxes for Polling Station 137 in District 1 in Balqa at the presence of domestic and international observers. The complaint stated that there were discrepancies between the actual total number of voters who casted their votes with total number of votes recorded, including invalid and discarded ballot papers. The result of the recount did not affect the preliminary result already announced.

<sup>21</sup> In addition to the complaint submitted by the Head of ‘*Democratic Renaissance*’ list, Ms. Ablu Abu Olbeh, two were submitted against the result of Amman DEC 1 by not elected candidates and one voter. Another one against Amman DEC 4 results by not elected candidate, one from a voter in Karak DEC 5 contesting tallying procedure and one in Karak DEC 6 by a non elected candidate.

alternative forms of conflict resolution, the habit of orally transmitting grievances and lastly and perhaps most importantly by the distrust in the authority and the institutions.

## **XVI. RESULTS**

### ***A) Announcement of the results***

On 27 January 2013 the Board of Commissioners of the Independent Election Commission endorsed the final election results of the parliamentary elections, established in 45 local constituencies and one national constituency. The final election results were published in the official Gazette (Number 5201) on 29 January 2013. Voter turnout was 56.7 per cent. A total of 1,288,043 registered voters had cast their ballots.

The results announced by the Independent Election Commission provided limited information, such as the names of national lists and local constituency candidates and numbers of votes won, but did not include the number of invalid votes, the voter turnout or the election results established at polling station level. Such information, available to the IEC, is essential and can enhance transparency and strengthen confidence in election results.

### ***B) Analysis of the results***

Some 35 per cent of the members of the 17<sup>th</sup> House of Representatives were in previous parliaments. The new parliament comprises leftist and Islamist components as well a significant number of businessmen and Jordanians of Palestinian origin. Only 22 out of the 61 national lists won a seat in the current parliament. The 'Islamic Centrist List' won three seats. The pro-regime lists 'Tayyar' and 'National Unity' respectively got one and two seats, the 'Stronger Jordan' list, reformist list two, the 'Watan' and the 'Citizenship' lists, which were comprising an important number of Jordanians of Palestinian origin, respectively two and one. Four candidates, who were investigated over vote buying cases during the campaign, were elected (Mohammed Khasman; Ahmed Safadi; Adnan Abu Rukbeh; Yahia Saud) while an elected candidate, Mohammad Mahsiri (Amman, 2<sup>nd</sup> district) passed away before the first session of the Parliament. On 13 January 2013, Mirza Bollad was declared the first MP in the 17<sup>th</sup> House of Representatives as he was the only candidate for the Circassian and Chechen seat in Zarqa's first district registered. There are 17 members of Parliament belonging or affiliated to the Muslim Centrist Party, three being elected on the national list led by the party and 14 as independent candidates. For the first time, the number of Members of Parliament of Palestinian origin reaches at least 20 per cent of the total. Three women have been elected out of the quota system summing up in total 18 female members in the new parliament. There are also a significant number of elected prominent businessmen. As for the tribes, the most represented ones are the Bani Hasan and the Bani Sakher.

The 17<sup>th</sup> House of Representatives summoned on 10 February 2013.

## **XVII. RECOMMENDATIONS**

The following recommendations are offered for consideration and action by the authorities, the Independent Election Commission, political parties, civil society of Jordan and international community, in further support of their efforts to organize and conduct elections in line with international and regional commitments for democratic elections.

### **A. Priority Recommendations**

1. Consideration for inclusion in the Constitution of provisions for periodic boundary delimitation including criteria (e.g. magnitude, population), competence and timeframe to reflect equality in the number of people represented and to provide equality of votes. Assuring the fundamental principle of universal elections as the basis of representative democracy, delimitation of constituency boundaries may be conducted in such way, that the varying number of people represented would not exceed to such extent that the principles of equality and proportional representation are severely undermined. In recognition of the immense differences in the electoral districts, future delimitations have to redress such inequalities and political gerrymandering could be avoided.
2. Through a national and inclusive dialogue Jordanians could decide on the electoral system that expresses the aspirations and wishes of the people for future government. The current electoral system of 'single non-transferable vote' does not reinforce political parties while individual candidates are largely benefited from it.
3. If the current mixed electoral system is retained, consideration could be given so that the national lists are open only for political parties in order to reinforce the role of political parties in the House of Representatives.
4. Consideration could be given to remove provisions for concurrent regulatory power of the Independent Election Commission and the Council of Ministers in both the Election Law and the IEC Law to guarantee effective independence and unfettered regulatory power of Independent Election Commission.
5. Election campaign media regulations could be improved by extending to private media the obligation for an equitable and neutral treatment of the contestants; by including specific violations and sanctions for the election campaign period and a provision for allocation of free airtime to contestants on the public broadcast media, particularly for contestants running at national level. Procedures regarding the allocation and format of the free airtime need to be timely and clearly outlined.

### **B. Other Recommendations**

#### **Legal Framework**

6. The constitutional framework could include provisions for the Independent Election Commission to be mandated to deal with all elections and not only those for the House of Representatives as provided in the Constitution.
7. The Constitution could contain description of all the government bodies (such as Municipal Councils) to be elected along with the time frame for their elections in order to guarantee periodicity and certainty of elections.
8. Consideration could be given to enlarge the eligibility groups included in Art. 3 of the Election Law in order to adhere to the principle of universality of votes. Consider also inclusion of those in pre-trial detention to conform to principle of presumption of innocence.
9. Code of Conducts for Election Administration Staff, Political Parties and Candidates, International and Local Observers, Media could be enacted as separate instruments and removed from Executive Instructions as they are bilateral documents.
10. Electoral offences included in Art. 62 (E, F) Election Law could be downgraded to violation of election law. All sanctions to be inflicted for electoral offences to be revised to ensure greater proportionality and fairness of punishment.

### **Election Administration**

11. Timely adoption of executive instructions and regulations by the Independent Election Commission would enhance the transparency of the process and allow to election administration staff to understand and properly implement those instructions and regulations.
12. The adoption of an operational plan by the IEC Secretariat and of a publicly accessible electoral calendar would allow stakeholders to follow all stages of electoral preparations and would strengthen public confidence in the process.
13. To strengthen the capacity of the Independent Election Commission and preserve the experience from those elections, a sufficient number of permanent staff should be retained it. Furthermore, a limited but permanent presence at district level might be considered since it would allow for timely response to requests, preparation of voter education, planning of the preparation of PVLs and any other tasking assigned.
14. Consideration could be given to the future recruitment of election administration staff to be conducted on the basis of public vacancy announcements to enhance transparency and competitiveness. Future affirmative policies and actions and a minimum quota for women as executive electoral staff members as well as the adequate representation of women in the Board of Commissioners would contribute to the general commitment of gender equality.

15. To enhance safety each ballot paper could incorporate the serial-number of the ballot papers booklets reducing the risk of 'ballot stuffing' and increasing public confidence in the integrity of the process.
16. Consideration could be given to revise the category of disenfranchised voters and inclusion of bigger groups entitled to vote in order to adhere to the principle of universality of votes. Inclusion of those in pre-trial detention will conform to international principle of presumption of innocence.

### **Voter Registration**

17. Consideration could be given to revise the overall voter registration system to be based on the civil registry as preliminary voter list ensuring sustainability, accuracy and cost-effectiveness. The Independent Election Commission could lead the verification process by recruiting, training and supervising its own staff enhancing the quality and credibility of the final voter list.
18. Strict implementation of proxy registration legal provisions would strengthen the credibility and reliability of the final voter list. Sanctions against those violating the law would function as preventive measure to such malpractices that undermined the credibility of the process.
19. The anticipated introduction of new national ID cards incorporating multiple strict safety features could be used as the only reference document for eligible voters, cross-checked with the voter list. In addition, any unlawful single or multiple possession of national ID cards of others, could be subject to thorough investigation and be effectively and comprehensively prosecuted.

### **Political Parties and Candidates**

20. Consideration could be given to strengthening the structure and role of political parties. Public financial assistance would allow political parties to develop regional structures and play a more significant role in the public life.
21. Training projects for political parties' representatives and candidate agents could improve their role during elections and make them more efficient in the polling stations.

### **Election Campaign and Campaign Finance**

22. Consideration could be given to include in the Election Law detailed procedures, competence and time frame for political parties and candidates to disclose their finances in order to promote transparency during the campaign and inclusion of sanctions for lack of disclosure to promote accountability.

23. A reasonable campaign spending limit for political parties and candidates would contribute to a level playing field.
24. A 24 hours silence period before election day could prevent possible spilled over of campaign activities during election day.
25. Harmonization of all provisions related to campaign provisions and clarification of the mandate of the Independent Election Commission, the Ministry of Public Works and Municipalities, the Council of Amman and other municipalities in enforcing the provisions of the Election Law would guarantee consistent and systematic handling of violations.

### **Voter Education**

26. A legal mandate provided to the Independent Election Commission would allow for the establishment of a country-wide and all-inclusive civic awareness and voter education policy. A voter education plan would be effective if it targets all different groups in the society such as women, new voters, and illiterate and if it is drafted early, synchronized and implemented in cooperation with civil society organizations.

### **Media**

27. The revision of the regulatory framework for online media introduced by last amendments to the Press and Publication Law in favour of a self-regulatory system would guarantee full independence of online media outlets.
28. Consideration could be given to revising the Press and Publication Law and the Audio-Visual Media Law and eliminate or simplify those provisions referring to the license requirements that affect the operational independence of print and broadcast media.
29. The establishment of an independent media regulatory body with ordinary jurisdiction for the supervision of broadcast and print media as well as a mechanism to deal with violations and complaints would ensure independent and appropriate regulatory mechanism. The independent regulatory body could be equally responsible of the enactment of the media regulation during the election campaign.
30. Consideration could be given in establishing of a self-regulatory body, enacting a voluntary code of conduct endorsed by all media practitioners to include principles for journalistic standards, professional ethics and awareness of the media's social responsibility. The self-regulatory body needs to be recognised by the Council of Ministries, Ministry of Information, Press and Publication Department and the Audio-Visual Commission as a pertinent media stakeholder and involved in forthcoming media reforms.

### **Participation of Women**

31. Consideration could be given to including a women quota system in the establishment of national lists in order to further enhance women participation in the political life.
32. To further increase the participation of women in electable positions the inclusion of a provision for obligatory participation of women in the national list by a quota and/or equal positioning of men and women -so-called zipper system – could be considered.
33. Promoting training for women candidates and members of political parties would enhance qualitative and quantitative representation of women in public life.

### **Civil Society and Domestic Observation**

34. Civil society is encouraged to continue pro-actively contributing to election related activities and enhance the cooperation and coordination among different civil society organizations. Continued support from national and international election stakeholders would strengthen the role and the capacity of civil society organizations in the electoral process.

### **Complaints and Appeals**

35. The Election Law could contain provisions for voters to submit complains during polling and counting and detailed procedures and deadlines in order to expand the right to petitions and timely resolution of complaints.
36. Complaint system during campaign could be clarified along with the competence and referral mechanism of the Independent Election Commission.
37. The competence of the Court of Appeal to adjudicate complaints regarding candidacy could be reconsidered and transferred to the Court of First Instance to enable possibility of second redress of cases.

### **Polling, Counting and Tabulation of Results**

38. Consideration could be given to the selection of polling stations in order to ensure the proper space for smooth conduct of voting operations and respect of the secrecy of vote.
39. Consideration could be given to inclusion in the Election Law of an obligation for the IEC to publish final results broken-down at the polling station level.

40. A deadline for announcing the final results to promote certainty could be included in the Election Law to avoid perception of manipulation during vote tabulation.



## XVIII. ANNEXES

### 1. Results- National List

No.	No. of List	The National List Name	Votes received	Seat received
1	23	Islamic Centrist Party	114.458	3
2	42	Stronger Jordan	100.159	2
3	31	Watan (Homeland)	94.682	2
4	40	Itihad Watani (National Unity Party)	68.149	2
5	8	Tayar Alwatani	48.97	1
6	57	Inqath (Rescue)	37.208	1
7	15	Unions and Professionals	36.555	1
8	35	Taawon (Cooperation)	35.565	1
9	4	Karama (Dignity)	33.858	1
10	25	Jabha Muwahada (United Front)	32.84	1
11	12	Wehdeh Watania (National Unity Bloc)	31.477	1
12	13	Albinaa (Building)	30.938	1
13	17	AlShaab (The People)	28.894	1
14	11	Ahl Al-Himmeh (People of Motivation)	24.115	1
15	14	Sawt Al Hurr (Free Voice)	23.222	1
16	2	Sawt Al Watan (Voice Of The Homeland)	20.29	1
17	37	Al'Amal Al Watani (National Action)	19.806	1
18	58	Al-Quds Al-Sharif (Holy Jerusalem)	17.834	1
19	34	Al Bayariq	16.604	1
20	3	Alfajr (Dawn)	16.313	1
21	32	National Youth Accord Bloc	14.62	1
22	50	Al Mwatana (The Citizenship)	14.012	1

## 2. EU EOM Media Monitoring Results

The EU EOM media unit was composed of the Media analyst, a Media Assistant and six Media monitors based in Amman. The methodology employed for the media monitoring is both quantitative and qualitative. The quantitative component of the monitoring consisted of a content analysis of a representative sample of radio, television and newspapers. They have been monitored on a daily basis during the entire election campaign period (22 December 2012 – 22 January 2013).

The political and electoral actors monitored included the King Abdullah II, members of the Government, National lists, Local constituency candidates, boycotting forces, Independent Election Commission and national and international election observers.

The sample of the quantitative and qualitative media monitoring included:

TV channels (monitored from 17.00 to midnight on a daily basis)

- JORDAN TV, state-owned
- ROYA TV, private
- JOSAT, private

Radio stations (monitored from 6.30 to 10.30 on a daily basis)

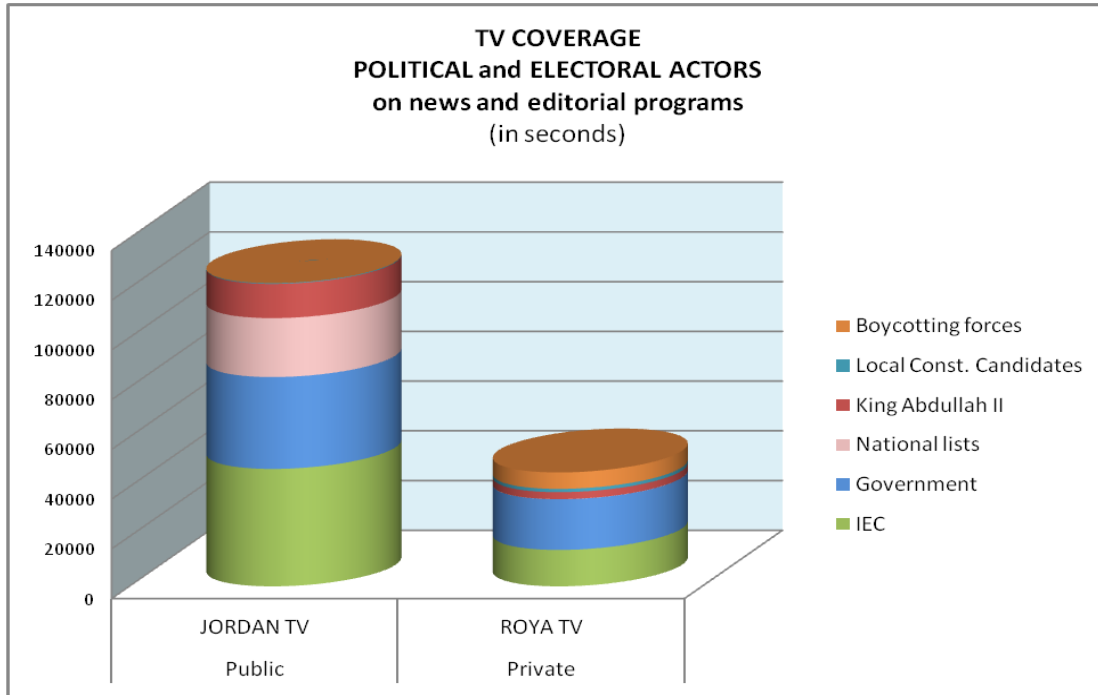
- JORDAN RADIO, state-owned
- RADIO AL BALAD, private
- ROTANA FM, private

Daily newspapers

- AL RAI, state-owned
- AL GHAD, private

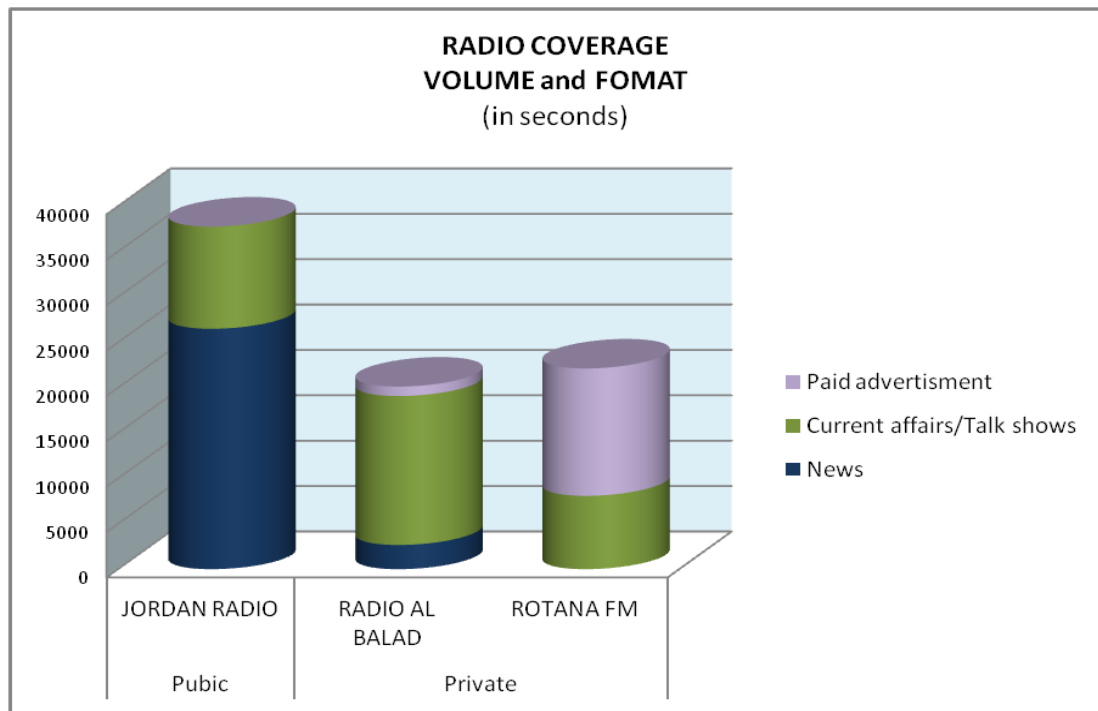
The sample of only qualitative monitoring included other four televisions (Nourmina TV, Al Jordan TV, Al Haqeqa Al Duwailya TV and Yarmuk TV), four newspapers (Addustour, Al Arab Al Yawm and Assabeel) and six online news media outlets (Ammonnews.net, Khaberni.com, Sarayanews.com, Jo24.com, Ammannet.net and Alwakeelnews.com). Facebook pages and Twitter accounts of a selection of contestants and pertinent election actors were also monitored.

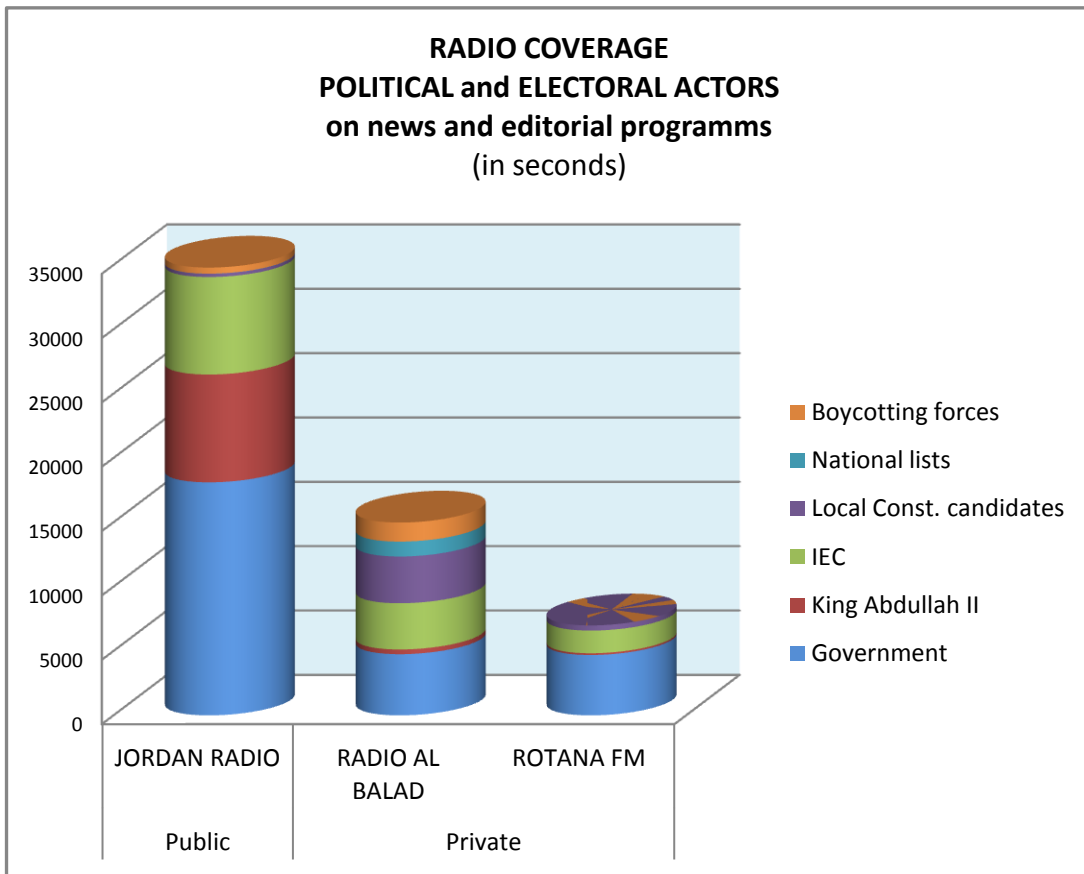
**TV COVERAGE (22 December 2012 – 22 January 2013)**



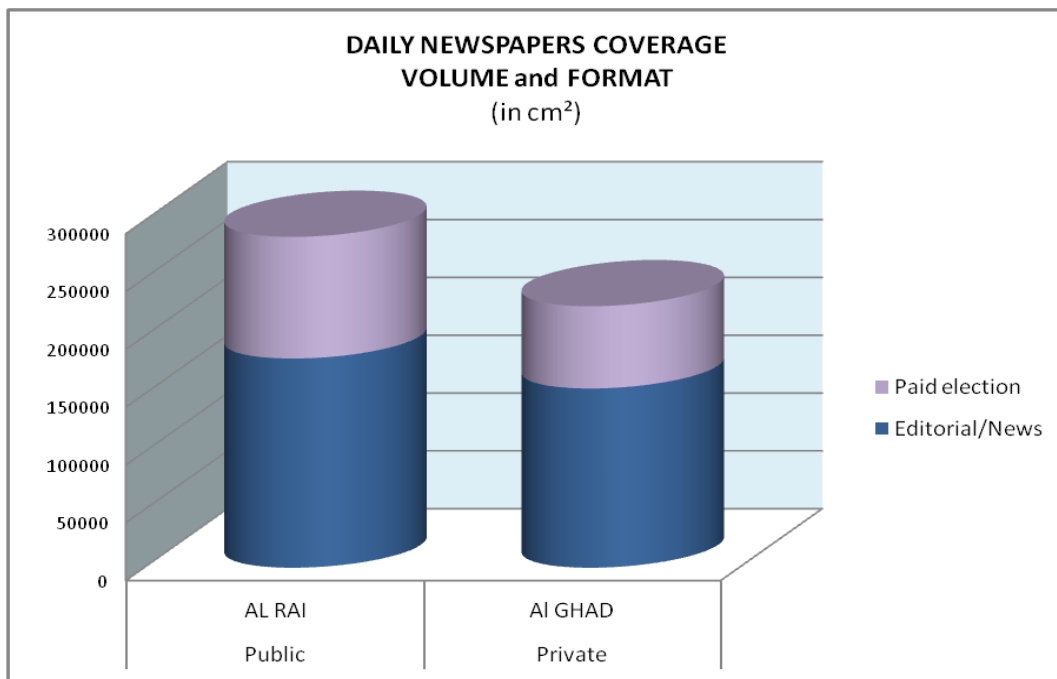
JOSAT TV is not included in this chart as it did not have any newscast and the rest of the coverage was made by paid broadcast or paid election advertisement.

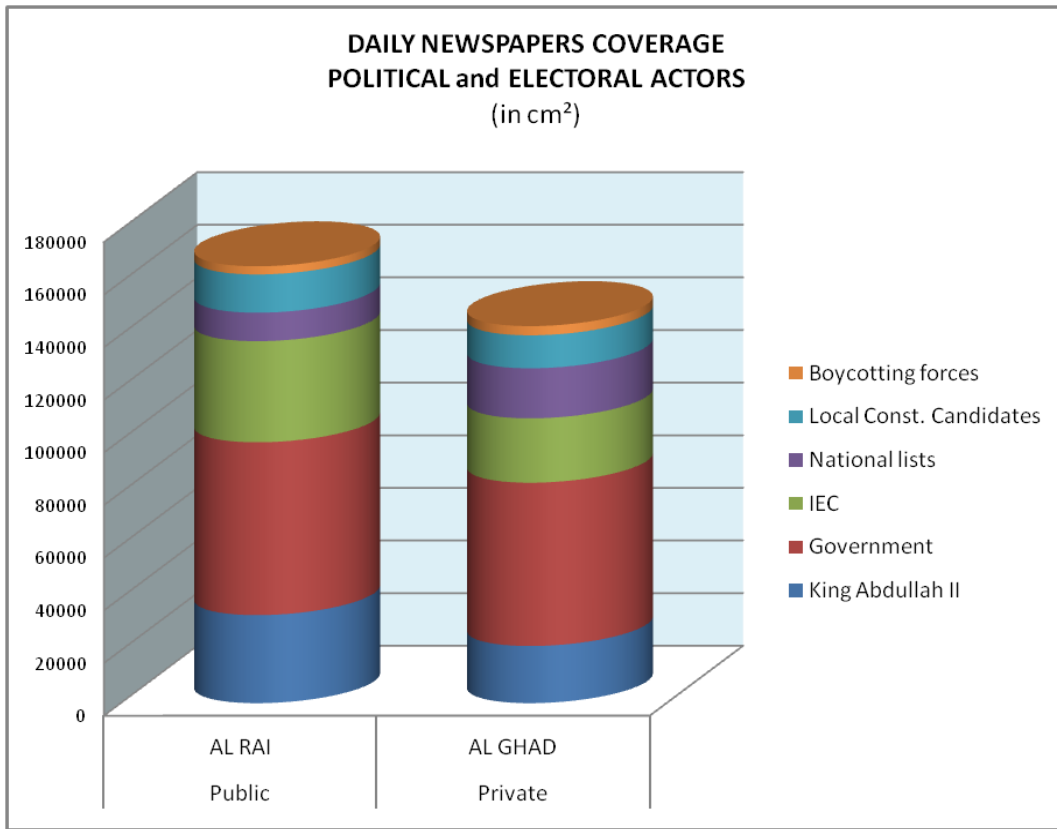
**RADIO COVERAGE (22 December 2012 – 22 January 2013)**



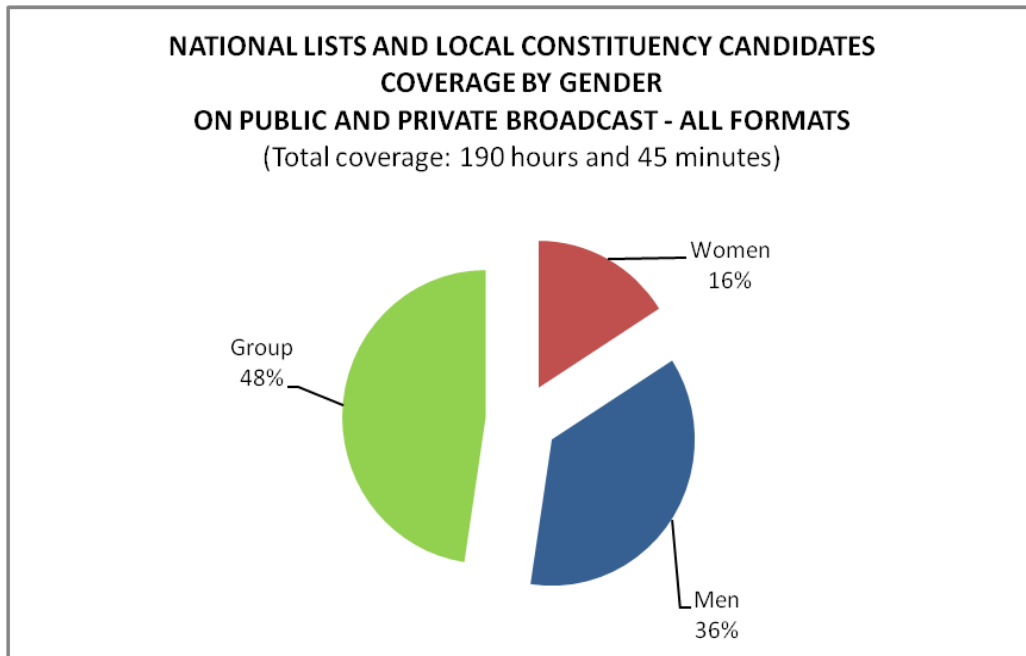


### PRESS COVERAGE (22 December 2012 – 22 January 2013)





**MEDIA COVERAGE BY GENDER (22 December 2012 – 22 January 2013)**



The result of the coverage allotted to women in the broadcast media is inflated by the very extensive coverage enjoyed by Mrs. Rula Al Farra leader of the national list Stronger Jordan and wife of the owner of JOSAT TV. Rula Al Farra's coverage resulted on 81,5% of coverage devoted to female candidates and on 13% of the total coverage allotted to all national list and local constituency candidates in the broadcast media analysed.

