



European Union
Election Observation Mission
The Hashemite Kingdom of Jordan

Parliamentary Election
20 September 2016

Final Report



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Key Abbreviations

AChHR	Arab Charter on Human Rights
AVML	Audio-Visual Media Law
CC	Constitutional Court
CDFJ	Centre for Defending Freedom of Journalists
CEDAW	Convention on the Elimination of All Forms of Discrimination of Women
CPRD	Convention on the Rights of Persons with Disabilities
CPRW	Convention on the Political Rights of Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSPD	Civil Status and Passports Department
DEC	District Election Committee
EOM	Election Observation Mission
EU	European Union
FVL	Final Voter List
HDC	Higher Council for Disabilities
IAF	Islamic Action Front, a political party
ICCPR	International Covenant on Civil and Political Rights
IEC	Independent Election Commission
JMC	Jordanian Media Commission
JNCW	Jordanian National Commission for Women
JOD	Jordanian Dinar
JRTC	Jordanian Radio and Television Corporation
LIEC	Law on the Independent Election Commission
LPE	Law on the Election of the Chamber of Deputies (Law on Parliamentary Elections)
LPP	Law on Political Parties
MEP	Member of the European Parliament
MI	Ministry of Interior
MFA	Ministry of Foreign Affairs
MP	Member of Parliament
MPPA	Ministry of Political and Parliamentary Affairs
NDC	National Dialogue Committee
PC	Polling Centre
PCC	Polling and Counting Committee
PS	Polling Station
PVL	Preliminary Voter List
PVT	Parallel Vote Tabulation
RASED	Civilian Society Coalition for Monitoring the Jordanian Parliamentary Elections
SC	Special Committee
SSC	State Security Court
UN	Organisation of the United Nations



1. EXECUTIVE SUMMARY

On 20 September, the people of the Hashemite Kingdom of Jordan elected their 18 Parliament. This election was broadly viewed as a component of an ongoing political reform, a noteworthy example in a region marred by violent conflicts. The reform process is supported by the European Union (EU) and other key international stakeholders.

The Independent Election Commission (IEC) delivered a well-administered and inclusive election. Regularly, IEC voter education messages and election information were made available online. While the election was administered in a generally transparent manner, transparency could be further enhanced through full access by observers to all stages of the tabulation of results including during the proceedings of the Special Committee (SC). On election day, opening, voting and counting of the ballots proceeded peacefully across the governorates overall, although in the course of voting there was often campaigning in close vicinity of the Polling Centres (PC).

Jordan has acceded to key international and regional human right treaties, such as the United Nation's (UN) International Covenant on Civil and Political Rights (ICCPR) and the Arab Charter on Human Rights (AChHR), which are incorporated in national law. The legal framework includes new legislation, such as the 2016 Law on the Election of the Chamber of Deputies (LPE), Law on Political Parties (LPP) and the Executive Instructions of the IEC.

New legislation implemented, fully or in part, a number of recommendations provided by the 2013 EU Election Observation Mission (EOM). Room for additional improvement of the legal framework remains. In particular, respect for key principles, such as the equality and universality of the vote including the right to vote and to stand as candidate, could be further enhanced.

In total, 130 parliamentary seats were allocated under a new election system based on proportional representation through district candidate lists in 23 electoral districts. The system allowed for multiple voters' preferences and provided for reserved seats for women and minority candidates. Large urban areas were underrepresented and sparsely populated or rural ones were considerably overrepresented. The districting fell short of ensuring the equality of the vote, although it marked a measure of improvement compared to the 2013 districting for the then parliamentary elections.

Out of 50 registered political parties, 40 competed with candidates and the remaining 10 supported the process. The selection of list candidates was often based on tribal consultations. Key political actors, comprising some 80 per cent of candidates running, were mostly local tribespersons and business people, former members of Parliament, and persons of Palestinian origin, rather than the political parties. The Islamic Action Front (IAF), which did not participate in the two previous elections, profiled as a front runner among the competing political parties.



The election was contested by 226 candidate lists, with a total of 1,252 candidates. Individual candidates were not allowed to run as such. The number of non-party affiliated candidates exceeded approximately four times the number of party candidates challenging the objective of a party based parliament. There were 252 registered women candidates, an increase of some 25 per cent compared to the 2013 election. A total of 170 former members of the Jordanian Parliament were running mostly as non-party candidates.

While certain requirements for candidacy were unnecessarily restrictive, the registration of candidatures by the IEC was accomplished in an inclusive and efficient manner respecting legal deadlines. The legal framework afforded to voters and candidates possibilities to appeal to the IEC and to the Courts against inaccurate registrations or rejections. The Courts discharged the candidate appeals in an impartial and timely manner, although the absence of a second recourse of appeal left some uncertainty as regards to particular aspects of the rules for candidacy.

The five member IEC exercised guidance and oversight over 23 District Election Committees (DEC) and 4,884 Polling and Counting Committees (PCC). The latter administered the election day process in their respective polling stations (PS) located in 1,483 PCs. The IEC established a SC comprising four groups, each responsible for a designated area of Jordan, to carry out auditing of preliminary results and allocation of seats to winning candidates. The observation of the workings of the SC was limited via a live camera transmission.

The IEC and the Ministry of Interior's (MI) Civil Status and Passports Department (CSPD) delivered on their joint responsibilities with regard to voter registration within legal deadlines. The EU EOM was not informed of serious issues related to the voter lists. The former 'active' system for voter registration was changed to a 'passive' one resulting in some 80 per cent increase in the number of registered voters. On 11 September, the IEC announced that the final voter lists included 4,130,145 voters, with 52.9 per cent women and 47.1 per cent men.

Campaigning started simultaneously with the submission for registration of candidate lists. Overall, the campaign was peaceful, with isolated reports of minor campaign related incidents. Unlike rallies, 'campaign tents' where candidates invited voters for traditional social gatherings were widely used. Most lists did not present concrete programmes. During the campaign, the IEC recorded 232 violations with regard to campaign activities, mostly related to wrongful placement of campaign materials on public facilities; such materials were later removed.

A recent by-law introduced new criteria of funding of political party campaigns including positive incentives for winning seats, and enhanced female and regional membership. Candidates without declared party affiliation were entirely self funding, subject to predefined spending limits. As candidates' audit reports are only to be submitted after the election to the IEC upon request, there is a potential for leniency in the ultimate enforcement of the regulations in the post-election period.

Although no specific restrictions on electoral media coverage were observed by the EU EOM, media operated in an environment considered as partially free. The current media legal framework, restrictive and at times vague, resulted in self-censorship. During the observation



period four orders banning media reports on specific topics were publicly issued, limiting freedom of expression guaranteed under international and national law.

Media made good efforts to inform voters about the new electoral system and encourage voters' participation. However, the decision by the state owned radio and television, and some private media not to cover any campaign activity by candidates in order to keep neutrality deprived voters of receiving information about contestants. EU EOM media monitoring findings showed imbalances in the electoral coverage by *Al Rai* and *Assabeel* newspapers, and *Josat* TV. Three out of eight media monitored by the EU EOM violated the campaign silence by publishing and airing electoral lists and candidates' advertisements on 19 and 20 September 2016.

Notwithstanding the increase of women candidates, the absence of an express constitutional guarantee against discrimination of women continues to underpin their historically low political representation. Significant attention was paid by the media about the importance of women participation and the interpretation of the legal provisions about reserved seats for women. There were also initiatives aimed at enhancing participation of disabled persons.

In an inclusive and timely manner, the IEC received 17 Civil Society Organisations (CSO) with 13,398 national observers' requests and accredited 11,473. In addition, some 35 organisations and diplomatic representations applied and were accredited, as were 386 international observers. However, CSO observers were still obliged to report possible irregularities first to the IEC and only after that they could make them public. Further to that, the IEC stated that parallel vote tabulation (PVT) findings by CSOs might not be made public prior to IEC's announcement of results.

There were no legal provisions regulating publication of CSOs' PVT findings to the public. Restricting CSOs' freedom of expression and imparting of information is not in line with Jordan's international legal obligations. The EU EOM was informed by both the IEC and the CSO representatives that an agreement was reached on this issue. The CSO umbrella organisation, the Civilian Society Coalition for Monitoring the Jordanian Parliamentary Elections (RASED), at a press conference around 17.30 on 21 September, revealed its PVT findings, albeit after the IEC announced some preliminary results.

Voting was generally well organised in 441 out of the 459 PSs visited. An extension of one hour of voting, until 20.00, was announced for 15 out of the 23 electoral districts. During the early hours of 21 September, the IEC announced that 1,492,400 voters had voted, a turnout of some 36 per cent, exceeding the participation in past elections by some 200,000 voters. Secrecy of the ballot was respected in most PSs observed. Observers reported incidents in several districts such as in Al Karak, Madaba, Ajloun and Badia Central.

The IEC published first preliminary results on 21 September providing national and district turnout figures only. Initially, a total of 22 district preliminary results were announced. In the Badia Central, the IEC indicated that problems occurred with a number of ballot boxes. Upon the inspection of 17 ballot boxes, and having established proofs of tampered ballots, the IEC cancelled four polling stations.



The total of invalid ballots was announced to be 26,518, some 1.77 per cent of the total of ballots cast, and of blank ballots 18,209, around 1.22 per cent. Full access to the district tabulation was not provided. While on election day the IEC employed its information technology networks efficiently, the EU EOM noted some inconsistencies in the preliminary tabulation of turnout figures for the governorates of Al Aqaba and Jerash. Final results were published on 28 September in the Official Gazette. Results broken down by PSs and PCs were not published by the IEC prior to the departure of the EU EOM from Jordan.

The absence of a second recourse of appeal also applied with regard to the right of voter appeals to the Courts of Appeal against district results. Thirty nine (39) appeals were lodged with the Courts of Appeal and all were ultimately rejected within legal deadlines. The EU EOM had unimpeded access to the court proceedings upholding transparency. While the proceedings passed in a largely professional manner, transparency could have been further enhanced, in particular by the immediate delivery of the court reasoning along with its final decisions. A timely publication of the detailed results by PSs and PCs could have facilitated considerably the resolution of the post election appeals.

This final report offers, for consideration by the authorities, political parties and civil society, a number of recommendations for potential improvements in the conduct of elections in Jordan. Priority recommendations include possible actions by the Jordanian stakeholders to further enhance participation, transparency and compliance with applicable international standards for democratic elections. The EU stands ready to support Jordanian interlocutors in their efforts to bring elections further in line with Jordan's international obligations.

The EU EOM extends its appreciation to the Ministry of Foreign Affairs (MFA), the Ministry of Political and Parliamentary Affairs (MPPA), the IEC, other Ministries and the people of Jordan for their cooperation. The mission is grateful to the EU Delegation and to the diplomatic missions of the EU Member States, Canada, Norway and Switzerland resident in Amman for their support.

2. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation by the authorities of the Hashemite Kingdom of Jordan to observe the parliamentary election of 20 September, the EU deployed an EOM led by Chief Observer Jo Leinen, Member of the European Parliament (MEP) from Germany. The IEC and the MFA of signed Memoranda of Understanding with the EU on 27 July 2016 and on 21 August 2016 with regard to the modalities for election observation, in line with EU election observation methodology.

The EU EOM was deployed to Jordan on 13 August 2016 following an invitation from the IEC. In total, the EU EOM deployed 108 observers from all 28 EU Member States, Canada, Norway and Switzerland across the governorates to assess the entire electoral process in accordance with international standards and commitments for democratic elections as well as the laws of Jordan. The EU EOM remained independent in its findings and adhered to the Declaration of Principles for International Election Observation endorsed at the UN on 27 October 2005.



A Delegation of the European Parliament headed by Mariya Gabriel, MEP from Bulgaria, joined the EU EOM to observe election day procedures and endorsed the EU EOM Preliminary Statement.

On election day, EU observers visited 459 polling stations in all 23 electoral districts to observe voting, counting and tabulation of results. The EU EOM remained in Jordan until the completion of the electoral process.

The mission is grateful to the representatives of the Jordanian authorities, political parties and civil society, and the people of Jordan for their cooperation in the course of the observation.

3. POLITICAL CONTEXT

The 20 September parliamentary election was broadly viewed as a component of an ongoing political reform process setting a noteworthy example in a region marred by violent conflict and extremism. This reform was supported by the EU¹ and other key international stakeholders. In Jordan, the reform process was criticised by some for falling short of making significant changes to date. Critics alleged that the next Parliament would remain fragmented and that a considerable number of Jordanians refrained from support for political parties which had traditionally a low profile in politics.

Echoing the 2011 Arab Awakening, activist groups and several opposition figures led a series of limited but persistent demonstrations in Amman. Simultaneously, tribal groups engaged in demonstrations in most governorates. The regional developments, such as the war in Syria and the presence of hundreds of thousands of refugees in Jordan, led to a public policy widely driven by security concerns. This resulted in a tilted balance between security considerations and fundamental freedoms in favor of the former. Human rights groups expressed concerns with regard to the full respect for the freedoms of assembly, association and expression.²

HM King Abdullah II advocated comprehensive political reform based on gradual democratic transition and political openness, as well as economic development.³ There were positive initiatives backed by a number of constitutional amendments and the adoption of new legislation on elections, political parties and decentralization. While there was a process of transition towards a parliamentary system of government,⁴ the powers of Parliament remained somewhat limited *vis-a-vis* the powers of the monarchy.

A National Dialogue Committee (NDC) was established and charged to assess possible amendments to both the LPE and the LPP. The NDC was able to achieve a measure of broad agreement on a number of amendments; however, some of these were not passed by the

¹ http://eeas.europa.eu/statements-eeas/2016/160805_01_en.htm.

² <http://www.amnesty.org/en/countries/middle-east-and-north-africa/jordan/reprot-jordan/>, and <http://freedomhouse.org/report/freedom-world/2015/jordan>.

³ HM King Abdullah II ibn Al Hussein: “Making Our Democratic System Work for All Jordanians”, 16 January 2013, <http://kingabdullah.jo>.

⁴ With a legislative role defined in the Constitution, the Parliament is yet to reinforce its public standing.



Parliament.⁵ Most political parties declared that they would participate in the 20 September parliamentary election. An expanded role of political parties in Jordan's legislative system has been mentioned as one of the possible positive impacts of this election.

For some three decades, the political system was designed to weaken the role of political parties. With the ongoing reform, the political landscape is yet to fully develop. The number of registered parties increased from 18 in 2012 to 50 in 2016. Most parties were still in the process of organising themselves and their membership remained limited. The key political actors were local tribes, former MPs, business people, members of IAF, and persons of Palestinian origin, rather than the political parties. Parties struggled to emerge as key actors to the public. The EU EOM acknowledges the short time, between the adoption of the law on 15 March and the election day, for parties to properly prepare for the electoral contest.

Out of a total of 50 parties, 40 presented candidates to contest the 20 September election, while the remaining ones supported the process. The vast majority of competing parties were regional, tribal or nation based. Attitude towards religion or tribal based affiliation⁶ were key features in assessing the political landscape. In this context, one could distinguish between Islamist, secular and centrist parties.

The centrist (loyalist) parties, close to the Royal Court, moved from unconditional loyalty to demanding greater economic and development returns for their constituency. They were largely grouped in two coalitions, the Renewal Stream⁷ and the National Coalition.⁸

The secular parties,⁹ mostly leaning to the political left, were organised in a long-standing opposition coalition of relatively well established parties. Despite their diverse political views, they advocated the principles of Arab unity and social justice in a common platform under the name of the Democratic Assembly.¹⁰

The Islamist parties, which advocated to various degrees the implementation of Islamic law (Sharia) in all aspects life, were largely dominated by the Muslim Brotherhood whose political

⁵ Examples include the agreement to conduct elections on the basis of a closed national list of candidates, to allow for out-of-country voting, the inclusion of a reserved seat for women in each of the 23 electoral districts, and lower the candidacy age to 25 year of age.

⁶ Tribal alliances continued to play a substantial role in the formation of candidate lists. A number of tribes maintained the tradition of pre-selecting candidates or holding internal elections before the actual election day.

⁷ The Renewal Stream Coalition included five parties, Stronger Jordan, TWAD Party, Al Hayat Party, National Current Party and Hasad Party.

⁸ The National Coalition included eight parties, the Jordanian Unity Party, Al Wa'd Party, the Jordanian National United Party, the National Jordanian Party, Al Mustaqbal Party, Al Ansar Party, Al Forsan Party and Al Balad Al Ameen Party.

⁹ Many of these parties derived from their 'mother' organisations in Syria and Iraq (Ba'ath parties), and Palestine (leftist).

¹⁰ The Democratic Assembly included five parties; HASHD Party, the Arab Progressive Ba'ath Party, the Jordanian Arab Socialist Ba'ath Party, the Communist Party, and the National Movement Party.



wing was the IAF. The IAF formed a National Reform Coalition¹¹ and remained the most developed party in Jordan, with nation wide outreach and significant organisational capacity. Since its legalisation, the Muslim Brotherhood went through a process of fragmentation. First, the Islamist Wasat Party was founded in 2001 by independent Islamists as well as former IAF members. Second, a new splinter group, the Zamzam Movement, recently registered as the National Congress Party.

4. LEGAL FRAMEWORK

4.1 Applicability of International Human Rights Law

Jordan has transposed into its national legal framework the key international and regional treaties concerning human, civil and political rights. These include, without reservations, the UN ICCPR,¹² the UN Convention against Corruption,¹³ the UN International Convention on the Elimination of All Forms of Racial Discrimination¹⁴ the UN Convention on the Political Rights of Women (CPRW),¹⁵ the UN Convention on the Rights of Persons with Disabilities (CRPD),¹⁶ the UN Convention on the Rights of the Child (CRC)¹⁷ and the AChHR.¹⁸

While Jordan is a state party to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the CEDAW was ratified with reservations.¹⁹ A reservation entered by Jordan against Article 9.2 of CEDAW,²⁰ denying the right of Jordanian women to pass citizenship to their children on equal terms with men, had practical implications which placed Jordan in breach of its obligations under the CRC.²¹

Although several decisions of both the Court of Cassation and the Constitutional Court (CC) have affirmed the importance of binding international obligations to the effect that they override national legislation in the event of conflict between them, political rights have not been

¹¹ This Coalition, in name only, included the IAF joined by national or tribal figures and candidates of minority groups.

¹² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>. The ICCPR was published in the Official Gazette, Issue No. 4764 of 15 June 2006.

¹³ https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

¹⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

¹⁵ <http://www.un-documents.net/cprw.htm>.

¹⁶ <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>.

¹⁷ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

¹⁸ <http://www.humanrights.se/wp-content/uploads/2012/01/Arab-Charter-on-Human-Rights.pdf>.

¹⁹ Please see Section 4 ‘Legal Framework’ and Section 8.1 ‘Participation of Women’, below; <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

²⁰ CEDAW, Article 9.2 provides “States Parties shall grant women equal rights with men with respect to the nationality of their children”, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article9>.

²¹ Since the age of majority in Jordan is 18 years and the right to vote in 2016 was extended to persons having attained the age of 17 years and 90 days, citizens who were legally children were entitled to vote. However, children attaining the voting age but excluded from citizenship on the basis of their mother’s status were discriminated against in a manner that places Jordan’s exclusion of such children at odds with CRC Articles 2.2 and 8.1.



specifically addressed to date.²² Further, individual access to Courts and judicial bodies invested with competence to rule on the constitutionality of laws is limited.

4.2 Constitution

The 1952 Constitution, establishing a hereditary monarchy and bicameral parliament, has gone through a substantial number of amendments since its promulgation.²³ The most recent of these have entailed some positive implications for the 2016 election, while other provisions leave scope for improvement.

While the Constitution covers a broad spectrum of fundamental rights, many are subject to regulation by law. As a consequence, overarching principles such as ‘national security’ and ‘public morality’, play a part in facilitating direct and indirect limitations on civil rights. Some actors in the non-governmental sector have been brought before the State Security Court (SSC) in recent years in connection with their work and a number of CSOs, including those who are active in promoting and seeking to protect human rights, confess to self-censorship. Several instances of limitations on freedom of speech were noted by the EU EOM.²⁴

The SSC, comprising both civilian and military judges, continues to operate in Jordan addressing five specific crimes including terrorism.²⁵ Following the assassination of columnist Nahed Hatter on 25 September, the prosecution announced that the accused detainee would be sent forward to trial before SSC. The accused, a civilian Jordanian citizen arraigned at the crime scene, was charged with premeditated murder²⁶ entailing the death sentence, as well as holding a firearm with a proper license and with committing a terrorist act. Notwithstanding the reported confession of the accused,²⁷ the trial of a civilian before a quasi-military court does not accord with Jordan’s international obligations, although verdicts by the SSC are appealable to the civilian Court of Cassation.

One of the key aspects of the Constitution is the significant authority devolved to the monarchy. Several of these powers resulted from amendments of May 2016 including the vesting in the monarchy of the sole authority to appoint the heads of the military, the Senate and the CC among others. The Parliament has limited powers, notably being unable to elect the Prime Minister or Cabinet, being subject to summary dissolution without approval of its members and where duly approved draft laws emanating from it may be rejected by the King. These

²² CC Interpretative Decision 6/2013 at p.3 on Articles 23.2 and 120 of the 2013 Constitution.

²³ The most recent amendments in May 2016 were adopted by both Houses of Parliament only two weeks after being presented by the government and were widely seen as a retraction of some powers taken from the monarchy by amendments in 2011.

²⁴ Please see Section 7.2 ‘Freedom of the Media’, below. In addition, although Article 18 of the Constitution provides that communication shall be treated as secret and may not be subject to censorship except by judicial order in accordance with the law, the EU EOM was informed of one instance of the blocking of a youth and diversity affairs website without prior legal notice.

²⁵ Constitution Article 101.1; the other crimes include drugs related activities, treason, espionage and money laundering.

²⁶ <http://www.jordantimes.com/news/local/suspect-hatter-shooting-charged-premeditated-murder>.

²⁷ <https://english.alarabiya.net/en/News/middle-east/2016/09/28/Jordanian-writer-s-killer-confesses-faces-execution.html>



limitations on parliamentary authority do not fully accord with the standards required by international human rights law.²⁸ This status of Parliament is considered by some as an area requiring reform in order to enhance participation in the political process.

The Constitution mandates the establishment of an independent election commission²⁹ to monitor and administer all elections in Jordan. It is silent on the right of citizens to vote, a right which only emerges indirectly as a consequence of the right of parliament to be elected.³⁰ In respect of candidates, the Constitution defines eligibility criteria imposing limitations on the right to stand.³¹

The Constitution also entails barriers to the practical defense of civil and political rights against limitations whether emanating from the legislature or Royal Decree. The CC, which has authority to address the constitutionality of laws referred to it, is largely inaccessible to individual applications. Where the issue of constitutionality of a law does arise in the course of a legal action before a lower court, such issue must first pass through the Court of Cassation for a decision on onward referral, before it has the possibility of being addressed by the CC.

In all other circumstances, referral of laws to the CC is limited to the Prime Minister, the Chamber of Deputies and the Senate.³² Owing to the inaccessibility of the CC, a number of issues of a constitutional nature in the legal framework for the 2016 elections were not addressed.³³ However, a quasi-judicial body, the Special Bureau of Interpretation of Laws³⁴ (the Bureau) is mandated to interpret laws not already interpreted by the courts. It functions without public oversight and its deliberations involve representatives of the Ministries concerned by the law in respect of which a question of interpretation is raised. The Bureau's rulings on legislative provisions are binding and may not be reexamined. While it interpreted at least two articles of the Law on the IEC (LIEC) in an expansive manner,³⁵ the Bureau exists in a somewhat parallel and conflicting arrangement with the authority of the CC.

Although a number of the constitutional provisions relating to civil and political rights are specified to be subject to regulation by law, certain recent amendments can be considered in a positive light. The deletion of the prohibition on persons of dual citizenship from standing for election meant that those Jordanians with multiple citizenship could, for the first time, stand in

²⁸ ICCPR Article 25; please see General Comment 25 Paragraph 7 which provides: "*Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power...*"

²⁹ Constitution Article 67.2.

³⁰ Constitution Article 67.1; indeed, the first mention of "voters", a term which remains undefined, appears in Constitution Article 71, in connection with a right to appeal the election of candidates in their respective electoral districts.

³¹ Please see Section 4.5 'Right to Stand', below.

³² Constitution Article 60.

³³ For example, the constitutionality of limiting the right to stand of members of the Bedouin communities to the three Badia districts, please see Section 4.7 'Electoral Districts', below, was raised with the EU EOM by a number of candidates, legal practitioners and academics alike.

³⁴ Constitution Article 123.

³⁵ Please see Section 4.4 'Right to Vote', below.



the 2016 elections.³⁶ The addition of new Constitution Article 128, yet to be tested and requiring that any legislation must not deprive legal rights of their essence and substance, has the potential of a strong safeguard against future legislative limitations on fundamental rights. The usefulness of this provision will depend significantly on a willingness to remove limitations to and expand rights of access to the CC while also considering the future relevance of the Bureau.

Although it is widely accepted that the Constitution extends the principle of equality to all citizens,³⁷ and by implication to both men and women, there is no provision prohibiting discrimination on the specific ground of gender.³⁸

4.3 Electoral Legislation

The 2016 election was, in addition to the recently amended Constitution, regulated by a number of new laws including the LPE. The LPE implements, fully or in part, a number of recommendations by the 2013 past EU EOM.³⁹ Although it marks an improvement over its predecessor,⁴⁰ room for further improvement remains. The legislative framework, including the IEC's Executive Instructions, was seen by some as promoting the role of political parties and greater participation, although skepticism remained in this regard.

A striking omission from the legislative framework was a provision providing for the criteria for the delineation of electoral district boundaries. The rules governing the allocation of seats to winning candidates contained provisions whereby the calculation of the Hare quota,⁴¹ by which proportionally allocated seats were ultimately assigned, was determined using all ballots,⁴² rather than only the valid ballots. In addition, reserved minority seats to which the proportional representation system did not apply⁴³ were counted together with the non-reserved seats to determine the Hare quota.

The law provides that during the counting of the ballots in the PS, the PCC should establish the number of ballots in the ballot box and the number of voters' signatures on the voter list. If these two quantities differ with more than three per cent, the Head of the PCC should refer the

³⁶ The prohibition on candidates with dual nationality was contained in former Constitution Article 75.
³⁷ Constitution Article 6.

³⁸ Please see also Section 4.1 'Applicability of International Human Rights Law', above.

³⁹ Please see Section 12.2 'Follow-Up on Past Recommendations', below.

⁴⁰ Improvements include the introduction of the 24 hours campaign silence period prior to election day, a *de facto* increase in women's reserved seats though the reduction in the size of parliament, the removal of provisions prohibiting voting by pre-trial detained, the removal of the ban on persons of multiple citizenship to stand as candidates and the introduction, albeit somewhat late and limited, of provisions on campaign funding and party financing. In addition, the replacement of the 'active' system for voter registration by a 'passive' one could also be considered as an improvement, notwithstanding the absence of international standards in this regard.

⁴¹ The ratio of the number of votes cast and the number of seats to fill. Usually, the Hare quota is calculated by the ratio of the *valid* votes cast and the number of seats to be allocated proportionally to the votes cast for the competing electoral subjects, rather than all seats in a given electoral district.

⁴² LPE Article 46.A.i and Executive Instruction 8/2016 Article 27.A.

⁴³ General Comment 25 Paragraph 21 "...the method of allocating votes should not distort the distribution of voters."



case to the Head of the DEC, who should subsequently refer it to the IEC.⁴⁴ It is unclear what is the reason to set such a threshold on the potential mismatch, as there are no relevant international standards. Also, the law does not provide for the formula to calculate the mismatch in percentages.

Further to that, if a list running on the minimum number⁴⁵ of required candidates lost a candidate through death or withdrawal, such list was permitted to remain in the election, whereas lists which fell beneath the minimum number of candidates as a result of the rejection of one candidate by a court could not proceed in the race. Finally, the election campaign activities commenced and continued throughout a significant portion of the campaign period, while the final candidate lists could not be settled owing to ongoing appeals processes.⁴⁶

The IEC activities were regulated by the LIEC. While the law provides the basis for an independently functioning IEC, certain aspects of the law could be further improved to enhance transparency and to avoid possible concerns of political influence, whether real or perceived. The law does not preclude recent members of government to become members of the IEC.⁴⁷ The IEC, which is subject to monitoring by the Audit Bureau, approves its own budget for submission to the Prime Minister.

4.4 Right to Vote

The citizen's right to vote emerges indirectly in the Constitution in the context of the right of Parliament to be elected.⁴⁸ The LPE expands on this right,⁴⁹ although *de jure* and *de facto* limitations persist and significant numbers of citizens were deprived of the right to vote. The LPE expressly stipulates those who have their voting rights suspended,⁵⁰ although the Constitution embodies no such prohibitions placing Jordan at odds with the ICCPR⁵¹ by restricting the universality of suffrage.

While the right to vote was *de jure* extended to those in pre-trial detention, thus preserving the presumption of innocence, there was no regulation providing a procedure for voting of persons

⁴⁴ LPE Article 43.D; Executive Instruction 9/2016 Article 21.E extrapolates this arrangement to the result tabulated by the DEC appearing to rewrite the law.

⁴⁵ LPE Article 9.B

⁴⁶ The final list of candidates was published after all appeals had concluded on 10 September 2016, whereas the campaign was ongoing since the commencement of the candidate registration process on 16 August.

⁴⁷ Please see Section 5.1 'Election Administration Bodies', below.

⁴⁸ Constitution Article 67.1.

⁴⁹ Please see Section 5.2 'Voter Registration', below, for the effect resulting from the change from 'active' to 'passive' voter registration.

⁵⁰ LPE Article 3; this restriction included the personnel of the Army, Police, Security Forces, General Intelligence Service, Gendarmerie, and Civil Defense who are on active service, as well as persons declared bankrupt or deemed mentally incapacitated. However, 'civilian personnel' employed by the various state security agencies were able to vote.

⁵¹ ICCPR Article 25.



in either pre-trial or post-trial detention. Citizens residing abroad⁵² on a long term basis could only vote if they returned to their last place of residence in Jordan, because the law does not provide for out-of-country voting. Some citizens also had their voting rights restricted to the effect that in order to vote for a representative of their minority community, they were required to register in specified districts, thus limiting their choice of candidate.⁵³

Notwithstanding the limitations imposed by the legal framework, the interpretation of the Bureau⁵⁴ clarified one aspect the eligibility criteria by lowering the voter age.⁵⁵ This expansion of the voter list could be used as basis for continued improvements and specific efforts to reduce the numbers and groups of citizens currently restricted from voting, thereby bringing Jordan further in line with its international commitments.

4.5 Right to Stand

The right to take a seat in Parliament is limited to citizens who have attained the age of 30⁵⁶ on the date of inauguration of Parliament, thereby imposing a similar age restriction on candidacy, in particular considering that a citizen may be appointed a judge at the age of 27⁵⁷ or take a seat in a municipal council at 25.⁵⁸ There is scope for reducing the age limit for candidacy. Other restrictions of the right to stand stem from the relevant restrictions on the right to vote,⁵⁹ as candidates must be registered voters.

Candidacy was also impacted in other ways such as through the requirement to resign from public employment at least sixty days before election day.⁶⁰ This requirement had the potential to discourage public service employees, such as teachers, administrators and medical staff, from participation due to the economic impact of such decisions.

The law required all candidates to compete as part of lists, whereby standing as an ‘independent’ candidate was not a possibility, which is at odds with international standards.⁶¹ A further restriction on candidacy, which had the effect of creating two ‘categories’ of citizenship and thus running counter to the Constitution,⁶² was that Jordanians holding less than 10 years

⁵² Data from 2008 placed the figure at some 350,000, although more recent estimates vary between 750,000 and one million, <http://www.jordantimes.com/opinion/editorial/all-jordanians-are-equal> and http://www.migrationpolicycentre.eu/docs/fact_sheets/Factsheet%20Jordan.pdf.

⁵³ LPE Article 4.G.

⁵⁴ On LPE Article 3.A.

⁵⁵ Bureau Decision 6/2016 extended the right to vote to citizens who had reached 17 years of age 90 days prior to election day.

⁵⁶ Constitution Article 70.

⁵⁷ Independence of the Judiciary Law 15/2001 Article 10.B.

⁵⁸ Law on Municipalities 41/2015 Article 40.A.1.

⁵⁹ Please see Section 4.4 ‘Right to Vote’, above.

⁶⁰ LPE Article 11.A restricts the right to stand. This is particularly important for women, for whom obtaining employment in public service is, according to female rights groups, a continuing struggle due to competition in the male sphere and social pressures to stay at home.

⁶¹ ICCPR Article 25 in conjunction with Article 2, Paragraph 1.

⁶² Constitution Article 6.



citizenship could not stand.⁶³ Conditions of intellectual incapacity created a limitation on the suffrage rights,⁶⁴ without precise mechanisms for independent adjudication and assessment. While Jordan's legal framework may be perceived to discriminate positively in favor of minorities through the reserved seats,⁶⁵ it equally restricts the right of minority candidates to stand outside of predetermined electoral districts.⁶⁶

A further decision⁶⁷ of the Bureau led to an expansive interpretation of imprecise legal provisions to positive effect. It determined that a candidate may run in any district irrespective of where she/he is registered in accordance with the law. With respect to women minority candidates, the Bureau held that "[...] A Chechen, Circassians or Christian woman [...] may also, regardless of her religion or ethnicity, compete for the women reserved seat based upon gender regardless of religion or ethnicity." Thus, minority women were afforded two chances of election in minority districts, albeit male minority candidates remained limited to one.

The payment of a non-refundable amount of 500 Jordanian Dinars (JOD)⁶⁸ per candidate to the Treasury is mandatory. In addition, candidate lists pay a 2,000 JOD refundable deposit as insurance of compliance with the legal provisions on campaigning.

4.6 Right to Appeal

Rights of appeal arise on several bases in the legal framework, in favour of both voters and candidates, in the context of voter and candidate registration, and in permitting voter appeals against the results of elections.⁶⁹ Additionally, administrative decisions of the IEC were open to appeal to a competent court.⁷⁰

Following the publication of the preliminary voter lists (PVL),⁷¹ voters could seek to challenge rejections by the CSPD against registration both of themselves and other voters, as well as appeal decisions by the IEC rejecting voter applications to transfer registration to other districts.

⁶³ LPE Article 10.A adds this condition which is not specified in the Constitution.

⁶⁴ Constitution Article 75.1.E and LPE Article 10.F.

⁶⁵ The term 'quota' was broadly used in the context of the reserved seats for women and minorities' candidates. However, 'reserved seats' represent a specific type of quota, the quota among the elected candidates. There are also quotas among the registered candidates and among the aspiring candidates, <http://www.europarl.europa.eu/document/activities/cont/201111/20111107ATT30766/20111107ATT30766EN.pdf>. Further to that, the term quota is also used in procedures for seat allocation, e.g., the Hare quota. In order to avoid possible misunderstandings, throughout this Final Report the term 'reserved seats' will be used.

⁶⁶ This runs at odds with the Constitution Article 6.1 which provides "*There shall be no discrimination... as regards...rights and duties on grounds of race, language or religion*". Paragraph 15 of General Comment 25 to ICCPR Article 25 provides that "*...Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as ... residence or ...*"

⁶⁷ Decision 6/ 2016 of the Bureau.

⁶⁸ Approximately EUR 600.

⁶⁹ Please see Annex 4 'Table of Electoral Disputes'.

⁷⁰ LIEC Article 23; as an administrative body this means its administrative decisions are appealable to the High Administrative Court, in accordance with the Administrative Courts Law 27/2014 Article 39. One such application was lodged on 3 October and is awaiting a decision.

⁷¹ Please see Section 5.2 'Voter Registration', below.



In the event of rejection for voter reassignment to another district, a voter could appeal to a district Court of First Instance within seven days of such a rejection, in which case the Court had a further seven days to make a final decision. The same timeframe applied in respect of voter appeals against IEC decisions including another voter in the voter list for his/her district. A legal provision waives court fees and stamp duties for election related applications, as in the 2013 election law.

Voters could also appeal IEC decisions to accept a candidate to a list in the voter's district.⁷² These objections had to be filed within three days following the date on which the candidate lists were put on display at a Court of Appeal for the district concerned and after which the Court in these cases had three days after the submission to reach a final decision.⁷³

Candidates whose applications for registration resulted in a rejection by the IEC also had a right of appeal to the Courts of Appeal. Where a rejection of a candidate by the IEC or the Courts on foot of an appeal resulted in a list membership falling below the minimum threshold for the list to run, all candidates in that list were excluded from standing.

The Constitution guarantees the right of appeal to voters against the election of a candidate in their district. The right of appeal arises on the publication of results in the Official Gazette for a period of 15 days after which the Court of Appeal with jurisdiction for the district concerned has 30 days to issue its decision. Such decision may either reject the appeal or declare the election invalid and trigger a by-election for the district concerned.⁷⁴

4.7 Electoral Districts

Jordan's administrative division⁷⁵ includes 12 governorates, Fig.1, on page 18. The country held its last population and housing census on 13 November 2015.⁷⁶ The population numbers, by governorates, are provided on Fig 2 on page 19, column 11. The population total, bottom box of column 13, includes 6,613,587 Jordanian citizens and 2,918,125 persons with other citizenship, including 1,265,514 Syrians, 636,270 Egyptians and 634,182 persons of Palestinian origin. The significant number of persons, mostly refugees and economic immigrants who are not citizens of Jordan, could call into question the rational of using population numbers for the purposes of electoral districting⁷⁷ and assessment of the equality of the vote.

By origin, most of the Jordanian citizens appear to belong to one of the following three groups. First, this is the 'indigenous' population of tribal and family structure which has historically

⁷² LPE Article 16.B.

⁷³ Executive Instruction 6/2016 Article 15; throughout this final report, deadlines are counted from the date after the day a specific document (appeal, complaint, etc.) has been officially filed.

⁷⁴ Constitution Article 71; the right is presumed to extend to candidates themselves being registered voters.

⁷⁵ Please see <http://www.bizbilla.com/country-maps/maps/jordan-political-map.jpg>, although some modifications were inserted by the EU EOM.

⁷⁶ Please see <http://www.citypopulation.de/Jordan.html>. Census enumerators on the ground register each person encountered on census day including citizens, citizens of other states and other persons present.

⁷⁷ Electoral districting includes the determination of the borders of the electoral districts and the number of seats allocated to each district, to be filled on the basis of the votes cast.

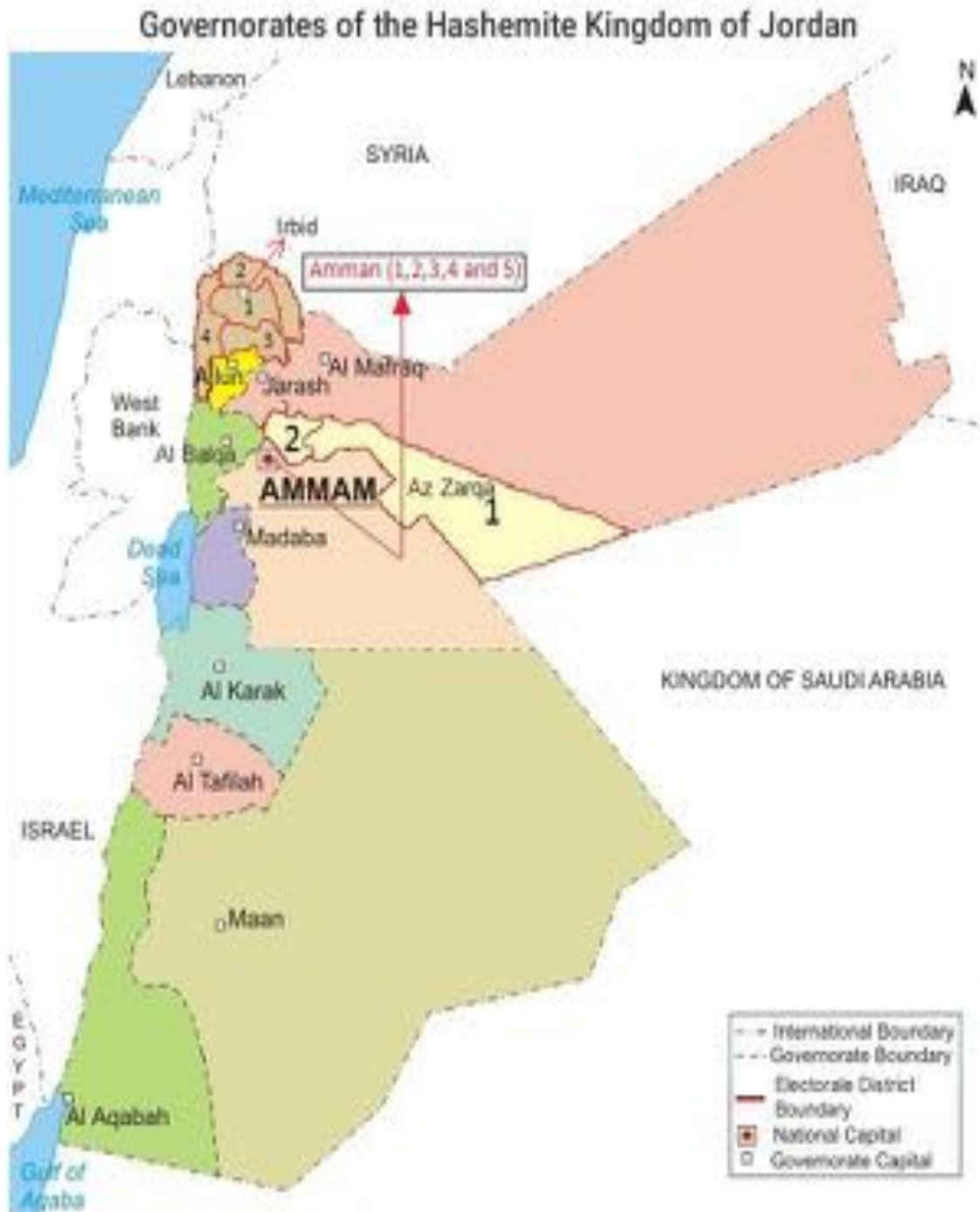


Fig.1



resided in the lands of the Kingdom and has been in the core of the formation of the ‘nation state’ of Jordan. The second group comprises population of North Caucasian origin, Chechens and Circassians, who fled the Russian - Ottoman empires’ wars in the middle of the XIX century. The third group is comprised of persons of Palestinian origin who moved into Jordan after 1948 and who were ultimately granted full citizenship, including suffrage rights. As Jordanian citizens born before 25 June 1999 are eligible to vote and are therefore included in the voter lists, numbers of registered voters appear to be a useful ground for the assessment of districting and the equality of the vote, Fig 2, column 8.

The delimitation of the electoral districts’ boundaries is based on the administrative borders of the governorates. There is no electoral district, which includes territory of two or more governorates. Three out of 12 governorates, Amman, Irbid and Az Zarqa, include more than one electoral district, respectively five, four and two.

Governorate	District N	SEATS					Registered Voters Final Voter Lists, 15 Aug 2016	VOTERS / SEAT		POPULATION Census Data of 13 Nov 2015
		All Seats	Seats Women	Seats Christ	Seats Ch/C	Non-res Seats		Gov, All Seats	Ele districts All Seats	
	1					5	290 535		58107,00	
	2					6	400 822		66803,67	
	3			1	1	4	242 432		40405,33	
	4					4	249 549		62387,25	
	5				1	6	375 992		53713,14	
Amman	5	29	1			25	1 559 330	53770,00		4007526
	1					6	326 520		54420,00	
	2					4	145 262		36315,50	
	3			1		3	114 325		28581,25	
	4					5	164 560		32912,00	
Irbid	4	20	1			18	750 667	37533,35		1770158
	1			1	1	6	450 599		56324,88	
	2					4	131 659		32914,75	
Az Zarqa	2	13	1			10	582 258	44789,08	44789,08	1364878
Al Balqa	1	11	1	2		8	298 659	27150,82	27150,82	491709
Madaba	1	5	1	1		3	106 733	21346,60	21346,60	189192
Al Karak	1	11	1	2		8	167 945	15267,73	15267,73	316629
Al Tafileh	1	5	1			4	54 885	10977,00	10977,00	96291
Ma'an	1	5	1			4	53 384	10676,80	10676,80	144082
Ajloun	1	5	1	1		3	101 483	20296,60	20296,60	176080
Jarash	1	5	1			4	108 040	21608,00	21608,00	237059
Al Mafraq	1	5	1			4	95 472	19094,40	19094,40	549948
Al Aqaba	1	4	1			3	55 881	13970,25	13970,25	188160
Badia S	1	4	1			3	64 270	16067,50	16067,50	
Badia N	1	4	1			3	84 377	21094,25	21094,25	
Badia C	1	4	1			3	56 348	14087,00	14087,00	
JORDAN	23	130	15	9	3	103	4 139 732	31844,09		9531712

Fig.2

The total number of seats allocated to each electoral district are listed in Fig.2, column 3; the various reserved seats – in columns 4-6 and the non-reserved seats – in column 7. The district borders and the numbers of seats allocated to each district were determined in a by-law,⁷⁸ which does not specify the criteria used to design the districting scheme.⁷⁹

⁷⁸ By-law 75/2016, Official Gazette of 5 June 2016.

⁷⁹ Jordanian interlocutors informed the EU EOM that three criteria were used in the districting process, including population data from the Department of Statistics, geographical data about the territories of the districts and infrastructure information, such as the distance from Amman. The Department of Statistics did not confirm their involvement in the process of districting.



In addition to the above mentioned ‘geographical districts’, the by-law determines three additional electoral districts, Badia North, Badia Central and Badia South, based on tribal and family structures.⁸⁰ The individuals belonging to these structures may have their residence registered at any location in Jordan and vote there for the local candidates who do not necessarily belong to the tribes. However, if these persons choose to vote for the candidates of the tribes and families as such, they must register as voters for these ‘special’ districts and cast their votes in polling stations located in the areas of origin of the respective tribes and families.

The absence of legal provisions for districting criteria constitutes a shortcoming in the legal framework for parliamentary elections. Based on the average norm for representation,⁸¹ there continues to be a notable imbalance in the equality of the vote. The average norm of representation for Jordan is 31,844 voters/seat, where all 130 seats are taken into account. Then one has the following norms of representation, Fig 2, columns 9 and 10:

By Governorates: minimum in Ma’an – 10,677, maximum in Amman – 53,770;
By Electoral Districts: minimum in Ma’an – 10,677, maximum in Amman 2 – 66,803.

As a result, large urban areas are underrepresented, while rural areas in less populated governorates are considerably overrepresented, a continuing legacy from previous elections.

It is arguable, that interests of specific groups of stakeholders may have influenced the current districting. This, in turn, seems to be viewed as representing a basis for political stability. On the other hand, Jordan is a party to the ICCPR and has legal obligations to ensure the equality of the vote in the context of a reasonably uniform norm for representation across the Kingdom and its administrative and electoral district divisions. There is still considerable room for improvement with respect to the equality of the vote.

CSO election observers indicated different degrees of improvement in the districting of Jordan, compared to the districting for the 2013 parliamentary elections. According to the EU EOM, these improvements stem mostly from the enlargement of the electoral districts compared to those of 2013⁸² and from the assignment of seven additional seats to the three most populated governorates, including four seats to the Amman Governorate, two seats to the Irbid Governorate and one seat to the Az Zarqa Governorate.

4.8 Electoral System

The 2016 legal framework for election of the new 130 seat parliament required that all candidates stand within candidate lists. Lists competed on a district basis across the 23 electoral districts, each list having chosen its own distinct name and logo. Each list was required to register on the basis of a minimum of three candidates and with a maximum equal to the number

⁸⁰ One could perceive these districts as reserved seats for the Bedouins.

⁸¹ Calculated as the ratio of the number of registered voters and number of seats for a given area.

⁸² Such enlargements usually ‘smooth’ the discrepancies related to the equality of the vote as seen if one compares the discrepancies at governorate and district levels, Fig. 2, columns 9 and 10.



of seats assigned to the district in which each list was running, with a proviso that one extra candidate could run on a list provided that the extra candidate was a woman.⁸³

Lists could comprise candidates competing for both reserved and non-reserved seats to which three different methods of election were applied. In the majority of districts, only two methods of election applied, those were the proportional representation system with multiple preference votes ('open' lists) and the 'best loser' system. Eight out of the 23 districts involved all three systems, in which many lists featured candidates representing minorities, women candidates, as well as partisan and non-partisan candidates.

There were 103 non-reserved seats assigned across the 20 'geographical' districts and the three 'non-geographical' Badia districts.⁸⁴ These seats were allocated through open list district based proportional representation with multiple preference vote.

Another 15 seats, one seat for each of the 12 governorates and the three Badia districts were reserved for women candidates competing on the basis of a 'best loser' system. While the inequality of the vote was a general issue, the imbalance was particularly notable with regard to the women's reserved seats.⁸⁵ Notwithstanding the competition for a reserved seat, women candidates were first competing, on equal terms with men, for the 103 non-reserved seats.

Where a district coincided geographically with a governorate, such districts had their own reserved seat for a woman. In a single district governorate, the reserved seat was assigned to the woman candidate, not having already won a seat, who outperformed all other losing women candidates on the basis of her *actual* vote.

Where a governorate included several districts, women candidates for the reserved seat would compete with women candidates from all districts included in the governorate as there was only one reserved seat for a woman in the governorate. In such governorates, the woman's reserved seat was allocated to the woman candidate, not already having won a seat, who outperformed all other losing women candidates across all districts within the governorate, on the basis of her *percentage* of the vote. As a result, a woman with lesser number of *actual* votes could win the reserved seat due to her higher *percentage*.

The remaining 12 seats, of which nine were reserved for Christians and three for Chechens and Circassians, were assigned within specified districts⁸⁶ where such minorities were resident in considerable numbers. Election to the minority seats was determined on the basis of best performance, in terms of actual votes received by the minority candidates across competing lists, within each relevant district. While the preexisting reserved seats to Muslim Arab Jordanians were removed from the LPE,⁸⁷ the methodology of assigning minority reserved seats

⁸³ LPE Article 9.C.II.

⁸⁴ Please see Section 4.7 'Electoral Districts', above.

⁸⁵ Both the governorates of Amman and Ma'an had one reserved seat for women each. However, the registered voters in Amman were 1,559,330, while those in Ma'an - 53,384, please see Fig.2 in Section 4.7 'Electoral Districts' above.

⁸⁶ Amman 3 and 5, Irbid 3, Az Zarqa 1, Al Karak, Al Balqa District, Madaba and Ajloun.

⁸⁷ The reserved seats for Jordanian Muslims were provided in Article 8.A of Law 25/2015.



to specific districts and the determination of the winners of seats in the open lists continued to operate as a ceiling on representation of minorities, rather than as a minimum threshold.

5. ELECTION ADMINISTRATION

5.1 Election Administration Bodies

The IEC is mandated to administer all election in Jordan.⁸⁸ First established in 2012 for a non-renewable term of six years, the IEC is a five member body including the Chairperson.⁸⁹ The LIEC provides⁹⁰ that all five members of the IEC be drawn from a list prepared, for approval by the King, by a committee composed of the Prime Minister, the Speakers of the Senate and the Chamber of Deputies, and the President of the Judicial Council each of whom, with the exception of the speaker of the Chamber of Deputies, are themselves appointed by the King.⁹¹

The IEC was appointed on 6 April 2016.⁹² The current Chairperson, a figure of authority with influence on the decision making process of the IEC, is the former Minister of Political and Parliamentary Affairs, responsible for the introduction of amendments to the LPE.⁹³

The IEC is based in Amman and is supported by a Secretariat and five directorates. It convenes upon the invitation of the Chairperson or two thirds of its members and decisions are taken by a majority of at least three votes. The lower level election administration bodies, all temporary committees, include 23 DEC's and 44 suboffices established to provide operational and logistical support. The role and responsibilities assigned to suboffices on election day lacked clarity. On election day, a total of 4,884 PCCs managed election day procedures in their respective PSs located within 1,483 PCs.

The IEC established a SC⁹⁴ mandated to audit election results, finalise the allocation of seats and announce preliminary results.⁹⁵ The SC expressed satisfaction with the accuracy of the

⁸⁸ Constitution Article 67.2 and LIEC Article 4.

⁸⁹ One member was reappointed from the previous commission.

⁹⁰ LIEC Article 6.

⁹¹ Constitution Articles 35 and 40.

⁹² Constitution Article 34; on 8 June, the King issued a decree for the holding of elections to the Chamber of Deputies. The following day the IEC decided that elections should be held on 20 September 2016.

⁹³ As Minister of Political and Parliamentary Affairs, he implemented the state policy that included the institutionalisation of political parties.

⁹⁴ The head of the SC was sworn in with another twelve members on 19 September. Renowned professionals from different backgrounds, such as retired senior judges, academics, statisticians, and former members of government, former Senators, and state-owned media editors-in-chief, partook in the committee's works. Committee members worked in four working groups corresponding to the North, Central, South of Jordan and the electoral districts of Amman.

⁹⁵ Executive Instruction 10/2016; IEC members, staff, candidates, political party representatives, observers and members of the Government were not granted access to the SC premises.



electronic results data which was used to compare against the DEC protocols,⁹⁶ although the appointment and operations of the SC could have benefited from more transparency.⁹⁷

Throughout the preparations for election day, the IEC and DEC were on track and the Commission exercised efficient supervision, with open communication channels and a close follow-up strategy, over the lower level election administration bodies. An election calendar outlining the schedule for voter list preparations, candidate registration and respective objection phases, was shared by the IEC.⁹⁸ Some stakeholders expressed mixed assessments of the IEC's capacity to implement elections independently and impartially, while the IEC reiterated its aim to deliver elections respecting principles of integrity and in full independence of government.

An efficient training programme targeting up to 66,000 election staff, mainly recruited from the Ministry of Education, was completed around 9 September. Some 10,400 volunteers, placed outside PSs, supported the IEC's work during election day. Also, 5,780 data clerks were trained to operate the electronic voter lists and implement the transmission of results. In this regard, the IEC tested an interactive PCCs mapping system with real time connectivity to its central office in Amman, with a view to monitor all stages of the opening, voting and counting at the PSs.

Overall, the IEC and its subordinate committees administered the election respecting legal deadlines throughout the period observed by the EU EOM. However, the timely publication of IEC decisions on its website⁹⁹ could have contributed to further enhancing the transparency of its performance, as well as the trust of voters and competing lists in the elections.

5.2 Voter Registration

The IEC is responsible for managing the voter registration¹⁰⁰ in conjunction with the CSPD, a department of the MI which updates the voter lists based on the voters' residency for each electoral district.¹⁰¹ The PVL included 'automatically' the names of all eligible voters. This change from "active" to "passive" voter registration led to the inclusion of some 82 per cent more voters compared to the 2013 election.

⁹⁶ According to the Chairperson of the SC, 80 accountants audited the incoming data on results divided into four 'geographical' groups. Results discrepancies were detected in Al Karak and districts of Irbid, which were reported to the IEC and resolved within a reasonable time, allowing for preliminary results to be announced by the afternoon of 22 September.

⁹⁷ Such as the method and time for the selection and appointment of SC members, issuing and publication of SC operational rules and procedures and permission of direct as opposed to indirect observation of the workings of SC.

⁹⁸ EU EOM observers reported good access to information at the DEC, as well as access to PCCs training sessions. Information on the district tabulation process and the functioning of the suboffices was sometimes inconsistent.

⁹⁹ Such as decisions on registration of candidates, the timely IEC clarification regarding voter's requests for transfer to the Badia electoral districts and information on issuance of personal identification documents to voters by the CSPD prior to election day.

¹⁰⁰ LPE Article 12.D; IEC issued Executive Instruction 1/2016, on the development of voter lists. It appeared that this instruction rewrote the law, rather than only clarify the implementation of LPE Article 6.

¹⁰¹ The CSPD updates the civil registry twice a year. Ineligible voters and the names of deceased persons are removed from the list; LPE Article 4 C and D.



On 24 June, the PVL including 4,139,608 eligible voters¹⁰² was put on display for public inspection in all electoral districts for seven days.¹⁰³ After the expiry of this period for voters' requests for corrections and objections to the PVL, the IEC published the final voters list (FVL) on 15 August comprising 4,139,732 eligible voters, of these 53.1 per cent were women and 46.9 per cent were men.¹⁰⁴

The announcement of the FVL interdicts any further amendment to the voter list,¹⁰⁵ with the exception of enabling the election officials to vote. The IEC provided PSs with a computer and an electronic copy of the voter list to detect possible multiple records and assist voter identification. Although the FVL was closed on 15 August, the IEC used its discretion¹⁰⁶ for making limited final amendments to the FVL deleting by 10 September the names of some 9,600 voters arising from the receipt of CSPD updates for the period between 15 August and 10 September. This brought the total number of registered voters to 4,130,145 on election day; of these 47.1 per cent were men and 52.9 per cent were women.¹⁰⁷

The use of the civil registry as the base for compilation of voter lists, the national identification card as the unique document for identification for voting, as well as the use of indelible ink on election day aimed to enhance voter franchise and prevent possible multiple voting.

5.3 Candidate Registration

Applications for registration of candidate lists and candidates were submitted to the IEC from 16 to 18 August.¹⁰⁸ Lists and candidate applications were referred to the IEC for review, acceptance or rejection within seven days. Appeals by applicants against IEC's decisions for rejection were submitted by 28 August to the Courts of Appeal in the respective electoral district and resolved by the Courts by 31 August. Preliminary lists of candidates were published by the IEC by 2 September. Challenges to the preliminary lists of candidates by voters were permitted until 5 September and were decided by the Courts of Appeal no later than 8 September. Final lists of candidates were published by the IEC on 9 September and candidates were permitted to withdraw by 10 September.

Candidates submitted their applications to the DEC Heads in the presence of all candidates running on the list. The IEC application form included the name of the list to which the candidates were nominated, names of its members, the list emblem and the name of the

¹⁰² <http://entikhabat.jo/ar/content>.

¹⁰³ The IEC published on its webpage the lists for submitted voters' objections to the PVL including IEC decisions for acceptance or rejection to each objection.

¹⁰⁴ For the 2013 parliamentary election the IEC registered a total of 2,212,182 voters, yet the number of eligible voters was considered to be around 3.64 million. Voters needed to register and collect their voter card in order to be able to vote.

¹⁰⁵ LPE Article 6.

¹⁰⁶ Executive Instruction 1/2016 Article 20.

¹⁰⁷ Please see also Section 11 'Election Day', below.

¹⁰⁸ LPE Article 14.



commissioner of the list.¹⁰⁹ Upon agreement between lists and submission to the IEC, the name and emblem of a list could be used in any other electoral district.

The IEC received a total of 230 requests for list registrations and 1,293 candidates' requests. Upon review of submitted applications, by 23 August, the IEC accepted 228 lists out of 230 submitted.¹¹⁰ Furthermore, the IEC decided to reject six additional requests for candidature in several lists due to the submission of incomplete candidacy documentation or non-compliance with the requirements stipulated by law. While the rejected lists or candidates were not made public, the IEC notified all accepted or rejected lists and candidates. The notification of rejection included the legal grounds for the respective IEC decision. The IEC decisions for acceptance and rejection of candidatures were not published undermining transparency.

By 9 September, the IEC published on its web page¹¹¹ the final candidate lists including 226 registered lists with a total of 1,252 candidates. Four candidate lists were refused registration for various reasons throughout the process. The IEC rejected 20 candidates, of these 18 appealed against the IEC decisions and only one candidate was reinstated by the Court. Candidates rejected by the Courts as a result of voters' appeals against their candidatures were 31. Of the latter, only two candidates were finally rejected by the Court. Overall, the registration of candidates by the IEC was accomplished in an inclusive, efficient and timely manner, in accordance with the law.¹¹²

There were two key features of the candidate lists for the 20 September election. First, the number of non-party affiliated candidates exceeded approximately 4 times the number of party ones. According to MPPA, party candidates were 215 marking an increase compared to the 2013 election. Second, the number of women candidates was some 25 per cent higher than in the 2013 election. According to the IEC, there were 252 women candidates, 63 Christian and 24 Chechen and Circassian candidates, including five and two women respectively, competed for their reserved seats; a total of 170 former MPs were running mostly as non-party candidates.

Among the centrist parties, the National Current party fielded 23 candidates, followed by the Jordanian United Front party with 20 candidates, Al Wafa'a party with 10 candidates; the Justice and Reform party with 9 candidates and the Stronger Jordan with 7 candidates. Other centrist parties had between one and five candidates.¹¹³ The centrist parties registered the highest number of candidates,¹¹⁴ reaching 116. There were 15 candidates, who were members of secular parties.¹¹⁵

¹⁰⁹ Executive Instruction 6/2016 Article 7.

¹¹⁰ For details on rejections, please see Section 8 'Electoral Offences and Disputes', below.

¹¹¹ <http://entikhabat.jo/ar/content>.

¹¹² Efficiency was acknowledged by most candidates. However, the process of registration coincided with the start of the election campaign providing for a measure of uncertainty, as some lists and candidates were rejected after they might have started to campaign; please see Section 6.1 'Campaign', below.

¹¹³ Based on the meetings conducted by EU EOM with representatives of political parties.

¹¹⁴ The Report of the Integrity Coalition for Election Observation -The 2016 Elections of Jordan's 18th Parliament Analysis of Candidates Registration Numbers.

¹¹⁵ *Ibid.*



According to senior party representatives of the Islamist parties, there were 120 candidates affiliated with the IAF led National Alliance for Reform, including 14 women, in 23 lists. The IAF itself fielded 50 candidates, representing 23 per cent of the partisan candidates. The Islamist Wasat Party competed with 18 candidates in 14 lists. The Zamzam Movement, recently registered as the National Congress Party, competed with 14 candidates.¹¹⁶

The majority of the submitted candidate lists appeared to include candidates without clear party affiliation and were led by influential business people or local dignitaries. The formation of candidate lists in the southern governorates was mostly tribal based. In the central and northern governorates, in addition to tribal affiliations, lists were formed also on the basis of diverse socio-economic and political views held by representatives of secular, centrist and loyalist platforms, as well as minorities. Partisan candidates have formed alliances across the political spectrum, but few lists featured a clear political vision or tangible programmes. Some candidates affiliated to political parties either denied their affiliation or focused on their individual background or tribal base.

5.4 Voter Education and Information

Against the backdrop of a widespread perceived lack of voter interest, the election timeline did not facilitate sufficiently early voter education programmes. Notwithstanding, the IEC engaged, along with CSOs and public institutions,¹¹⁷ in vigorous and diversified outreach activities. The impact of the latter was further hampered by both the election timeline and the complexities on the new electoral system. The IEC mounted voter awareness campaigns through public outreach banners on public highways, with varying degrees of visibility.

Voter education messages and election information, with active online resources were made available on IECs website, Facebook and Twitter accounts. IEC produced voter information pamphlets¹¹⁸ and videos were available on YouTube encouraging voter participation and explaining the electoral system and process. Also, the IEC published information in the print media regarding electoral preparation updates, as was the case of the alleged Badia voter's transfers.¹¹⁹ It opened a toll free hotline to respond to queries, as well as a voter registration information number. During election day and until preliminary election results were announced, the IEC established a Media Centre that served for broadcasting election updates, including various IEC announcements and clarifications offered by IEC commissioners.

¹¹⁶ Based on the meetings conducted by EU EOM with representatives of political parties.

¹¹⁷ Such as the MPPA and the Ministry of Religious Affairs.

¹¹⁸ Voter information was produced regarding the lowering of voting age to citizens born before 22 June 1999, on voting for persons with disabilities and general voting procedures, on candidate nomination procedures, regarding the IEC's website, Facebook, Twitter accounts and on the free toll information number (117100) as well as a text messaging service for PSs location information.

¹¹⁹ Please see Section 8 'Electoral Offences and Disputes', below.



5.5 Institutional Communication

The IEC enjoyed frequent media exposure throughout the election period. The media published election updates in the form of interviews by the Chairperson or declarations by the IEC spokesperson. IEC representatives took part in several TV programs on election related issues, both on state owned and private media.

The IEC accredited around 1,900 national and international journalists.¹²⁰ On 18 September it opened its Media Centre, where the IEC scheduled several press conferences on voter turnout, on preliminary election results and election related discussion panels. The IEC produced a number of videos aimed at voter education, aired by Jordan TV and private TV channels.¹²¹

The IEC used social media to disseminate information and voter's education. Its website¹²² was well designed and user-friendly. The IEC Facebook page¹²³ was updated with election related news, pictures and videos, and the Chairperson was interviewed by users on IEC Facebook page a few days before election day.¹²⁴ Facebook and Twitter pages were also used to publish preliminary election results.

In an interview of 31 August,¹²⁵ with a similar message sent on 18 September,¹²⁶ the IEC communicated its intention to take legal action should an observer group publish PVT findings before the IEC. There is no provision in the LPE regarding the conduct of and the public disclosure of the PVT findings.¹²⁷ In addition, the practice that competing political parties, candidates and CSO national election observers announce their findings after the closure of polls and prior to the announcement of any results by the central election administration body is widely spread.

Restricting the freedom of expression of CSOs and the imparting of information is not in line with Jordan's international legal obligations.¹²⁸ The EU EOM was informed by both the IEC and CSO representatives that an agreement was reached on this issue. RASED, at a press conference at 17.30 on 21 September, revealed its PVT findings, albeit after the IEC had spoken. The Commission's communication strategy could have benefited from a more focused approach when addressing the public with regard to such important aspects related to the overall transparency of the process.

¹²⁰ The IEC accredited some 140 national media outlets and 60 international outlets to cover election day.

¹²¹ https://www.youtube.com/channel/UChCqkXV9u6w_2d09UmA2i8w/featured, in Arabic.

¹²² <http://www.entikhabat.jo>, in Arabic and English.

¹²³ <https://www.facebook.com/EntikhabatJO/>, received over 141,000 likes at the time of writing. Videos that enjoyed more views were a video showing voters how to locate a polling station through a smartphone application, and a satirical video on how to vote.

¹²⁴ <https://twitter.com/iecjo>. IEC Twitter page started in May 2016, with nearly 2,000 followers at the time of writing. The YouTube Channel IEC JO had 361 subscribers.

¹²⁵ <http://www.alanbatnews.net/one/news/local-news/139176.html>.

¹²⁶ <http://www.Ammonnews.net/print/282796>.

¹²⁷ In 2013 RASED conducted a PVT as well.

¹²⁸ ICCPR Article 19.



6. CAMPAIGN AND CAMPAIGN FINANCE

6.1 Campaign

The electoral campaign started on 16 August¹²⁹ and ran until 18 September providing for a day of campaign silence,¹³⁰ on 19 September, which would continue on election day.¹³¹ A notable feature of the campaign period was that both voters' and candidates' appeals against rejection were on-going for a substantial part of the campaign period. Overall, the campaign was peaceful, with isolated reports of minor campaign related incidents.

Campaign rallies were a rarely used method for campaigning. Most frequently, it was conducted by posters in the main roads featuring candidates' lists and individual candidates' pictures.¹³² Most lists did not present concrete programs. The frequent political mix of candidates within lists and the absence of clear party bases in most cases resulted in campaigns that were based on loose slogans. Slogans were often connected to general topics of economy, unemployment, democracy, human rights and anticorruption, but were difficult to translate into clear political programmes. Candidates' outreach to voters frequently took place through social gatherings in 'campaign tents' both in urban and rural areas. According to frequent allegations, these gatherings might have been venues where gifts and money changed hands; however, EU observers did not witness such cases.

Prior to election day, the IEC recorded some 232 cases of breaches to the campaign regulations, such as the inclusion of the IEC logo or the Jordanian state coat of arms on candidates' banners and Facebook pages, the use of governmental buildings, institutions and traffic lights for mounting political advertisement. As a result, wrongfully placed campaign materials were removed.¹³³ Also, some instances of vandalised candidates' posters were recorded.

Illegal campaigning took place at many polling centres throughout election day, both through the mounting of campaign materials on the exterior walls of PSs and PCs premises, and the presence of candidate activists distributing campaign materials. The IEC recorded election violations resulting in 6 referrals to further prosecution.

Awareness programmes for stakeholders were also developed across all districts through the IEC in collaboration with the MPPA, the Ministry of Islamic Affairs and some local CSOs

¹²⁹ Executive Instruction 7/2016 Article 3, "The electoral publicity campaign for candidates shall begin from the date announcing candidacy to conclude 24 hours before the day designated for the election".

¹³⁰ The term 'campaign silence' means that voters are given an opportunity to 'weigh' the political information provided by the electoral contestants throughout the campaign and make their informed choices without further interference by the political actors.

¹³¹ LPE Article 20.A.

¹³² In Amman, it was conducted mostly by posters in the main streets featuring the candidates' lists. In view of the preferential vote, some candidates displayed their own individual posters.

¹³³ Executive Instruction 7/2016 Article 11; the DEC's were operating as coordination committees to supervise the electoral campaign and implement the campaigning regulations in all governorates. Relevant government institutions, and municipal and local councils¹³³, or commissioners of electoral lists, or any candidate, could remove campaign posters on roads potentially impacting on traffic safety.



addressing various issues, rights and obligations including the use of unauthorised funding ('black money').

6.2 Campaign Finance

Spending limits on candidates' campaigns were fixed at 3 JOD per voter per district for rural areas and 5 JOD for Amman, Az Zarqa and Irbid governorates. This introduced the possibility of significantly higher spendings for candidates competing across underrepresented urban areas and lower limits for overrepresented but less populated areas. The entire campaign spending had a limit of 205 million JOD.¹³⁴ Candidates without declared party affiliation were entirely self-funding.

Candidates were subject to regulations requiring the opening of special bank accounts, recording of incomes and expenditures, and specific prohibitions of certain types of funding and spending.¹³⁵ However, the issue of candidates allegedly operating parallel unrecorded accounts was raised with the EU EOM on a number of occasions. Regulations on spending of third parties was limited. Candidates' audit reports are only to be submitted after the election to the IEC upon request,¹³⁶ which could signal a potential for leniency in the ultimate enforcement of the regulations in the post-election period.

Public funding for political parties was regulated by a recent by-law,¹³⁷ which introduced funding of political parties with a core lump sum of 50,000 JOD, payable in two annual installments with provisions for financing subject to certain criteria.¹³⁸ A further by-law, introduced in the course of the campaign,¹³⁹ amended the previous by-law to the effect that part of the core lump sum reserved by the first by-law and payable to a party, could in an election year, become payable in advance on the request of the political party and this advance would be deducted from the annual installment on the 'regular' due date.

A further aspect of the amending by-law, introduced additional provisions exclusively related to campaigning in an election year. These permitted political parties to draw upon an election year sum to a maximum of 50,000 JOD, a maximum 20,000 JOD of which can be spent on campaigning¹⁴⁰ subject to the presentation of invoices. This campaign sum could only be claimed if the party could demonstrate that its candidates were party members for at least one year¹⁴¹ and were running in 35 per cent of electoral districts. The remainder sum, up to a

¹³⁴ *Assabeel*, 21 August 2016.

¹³⁵ Such as foreign donations, illicit sources, buying votes and making donations in cash or in kind for the purpose of influencing voters.

¹³⁶ Executive Instruction 7/2016 Article 15.B.

¹³⁷ By-law 53/2016, Official Gazette of 16 May 2016 and supplemental to the LPP.

¹³⁸ Funding is payable in two instalments on the basis that the party is one year old and has satisfied for a period of at least one year that it has held membership of 500 persons across 7 districts, that women constitute 10% of membership. The by-law also provided for further funding of 1,000 JOD per seat on the basis of electoral performance.

¹³⁹ By-law 111/2016 of 1 September 2016.

¹⁴⁰ Media and advertising, gatherings and campaigns, campaign tent expenses.

¹⁴¹ If the party became registered in the election year, it was exempted from the requirement to demonstrate that its candidates had been members for one year.



maximum 30,000 JOD of this election year, could be claimed across various categories.¹⁴² Up to 13 parties claimed advances in respect of the core funding element of the regulations.

While such funding incentives, including positive incentives for winning seats, and enhanced female and regional membership, are to be welcomed in promoting and assisting political parties and their candidates, the regulation funding levels are considerably lower than the average candidate spending encountered by the EU EOM.¹⁴³ In particular the incentive for coalition building is not significant. In light of concerns about the nature of campaigning associated with campaign tents, it is arguable while public funds should be used in the promotion of such activities as they may conflict with the legislative purpose of combatting the frequently alleged practice of vote buying. The requirements for the manner and time of reporting in relation to campaign spending on the new election year funds are also unclear.

7. MEDIA

7.1 Landscape

The media sector in Jordan is relatively young. After the 2002 abolishment of the state monopoly, the media landscape became diverse with the proliferation of a number of private media. To date, together with the state owned media, there are a total of 37 private radio stations and 45 satellite TV channels in operation. In addition, 191 news websites are officially registered and available for 5.9 million of Jordanians who have access to Internet.¹⁴⁴ TV and newspapers are the most common source of information since the majority of radio stations available in the country are music and entertainment oriented. The social media, widely used for networking,¹⁴⁵ had an important role during the electoral campaign.

The state owned television and radio merged in 1985 in the state broadcaster Jordanian Radio and Television Corporation (JRTC). Currently the JRTC is composed by Jordan Radio and Jordan TV. Both media are widely reachable in the country and include special services in news, sports and prayers. Together with JRTC, the government has control over some daily newspapers.¹⁴⁶ State owned media are widely perceived as official media upholding the views of the authorities, rather than independent public services. The only Jordanian news agency, *Petra*, is also state owned.

¹⁴² The last by-law also increased the seat award from 1,000 JOD to a maximum 5,000 JOD per seat, with a ceiling of a total of 25,000 JOD, up to 5,000 JOD for the fifth and each further branch office, and a maximum of 5,000 JOD incentive for participating in a coalition of at least 12 parties.

¹⁴³ EU EOM observers reported campaign spending by candidates in the range from 20,000 JOD to 150,000 JOD per candidate.

¹⁴⁴ In its report "Assessment of Media Development in Jordan", the International Programme for the Development of Communication (IPDC), informed that some '5.9 million people' in Jordan had access to Internet.

¹⁴⁵ Some 4.1 million Jordanians have a Facebook account.

¹⁴⁶ These are *Al Rai* with 45,000 copies, *Ad-Dustour* with 35,000 copies and *The Jordan Times* with 5,000 copies. *The Jordan Times* is the only daily newspaper published in English.



The Jordan Media Commission (JMC), the only media regulatory body in the country, is responsible for regulating print and electronic media. Among the different tasks allocated to the JMC, the Commission is responsible for issuing broadcasting licenses, although it lacks sufficient independence to implement such responsibility.

Privately owned newspapers *Al Ghad*, *Assabeel* and *Al Anbat* complete the offer of dailies available. With different figures of circulation,¹⁴⁷ some of these newspapers, like *Assabeel*, are openly aligned with specific political and editorial lines.

Private radio stations and TV channels established themselves in Jordan after the 2002 Provisional Audio-Visual Media Law opened up the sector. However, to date, most of the TV stations are controlled by foreign Arabic media companies or investors. Josat TV and Roya TV are among the private TV channels with national coverage. Both channels include in their programmes news, current affairs bulletins and talk shows with participation of political analysts. Radio Al Balad is one of the few private radio stations including news and politics in its programmes.

7.2 Freedom of the Media

Jordanian media operate in an environment considered as partially free.¹⁴⁸ According to reports by the Centre for Defending Freedom of Journalists (CDFJ), a total of 57 detentions and violations against journalists took place in Jordan during 2015.¹⁴⁹ The current media legal framework, restrictive and at times vague, results in widespread self-censorship in the local press.¹⁵⁰ Journalists rarely cross ‘red lines’, particularly concerning issues that could be perceived as harmful to national security and unity, the Royal Family and moral and religious values. The 2016 Reporters Without Borders’ Press Freedom Ranking places Jordan in position 135 out of 180 countries.¹⁵¹

In the course of the EU EOM observation, four orders banning media reports on specific topics were issued by the State Security Court and the Jordan Media Commission (JMC), limiting fundamental freedoms guaranteed under international¹⁵² and national¹⁵³ law. On 14 August, the Amman Prosecutor General issued an order banning the publication or broadcasting in the media of any news or information related to the case of Jordanian writer and columnist Nahed Hattar, who had been imprisoned the same day charged with “incitement to racism and sectarianism, and insulting religious feelings and beliefs”.¹⁵⁴

¹⁴⁷ *Al Ghad* - 50,000 copies, *Assabeel* - 17,000 copies and *Al Anbat* - 5,000 copies.

¹⁴⁸ The 2015 Freedom House report on freedom of the press rates Jordan as ‘not free’, <https://freedomhouse.org/report/freedom-press/2015/jordan>.

¹⁴⁹ <http://www.jordantimes.com/news/local/2015-marked-highest-number-journalists-behind-bars-2006-%E2%80%94-report>.

¹⁵⁰ Please see Section 7.3 ‘Legal Framework’, below.

¹⁵¹ <https://rsf.org/en/taxonomy/term/162>.

¹⁵² ICCPR Article 19.

¹⁵³ Constitution Article 15.

¹⁵⁴ Penal Code Article 278; the reason for the detention was a cartoon shared by the columnist on his Facebook account depicting a bearded man in heaven, smoking and in bed with women, asking God to bring him wine and cashews.



According to Amman Prosecutor General, the decision of issuing the media banning order was to maintain confidentiality during the investigation. After being released on bail 24 days later, Nahed Hattar was murdered on 25 September, on his way to attend a hearing of his case in the Palace of Justice, in Amman. On the following day, the JMC, upon request by the District Attorney of the State Security Court, issued a new order banning any media reports related to the murder.¹⁵⁵ Also related with the same case, on 27 September the Minister of Justice made a public announcement stating that misuse of networking websites to incite or spread hate speech “could amount to the crime of inciting terrorism and will be dealt with according to the Anti-Terrorism Law, Penal Code and the Cyber Crime Law.”¹⁵⁶

Similarly, on 28 August, the SSC Prosecutor General and the JMC issued an order¹⁵⁷ banning media reports on the case of Sharia professor in the University of Jordan and former TV show host Amjad Qourshah. He was detained on 13 June 2016 in relation to a 2014 video, in which he allegedly criticised Jordan’s participation in the war against the ‘Islamic State’.

On 29 August, the JMC issued another order banning, under threat of liability, the publication of any news related to the Royal Family unless the information was provided by the Media Department of the Hashemite Court.

The EU EOM did not observe any specific restrictions on the media’s coverage of the election. Notwithstanding, the CDFJ reported 50 cases in which 28 journalists were denied access to polling stations and to information during election day. According to the President of the CDFJ these limitations to the work of journalists were the result of the weak training of polling committees’ staff by the IEC.

7.3 Legal Framework

The Constitution guarantees freedom of opinion and expression as well as freedom of the press.¹⁵⁸ In addition, 12 laws¹⁵⁹ regulate, directly or indirectly, the performance of the media. However, provisions in some of these laws represent clear limitations to the work of journalists and to fundamental rights reflected in the Constitution.

The Press and Publication Law as amended in 2012 establishes restrictions on online news content and requires news websites to obtain licenses by the JMC in order to operate in Jordan. Both the Information Systems and Cyber Crimes Law and the Contempt of Court Law establish sentences of imprisonment for any person accessing information labelled as publicly

¹⁵⁵ <http://www.albawaba.com/news/jordan-places-media-gag-order-nahed-hattar-murder-886876>.

¹⁵⁶ http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=270410&CatID=13.

¹⁵⁷ According to the order, the ban was issued in accordance to Article 39B of the Press and Publication Law, with the intention to protect the secrecy of the investigation.

¹⁵⁸ Constitution Article 15.

¹⁵⁹ These laws include the Press and Publication Law 8/1998, the Jordan Press Association Law 15/1998, the Jordan Television and Radio Corporation Law 35/2000, the Audio-visual Media Law 26/2015, the Access to Information Law 47/2007, the Jordan News Agency Law 11/2009, the Information Systems and Cyber Crimes Law 30/2010, the Contempt of Court Law 9/1959 and the Anti-Terrorism Law 55/2006.



unavailable or publishing secret deliberations in court hearings, respectively. Amendments to the Anti-Terrorism Law in 2014 broadened restrictions on free speech about national security issues. Defamation remains a criminal offense under the Penal Code and Jordan's State Security Courts are responsible to prosecute media and journalists that are not abiding with these rules.

The JMC, the only media regulatory body, was created on 30 April 2014 as an umbrella organisation of the former Audio-Visual Commission and Press and Publication Department. The JMC, responsible for regulating print and electronic media, was essentially built on the provisions of the 2002 provisional Audio-Visual Media Law (AVML).¹⁶⁰ This regulation, however, does not give the JMC the expected independence for a media regulatory institution. According to the AVML, the JMC is under the jurisdiction of the Minister of Information and the Director of the JMC is appointed by the Council of Ministers. Among the different tasks allocated to the JMC, the Commission is responsible for issuing broadcasting licenses. Nevertheless, the Council of Ministers has the final authority to grant, renew, modify or cancel broadcasting licenses to media outlets.

The role of the media during elections is weakly regulated. The LPE stipulates only the obligation for the state owned media “*to treat candidates with equality and neutrality*”. There are no legal provisions relating to the role of private media in an electoral context.

For the 20 September election, the IEC, responsible for regulating and overseeing the campaign activities, including those related to media, issued its *Guidelines for the Electoral Campaigns Publicity*.¹⁶¹ These guidelines establish ceilings on publicity campaign expenditures and cover general aspects of the electoral media coverage, but do not provide for allocation of free airtime or space to political parties in the media. Further, state owned media shall commit to independence, objectivity and equality in covering all electoral lists. The guidelines also provide that the IEC shall monitor the compliance of candidates with the provisions of the law and may request concerned persons or entities to remove or suspend any form of publicity violating the law.¹⁶² However, the guidelines do not establish any legal procedure to deal with media complaints and violations during and after the election campaign period.

In a welcome initiative, the Jordan Media Institute published in early August a Media Code of Conduct aiming to ensure professional, fair and balanced coverage of the election. The Code was agreed upon by representatives of different media groups and outlets and included ten fundamental principles seeking fair, accurate and professional journalism.

7.4 Media Violations

Three out of eight media monitored by the EU EOM violated the campaign silence period by publishing and airing electoral lists and candidates' advertisements on 19 September. Private

¹⁶⁰ Subsequently amended and endorsed as the Audio-Visual Media Law in 2015.

¹⁶¹ Executive Instruction 7/2016.

¹⁶² Executive Instruction 7/2016 Article 6.



TV channel Josat TV broadcasted spots of 12 different electoral lists.¹⁶³ State controlled newspaper *Al Rai* published 10 advertisements by different candidates or lists.¹⁶⁴ Similarly, the *Al Ghad* newspaper published advertisements on the day of campaign silence.¹⁶⁵ Although the daily *Ad-Dustour* was not included in the sample of media monitored by the EU EOM, the mission also observed a violation of campaign silence period by *Ad-Dustour*.¹⁶⁶

7.5 Coverage of the Election

Media in general made good efforts to inform voters about the new electoral system and encourage voters' participation. Significant airtime and space was allocated in both electronic and print media to inform Jordanians about the development of the electoral process and the different activities carried out by the electoral administration.

In a welcome development, state owned Jordan TV broadcast six days a week a special election program "Debate 2016" where candidates had the opportunity to present, free of charge, their political proposals and debate about different topics. A total of 128 electoral lists took advantage of this initiative.¹⁶⁷ However, with a view to keeping neutrality and impartiality, both Jordan TV and Radio, and some private media like Roya TV, decided not to cover any campaign activity by candidates in their news programs. This approach limited the access of candidates to the media and deprived voters of receiving sufficient information about the different electoral contestants. In addition, candidates could not buy airtime either on state owned TV or Radio for campaign advertising, as these media sought to avoid that candidates with substantial financial resources obtained advantage over those with more limited ones. On the other hand, the high number of candidates participating in the election presented a challenge for the media while covering campaign activities by electoral contestants. The decision of not providing any coverage to candidates' campaign activities is not in line with international good practice.

The media paid significant attention to the importance of women's participation in the electoral race and the interpretation of the legal provisions about women's reserved seats. A significant number of candidates used social media as main tools for media campaigning, mainly due to limited financial resources and high cost of advertising on TV and radio stations.

Extensive coverage of voting and announcement of preliminary results by the IEC was provided by the media. Both state owned Jordan TV and Jordan Radio, and private Roya TV broadcast non-stop coverage of election day including live press conferences of the IEC and other relevant actors, such as RASED. During the 48 hours after polling the state owned television and radio broadcast live consecutive IEC announcements of preliminary election results.

¹⁶³ These included Sout Alhaq, Al-Mizan, Kol o Fe'l, Al-Quds, Alqsa, Tadamon, Future 2, Al Deften, Ma'an, Al Hazm, Alard and Watan lists.

¹⁶⁴ These included Abd-Alnasser Khasawneh from United Front list, Amjad Almaslamani from Al Quds list, Ahmed Aloumia, Nabeel Hadadien from Alnour list, Fadeel Abbadi from Al-Itihad w al-'Amal list, Khalil Ateh, from Gol wo Fe'el list, Atef Tarawneh, from Watan list, Ma'an list and Doa party.

¹⁶⁵ By Abd-Alnasser Khasawneh, from United Front list, Fadeel Abbadi from Al-Itihad w al-'Amal list and Khamees Ateh, from Injaz list.

¹⁶⁶ Which published, on 19 September, an advertisement by Fadeel Abbadi, from Al-Itihad w al-'Amal list.

¹⁶⁷ During the EU EOM media monitoring from 30 August to 18 September 2016.



From 30 August to 18 September, the EU EOM conducted a media monitoring in order to assess whether lists and candidates obtained equitable access to the media and whether the media abided by the rules and regulations for media coverage during an election campaign period.¹⁶⁸

Media monitoring findings showed imbalances in the electoral coverage by several media. *Al Rai* newspaper allocated 14.8 per cent of its electoral campaign coverage to candidate Amjad Almaslamani and his list Al Quds in positive tone. *Assabeel* newspaper allocated 78.3 per cent of its coverage to IAF and the National Coalition for Reform, mostly in positive tone, and Josat TV allocated 56.4 per cent of campaign coverage to candidate Roula Alhoroub and the Souat Alhaq list, mostly in positive tone. *Al Ghad* newspaper carried out a well-balanced electoral coverage, both in allocation of space and tone, and Radio Al Balad showed limited amount of news related to campaign activities by candidates.¹⁶⁹

8. ELECTORAL OFFENCES, DISPUTES AND APPEALS

Electoral offences include the carrying of arms and falsification of information, but also broader issues in the campaign period such as attempt to buy and sell votes, source funding from illegitimate sources, campaigning at PCs and PSs, interfering with electoral materials or staff operations and public media failing to maintain impartiality.¹⁷⁰ The law also provides severe penalties applicable in respect of interference in the voting and counting process.¹⁷¹ Certain aspects of the penalties leave scope for adjustment, in particular the provisions relating to the pardon of charges for an admission of guilt pre-trial,¹⁷² with a potential for false admissions of guilt by persons fearing a trial process or admission of guilt on behalf of other parties.

Although IEC decisions regarding the electoral process were “contestable before the competent court in accordance with the provisions of the constitution and the law”, no application appears to have been filed contesting IEC administrative decisions in the period prior to election day, with one post election application filed awaiting decision on acceptance.¹⁷³

The bulk of offences in the pre-electoral period related to the misplacing of campaign materials by candidates and lists alike. Municipalities were charged with the task of enforcing compliance with campaign regulations governing billboards and posters and in cases of violations, such posters were removed in most cases. Candidate lists paid a combined 2,000 JOD per lists as insurance for campaign compliance.¹⁷⁴ The Amman municipality noted that most of the

¹⁶⁸ A team of six local media monitors, trained in quantitative and qualitative analysis, monitored a representative sample of eight national media. The sample included the state owned media Jordan Radio and Jordan TV, and the government controlled newspaper *Al Rai*, as well as the private media *Roya TV*, Josat TV, Radio *Al Balad*, *Al Ghad* and *Assabeel* newspapers.

¹⁶⁹ Charts are provided in Annex 2 ‘Media Monitoring Results’.

¹⁷⁰ LPE Article 55 to 57

¹⁷¹ Please see Annex 3 ‘Table of Electoral Offences’.

¹⁷² LPE, Article 59.B.i.

¹⁷³ An application to review a decision of the IEC, revoking the candidature of Bassem Al Saleem a day after he had been accepted, was filed by the claimant with the High Administrative Court on 3 October 2016.

¹⁷⁴ LPE Article 12.B.



insurance fee paid by lists was an insufficient deterrent to cover the costs of removing posters whether before or within the seven days 'clean up window' after the election.

A further aspect of the legal framework, by which the Ministry of Social Development established a special committee to coordinate oversight of CSO activities during the election period, resulted in the investigation of some 60 CSOs, mostly charities, with ten of these reportedly referred to the Public Prosecutor for participating in prohibited electoral activities.

Three failed court appeals by voters against other voter's entry in the voter list were recorded.¹⁷⁵

Of the 230 original list applications for registrations, 226 lists finally participated in the 20 September elections. Four IEC rejections were appealed to the Courts of Appeal by the members of the lists concerned. The Sawt Al Haq list in Az Zarqa was omitted from standing as one of its candidates was rejected by the Court for failing to resign from public office, within the prescribed period before election day, and as a result of which the list failed to meet the minimum number of candidates required to run. A similar decision against a candidate of the Al Izz wa Shomouhk list in Al Karak resulted in its rejection. The failure of the Al Haq list in Al Balqa arose as the list registered with more than the maximum permissible number of candidates. A further list, Al-Shabab in Amman 3rd District, whose rejection by the IEC was upheld by the court, arose because two of the three candidates withdrew before the list was registered. In addition, to the latter withdrawals, a further 16 candidates withdrew and one candidate died but without impacting the participation of the lists of which they were members.

As regards election day, the PCCs had the final determination in settlement of written complaints during the polling and the counting process.¹⁷⁶ Election day disputes arising in the course of polling, counting and tabulation required complainants to complete designated forms in the PSs concerned and such forms to be referred to DECAs and ultimately to IEC. The IEC received six such forms noting that many PCCs appear to have made the error of placing complaint forms in the sealed tamper proof bags which could not be opened except upon a court order. This impeded the follow up of any complaints filed. Accordingly, the IEC was unable to specify the actual number of election-day complaints.

In the pre-election day period, on 5 September, the Court rejected an application related to members of the Bedouin community seeking re-registration in the Badia North electoral district,¹⁷⁷ on the basis that the FVL was completed in accordance with the law on 15 August. The IEC confirmed that it was taking stock of the numbers of the Sons of Badia who were not included in the voter lists for this Badia district and would address the issue in future elections, but that the reopening of the FVL was not a possibility on this occasion.

Of 20 candidacy rejections by IEC, 18 candidates appealed with only one candidate being successfully re-instated by the Courts. Samia Bani Domi successfully challenged her rejection

¹⁷⁵ The fact that such amendments of the voter list required court applications raises the question of accessibility to the voter list and whether the courts are the correct forum for relatively minor applications.

¹⁷⁶ LPE Articles 40 and 44.

¹⁷⁷ Amman Court of Appeal Case 431/2016.



by the IEC. According to the court ruling, her marital status to a Bedouin did not bind her to the tribe and could not impede her own political rights, which entitled her to register as a candidate outside the Badia North and in her district of origin.¹⁷⁸

Thirty one (31) applications were made against candidates by voters alleging failure to fulfil other conditionalities of candidacy, such as not having resigned from public office. As a result, two candidates were precluded from standing by the courts without the possibility of further recourse.¹⁷⁹ Although not widely politically abused, this voter option resulted in one woman candidate being the subject of some 17 individual appeals against her registration.¹⁸⁰ Accusations of political partisanship of the Courts by one rejected candidate did not stand up to scrutiny.

Overall, appeal cases during the preelection period were dealt with by the courts in an expeditious and timely manner. However, a number of cases which resulted in candidate rejections did not address all aspects of the appeals lodged in relation to the candidates concerned.¹⁸¹ The absence of a second recourse of appeal left doubts over some issues relating to candidacy.

The absence of a second recourse of appeal also applied with regard to the right of voter appeals to the Courts of Appeal against district results.¹⁸² Thirty nine (39) appeals were lodged with the Courts of Appeal within legal deadlines, seven in Irbid, two in Ma'an and thirty before the Amman Court of Appeal.¹⁸³ A notable feature of this process was that PS and PC results were not available in advance to the appellants,¹⁸⁴ who in most cases had to make preliminary applications to the Courts seeking orders for the release of results protocols, thus impacting on the time frame available to deal with substantive issues. Additionally, had such results been published in advance along with the final results, it would likely have avoided the speculative nature of a number of appeals which were ultimately rejected for failing to show substantial disparities as alleged in several cases.

Although, the law is imprecise on the procedural contents of election results appeals, the courts, particularly in Amman, appeared in general to adopt a broad view, preferring to admit appeals, specifying various different defendant parties, rather than rejecting them out of hand. While the majority of the appeals before the Irbid Court of Appeal were not allowed on procedural grounds, the great majority of cases rejected in Amman were rejected on substantive grounds,

¹⁷⁸ Her district of origin was Irbid, Case 52/2016 of 28 August 2016 at Irbid Court of Appeal.

¹⁷⁹ Samer Ghazi Kavar, Amman District 3, whose candidacy rejection was upheld on appeal on the basis he was honorary Consul of San Marino, did not adequately address a lacuna in the law or the fact that sitting members of the Senate occupied similar posts.

¹⁸⁰ The majority of these were lodged by members of her own family.

¹⁸¹ Case 391 of 28 August 2016 at the Amman Court of Appeal on the Appeal of Samer Kavar; the issue of additional criteria limiting candidacy was not fully addressed in the Court ruling; please see also Case 397 of 2016 Appeal of Bassem Issa al Saleem. The candidate was accepted and subsequently rejected by the IEC outside the seven days' decision period. The court did not address the issue of constitutionality raised by the appellant as regards the three Badia electoral districts.

¹⁸² Constitution Article 71.

¹⁸³ Please see Annex 4 'Table of Electoral Disputes', below.

¹⁸⁴ Please see Section 11.3 'Tabulation and Announcement of Results', below.



although the actual details of the court's reasoning were not made available at the date of decision. Nonetheless, it is clear from the EU EOM's unimpeded access to the court proceedings that many of the appellant cases before the court were wanting in terms of technical legal precision. In particular, issues of constitutionality raised did not apply the provision of Article 11 of the Law of the Constitutional Court in the applications.

Although a number of parties questioned the independence of the Court to the EU EOM, a position in part driven by the changing of the presiding judge on two occasions during the appeals period, most interlocutors did not subscribe to that view. Notwithstanding, it would be preferable that a presiding judge is not changed once the appeals period is begun. While the court proceedings passed in a largely professional and well organised manner, the transparency of the process could have been improved through the open court reading of written submissions into the record and by assuring the immediate delivery of the court reasoning along with its final decisions.

Although all 39 appeals were ultimately rejected within legal deadlines, the decisions do point to scope for capacity building on election related cases for members of the legal profession. A number of refinements in the electoral law, specifying the form of appeals, assuring the prior availability of critical data such as election results and IEC decisions, would facilitate the courts and parties in dealing with such appeals in a more effective manner. There is also scope for the adoption of specific procedural rules to apply in election appeals cases given the public interest in such matters.

9. PARTICIPATION OF WOMEN, MINORITIES AND PERSONS WITH DISABILITIES

9.1 Participation of Women

The absence of a guarantee of non-discrimination against women in the Constitution,¹⁸⁵ coupled with the fact that Jordan's ratification of CEDAW has been made with reservations,¹⁸⁶ underpins a historically low level of political representation of women. In 2016, only two women occupied posts as heads of DEC's and one of the five IEC members was a woman. While in municipal councils where the women's reserved seats of 25 per cent has been surpassed by some 11 per cent, elsewhere in public life women are underrepresented in decision making positions.¹⁸⁷ The JNCW¹⁸⁸ has lobbied without success on various aspects of recent laws in relation to women's representation.

¹⁸⁵ Constitution Article 6.1 prohibits discrimination only on the basis of race, language and religion.

¹⁸⁶ Jordan does not acknowledge the equality of women to men in respect of the passing of citizenship to children, <http://www.women.jo/admin/document/CEDAW%20English.pdf>.

¹⁸⁷ Women teachers, who made up a large portion of the PCCs and who constitute almost 75 per cent of the total teacher population have a governing body constituted entirely of men. Fewer than two per cent of top academic posts are occupied by women. In judicial bodies, recent report indicates that some 17 per cent of judges, approximately 176, are women. Of these, 22 are in the 'Top 3' pay grades and 68, more than a half, of all junior judges are women.

¹⁸⁸ <http://www.women.jo/en/home.php>.



The 2016 legal framework reserved 15 seats for women in the Parliament, one to each of the 12 governorates and one to each of three Badia districts. Although the number of reserved seats was unchanged from 2013, the reduction in the size of Parliament resulted in a relative increase in the percentage of women's seats. Nonetheless, the introduction of the proportional representation system for the majority of seats seems to have encouraged greater participation of female candidates,¹⁸⁹ although considerable room for improvement remains.

The absence of a women quota among the registered candidates, or indeed in selection of the aspiring candidates, has resulted in the inclusion of one female candidate per list overall. The weak presence of political parties, the absence of provisions for state funding for electoral campaigns targeted for women candidates and the further lack of tight regulations ensuring the centralised auditing of campaign expenditure are likely to have a greater impact on women in terms of assuring a level playing field to those candidates who have presented themselves.

Notably, a pre-existing requirement that political parties have a minimum membership of ten per cent women was removed from law. The focus now appears to be on offering financial incentives for women membership.¹⁹⁰ However, there are still no provisions requiring political parties to ensure women achieve decision making positions within their structures. Additionally, a wide political and social perception that women are running primarily for reserved seats and not for the open list seats was reflected in list posters citing their woman candidate as a "quota candidate", a fact which led the JNCW to demand a halt to the use of term "quota" in connection with female candidacies.¹⁹¹

With 20¹⁹² out of 130 parliamentary seats awarded to women,¹⁹³ women groups broadly saw the election results in positive terms. Such groups viewed the continued reservation of seats for women as essential to maintaining visibility while calling for additional measures in order to achieve the Economic and Social Council (ECOSOC) target¹⁹⁴ of 30 per cent. In this regard, there is an opportunity to consider numerous additional measures such as financial incentives linked to women's involvement in decision making roles in political parties, within electoral bodies and others linked to promoting women's participation through women's quotas.

9.2 Participation of Minorities

There is no express recognition of ethnic or religious minority groups in the Constitution. However, legal provisions for reserved seats for Christians, Chechens and Circassians, attest to the fact that the state recognises the existence of such groups.

¹⁸⁹ In 2013, 191 women participated as candidates.

¹⁹⁰ By-law 53/2016 Article 3 requires political parties to have 10 per cent women members in order to qualify for public funding.

¹⁹¹ The Jordan Times, Page 3, 19 August 2016.

¹⁹² For further details, please see Section 11.4 'Summary of Results for Political Parties', below.

¹⁹³ Official Gazette, Issue 5425, 28 September 2016.

¹⁹⁴ ECOSOC, http://www.apav.pt/apav_v3/images/pdf/ResUN_ECOSOC_1990_22.pdf, Resolution 1990/15



The recent introduction of new ID cards¹⁹⁵ meant reference to citizens' religious affiliation no longer appears. Although the law does not expressly state that a minority candidate was confined to stand in a minority district with minority assigned seats, such a candidate would have been refused at registration stage¹⁹⁶ from standing in a district without assigned seats for his/her minority.¹⁹⁷ Voters of those minority groups, who wished to support minority candidates, had to apply to transfer their voter registration¹⁹⁸ to the relevant assigned district to participate. Otherwise, while a voter could choose not to transfer his/her registration and vote for the available candidates in his /her district, a minority candidate could not stand except in the assigned districts.

While the specific reserved seats for Muslim Arabs were removed from the law,¹⁹⁹ the formula of calculating the winners of seats in the open lists, at least in districts where such seats are reserved, operated as a cap rather than as a minimum threshold of representation. Voters of minority communities indicated that they were less likely to apply to register in a district offering a seat for their minority as the seat would be filled anyway. Accordingly, competition for minority seats appears to have been dampened in some districts.²⁰⁰

9.3 Participation of Persons with Disabilities

Following the 13 November 2015 population and housing census, it was estimated that some 13.7 per cent of the population were affected by disability related issues.²⁰¹ Elderly citizens with special needs assistance and those impacted by illiteracy²⁰² also signal the need for proactive measures to allow such citizens of voting age the opportunity to participate in public life through the right to vote and to stand as well as in the organs of electoral administration.

The legal provisions in relation to voting facilities for persons with special needs were not considerably amended after the 2013 parliamentary election.²⁰³ Disabled voters again had the right to appoint their own escort to assist them voting or, in the absence of such, the PCC chairperson was charged with the task. Renovation works were carried out across some 1,483 PCs to improve accessibility for disabled persons in 2016. Nonetheless, a large portion of PCs

¹⁹⁵ The Jordan Times, 30 June 2016 announcement of new ID card scheme.

¹⁹⁶ As in the case of Bassem Al Saleem; please see also Section 4.6 'Right to Appeal' and Case 397/2016, Court of Appeal, Amman.

¹⁹⁷ Bedouin seats were assigned to three Badia electoral districts, Christian seats were assigned in seven districts and Chechen Circassian seats in three districts.

¹⁹⁸ LPE Article 4.G.iii.

¹⁹⁹ Law 25/2012 contained such a provision.

²⁰⁰ The ratio of candidate to minority seats in electoral district Amman District 5 was 7/1 compared to 14 /1 for non-minority seats. In Al Balqa electoral district, the ratio was 5/1 compared to 12/1, in Irbid District 3 the respective ratios were 7/1 and 11/1 and in electoral district Al Karak - approximately 6/1 and 10/1.

²⁰¹ The HCD advised that some 11.1 per cent are registered as disabled as of 2016, please see also http://www.unicef.org/jordan/media_10894.htm. However, note should be taken of the fact that the population includes a significant portion of persons who are not citizens of Jordan, please see also Section 4.7 'Electoral Districts', above.

²⁰² Some 4.1 per cent are affected by some degree of illiteracy, http://www.unicef.org/infobycountry/jordan_statistics.html.

²⁰³ Executive Instruction 9/2016 Article 9; please see also Executive Instruction 1/2016 Article 7.



presented accessibility issues to PSs within them, as such PSs were situated on the upper floors of buildings to which there was inadequate access. Some 12 PCs were provided with sign language assistants for the hard of hearing and efforts were made to encourage additional volunteer participation in this activity elsewhere. This provision was run on a trial basis in order to ascertain its feasibility for wider use in future elections. No provision was made to facilitate voting by citizens confined in hospitals or other residential health care centres, whereas the deployment of special mobile PSs could be a solution in this regard.

The minimum representation of four per cent for disabled persons among the employees of public and private institutions, envisaged by the Law on Disabled Persons,²⁰⁴ was not achieved by the IEC. A representative of the Higher Council for Disabilities (HCD) coordinated with the IEC on issues relating to disabled persons for election day and in terms of voter outreach. The IEC did produce voter education materials in braille for the visually impaired as well as materials directed towards voters with literacy difficulties, although the circulation of such materials came quite late in the election calendar.²⁰⁵ The current legal framework uses inappropriate arbitrary terms, such as “imbecile” and “unsound mind”, to disqualify citizens from voting and candidacy in breach of Jordan’s international obligations in that regard.²⁰⁶

10. ELECTION OBSERVATION

While the LPE makes only an implicit reference to the right to observe elections, the LIEC tasked the IEC²⁰⁷ to accredit observers for the election, closing accreditation 21 days prior to election day.²⁰⁸ Applications from duly registered organisations were submitted at the IEC’s headquarters and accreditation forms were available on its website. Identity badges were issued to accredited observers.

CSO observers are still obliged to report possible irregularities first to the IEC and only after that to make them public.²⁰⁹ Representatives of some CSOs expressed doubts in regard to the IEC’s capacity to fully respond to transparency requirements in administering the election.

In an inclusive and timely manner, the IEC received 17 CSO with 13,398 national observers’ requests and accredited 11,473. In addition, some 35 organisations and diplomatic representations applied and were accredited, as were 386 international observers. Accreditation closed on 30 August.

²⁰⁴ The Law for Disabled Persons 31/2007 Article 4.C.3.

²⁰⁵ The printing and distribution of 1,000 braille voter education materials was announced in the Jordan time on 31 August 2016.

²⁰⁶ Constitution Article 75 and LPE Article 3; the HCD indicated that the 2016 election was a key part of a strategy for developing proposals for future elections and new draft legislation intended to replace the 2007 legislation. Notably, the new legislation proposes to address the lacuna in the law in relation to the rights of citizens with intellectual disabilities including their political rights.

²⁰⁷ LIEC Article 12.K provided ‘[...] Accredit representatives of civil society institutions, media outlets, and any local and international observers to watch and observe the electoral process in accordance with executive instructions. [...]’

²⁰⁸ Executive Instruction 3/2016 Article 5.C

²⁰⁹ Executive Instruction 3/2016 Article 9.H



The RASED, accredited 7,561 observers to monitor all 4,884 PCCs. The EU funded Integrity Coalition for Election Observation deployed some 3,300 to all 1,483 PCs. A woman's platform, 'An Eye on Women in Elections', accredited 1,111 observers as well.²¹⁰ Both RASED and the Integrity Coalition conducted PVTs and their preliminary findings were close to the results reported by the IEC.

In addition to the EU EOM,²¹¹ the largest international election observation mission with 108 accredited observers on election day, the United States of America based National Democratic Institute for International Affairs and the International Republican Institute deployed a joint EOM. The Parliamentary Assembly of the Council of Europe and a number of regional organisations including the League of Arab States, the Organisation of Islamic Cooperation and the Arab Parliament also observed the 20 September election.

11. ELECTION DAY

11.1 Opening and Voting

Election day proceeded peacefully and calmly across the governorates overall. PSs observed opened on time or with a short delay. A total of 44 opening observations were made by EU EOM observers and the process was assessed as "good" or "very good" in 40 of these. Voting was conducted in an orderly and well organised manner and no essential election materials were missing. Out of a total of 459 PSs visited during voting hours, in 441 PSs voting procedures were largely followed. Voters showed good understanding of the voting process and polling staff performed their duties largely professionally.

The secrecy of the vote was mostly respected, however in 37 of the 459 visited PSs observers noted that the secrecy of the vote was not sufficiently protected. Instances of inadequate layout of polling stations and attempts to influence voters for whom to vote were noted.

EU EOM observers reported widespread violations to campaign regulations on election day. Problems in the vicinity of PSs were reported in 254 instances, specifically bussing of voters was observed in 79 cases, campaign activities in 219 cases, and campaign material at PCs in 209 cases. Candidates and lists representatives were mostly present at PSs, however, national observers were not seen in 161 PSs out of the 459 PSs visited. The IEC decided to extend polling with one hour for 15 out of 23 electoral districts. In Amman, Az Zarqa, Irbid, Al Balqa, Madaba, Jerash and Ajloun a total of 70,387 voters were able to vote during this one hour extension.

Observers reported that there were voters turned away from voting in 18 per cent of the observations, mostly for not having their names included in the PS voter list. While the reason for this might have been that such voters did not check the voter lists during the period for voter

²¹⁰ Information on numbers of accredited observers was provided by the IEC. For access of observers to the process on election day, please see Section 11 'Election Day', below.

²¹¹ The EU EOM appreciates the understanding of the IEC on the matter of accreditation.



scrutiny or that they were included in another PS within the same PCs, it nevertheless could also be an indication for omissions in the PVL and/or FVL.

11.2 Closing and Counting

Election observers assessed the 39 observed countings by PCCs as orderly and well conducted, with only minor procedural irregularities; in all 39 observations the process was rated as ‘good’ or ‘very good’. The novel design of the ballot booklet combined with the requirement to record the counting of each ballot on camera resulted in a more time consuming process, yet it was overall well managed. Candidates, list representatives and CSO observers were able to observe the counting process without restriction, although CSO observers were at times absent. A copy of the results form was posted outside the PSs after the completion of the counting process, and a copy of the aggregated results per PC was displayed in the vast majority of PCs on completion of the aggregation of results. Problems in the vicinity of PSs during counting were of similar proportions as during voting. On the night of 21 September, the IEC announced that 1,492,400 voters had voted, according to their signatures in the voter lists.²¹² Thus, participation exceeded with some 200,000 voters the turnout during the 2013 parliamentary election.

11.3 Tabulation and Announcement of Results

The EU EOM observers visited all 23 district tabulation centres at the DECs where the aggregation of district results per candidate and lists took place. In 16 districts, including Badia North and Badia South, the transfer of sensitive election materials from the PCs to the district level, such as results protocols and used ballots, was firstly collected and checked at district sub-offices where the intake process was observed to be often inefficient and disorganised, with sometimes overcrowded premises.²¹³ Although EU EOM observers were present at this intermediate stage, that was not the case for candidates, lists agents and CSO observers.²¹⁴

The remaining DECs received the results forms and sensitive materials directly from the PCs with an improved organisation. Nevertheless, in some instances the use of larger premises and a more systematic intake process could have reduced some tension around this stage.

The tabulation of results was assessed as well organised. Access to the tabulation procedures was available by announcement of PS results and their uploading to an electronic aggregation

²¹² Executive Instruction 9/2016 Article 19.F.

²¹³ In Amman, the EU EOM observed that the aggregation and verification of PC results was repeated at sub offices and DEC, resulting in a time consuming and, at times, unclear process. In Irbid District 3, at the suboffice, the intake area was overcrowded and the atmosphere was tense. In Al Tafileh, an incident in a PS, where police used tear gas, delayed the transmission of six PCs result forms from the suboffice to the DEC. At both suboffices, after checking for numeral consistency between PSs results forms and PCs tabulation forms, envelopes were not resealed but placed open into two ballot boxes that were sealed with scotch tape and further delivered to the DEC escorted by extensive police forces.

²¹⁴ In Amman, EU observers received complaints from candidates’ agents or local observers who were not allowed to be present at this stage of the process. Furthermore, PS, suboffices and DEC staff commented on the level of complexity of the counting and tabulation of results process. In their view, instead of enhancing transparency, the procedures added uncertainty to the process in light of the fact that the electronic version of tabulated election results was immediately available to the IEC.



form for a display on screens. However, further access to the process for close scrutiny of results forms was not foreseen. The EU EOM observed inconsistent application of procedures, whereby at some DEC PS protocols were uploaded and in others PC protocols were uploaded. DEC chairpersons were proactive in warding off potential delays and problems. Robust security throughout the counting process and at tabulation centres was in place, with police guarding the entrance to all locations. EU EOM reported instances of unrest that impacted negatively on the tabulation process such as at Ajloun Princess Aysha tabulation centre, where security forces used tear gas to disperse protesters gathered outside the centre. In Madaba, riot police dispersed a group of people trying to enter the DEC.

Similarly, to the district tabulation process, the work of the SC could be observed in a conference room where a screen display allowed for the following of its work. Direct observation access of the tabulation and auditing processes by candidates, lists and candidates' agents and observers was not provided.²¹⁵

Following the completion of the lower levels of results aggregation, the IEC received district aggregated results. These, were in turn, submitted to the SC for auditing and allocation of seats. The SC announced 22 district preliminary results with the exception of Badia Central where the IEC indicated that problems occurred with a number of ballot boxes.²¹⁶ An *ad hoc* committee was established to inspect 17 ballot boxes initially believed to have been tampered with.²¹⁷ Tampering with ballot boxes was established for four boxes. In these cases, though ballots were found to be stamped, signatures were deemed unreliable. The IEC concluded that ballots in these four PSs had been replaced,²¹⁸ cancelled votes amounted to 984 out of a total of 35,587 votes cast in 139 PSs.²¹⁹

The IEC was efficient, with information technology networks performing well. It made good efforts to communicate with the public during election day, with voting turnout figures being announced at the Media Centre in the course of voting hours. However, the EU EOM noted minor discrepancies between the first published turnout figures for Al Aqaba and Jerash when compared to available tabulation results.²²⁰

²¹⁵ The SC reviewed preliminary results for the electoral districts to ensure that there were no inconsistencies. The SC allocated the seats for the lists in an electoral district in proportion to the votes won by each list, announced the names of the winners of the parliamentary seats for each district and submitted them to the SC Chairperson to be presented to the IEC. Finally, they identified and announced the names of the winners of the reserved seats for women in each governorate and in each Badia electoral district.

²¹⁶ On 21 September, the SC Chairperson made announcements at 15.00h, 21.00h and 23.30h, and on 22 September at 09.30h and 17.30h.

²¹⁷ In a statement delivered at the Media Centre on 22 September, the IEC Chairperson explained that the inspection of these ballot boxes followed the comparison of cast ballots against the number of voters ticked off the FVL and the respective electronic voter lists.

²¹⁸ The four cancelled ballot boxes were located in different polling centres.

²¹⁹ According to the IEC, minutes of the inspection process and respective ballots are kept by IEC in case the Court orders for further examination.

²²⁰ <http://www.entikhabat.jo/ar>.



On 22 September, IEC announced that preliminary results had been submitted by the SC to the IEC, which accepted these results deeming them as final. Figures regarding youth participation, between 17 and 30 year old voters, were announced at 35 per cent of the total vote.

On 28 September election results were published in the Official Gazette.²²¹ A total of 1,492,400 voters cast their ballots (female participation at 48 percent) and the voter turnout was 36.1 per cent. The results included 1,497,562 valid votes for candidate lists, 26,518 invalid votes²²² and 18,209 blank votes. These results were provided to the EU EOM on 3 October together with the numbers of votes won by all candidates. Results broken down by PSs and PCs were not published by the IEC prior to the departure of the EU EOM from Jordan.²²³

11.4 Summary of Results of Political Parties

Of the 40 political parties competing for parliamentary seats in the 20 September parliamentary election, 11 or 12 were able to win at least one seat, Fig.3, below. This lack of clarity originates from a somewhat loose system of registration of candidates' party affiliation.

The election returned, as MPs, 74 first time MPs. Out of 170 former MPs, 56 won seats completing the total 130 of elected candidates. Of these latter MPs, 39 kept their seats from the past Parliament and 17 had held seats in previous Parliaments. Two former Speakers of the House and three former ministers were elected as MPs. Of the 130 MPs elected on 20 September, 73 are older than 50 years of age and 57 are younger than 50.

The election returned a total of 20 women as MPs representing 15.4 per cent of the 130 MPs. Of these 20 women, five won non-reserved seats beyond the 15 reserved seats. The IAF had three women MPs of which one was elected outside the reserved seats. With 20 women MPs, to date the Parliament has the historically highest number of women.

The LPP²²⁴ stipulates that political parties shall provide the MPPA with a list of its members annually. Based on those submissions, which were not updated by all political parties prior to registration of candidates, the MPPA provided the number of winning candidates with party affiliations, Fig.3, column 5.²²⁵ Candidates were not required by law to declare party affiliation to the IEC during registration of candidatures. Therefore, the IEC was not in a position to provide such information.

²²¹ Official Gazette, Issue 5425 of 28 September 2016. Until 25 September, the IEC published on its website and Facebook page incomplete election results. Out of the 23 districts, 22 districts results included the publication of successful candidates and votes gathered by lists, with the exception of Al Karak district. A more detailed publication of votes won per lists in each district was available for 13 districts. Districts with missing district tabulation information included Ma'an, Al Mafraq, Ajloun, Al Tafileh, Irbid 2 and 3, Az Zarqa 2, and Badia North, Central and South. By the afternoon of 25 September, the IEC published final results per winning lists and candidates only, including the 15 reserved seats for women and 12 reserved seats for minorities.

²²² The IEC interpreted this low percentage of invalid ballots as a proof that voters generally understood the election system.

²²³ Please see Section 2 'Introduction and Acknowledgements', above.

²²⁴ LPP Article 13.B.

²²⁵ The MPPA provided the information to the EU EOM on 29 September.



#	Political Party Name	Candidates	Seats Claimed by Political Party	Seats Claimed by MOPPA
1.	Islamic Action Front Party	50	10	6
2.	The National Current Party	23	4	4
3.	The Islamist Wasat Party	18	7	4
4.	The National Union Party	3	7	0
5.	The National Congress Party (Zamzam)	14	5	3
6.	Justice and Reform Party	9	3	1
7.	The Jordanian United Front Party	20	1	1
8.	The National Action Front Party	2	0	1
9.	The National Wafa'a Party	10	1	1
10.	Al Awn Party	1	1	1
11.	Al Resalah Party	1	1	1
12.	The Arab Ba'ath Progressive Party	3	2	1
13.	Stronger Jordan	7	0	0
14.	HASHD Party	1	0	0
15.	AL Wafaa Jordanian Party	10	0	0

Fig. 3

12. RECOMMENDATIONS

12.1 Overview

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Hashemite Kingdom of Jordan with a view to boosting trust in the election process and to further consolidating the conduct of elections in line with international standards. The recommendations below are clustered in three groups. The EU EOM reaffirms a number of recommendations contained in the 2013 EU EOM final report which continue to be relevant to date.²²⁶

The Priority Recommendations²²⁷ refer to issues which, if resolved, will bring elections significantly closer to meeting applicable international standards for democratic elections and will address important issues, such as further enhancing confidence in the electoral process of citizens, political parties and candidates alike. In turn, this has the potential to enhance participation in elections, in particular by youth. However, implementation of some priority recommendations would imply legislative amendments.

²²⁶ EU EOM 2013 recommendations, which merit further attention, include 4, 10-13, 21, 25-29, 33-36.

²²⁷ Please see Section 12.3 'Priority Recommendations' and Annex 5



While the choice of an electoral system is a sovereign matter as long as the system ensures compliance with ICCPR Article 25,²²⁸ consideration could be given to further enhance universality of suffrage and equality of the vote.²²⁹

The EU EOM holds the view that the Short Term Recommendations²³⁰ could be implemented for the local government elections anticipated in 2017, without significantly amending the current legislation. Executive instructions and/or decisions of the IEC appear to suffice based on the experience of the process for the parliamentary election. Short term measures to enhance gender equality could be implemented through internal policy decisions of political parties.

Consideration of the Long Term Recommendations²³¹ and their implementation would require legislative action by the newly elected Parliament. The legislator could usefully review aspects of the LPE in order to further enhance respect for the right to vote and to stand, and effectively ensure gender equality for governorate and municipal council elections anticipated in 2017.

Notably, further engagement of political parties in the legislative affairs would imply intensive ground work aiming at political education, supported by increase of public funding and providing other incentives to groups contesting elections as political parties.

12.2 Follow up on Past Recommendations

Of the 40 recommendations provided by the final report of the 2013 EU EOM, nine were reflected through improvements to the framework for the 2016 elections, 20 marked a measure of progress, while the number of recommendations in respect of which there were no improvements or even regress, was 11 overall. Rulings of the Bureau had the effect of enlarging the category of voters.²³² Areas without precise regulation were met with proactive decisions by the IEC including the publication of an election calendar, introduction of ballots with multiple security features and campaign spending limits.

Through the adoption of passive voter registration, coupled with a rearrangement of electoral districts on the basis of governorate boundaries, (three of which were further subdivided into multiple district governorates),²³³ Jordan went some way to addressing two key recommendations of the 2013 EU EOM,²³⁴ although in respect of the inequality of the vote

²²⁸ ICCPR General Comment 25; Paragraph 21 provides ‘*Although the Covenant does not impose any particular electoral system, any system operating in a State party must be compatible with the rights protected by article 25 and must guarantee and give effect to the free expression of the will of the electors. [...]*’.

²²⁹ ICCPR General Comment 25; Paragraph 21 provides that ‘*[...] The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group [...]*’.

²³⁰ Please see Section 12.4 ‘Short Term Recommendations’ and Annex 5.

²³¹ Please see Section 12.5 ‘Long Term Recommendations’ and Annex 5.

²³² Decision 6/2016 of the Bureau reducing the voting age to 17 years and 90 days.

²³³ By-law 75/2016.

²³⁴ http://www.eods.eu/library/FR%20JORDAN%2027.03.2013_en.pdf, Recommendation 17.



significant room for improvement remains. The secrecy of the vote²³⁵ was overall respected in adequately laid out polling stations on election-day.

While a dialogue took place in relation to the LPE, its final adoption did not reflect a number of key issues raised by stakeholders including the National Commission for Women's Rights which advocated a reserved seat for women in every district. The retained reserved seats for women leave significant inequality of the vote in respect of those seats,²³⁶ although the results reflect an improvement in women's presence in the 18 Parliament.

The adoption of a district based proportional system for representation with multiple preference votes did not mitigate the substantial role of individual candidacies within lists. The new system does not appear to have had a significant impact in terms of promoting party blocs, although some EU EOM interlocutors believe that it contributed to raising awareness of the potential for a party based parliament. Some further progress could be made in key areas including with respect to the IEC itself. While it now has a mandate in respect of all elections,²³⁷ its independence of other institutions of state could be enhanced by opening the appointment process of its Commissioners.²³⁸

There is, in particular, a continuing need to address the absence of a satisfactory appeals process allowing second recourse of appeal,²³⁹ and addressing the regulation of private media.²⁴⁰ Facilities to extend voting rights to *de facto* disenfranchised voters should be put in place.²⁴¹ Of those recommendations which showed little or no progress, seven were directed to measures intended to enhance the transparency and operational effectiveness of the IEC.²⁴²

12.3 Priority Recommendations

The priority recommendations aim to address key aspects of an election process, such as further enhancing participation (P1-P8), transparency (P9-P12) and compliance with applicable international standards for democratic elections (P13 -15). These, in turn, have the potential of boosting public trust in the process. Some of the priority recommendations would require urgent legislative amendments. Priority recommendations include:

P1. The universal right to vote is the basis of genuine elections and a prerequisite for participation. In this regard, consideration should be given to including in the Constitution a guarantee of this right without discrimination of any kind to all citizens.

P2. Having regard to the youth profile of Jordan's population, consideration could be given to expanding their role in public life though the reduction of the age of eligibility for

²³⁵ Ibid; Recommendation 38.

²³⁶ Ibid; Recommendations 31-33.

²³⁷ Ibid; Recommendation 17.

²³⁸ Ibid; Recommendation 14.

²³⁹ Ibid; Recommendation 37.

²⁴⁰ Ibid; Recommendation 27-29

²⁴¹ Ibid; Recommendations 8 and 16

²⁴² Ibid; Recommendations 4, 11, 12, 13, 25, 35 and 36.



membership of the Chamber of Deputies. In this regard, the authorities could give consideration to lowering the eligibility age to at least that of other institutions, such as the municipal councils and establishing the voting age, as determined by the Bureau.

- P3. The promotion of women's participation in public life requires temporary special measures permitted in line with CEDAW. The current inequality of the vote with regard to the reserved seats for women could be significantly remedied by the adoption of the recommendations of the JNCW for the assignment of a reserved seat to each of the 23 electoral districts and without prejudice to the right of women to be elected outside of the reserved seat system. Further incentives could entail the adoption of measures to require political parties, as a condition of the receipt of public funding, to ensure the appointment of a minimum percentage of their women membership to key decision making positions.
- P4. Participation of women in public and political life requires extra measures to ensure access to decision making positions. In this regard, the IEC has a particularly important role and could demonstrate leadership through special attention being paid to providing the right and opportunity to women to participate at all levels of the IEC structures with a special focus on ensuring women's representation in decisions making roles. In this regard, the ECOSOC Resolution 15/1990 could be adopted as the basis on which to assure such representation.
- P5. In order to promote and facilitate greater participation in the electoral process, access to, knowledge of and ability to seek to amendments to the entries in the PVL, the time line for display and amendments could be extended in conjunction with voter outreach and awareness activities surrounding the publication of the PVL.
- P6. Candidacy should not be subject to unreasonable limitations. Consideration should be given to changing the law to permit public servants to stand with the requirement to resign permanently only if they succeed in their election, rather than resign before entering in the competition. It would not be unreasonable to maintain the requirement of resignation in respect of some high ranking public servants and in respect of members of the judiciary.
- P7. The right to vote and to stand should ensure the freedom of choice of both voter and candidate. Consideration could be given to reviewing the election legislation to ensure that any limitations on the freedom of the voters' place of registration or as regards district of candidacy is not limited on discriminatory grounds such as ethnicity or descent. In either case, the voter or candidate should not be deprived of the choice to vote or to stand outside districts in which seats are reserved on the basis of minority or other status.
- P8. As public broadcasters, the state owned media have the additional responsibility to act as public service. Therefore, extensive coverage of campaign activities by electoral contestants is expected to be included in news programmes and bulletins by the national radio and television, in order to help voters to make an informed choice on election day. Avoiding coverage of candidates and campaign activities in view to keep impartiality is not in line with international best practices.



- P9. Transparency and public confidence could be greatly enhanced through the adoption of measures, employing existing technological capacities, to ensure the timely publication of full preliminary and final polling station results within a clearly specified deadline and in any event no later than the declaration of final results. Further to that, the IEC Executive Instructions should provide clear and understandable formula to determine possible discrepancies between numbers of ballots found in the ballot box and number of signatures on the voter list, both for PSs and the DEC.
- P10. Transparency and public confidence in the IEC could be further enhanced through the adoption of procedural rules to ensure the timely publication of all IEC decisions impacting on the electoral process with clear guidelines on the requirement to publish its decisions within a specified and timely deadline after the date on which decisions are made.
- P11. Transparency and public confidence in the IEC and in the electoral process could be further enhanced through the guaranteeing of direct access by observers and party and candidate agents to all stages of the counting and tabulation processes, including at district sub-offices and also to the proceedings of the SC.
- P12. In order to enhance transparency and accountability in elections, campaign finance regulations should include specific reporting requirements applicable to all concerned stakeholders to ensure consistency of reporting standards. Reports should also be subject to specific deadlines as well as clear provisions both in terms of the applicable sanctions for failing to report in a timely fashion as well as failing to report in accordance with the prescribed requirements.
- P13. Genuine elections must ensure that, to the greatest extent possible, the equality of the vote is guaranteed. Consideration of specific mechanisms, to be enshrined in the constitution and laws, could prescribe, in a clear and transparent manner, the means of delimitation of boundaries with the aim and purpose of achieving equality of vote and representation between electoral districts.
- P14. A revision of media related legislation could be considered in order to reinforce fundamental rights and freedoms guaranteed by the Constitution and international laws. Provisions on the Press and Publications Law; the Information Systems and Cyber Crimes Law and the Contempt of Court Law, among others, would benefit from urgent revision.
- P15. Freedom of expression could be further enhanced through the guaranteeing to CSO observer groups the right to issue their findings without restrictions.

12.4 Additional Short Term Recommendations

- S1. The adoption and promotion of a comprehensive code of conduct between political actors in advance of elections could contribute to a culture of adherence by political stakeholders to campaign regulations as well as promoting greater engagement with the electorate.



- S2. The right to vote of persons with disabilities, including those confined within health care institutions, as well as other person in places of detention (including jails or prisons) requires consideration of special measures, including the potential deployment of fixed or mobile voting stations in order to guarantee the possibility for such voters to effectively exercise their rights.
- S3. Efficiency and public confidence in the activities of the IEC and all its component office and branches could be enhanced through the early issuing and distribution of manuals on procedure and operations well in advance of election day.
- S4. To encourage greater participation in the electoral process, the opportunity for CSO observers to be accredited could be extended up to a date significantly closer to election day than the current 21 days' deadline.
- S5. In order to guarantee certainty and confidence in relation to the FVL, the closing date for amendments should be considered definite and current provisions in the law permitting further amendments after the fixing of the FVL should be removed.
- S6. A revision of the Audio-Visual Media Law is also advisable in order to provide the Jordan Media Commission with the required level of independence expected for a media regulatory body.
- S7. Improvement of current regulations for electoral media coverage is required. Amendments in the LPE or additional IEC executive instructions could be implemented in order to establish provisions on allocation of free airtime to contestants in the state owned media

12.5 Additional Long Term Recommendations

- L1. The stated aim of developing party political activity in Jordan, requires additional inputs in the legislation, in particular adding to the LPP a provision setting out the role and purpose of political parties could add incentives for membership and greater competitiveness between political actors as well as forming the basis on which parties can develop their identities and programmes.
- L2. The public funding of political parties and campaign activities require clarification to ensure that stakeholders are aware of their rights, entitlements and obligations. Consideration could be given to reviewing provisions which benefit traditional campaigning methods, that stakeholders consider are often used for proscribed activities, such as vote buying and offering benefits.
- L3. Candidacy should not be subject to unreasonable limitations. This means that candidates must be entitled to present themselves for election as independent candidates without the obligation to enter into coalitions. Future amendments to the election law, should endeavour to guarantee the right and opportunity to compete in this regard.



- L4. A key aspect of genuine elections is that elected representative exercise governmental power. In this regard, there is scope to amend both the law and the Constitution to ensure that parliament is further empowered and plays an expanded role in the determination of government and governmental policy.
- L5. The election law creates a distinction between aspiring candidates with more and less of 10 years' citizenship. The law should be amended to bring it into line with the Constitution ensuring that all citizens may stand for election irrespective of the period during which they have enjoyed citizenship.
- L6. In circumstances where the decisions of the Courts of Appeal in pre-election and post-election appeals cases are final, candidates and candidate lists were exposed to rejection on a first application by a voter, while voter appeals against district results were also rejected without any further recourse. Given the public interest in such matters and with a view to strengthening judicial safeguards against the potential for binding decisions based on errors of either procedure or law, consideration could be given to: (a) amending the law to admit a second recourse of appeal to affected parties and (b) considering the adoption of clear and specific procedural rules to apply in all election appeals cases.
- L7. Consideration could be given to amend the Constitution to fix the voting age in line with Decision 6 of 2016 of the Bureau and enhance youth participation and continuity for future elections.
- L8. Election calendars could ensure certainty both for voters and candidates alike. The campaign period should be isolated from the period of candidates' registration and appeals, ensuring a level playing field and legal certainty throughout the campaign for candidates themselves.
- L9. The laws and instructions pertaining to the regulation of the electoral process and its stakeholders should be published well in advance and every effort made to avoid the introduction of new legislation during the election which could lead to the perception of interference in the process.
- L10. Given the role of private media, regulations could be adopted to ensure that they are subject to like obligations as public media with regards to impartial broadcasting of election related news and campaigns.
- L11. Infractions by media in respect of the campaigning rules could be subject to clear and unequivocal sanctions and such sanctions should be duly enforced. The IEC could be charged with ensuring the follow up of such matters. The rules and procedures applicable to oversight and effective implementation of election related activities could be further codified.



ANNEX 1 EXAMPLES FOR IMPLEMENTATION OF THE ELECTION SYSTEM

In both examples, C stands for candidate, M stands for male candidate, F stands for a female candidate, MM – for male minority candidate an FM – for female minority candidate, followed by the subsequent number of the candidate in the list. The Hare quota, H is calculated as the ratio of the total number of votes cast, V, and the number of seats to be allocated proportionally to the votes, S. Thus, $H = V / S$. The ratio, R, of the votes cast for each candidate list divided by the Hare quota is $R = V/H$. The winning seats in the open list contest are in **red**, the minority reserved seats M - in **blue** and the woman’s reserved seat F - in **green**. The abbreviation ‘P.V.’ stands for preference votes.

The total vote including 1,000 blanks and invalid ballots is 60,000. At Step 1, seats are allocated to lists on the basis of the integer part of the respective value of R. At Step 2, the seats which remain ‘empty’ at Step 1 are filled on the basis of the largest remainders of R until all available seats are filled.

Example 1

An electoral district is allocated for seats for distribution in accordance with an open list system allowing for multiple voter preferences. In addition, there is one reserved seat for a woman to be allocated to the ‘best loser’ candidate on the basis of the voters’ preferences cast. There are no reserved seats for minorities. There are four lists of candidates, A, B C and D, competing for these seats with varying numbers of candidates, including women candidates. The maximum number of candidates on a list is five (four plus one). The Hare quota is $60,000 / 4 = 15,000$.

LIST	C1	C2	C3	C4	C5	List Votes	R	Step 1	Step 2	F
1	2	3	4	5	6	7	8	9	10	11
A	M1	M2	F1	F2	M3					
P.V.	2500	2000	1750	13550	6200	26,000	1.73	1	1	
B	F1	M1	M2	M3						
P.V.	3400	3100	11,000	500		18,000	1.2	1	0	1
C	M1	M2	M3							
P.V.s	4800	4810	4390			14,000	0.93	0	1	
D	F1	F2	F3	M1						
P.V.	200	700	25	75		1,000	0.06	0	0	
Invalid						1,000				
TOTAL						60,000		2	2	1

Candidate F2 of List A wins the first seat allocated to List A (column 5) at Step 1. Candidate M2 wins the second seat allocated to List B (column 4) at Step 1. Candidate M2 of List C (column3)



wins the third seat at Step 2. Candidate M3 of List A (column 6) wins the last seat at Step 2. Finally, the reserved seat for a woman is awarded to Candidate F1 of List B as the ‘best loser’.

Example 2

In a governorate with more than one district, four lists are competing for six seats, of these two are reserved for minorities’ candidates. Therefore, four seats will be allocated through the open list system with multiple preference votes. The two reserved seats for minority candidates are allocated in accordance with their preference votes and the candidates with the two highest numbers of preference votes are awarded the seats. There is one reserved seat for a woman within the governorate. Since the governorate includes more than one electoral districts, the latter reserved seat might be won by a candidate from another district within the same governorate. The winner for this seat is awarded to the best woman candidate who has not already won a seat and who, in percentage terms exceeds all other women not having won a seat in the governorate. The maximum number of candidates on a list is seven (six plus one). The Hare quota is $60,000 / 6 = 10,000$

LIST	C1	C2	C3	C4	C5	C6	C7	List Votes	R	Step 1	Step 2	M	F
1	2	3	4	5	5	7	8	9	10	11	12	13	14
A	M1M	M2	F1	F2M	M3	F3M							
P.V.	2500	2000	1750	7550	6200	6000		26,000	2.6	2		2	
B	F1M	M1	M2M	M3	F2	M4	M5						
P.V.	3400	3100	4,000	500	3900	1100	2000	18,000	1.8	1			1
C	M1M	M2	M3										
P.V.	4800	4810	4390					14,000	1.4	1			
D	F1	F2M	F3	M1	M2								
P.V.	200	500	25	75	200			1,000	0.1				
Invalid								1,000					
TOTAL								60,000		4	0	2	1

In the contest for the four open list seats, the first two seats at step 1 are awarded to List A candidates M3 and M2. The third seat at step 1 is awarded to List B candidate F2 and the last seat, again at step 1 is awarded to list C candidate M2. No seats are left for distribution at step 2. The two minority seats are awarded to List A candidates F2M and F3M as they have the two highest numbers of votes in the contest for these seats. This example assumes that List B candidate F1M has received the highest percentage of the votes of unsuccessful women candidates within the governorate, $3,400/60000 * 100 = 5.67$ per cents. Notably, it is possible that a woman candidate from another district in the same governorate could win the reserved with a higher percentage of the vote but with less preference votes depending on the number of all votes cast.



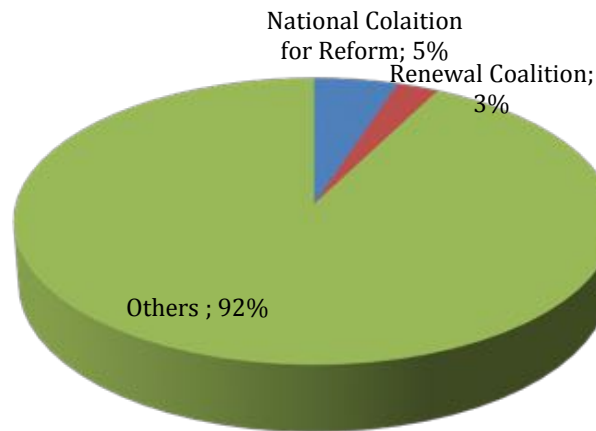
ANNEX 2 MEDIA MONITORING RESULTS

JORDAN TV

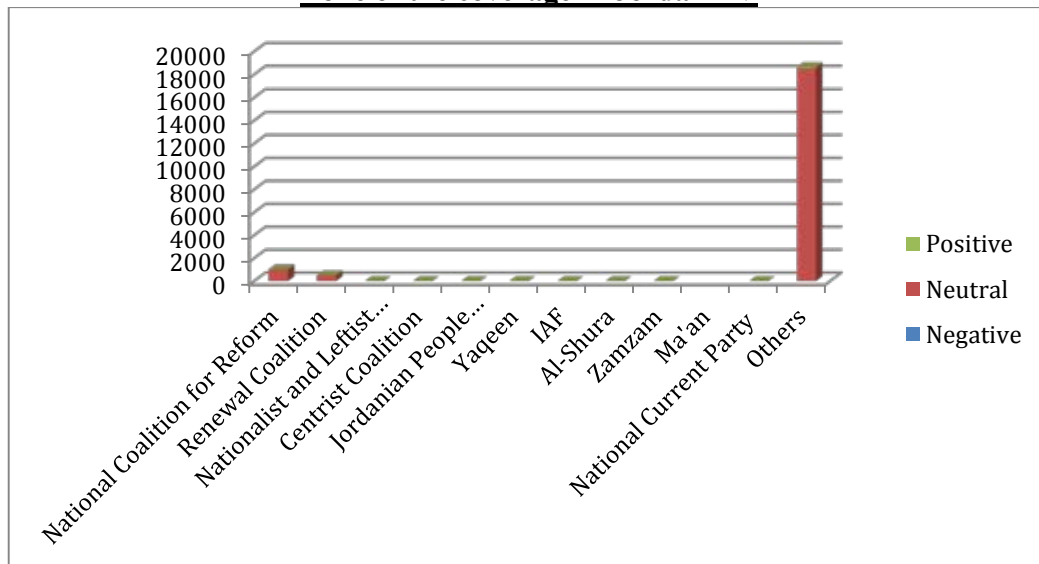
Total airtime allocated to parties/lists on Jordan TV

From 30 August to 18 September 2016

(Lists not appearing in the chart did not get any coverage)



Tone of the coverage in Jordan TV

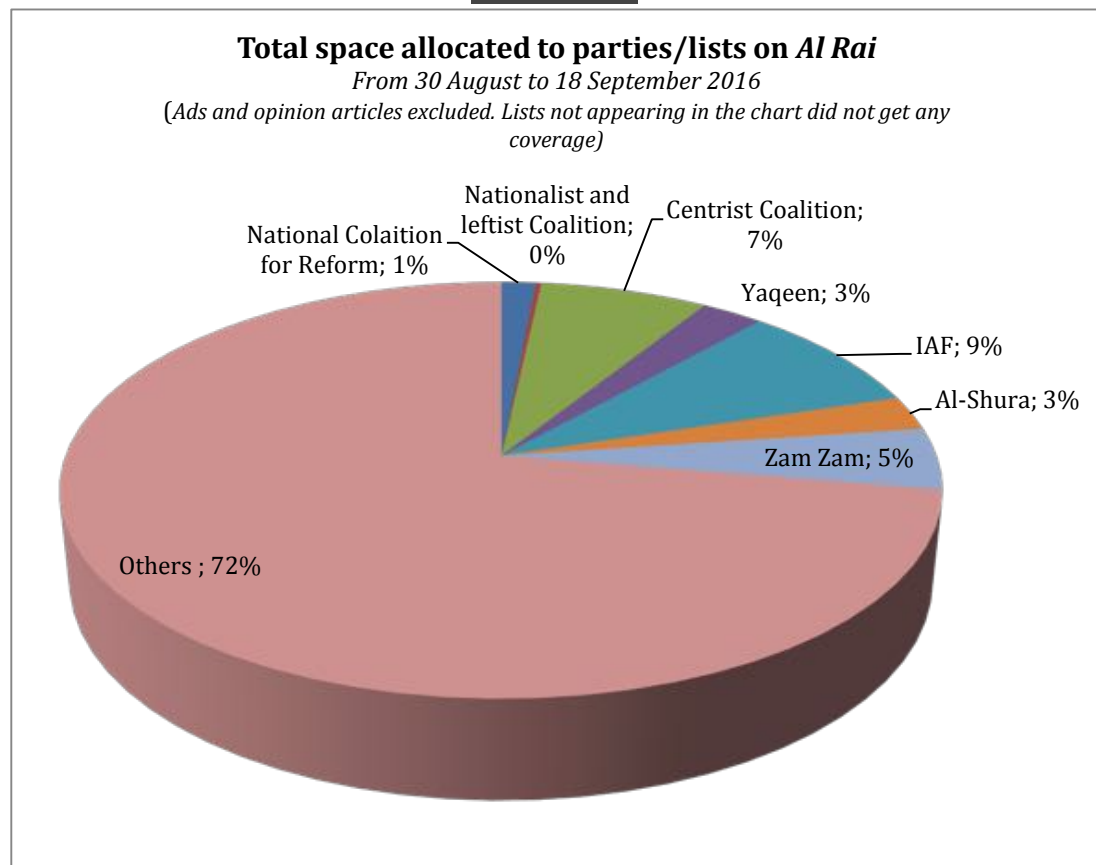




JORDAN RADIO

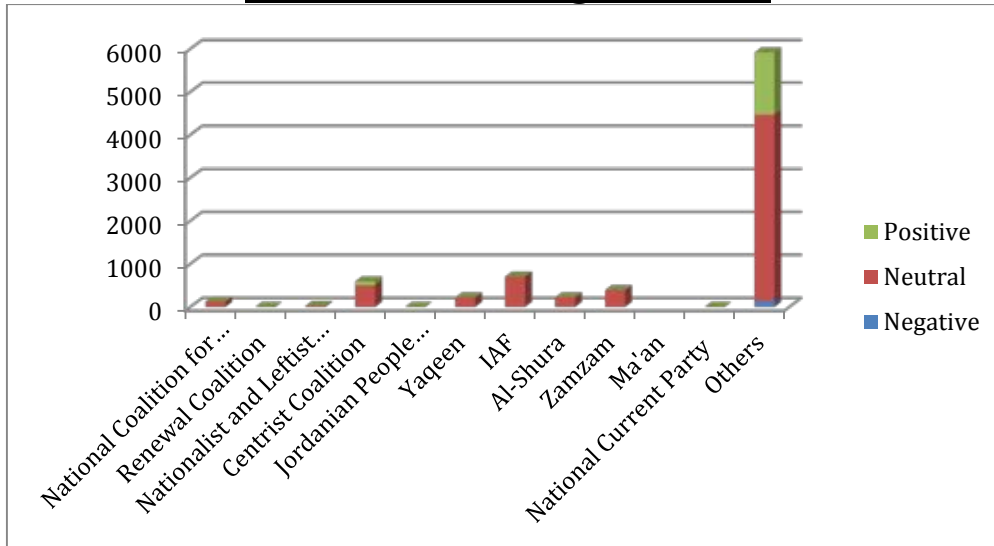
Jordan Radio did not make any coverage nor allocated any airtime to candidates/lists during the analyzed period. The state owned radio station also did not accept any electoral propaganda or advertisements by contestants.

AL RAI





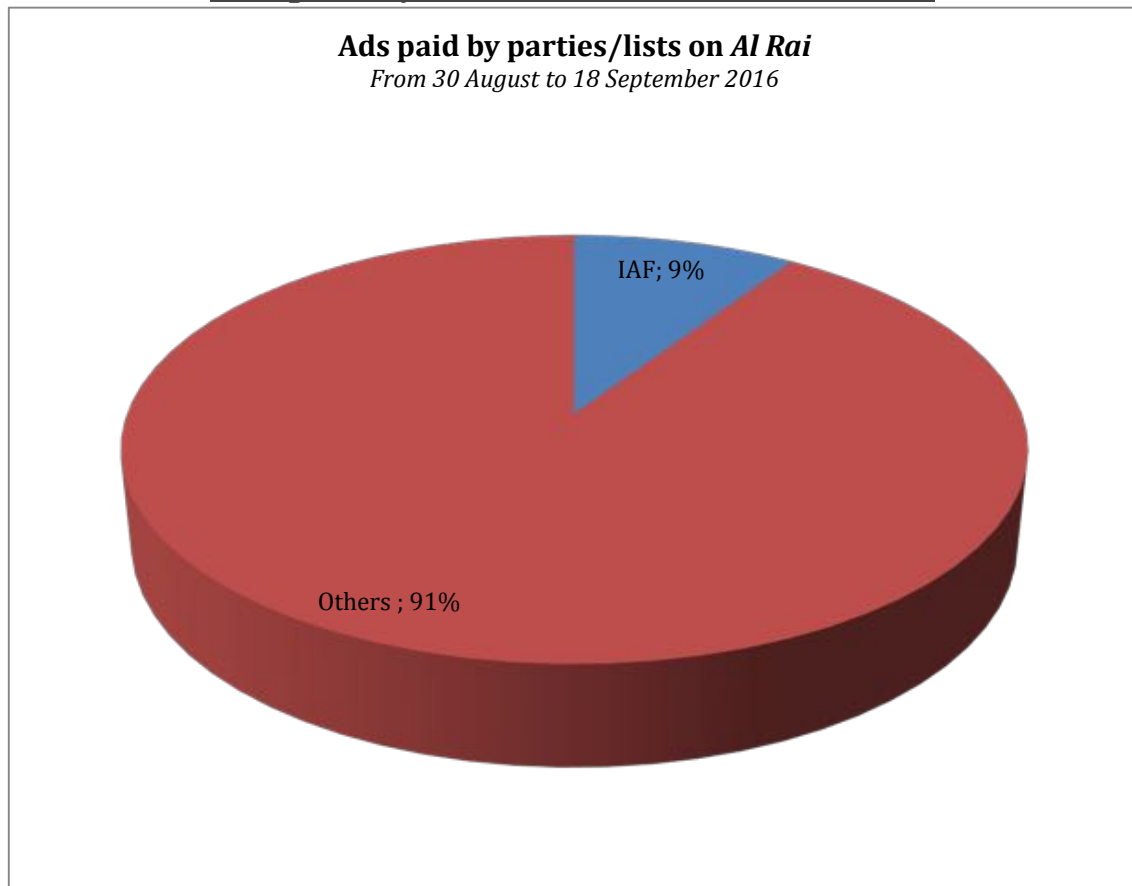
Tone of the coverage in *Al Rai*



Ads paid by candidates and lists in *Al Rai*

Ads paid by parties/lists on *Al Rai*

From 30 August to 18 September 2016

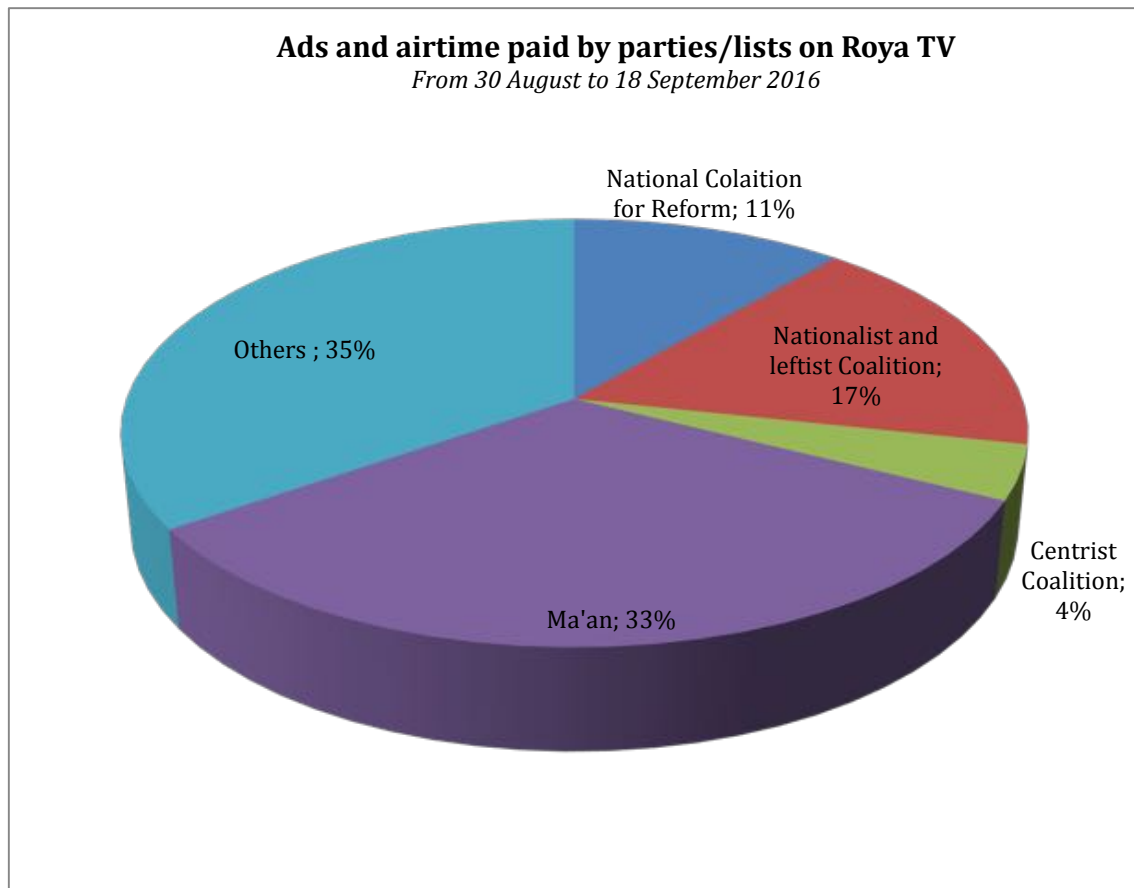




ROYA TV

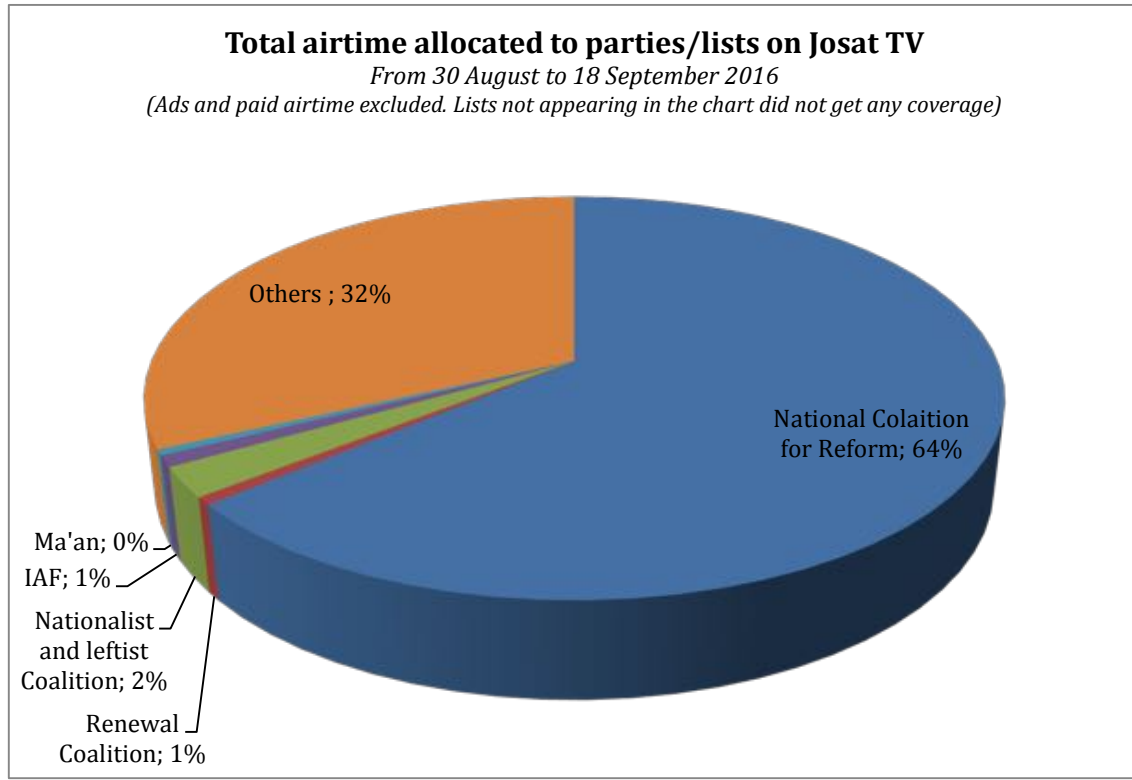
Roya TV did not make any coverage nor allocated any airtime to candidates/lists in its news programs during the analyzed period.

Ads and airtime paid by candidates and lists in *Roya TV*

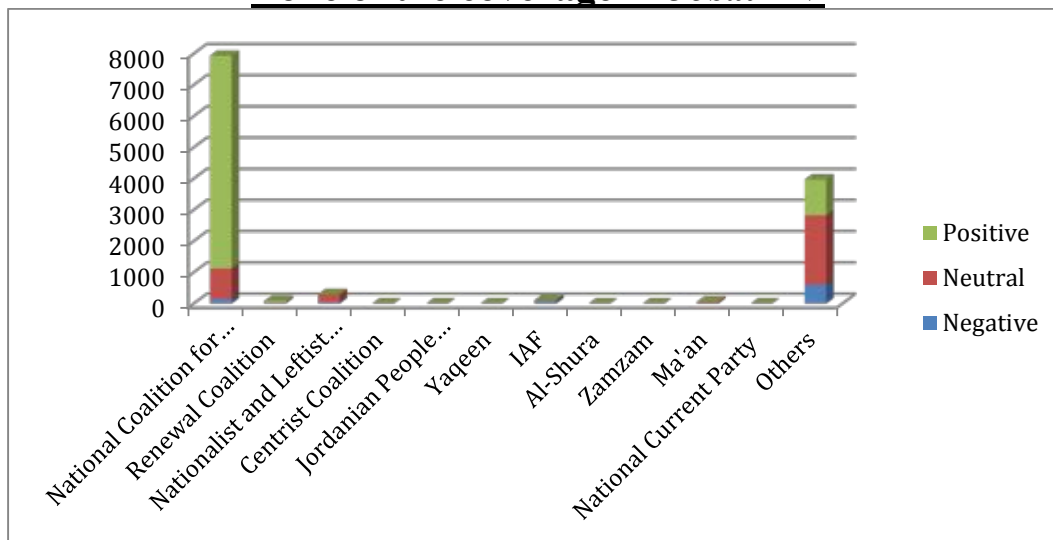




JOSAT TV

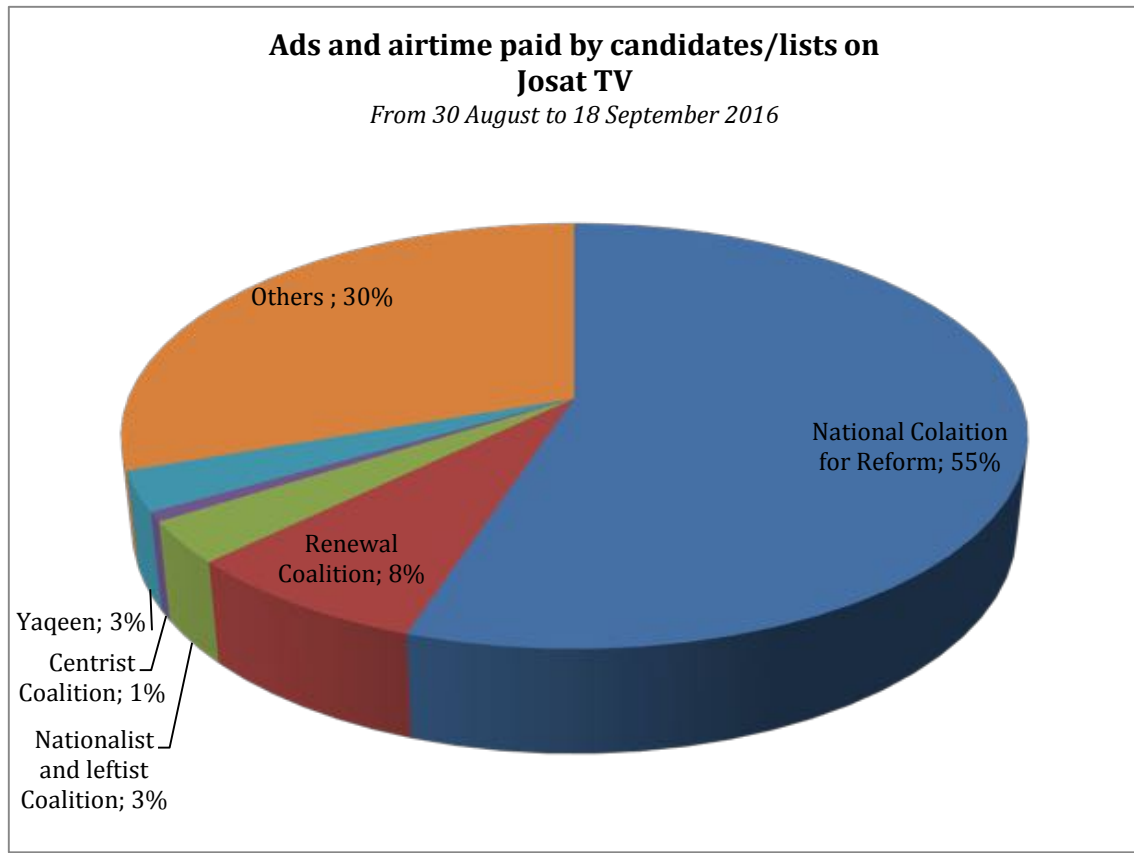


Tone of the coverage in Josat TV





Ads and airtime paid by candidates and lists in *Josat TV*



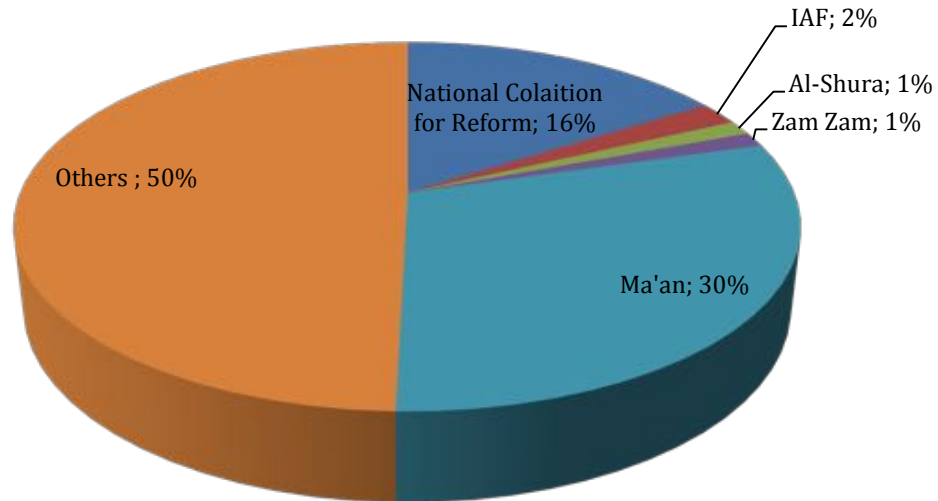


RADIO AL BALAD

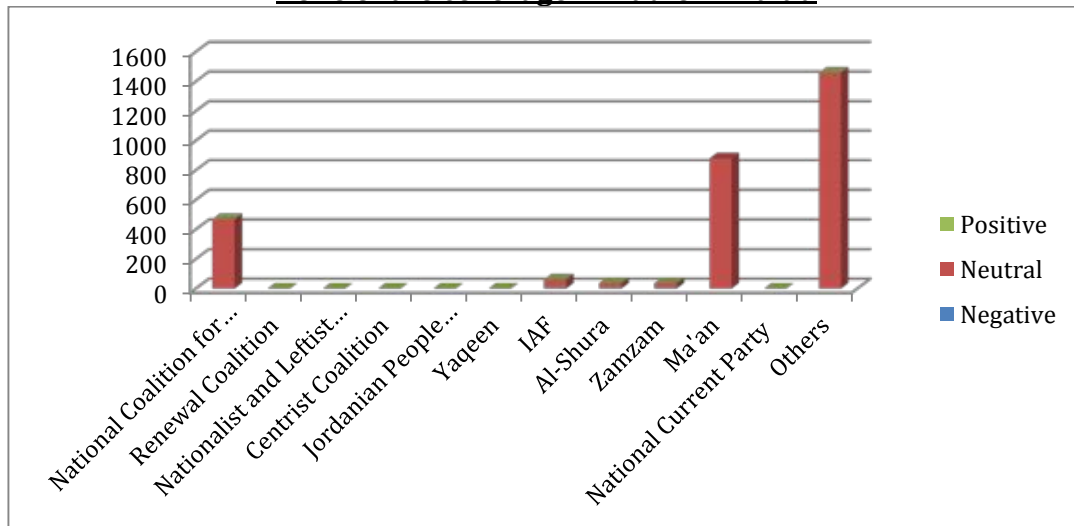
Total airtime allocated to parties/lists on Radio Al Balad

From 30 August to 18 September 2016

(Ads and paid airtime excluded. Lists not appearing in the chart did not get any coverage)



Tone of the coverage in Radio Al Balad

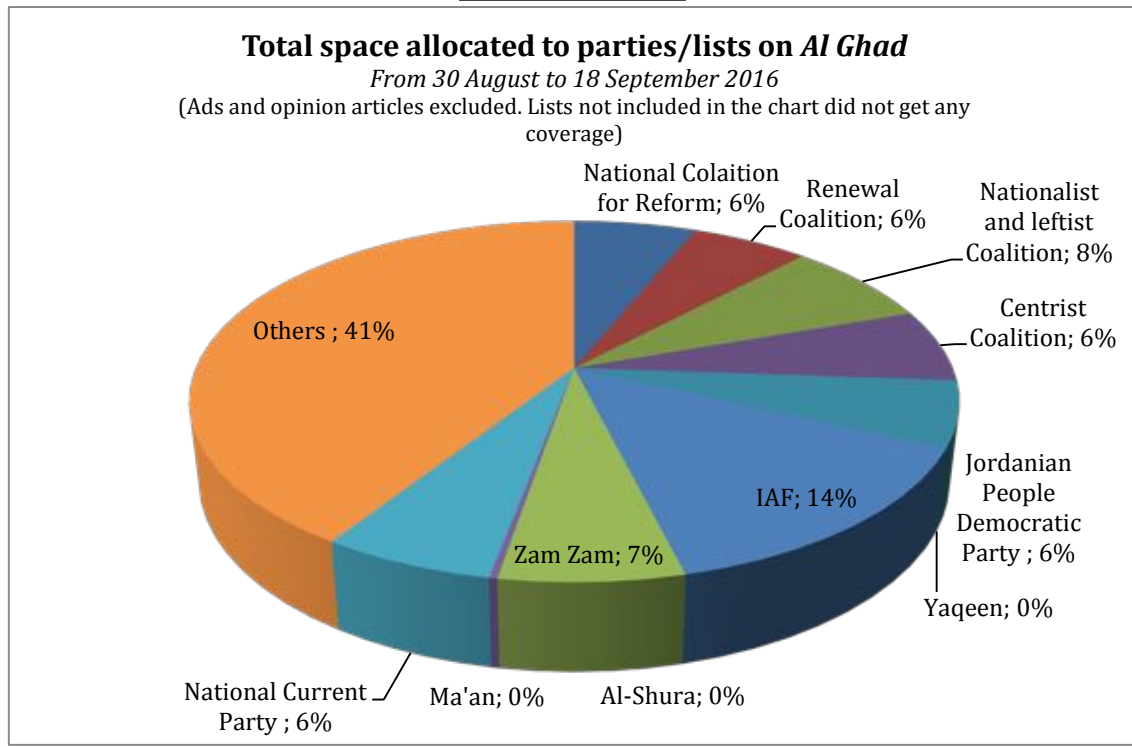


Ads and airtime paid by candidates/lists in Radio Al Balad

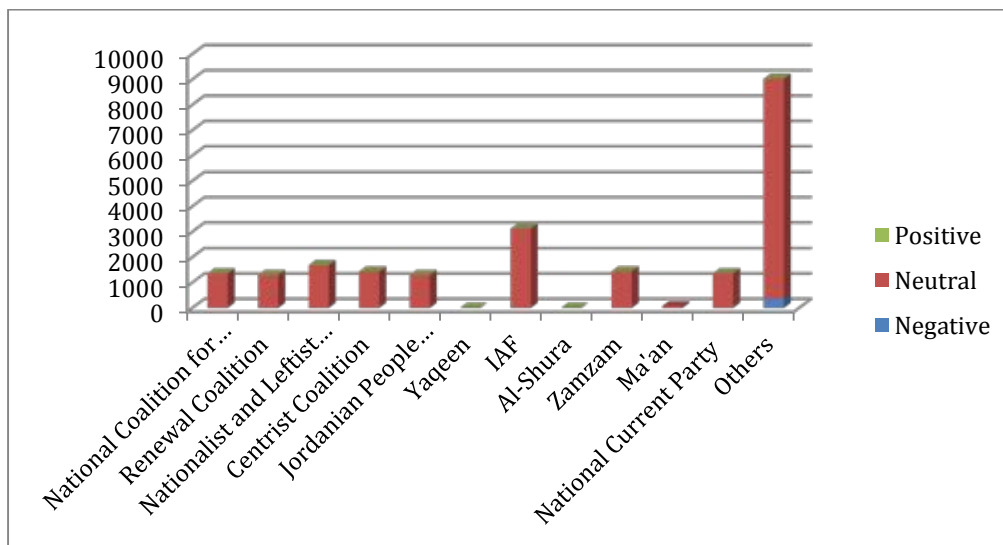
National Coalition for Reform was the only list buying some airtime on Radio *Al Balad* during the analyzed period.



AL GHAD

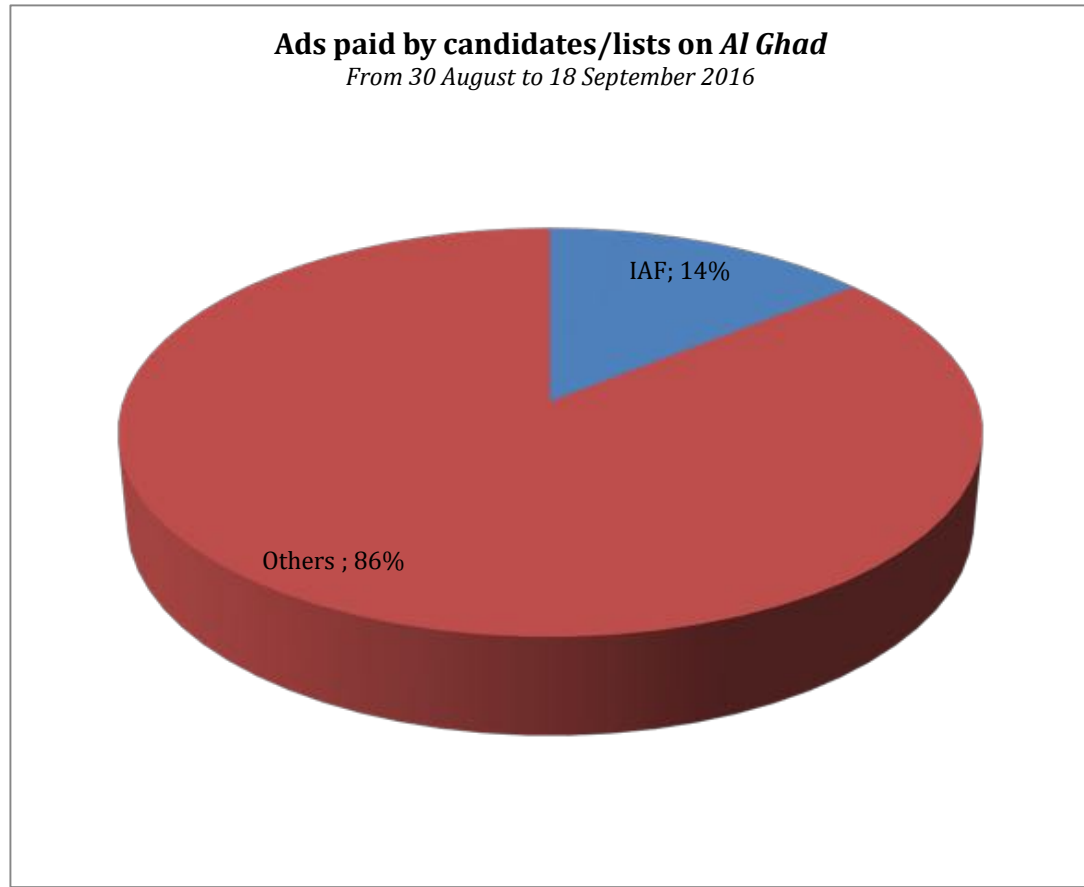


Tone of the coverage in Al Ghad





Ads paid by candidates and lists in *Al Ghad*



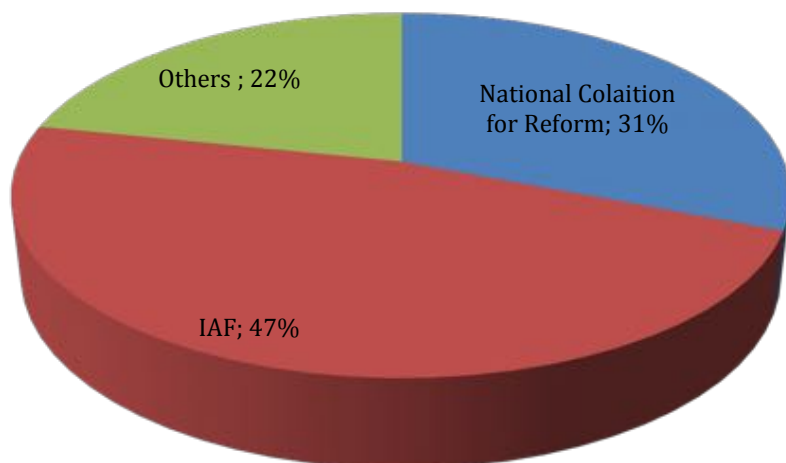


ASSABEEL

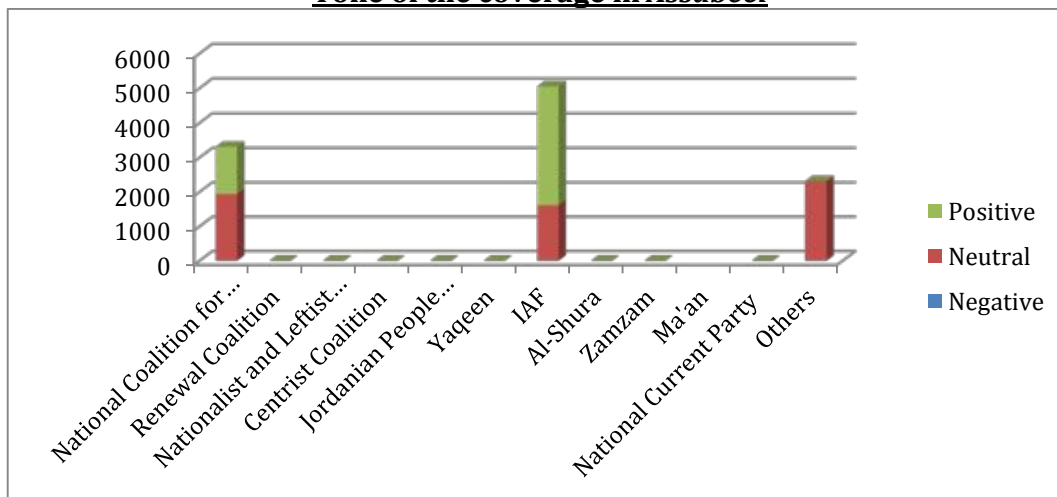
Total space allocated to parties/lists on *Assabeel*

From 30 August to 18 September 2016

(Ads and opinion articles excluded. Lists not appearing in the chart did not get any coverage)



Tone of the coverage in *Assabeel*



Ads paid by candidates and lists in *Assabeel*

IAF was the only party publishing paid advertisements in Assabeel newspaper during the analyzed period.



ANNEX 3 TABLE OF ELECTORAL OFFENCES

Stage	Subject(s)	Violation(s)	Legal Provision(s)	Penalty
Electoral Process	Any Persons	Affecting the freedom of or hindering the election process in any way	LPE, Article 57(d)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
Electoral Process	Any Persons	Giving, lending, offering or promising to give, either directly or indirectly, a voter an amount of money or benefits to vote in a certain manner, abstain from voting or influence other persons to vote or refrain from voting;	LPE, Article 59(a)(i)	3-7 years hard labour Pardon: If s/he confesses to the act under Article 59(b)(i)
Electoral Process	Any Persons	Accepting or requesting, either directly or indirectly, an amount of money, loans, benefits or other rewards for oneself or for another person for the purpose of voting in a certain manner, refraining from voting or influencing others to vote or refrain from voting.	LPE, Article 59(a)(ii)	3-7 years hard labour Pardon: If s/he confesses to the act under Article 59(b)(i)
Electoral Process	Any Persons	Provides malicious information with the intent to harm or entrap a candidate.	LPE, Article 59(b)(ii)	3-7 years hard labour
Electoral Process	Any Persons	Soliciting gifts, donations or assistance, or profit thereof, from candidates.	LPE, Article 24	N/S
Electoral Process	Any Persons	Accomplice or accessory to a violation of provisions in the LPE or incites another person to violate the LPE	LPE, Article 62(b)	Same penalty as perpetrator, prescribed in LPE provisions
Electoral Process	Candidates	Child exploitation in any work that abuses them or risks their safety	EI No. 7, Article 7(o)	N/S



**European Union Election Observation Mission
The Hashemite Kingdom of Jordan
Parliamentary Election, 20 September 2016
Final Report, 13 November 2016**

Stage	Subject(s)	Violation(s)	Legal Provision(s)	Penalty
Electoral Process	Occupants of Senior Position in Public/Official Institutions	Intervening or using their positions to favor or benefit any candidate or list.	EI No. 7, Article 8(i)	N/S
Electoral Process	Official Media	Failing to treat candidates impartially and equally during campaigning.	LPE, Article 21(a), pursuant to Article 56(c) EI No. 7, Article 12	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Process	Electoral Committee, IEC or Employee	Deliberately inserting the name of a person who does not have the right to vote into a voter list	LPE, Article 58(a)	1-3 years imprisonment JOD500-3000 fine
Electoral Process	Electoral Committee, IEC or Employee	Deliberately deleting or not inserting the name of a person who has the right to vote in a voter list	LPE, Article 58(a)	1-3 years imprisonment and/or JOD500-3000 fine
Electoral Process	Electoral Committee, IEC or Employee	Inserting false information in a candidate nomination application or announcement	LPE, Article 58(b)	1-3 years imprisonment and/or JOD500-3000 fine
Electoral Process	Electoral Committee, IEC or Employee	Inserting false information in an objection to voter lists	LPE, Article 58(b)	1-3 years imprisonment and/or JOD500-3000 fine
Electoral Process	Electoral Committee, IEC or Employee	Seizing, hiding, forging, or damaging documents pertaining to the election	LPE, Article 58(c)	1-3 years imprisonment and/or JOD500-3000 fine
Electoral Process	Electoral Committee, IEC or Employee	Violating any provision of the LPE with the intention of influencing any electoral results.	LPE, Article 58(g)	1-3 years imprisonment and/or JOD500-3000 fine
Electoral Campaign	Government, official/public	Engaging in electoral campaigning for the benefit of any candidate at their work place.	LPE, Article 23, pursuant to Article 56(c) EI No. 7, Article 8(b)	3 months - 1 years imprisonment and/or JOD 200-500



**European Union Election Observation Mission
The Hashemite Kingdom of Jordan
Parliamentary Election, 20 September 2016
Final Report, 13 November 2016**

Stage	Subject(s)	Violation(s)	Legal Provision(s)	Penalty
	institution council employees			
Electoral Campaign	Government, official/public institution employees governorate, municipal and local councils	Use of any means or assets owned by those institutions in the electoral campaign of any candidate	LPE, Article 23, pursuant to Article 56(c) EI No. 7, Article 8(b)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Use of official emblem of the State in election meetings or advertisement or other documents for the purposes of election advertising.	LPE, Article 22 (a)(2), pursuant to Article 56(c) EI No. 7, Article 7(d)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Attachment of loud speakers on means of transportation for advertising purposes.	LPE, Article 22(a)(2), pursuant to Article 56(c) EI No. 7, Article 7(h)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Fixing electoral advertisements or statements on power or telephone poles, traffic signs, public property or in any manner that causes harm to public safety	LPE, Article 22(a)(3), pursuant to Article 56(c) EI No. 7, Article 7(i)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Direct or indirect references to candidates in electoral campaigns.	LPE, Article 22(a)(4), pursuant to Article 56(c) EI No. 7, Article 7(j)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Inciting religious, sectarian, tribal, religious, regional racist strife in electoral campaigns.	LPE, Article 22(a)(4), pursuant to Article 56(c) EI No. 7, Article 7(m)	3 months - 1 year imprisonment and/or JOD 200-500
Electoral Campaign	Candidates	Providing or promising gifts, donations or financial or in-kind assistance from persons, directly or indirectly.	LPE, Article 24 EI No. 7, Article 13(c)	N/S
Electoral Campaign	Candidates	Accept financial contributions from foreign government, companies or citizens or international organisations	EI No. 7, Article 13(a)	N/S



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Electoral Campaign	Candidates	Accept donations with the knowledge that they were collected from illegitimate sources in violation of the law	EI No. 7, Article 13(b)	N/S
Electoral Campaign	Candidates	Offering support or aid packages with the name or code of the list or candidates	EI No. 7, Article 13(d)	N/S
Electoral Campaign	Candidates	Practicing pressure, intimidation, accusations of treason, or insinuating rewards or promises of financial or in-kind gains to influence voters' choices and push or prevent electing a specific candidate or list.	EI No. 7, Article 7(k)	N/S
Electoral Campaign Polling Center	Candidates	Festivals or assemblies within 200 m of Polling Centers.	LPE, Article 22(a)(5), pursuant to Article 56(c) EI No. 7, Article 7(l)	3 months - 1 year imprisonment <i>and/or</i> JOD 200-500
Electoral Campaign Polling Center	Candidates	Electoral publicity within the premises of voting and canvassing centers	EI No. 7, Article 7(n)	N/S
In Polling Center(s)	Candidates and their Agents	Acting contrary to the provisions of the Constitution LPE or IEC Executive Instructions.	EI No. 8, Article 8(a)	N/S
In Polling Center(s)	Candidates and their Agents	Carrying firearms of any sort or committing acts of violence or enticing such acts during election day.	EI No. 8, Article 8(c)	N/S
In Polling Center(s)	Candidates and their Agents	Attempt to influence the freedom of voters or obstruct the electoral process in anyway.	EI No. 8, Article 8(e)	N/S
In Polling Center(s)	Candidates and their Agents	Acting contrary to the instructions and orders of the voting and counting committees' heads and members.	EI No. 8, Article 8(e)	N/S
In Polling Center(s)	Any Persons	Entry of unauthorised persons in polling center	LPE, Article 55(1)	Eviction from polling station



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In Polling Center(s)	Any Persons	Refusal of unauthorised person to leave the polling center after being evicted by the Chair of the PCC	LPE, Article 55(2)	1-6 months imprisonment <i>and/or</i> JOD 100-300 fine
In Polling Center(s)	Any Persons	Carrying a firearm, even if licensed, or any instrument that jeopardises public safety and security at a polling center on election day	LPE, Article 56(a)	3 months - 1 year imprisonment <i>and/or</i> JOD 200-500
In Polling Center(s)	Any Persons	Falsely alleging to be illiterate or unable to write.	LPE, Article 56(b)	3 months - 1 year imprisonment <i>and/or</i> JOD 200-500
In Polling Center(s)	Any Persons	Retaining, seizing, hiding or spoiling the voter card of another person without the right to do so.	LPE, Article 57(a)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Impersonating another person with the intent to vote	LPE, Article 57(b)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Exercising one's right to vote more than once	LPE, Article 57(c)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Tampering with, stealing or destroying any ballot box, voter list or ballot paper, or preventing a ballot paper from being inserted in a ballot box	LPE, Article 57(e)	6 months- 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Committing any act with the intention of affecting the integrity and secrecy of the election process	LPE, Article 57(e)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.



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In Polling Center(s)	Any Persons	Entering the polling center with the intent to influence the will of voters or buy votes	LPE, Article 57(f)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Entering the polling center with the intent to delay the election process	LPE, Article 57(f)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Any Persons	Entering the polling center with the intent to harm any of the election officials	LPE, Article 57(f)	6 months - 3 years imprisonment <i>and/or</i> JOD500-1000 fine.
In Polling Center(s)	Electoral Committee, IEC or Employee	Delaying without legal grounds the start of the polling process or delaying other procedures	LPE, Article 58(d)	1-3 years imprisonment <i>and/or</i> JOD500-3000 fine
In Polling Center(s)	Electoral Committee, IEC or Employee	Not opening an empty ballot box in the presence of candidates or their representatives	LPE, Article 58(e)	1-3 years imprisonment <i>and/or</i> JOD500-3000 fine
In Polling Center(s)	Electoral Committee, IEC or Employee	Reading a ballot paper falsely	LPE, Article 58(f)	1-3 years imprisonment <i>and/or</i> JOD500-3000 fine
In Polling Center(s)	Electoral Committee, IEC or PCC Employee	Violating the LPE in relation to processes and procedures of polling or counting of votes	LPE, Article 58(g)	1-3 years imprisonment <i>and/or</i> JOD500-3000 fine



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In Polling Center(s)	Any Persons	Seizes or attempts to seize a ballot box before or after ballot papers therein have been counted	LPE, Article 60	5-10 years of temporary hard labour <i>or</i> JOD 1,000-5,000 fine.
In Polling Center(s)	Any Persons	Use mobile phones or any device for taking pictures or recording inside the polling room.	EI No. 9, Article 12(b)	N/S
In Polling Center(s)	Authorised Personnel	Wear a candidate's name or emblem or call for voters to vote for a candidate	EI No. 5/2016, Article 6(b)	N/S
In Polling Center(s)	Authorised Media Personnel	Cause chaos or distractions in the polling and counting center	EI No. 5/2016, Article 6(c)	N/S
In Polling Center(s)	Authorised Media Personnel	Hamper electoral process, affect voters or disrupt PCCs	EI No. 5/2016, Article 6(d)	N/S
In Polling Center(s)	Authorised Media Personnel	Enter the voting booth, take pictures or violate secret suffrage	EI No. 5/2016, Article 6(e)	N/S

- Any offence, for which the penalty is marked N/S, means no specific penalty for infraction is provided in the legal instrument.
- In relation to breaches of the Law 6/2016 – where no specific penalty is provided at Article 61 that a minimum penalty of 1- 6 months imprisonment or a fine 100 to 300 dinar or both. This provision is not stated to be applicable to unspecified penalties in the executive instructions.
- Law 6/2016 additionally provides at at Article 62 that any higher penalties provided in any other law are not precluded from application by the penalties specified in the electoral law, thus raising the issue of uncertainty as to the potential penalties that may apply in any case.
- Article 62 places a statute of limitations of three years for all election crimes set out in law 6/2016.



ANNEX 4 TABLE OF ELECTORAL DISPUTES

Electoral Disputes Prior to Election Day

Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
50/2016	26/08/2016	28/08/2016	Irbid	Hosni Al-Sheyab (Al-Wafaa List)	IEC rejected the addition of a name "Abu-Kareem" at the end of his name.	<p>- The candidate's name is Hosni Ahmad Khaled Al-Sheyab, and there is another man named Hosni Mohammad Fandi Al-Sheyab. They are both candidates in the same district in Irbid, although on different lists. The IEC rejected the Applicant from adding 'Abu-Kareem' (father of Kareem) to his name on the ballot, stating that the different middle names should suffice.</p> <p>- The Court stated that the name 'Abu Kareem' [father of Kareem] will better identify the candidate within his Irbid district, and thus better uphold Article 43(A)(ii) of the Elections Law to make candidates identifiable on the ballots.</p> <p>- "The candidate's colloquial name of Abu Kareem eliminates the ambiguity and confusion for the benefit of the voters and aids the electoral process; therefore we accept the appeal to the refusal of adding the name to the candidate's and approve the adding of 'Abu Kareem' to the end of the candidate's name in his candidacy in Irbid."</p>	Appeal to Add Name Accepted



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Court of Appeals									
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision		
51/2016	26/08/2016	28/08/2016	Irbid	Issa Rawashdeh (Al-Islah List)	IEC rejection on the basis that the candidate did not provide a letter of non-conviction to prove that he has not been imprisoned for more than one year for a non-political crime.	<ul style="list-style-type: none"> - That a candidate has not been imprisoned for a period of more than one year for a non-political crime, without a general pardon, is one of the most foundational requirements for candidacy. - The candidate has not provided a letter proving his non-conviction or anything to prove that he has not been convicted. 	Candidacy Rejected		
52/2016	26/08/2016	28/08/2016	Irbid	Samira Bani Domi (Al-Islah List)	IEC rejection on the basis that the candidate's husband is from a tribe in the Northern Badia.	<ul style="list-style-type: none"> - Born in Irbid. - On the voter list in the Northern Badia, where her husband is from. - "The applicant is not considered a member of the tribe even though she resided there with her husband." - "Her social relation to her husband does not prevent her from exercising her political participation rights and, on that basis, the right to nominate herself in a district other than the one in which she had previously been registered." 	Candidacy Accepted		



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
388/2016	26/0/08/2016	28/08/2016	Az Zarqa	Azeza Al-Shawarbeh (Sawt Al-Haq List)	IEC rejection on the basis of the candidate's alleged employment in the Ministry of Education, resulting in list not meeting the minimum required, brought by an Applicant on the candidate's behalf.	<ul style="list-style-type: none"> - The applicant is claiming on behalf of another candidate in order to meet the minimum required on the list. - The candidate stated that he resigned from the Ministry on 10/2015 yet the Attorney-General (?) proved that he is still registered as an employee. <p>Hence, the list is unable to meet the minimum of 3 required under Article 9.</p>	Candidacy Rejected (List Failed)
389/2016	26/08/2016	28/08/2016	Amman	Tareq Sleiman Aazer (Al-Islah List)	[Article 11] [Article 9] IEC rejection on the basis that the candidate has an ongoing contract with the National Electric Company in violation of Article 10(H) of Law No.6.	<ul style="list-style-type: none"> - Article 10(H) requires him to have ended his contract with the governmental institution (also reinforced by Diwan Khass Decision No.4 of 2014). - Has several contracts with the national electric company. 	Candidacy Rejected



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
391/2016	26/08/2016	28/08/2016	Amman	Samer Qawar (Al-Mustaqbal List 'Future List')	IEC rejection on the basis that the candidate's position as Honorary Counsel of San Marino disqualifies him from candidacy. [Article 11]	<ul style="list-style-type: none"> - The Applicant is the Honorary Counsel of San Marino under Law 58 of 2001. Claimed that the role of an Honorary Counsel is an executive and diplomatic role that does not contradict the text, nor the object and purpose, of the Elections Law or Constitutional provisions on candidacy. - Applicant claims that the IEC's addition of new criteria to candidacy is unconstitutional. The decision is not in compliance with Article 70, 75 and 76 of the Constitution and Elections Law No 6 does not contain any provisions precluding Honorary Counsel's from running. - Court stated that the purpose of the restrictions in Article 75 of the Constitution and in Law No 6 is to better ascertain the public interest and that of individuals in Jordanian society. - Any Honorary Counsel will have a loyalty to the country of which he is appointed and cannot have loyalty to serve this country. - Court claims that his rejection is a correct application of Article 11 of Law No. 6 and in accordance with Law No. 58 of 2001 concerning Honorary Counsels. <p>LTO 02 Report notes that no other Christians were left on that list.</p>	Candidacy Rejected
392/2016	26/08/2016	28/08/2016	Amman	Mohammad Al-Dalaein (Al-Izz wa Shomoukh List)	IEC rejection on the basis that the candidate is a Member of the Association for	<ul style="list-style-type: none"> - Applicant claimed that the Association for Retired Servicemen and Veterans is not a governmental institution. - The Law No 26 of 1977 establishing the Association shows that it was established as a governmental institution (Article 3), so the candidate's employment there up until 	Candidacy Rejected (List Failed)



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Court of Appeals									
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision		
					Retired Servicemen and Veterans. [Article 11]	18/08/2016 disqualifies from candidacy under Article 11 of the Elections Law. - As a result, the candidate's list (on which two other candidates were accepted) was unable to meet the minimum required.			
395/2016	26/08/2016	28/08/2016	Amman	Khaled Arrar (Al-Haq List)	IEC rejection of the list for having more than the maximum seats in the Al Balqa area (against Article 9)	The maximum seats for the Al Balqa governorate is 10. The list had 11 people – 8 Muslim and 3 Christians (one of which is a woman). The applicant claimed that the law permits an additional number of people from the minority. The Court rejected this and stated that the maximum seats of the governorate is the total maximum.	List Rejected		
19/2016	26/08/2016	29/08/2016	Ma'an	Rajae Mousa Al-Khleifat (Petra List)	IEC rejection on the basis that the candidate has not resigned within 60 days from his position in the Association for Retired Servicemen and Veterans. [Article 11]	He submitted his resignation from his position as the President of the Al Aqaba branch of the Association for Retired Servicemen and Veterans on 8/8/2016 – which is less than the 60 days required under Article 11 of Law No. 6 of 2016.	Candidacy Rejected		



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
393/2016	27/08/2016	28/08/2016	Amman	Ziad Al-Zubi (Al-Shabab List)	IEC rejection of the candidate on the basis that the list not meeting the minimum required. [Article 9]	<ul style="list-style-type: none"> - Registered on 18/08/2016 as part of a list of 3 people. Two candidates withdrew. The applicant claimed that the IEC's rejection was a violation Article 17(D). - On 23/08/2016 the IEC rejected his candidacy for not meeting the minimum required in Article 9, following the withdrawal of two list members on 22/08/2016. - The Court: "This is a correct application of Article 9 and Article 17(D) is inapplicable to this case because the withdrawal of the candidates took place before the IEC had accepted the candidacy of the list...Article 17(D) is only applicable in cases in which the withdrawal takes place after the IEC accepts the candidacy of the list..." 	Candidacy and List Rejected (List did not meet minimum)
394/2016	27/08/2016	29/08/2016	Amman	Amer Al-Hamaydeh (Al-Najah List)	IEC rejection on the basis that the candidate is a government employee in the Association for Retired Servicemen and Veterans. [Article 11]	<ul style="list-style-type: none"> - He is a retired member of the gendarmerie. He ended his contract with the Association for Retired Servicemen and Veterans on 01/08/2016 which is less than 60 days before the elections, in violation of Article 11. - 9 other members on the list were accepted candidates. 	Candidacy Rejected



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
396/2016	27/08/2016	29/08/2016	Az Zarqa	Mashaal Farhan Al-Anzi (Al-Nashmiyat List) [female candidate]	IEC rejection because he is from the Northern Badia and is registered on the voter list there, so cannot run in Az Zarqa	<ul style="list-style-type: none"> - Candidate raised Article 10 of Law No 6 as listing exhaustive criteria precluding nomination. - Candidate raised Article 6 of the Constitution on the equality of Jordanian nationals, and that his rejection from the IEC due to the fact that he is from the Northern Badia is unconstitutional. - Court stipulated that the Badia regions are closed off regions for voter lists and candidates, which is a “criterion for candidacy <i>additional</i> to Article 10 of Law No. 6,” according to a reading of Article 8 of the Law and Law No. 75 of 2016 which section off the governorates. - The Badia regions are closed off to the “tribes of the Badia” for voting and electoral candidacy, and as the candidate belongs to the Northern Badia, per the divisions outlined in Article 8, the candidate cannot run in the Az Zarqa governorate. - “That the sons of the Badia cannot nominate themselves as candidates outside of their respective governorates is not in contradiction to the equality of citizens, as the applicant claimed, because the intent of the legislator in considering these closed districts is to provide protection to this category of persons.” - 7 other members on the list were accepted candidates. 	Candidacy Rejected



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
397/2016	28/08/2016	29/08/2016	Amman	Bassem Issa Al-Saleem (on his own behalf and on behalf of the Na'am List)	<p>The IEC's rejection on the basis that he is from the Central Badia and erred in its administrative decision to issue the rejection after the required 7 day period, after an acceptance had been issued.</p>	<ul style="list-style-type: none"> - The IEC accepted his candidacy on 24/08/2016 but then issued a rejection on 25/08/2016. - The Applicant claimed that there is no legal provision allowing the IEC to take back its acceptance and issue a rejection of candidacy. Further, it issued the rejection on 25/08/2016, when he had registered on 17/08/2016 and this is past the 7 day period the IEC had to reject candidacy. - The Applicant also claimed that the basis of his rejection due to the limitation placed on Badia people is unconstitutional. <p>The Court claimed that Article 10 of the Law is not an exhaustive list, and Article 8's division and correlating Law No. 75 of 2016, adds a criterion of eligibility concerning the closed off Badia districts. As 'Al-Saleem' is a tribe from the Central Badia in the Law, Bassem Al-Saleem cannot run for candidacy outside of this governorate, and "the intent of the legislator in forming these electoral governorates is to provide protection to these categories of persons."</p> <p><u>Regarding the IEC's reversal of its acceptance of candidacy, it is the right of the IEC to correct its legal mistakes that it made within the 7 day period, and it is required to do so within its limited jurisdiction to implement the law correctly.</u></p> <p>The Court stated: "It is within the right of the IEC to rectify a situation that is in violation of the law that was made within the legal period, considering that the IEC is an</p>	Candidacy Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
18/2016	28/08/2016	30/08/2016	Ma'an	Majed Abed- AlQaraan	The IEC's rejection on the basis of the candidate's continued employment in the Television and Radio Association.	<p>administrative body with the right to rescind mistakes it made in application of the law, as it is an administrative body limited to implementing specific provisions. And if it is proven that their application of the law was a mistake and in violation of what is required within the law, it may withdraw or rescind that mistake without a set deadline. This is because the admin's actions is based on a limited jurisdiction that is conditioned solely to the legality of such actions, thus its decisions cannot be considered legal if it does not comply with the legal provisions. Therefore, the administrative decision issued within its restricted jurisdiction decides a right which is derived from the legal text directly; it decides the right, it does not establish the right. Accordingly, since the Applicant is from the Central Badia, the IEC's rescinding if their acceptance of his candidacy in Amman is in compliance with the applicable law and is not a mistake which violates the law...</p> <p>He resigned from his job at the Television and Radio Association on 21/8/2016, which is not within the sixty days required under Article 11 of Law No. 6 of 2016.</p>	Candidacy Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
53/2016	28/08/2016	30/08/2016	Irbid	Two applicants: 1. Faisal Najadat (on behalf of himself) 2.. Faris Qadah (on behalf of his list 'Itihad List')	The IEC's rejection of Faisal Najadat from the Itihad List on the basis of his employment in the Economic and Social Association for Retired Servicemen and Veterans.	Retired Colonel from the military, enrolled in the Association for Retired Servicemen and Veterans with a monthly salary of JD650, and did not resign until 25/08/2016. The Association is a public institution and he must be considered an employee pursuant to his receipt of a monthly salary. The Applicants put forward a claim of unconstitutionality with Article 75 of the Constitution, but did not specify a provision within the Law that they claim to be unconstitutional, as per Article 11 of Law No 15 of 2012 establishing the Constitutional Court. Thus, their claim of unconstitutionality is inadmissible without a specified provision.	Candidacy Rejected
400/2016	29/08/2016	30/08/2016	Amman	Nidal Al Al-Kawakzeh on behalf of Bassem Al-Saleem (Na'am List)	The IEC's rejection of Bassem Al-Saleem's candidacy on the basis that he is from the Central Badia and erred in its administrative decision to issue the rejection after the required 7 day period, after an acceptance had been issued.	The Applicant is raising a claim on behalf of another candidate, whose appeal failed before the same Court of Appeal on 29/08/2016. "The Court of Appeal's decisions on candidacy under Article 15(e)(ii) of Law No.6 are final judgements that cannot be re-appealed, and thus this appeal must be rejected as a matter of procedure."	Candidacy Rejected



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398/2016	29/08/2016	31/08/2016	Central Badia	Mohammad Al-Rateemeh	The IEC's rejection on the basis that he is a member of the Economic and Social Association for Retired Servicemen and Veterans. [Article 11]	-The Economic and Social Association for Retired Servicemen and Veterans is a public institution under Article 3 of its law. - Thus, under Article 11, he cannot be a candidate for election.	Candidacy Rejected
32/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Aiman Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. The objection based on Article 11: - There is an ongoing case in Amman's courts concerning a debt from the university to the candidate, yet that does not affect her resignation from the university which was accepted on 15/05/2016. - NOTE: Court's interpretation is not clear. The Court starts by stating that the contentious question is whether she submits her resignation 60 days prior to the election date, not whether it is accepted. However, on the facts of the case her resignation was accepted on 15/05/2016 and the ongoing case is another matter. It is unclear whether the Court is stating that the contentious question under Article 11 is whether the	Voter Appeal Rejected



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						<p>resignation was submitted 60 days before, irrespective of its corollary acceptance, OR whether the resignation date for the purposes of Article 11 is unaffected by any related cases or aspects such as debts.</p> <p>The objection based on her Badia registration:</p> <ul style="list-style-type: none"> - The candidate is registered on the voter list in Ma'an, as is proven by official documents from the Civil Status Department and the IEC's voter register. The voter has not provided any proof showing that she is from the Southern Badia. Therefore, this claim is rejected. - The Court confirmed that the Badia is a closed off region for candidacy, referencing the judgement of Case No. 52/2016 concerning Samira Banidomi on candidacy appeals. The court differentiated between Case No.52/2016 in which Banidomi had previously been on the voter register of the Badia and this case in which Odat has never been on the voter register. This basis is thus rejected (?) <p>Note: By-law No.75 of 2016 lists the name Al-Odat in the list of families in the Southern Badia. The Court made no reference to her origins or this by-law.</p> <p>Note: Other sources state that Odat is from the Badia, but her husband is from Ma'an.</p> <p>Note: A media article states that although her family name is 'Odat', it is not the same family as those</p>	



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						which belong to the Southern Badia. This article was based on a statement by the IEC.		
33/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Ahmad Omeirah (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as above in Judgement No. 32/2016.	Voter Appeal Rejected	



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
34/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Muath Akhu-Omeirah (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected
35/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which	The objection was launched by Ali Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
36/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	cannot be amended in accordance with Article 6(a) The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Amal Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	



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Court of Appeals								
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
37/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Ali Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	
38/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which	The objection was launched by Mantahi Al-Ruwwad (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	



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Court of Appeals								
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
39/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	<p>cannot be amended in accordance with Article 6(a)</p> <p>The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)</p>	<p>The objection was launched by Haroon Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab.</p> <p>Same as Judgement No. 32/2016 above.</p>	Voter Appeal Rejected	



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
40/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Basma Al-Hababbeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
41/2016	03/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Yoshiko Yataro Mazemoto Mazemoto (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	
42/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which	The objection was launched by Saif Khawaledeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	



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Court of Appeals								
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
43/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Ibrahim Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected	



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
44/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Rafeedah Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected
45/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which	The objection was launched by Iman Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected



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Court of Appeals								
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision	
46/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	<p>cannot be amended in accordance with Article 6(a)</p> <p>The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)</p>	<p>The objection was launched by Ahmad Assaf (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab.</p> <p>Same as Judgement No. 32/2016 above.</p>	Voter Appeal Rejected	



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Court of Appeals							
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
47/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which cannot be amended in accordance with Article 6(a)	The objection was launched by Ahmad Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected
48/2016	04/09/2016	05/09/2016	Ma'an	Maha Odeh Al-Odat	The candidate is an employee of a public university in accordance with Articles 8 and 9 of the Law governing the university, in violation of Article 11 of the Elections Law, and is also registered on the voter list in the South Badia which	The objection was launched by Imad Abu-Odeh (a voter registered in the district and launching an objection within the required time frame). The lawyer was Imad Kassab. Same as Judgement No. 32/2016 above.	Voter Appeal Rejected



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					cannot be amended in accordance with Article 6(a)		
31/2016	03/09/2016	06/09/2016	Ma'an	Khaled Zaher Al-Fanatseh	That the candidate has contractual relations with governmental or public institutions in violation of Article 10(h) [Voter: Abdalqadir Al-Fanatseh]	<p>The following positions were alleged as violations and decided upon by the Court:</p> <ul style="list-style-type: none"> - Consultant to the President of the Jordan Phosphate Mines Company [Court: <i>Phosphates Mines Company is not governmental; the government only owns 25.661% of its shares and does not exercise any control.</i>] - Member of the Social Security administration. [Court: <i>he was appointed as a member pursuant to his role in the Trade Union and Law No. 6(a)(9) of the Social Security laws, which does not render him an 'employee' as is understood in the Elections Law.</i>] - Vice President of the General Federation of Trade Union of Workers [Court: <i>Trade Union is not an official public institution as is understood in the Elections Law.</i>] - President of the Trade Union of Workers Mining department [Court: <i>Trade Union is not an official public institution as is understood in the Elections Law.</i>] - Member of the Economic Social Council [Court: <i>According to the relevant laws, he receives no salary nor any benefit from his Membership. Although a clause in the Economic Social Council laws prevents duplicity of membership between the</i> 	Voter Appeal Rejected



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Court of Appeals									
Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision		
49/2016	04/09/2016	06/09/2016	Ma'an	Khaled Zaher Al-Fanatseh	That the candidate has contractual relations with governmental or public institutions in violation of Article 10(h) [Voter: Abdal-Rahman Abdalqadir Al-Fanatseh]	<i>Council and the Cabinet of Ministers, that is confined to that text, and does not apply to Article 10 of the Elections Law).</i> Therefore, none of his positions preclude him from running as a candidate under the Elections law.	Voter Appeal Rejected		
50/2016	04/09/2016	06/09/2016	Ma'an	Khaled Zaher Al-Fanatseh	That the candidate has contractual relations with governmental or public institutions in violation of Article 10(h) Three objectors: Ahmad Al-Fanatseh, Tawfiq Al-Maani, Saleh Al-Fanatseh	Same text as judgement No. 31/2016 above. The case was brought by the objectors on a personal basis, and without a lawyer's representation. A case cannot be brought before the Court of Appeal without a lawyer's representation in accordance with Article 41 on the Law of the Jordanian Bar Association.	Voter Appeal Rejected		



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
51/2016	04/09/2016	06/09/2016	Ma'an	Ibrahim Abu-Izz	That the candidate has contractual relations with a company owned or controlled by the government violation of Article 10(h) (by Khawlah Al-Jahni)	<p>The candidate purportedly has a contract with the Al Aqaba Development Corporation which is owned by the government.</p> <p>The candidate is a lawyer who has signed a lawyer fee agreement with the Al Aqaba Development Corporation. He ended his contract on 15/07/2016 and received his final cheque payment on 09/08/2016 and has had no other contractual relations with the corporation. He has provided sufficient paperwork and proof to show that his contract ended on 15/07/2016, which is 60 days prior to the day of elections. Therefore, the objection is rejected and his candidacy is valid.</p>	Voter Appeal Rejected
52/2016	04/09/2016	06/09/2016	Ma'an	Ibrahim Abu-Izz	That the candidate has contractual relations with a company owned or controlled by the government contrary to Article 10(h) (by Mohammad Al-Kreshan)	<p>The candidate purportedly has a contract with the Al Aqaba Development Corporation which is owned by the government.</p> <p>The candidate is a lawyer who has signed a lawyer fee agreement with the Al Aqaba Development Corporation. He ended his contract on 15/07/2016 and received his final cheque payment on 09/08/2016 and has had no other contractual relations with the corporation. He has provided sufficient paperwork and proof to show that his contract ended on 15/07/2016, which is 60 days prior to the day of elections. Therefore, the objection is rejected and his candidacy is valid.</p>	Voter Appeal Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
327/2016	03/09/2016	05/09/2016	Amman	Ali Abu-Sukkar	<p>That the candidate has been sentenced to imprisonment for more than one year for a non-political crime contrary to Article 10(e) of the LPE</p> <p>[By: Abdulliah Hussein]</p>	<p>The candidate was a registered voter and candidate Amman's 1st district.</p> <p>The candidate was sentenced to imprisonment for 1 year and 1 month by the Court of Cassation in Decision No. 1034/2006. He was convicted under Article 150 of the Penal Code which prohibits writing or speeches which stir sectarian or racial prejudices or incite conflict between sects.</p> <p>On 02/09/2016, the King issued a Special Pardon and he was released from prison. [Note: Special Pardons are provided for in Article 51 of the Penal Code]</p> <p>Temporary Law No 10 of 2011 issued a 'general pardon' for all criminal convictions except for a number of crimes stipulated in Article 3 of that law, one of which is that of 'State Security Crimes' in the Penal Code, of which Article 150 on speech/writing is one. Therefore, he was given a Special Pardon but not a General Pardon. All that a Special Pardon does is reduce or end the criminal sentence, while a General Pardon "erases the criminality of the act" under Article 50 of the Penal Code.</p> <p>A General Pardon (under Article 50 of the Penal Code) is required for an individual to run for candidacy under Article 10(e) of the LPE.</p> <p>Conclusion: As the candidate has been sentenced to a criminal conviction for 1 year and 1 month and did not</p>	Voter Appeal Accepted



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
328/2016	03/09/2016	05/09/2016	Amman	Hussam Al-Masha	That the candidate was an employee of the Ministry of Education and did not resign 60 days prior to election day in accordance with Article 11 of the LPE. [By: Abdullah Hussein]	<p>qualify for a General Pardon, despite having been issued a Special Pardon, he does not meet the candidacy conditions under Article 10(e). Accordingly, his candidacy must be rejected.</p> <p>The candidate was a registered voter and candidate Amman's 1st district.</p> <p>The candidate was a Principal in a public school. He was asked to retire on 13/07/2016 before 24/08/2016. He applied for retirement on 18/07/2016 which was pending the acceptance of retirement from the Ministry's board that was issued on 24/08/2016.</p> <p>The Court stated that a retirement request is not effective until accepted by the Board. Therefore, he is considered an employee up until 24/08/2016, which is less than 60 days prior to election day. His candidacy is rejected and the IEC's acceptance revoked in accordance with Article 11 of the LPE.</p>	Voter Appeal Accepted
329/2016	03/09/2016	05/09/2016	Amman	Walid Qanah	Contractual relationship with the Government by virtue of his employment at an international organisation that	<p>The international organisation 'Life for Relief and Development', of which the candidate has been and remains to be an employee, has had a contractual arrangement with the Jordanian Government since 2004.</p> <p><u>Court:</u> The candidate is solely an employee of the international organisation. The organisation has a legal personality of its own, in accordance with Article 12 of the</p>	Voter Appeal Rejected



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Case No.	Date of Appeal	Date of Decision	District Court	Candidate (List)	Subject of Appeal	Relevant Facts / Court Reasoning	Appeal Decision
430/2016	03/09/2016	05/09/2016	Amman	Qays Zayadeen	<p>holds governmental contracts. [By: Aiman Al-Falaileh]</p> <p>That the candidate is an employee in the Jordanian Football Association which is a public institution, as well as a member of an international organisation FIFA, contrary to Article 11 of the LPE. [By: Ashraf Qawar]</p>	<p>Associations Law (2008) which stipulates that each registered society is a legal person. As the contract is with the Life for Relief and Development organisation, and not with the candidate himself in his personal capacity, Article 10 and 11 of the LPE are not applicable. The voter appeal is rejected.</p> <p>The candidate is running in Amman's 3rd district. The objection is on the basis of the candidate's employment in a public institution contrary to Article 11 as he remains to be employed at the Jordanian Football Association receiving a salary, and is the Chairman of the Disciplinary Committee of the Football Association.</p> <p>Firstly, with regards to Article 11(a) concerning employment in a public institution, the Jordanian Football Association has financial and administrative independence and is a voluntary civil society organisation, also its members are not employees and receive no benefits in accordance with the meaning of Article 11(a). Thus, he is not an employee of a public institution.</p> <p>Secondly, although the Jordanian Football Association is a member of FIFA, an international organisation, it does not fall within the scope of Article 11(b) as the international organisation's purpose is limited to playing football worldwide. Under public international law, it is established that international organisations are established under treaties or laws to meet certain purposes such as the UN or UNICEF or the Arab League. FIFA is solely an organisation</p>	Voter Appeal Rejected



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						for playing football and is not based on an international treaty, and is not identified among the international organisations meant under Article 11(b). Thus, he is not an employee of an international organisation and his candidacy is accepted.		
431/2016	03/09/2016	05/09/2016	Amman	Voter Registration	Objection to the IEC's re-opening of voter registrations for Badia people who were registered in other districts after the Final Voter's List has been determined, in violation of Article 6(a) of the LPE	The Court of Appeal has no jurisdiction to hear an appeal on voter registration, as they only have jurisdiction to hear appeals on candidacy rejections and voter objections to candidacy per Article 15 and 16 of the LPE. Accordingly, the case was dismissed without further examination.	No Jurisdiction	
432/2016	05/09/2016	06/09/2016	Amman	Amjad Al-Maslamani	That the candidate has governmental contracts through the companies he owns, contravening Article 10(h) of the LPE. [By: Haya Abu-Alharmoos]	Objection on the basis of Article 10(h) of the LPE, as the candidate owns Dallas Travel and Tourism and is the sole legal shareholder of it. The company holds governmental contracts with the Ministry of Religious Affairs. The Court stated that the contract held between Dallas Travel and Tourism is a legal requirement in order to protect Jordanian citizens who travel to Mecca for 'Omrah' and contain no assumption of rights to or from the government. Accordingly, it does not contradict Article 10(h) of the LPE.	Voter Appeal Rejected	



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433/2016	05/09/2016	06/09/2016	Amman	Hind Al-Qatawneh	<p>The candidate's acceptance contravenes the LPE, and the LPE is unconstitutional rendering all decisions which follow it invalid.</p> <p>[By: Hala Al-Hadid]</p>	<p>Claim that the candidate's acceptance was contrary to the LPE, and that the LPE itself is an unconstitutional legal framework that is valid in its entirety rendering all procedures and decisions that follow it invalid.</p> <p>A claim of unconstitutionality must be examined by the Constitutional Court after referral according to the Law of the Constitutional Court No. 15 of 2012. The general claim of unconstitutionality of the LPE has no clear grounding or legal basis and points to no substantive provisions or reasons. The claim cannot be considered "substantive" in order to satisfy the requirements for referral under Article 11 of the Law of the Constitutional Court.</p> <p>The claim put forward no legal or substantive basis concerning the objection to the candidate's candidacy.</p>	<p>Claim of Unconstitutionality Rejected</p> <p>Voter Appeal Rejected</p>
434/2016	05/09/2016	06/09/2016	Amman	Haitham Abu-Khadeejah	<p>The candidate's acceptance contravenes the LPE, and the LPE is unconstitutional rendering all decisions which follow it invalid.</p> <p>[By: Moayad Al-Majali]</p>	<p>Claim that the candidate's acceptance was contrary to the LPE, and that the LPE itself is an unconstitutional legal framework that is valid in its entirety rendering all procedures and decisions that follow it invalid.</p> <p>Claim that the candidate's acceptance was contrary to the LPE, and that the LPE itself is an unconstitutional legal framework that is valid in its entirety rendering all procedures and decisions that follow it invalid.</p> <p>A claim of unconstitutionality must be examined by the Constitutional Court after referral according to the Law of the Constitutional Court No. 15 of 2012. The general claim of unconstitutionality of the LPE has no clear grounding or legal basis and points to no substantive provisions or</p>	<p>Voter Appeal Rejected</p>



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						<p>The claim cannot be considered “substantive” in order to satisfy the requirements for referral under Article 11 of the Law of the Constitutional Court.</p> <p>The claim put forward no legal or substantive basis concerning the objection to the candidate’s candidacy.</p>	
435/2016	05/09/2016	06/09/2016	Amman	All candidates on the Future Amman List	<p>Objection on the candidacy of all members of the list and objection to the use of a similar name to the objectors’ list.</p> <p>[By: All candidates on the Amman List]</p>	<p>The Amman List is objecting to the candidacy and name of the Future Amman List in the same district (Amman’s 3rd District)</p> <p>The objectors state that the Future Amman List imitated the Amman List’s name, which is the name that Amman’s 3rd District knows their list by. The objectors express surprise at the use of the name and similar logo and their change from the Future List to adding the word Amman to the list name. The conduct contravenes the law and common duties to do with elections, and the use of a similar name in the same district will have a negative effect on the electoral process and the integrity and transparency of the vote.</p> <p>Firstly, the Court has no jurisdiction to hear an objection to a name as the Court may only hear objections to candidacy in accordance with Article 15 and 16 of the LPE. Secondly, there was no specific reason for the objection to candidacy in accordance with Article 10 of the LPE and no legal basis for the objection. Thus, the claim is rejected.</p>	<p>Appeal to Name of List Rejected</p> <p>Voter Appeal Rejected</p>



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Electoral Disputes After Election Day

Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
472/2016	Amman (1) Amman Court of Appeal	Mohammad Al-Majali	The IEC and all 15 female candidates who won reserved seats.	Invalidity of Reserved Seats Results. The IEC contravened Article 50(b) of the LPE by not providing preliminary lists for the female reserved seats, prior to providing the final lists (?).	The voter brought a claim against all 15 female reserved seat winners, whereas Article 71 of the Constitution only allows for a voter to bring a claim against a candidate within his/her district.	Rejected [Procedural]
487/2016	Amman (1) Amman Court of Appeal	Nawal Awad	The IEC, polling committees and all winners of seats in Amman District 1.	A number of alleged flaws and violations led to the invalidity of results: (1) Inadequate training of polling staff took place only 3 days prior to election day (2) The presence of both a manual and an electronic data system allows for the Special Committee to make mistakes / tamper with results. (3) Candidate agents could not observe electronic entries, giving room for tampering; (4) Other violations included vote buying outside polling centres	Not accepted in substance	Rejected



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
468/2016	Amman (1) Amman Court of Appeal	Unkn	Unknown	<p>A number of claims of unconstitutionality</p> <ul style="list-style-type: none"> - reserved female reserved seats, reserved - Christian/Circassian/Chechen seats - method of dividing districts. 	<p>The claim of unconstitutionality did not follow the procedures set out in Article 11 of the Law of the Constitutional Court (No. 15 of 2012) as it was not presented as a separate application, but rather within the substance of the claim itself.</p>	Rejected [Procedural]
469/2016	Amman (1) Amman Court of Appeal	Unkn	Unkn	As above	<p>The claim of unconstitutionality did not follow the procedures set out in Article 11 of the Law of the Constitutional Court (No. 15 of 2012) as it was not presented as a separate application, but rather within the substance of the claim itself.</p>	Rejected [Procedural]
489/2016	Amman (3) Amman Court of Appeal	Ibrahim Nasser	The IEC and all winners of seats in Amman District 3.	<p>Alleged (1) Numerous voters and candidates were people of the Badia, which contravenes the ‘closing-off’ of the Badia regions in accordance with Article 8 of the LPE and By-Law No. 75;</p> <p>(2) The IEC altered the Final Voter List contrary to Article 6(a) of the LPE with regards to voters in the Badia regions.</p>	<p>The appeal concerned the Final Voter Lists, which is (1) under the jurisdiction of the First Instance courts and (2) was allocated a deadline of 7 days after the Board’s decision, according to Article 4(H) of the LPE.</p> <p>The Ma’an Court of Appeal Decision 55/2016 rejected an appeal on the acceptance of a candidate’s initial candidacy at an earlier stage of the electoral process and cannot fall under Article 71 of the Constitution.</p>	Rejected [Merits]



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
454/2016	Amman (4) Amman Court of Appeal	Hamad Abu-Zeid	The IEC, polling committees and all winners of seats in Amman District 4.	Alleged (1) A number of violations in the polling centres affected electoral results. (2) The declaration of invalidity of over 1000 ballots under Article 43 of the LPE was incorrect and they should be recounted Order to (1) Recount all polling boxes and (2) recount all invalid ballots.	Merged under 454/2016. The Court ordered a recount of the invalid ballots in Amman District 4, which was conducted by a Court-appointed expert committee. The report of the committee showed a minor difference of 20-30 ballots incorrectly declared invalid in only 4 of the boxes.	Rejected [Merits]
465/2016 [Merged under 454]	Amman (4) Amman Court of Appeal	Othman Al-Shawabkeh	The IEC, polling committees and all winners of seats in Amman District 4.	As above.	The lawyers requested a recount of all ballots. The Court rejected their request. As a consequence, the lawyer representing Hamad Abu-Zeid (454/2016) declared his withdrawal, unaccepted by the judges, and refused to give closing pleadings. Closing pleadings were given in written form by the lawyers representing 465/2016, 479/2016, 480/2016 and 491/2016. The Court noted the absence of the lawyer of 454/2016 during closing pleadings and announcement of the final decision.	Rejected [Merits]
479/2016 [Merged under 454]	Amman (4) Amman Court of Appeal	Abdulhadi Al-Muharqeh	The IEC, polling committees and all winners of seats in Amman District 4.	As above.		Rejected [Merits]
480/2016 [Merged under 454]	Amman (4) Amman Court of Appeal	Abdullah Abu-Zeid	The IEC, polling committees and all winners of seats in Amman District 4.	As above.		Rejected [Merits]
491/2016 [Merged under 454]	Amman (4) Amman Court of Appeal	Assaf Shawabkeh, Mariam Al-Jaabari & Shadi Abu Hasmeh	The IEC, polling committees and all winners of seats in Amman District 4.	As above.		Rejected [Merits]



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484/2016	Amman (5) Amman Court of Appeal	Yousef Areikat	The IEC and all winners of seats in Amman District 5.	<p>Alleged a number of violations and tampering invalidate the elections, contrary to Article 67 of the Constitution, and the appellant calls for a by-election in Amman District 5, on the basis of:</p> <p>(1) International observers recorded a number of violations, including:</p> <ul style="list-style-type: none"> - One voter taking a picture of a ballot paper (box 121); - Campaigning in or near polling centres; - Candidate agents placing pressure on voters in one school; - Not using cameras; in the Kamalieh Asasieh School, the Special Committee accused a voter of voting more than once which she refused and resulted in a fight with the candidate agents which affected the will of voters; - In the Al-Rakabi school, voters took pictures and it was not dealt with; - In the Umm Habibeh school, one of the heads of the Special Committee took the results and stamps and ink without handing it over to the head of the polling centre, and authorities were informed of this incident. - The closing off of a number of schools from candidates (listed). - The moving of the bags of ballots from the centres without the 		Rejected [Merits]



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
477/2016	Belqaa Amman Court of Appeal	Akef Al-Smeirat	The IEC, its board and President, and Fawzi Al-Daoud (winning candidate)	<p>supervision of IEC authorities or other authorities.</p> <ul style="list-style-type: none"> - Polling Committees leaving the polling centre before polling and counting ended. (2) Tampering with ballots in favour of the Al-Hazem list. (3) Tampering in particular during the moving of boxes from the university, as it took 14 hours to transport the boxes. (4) Some voters did not find their name on the list of people who voted. (5) Unstamped ballot books were included. <p>Alleged Invalidity of Result of the Winner of the Christian Seat (1) There was no necessity to apply Article 30 of the LPE in polling centres. (2) Tampering with the ballot papers - incorrect results, contrary to Article 42 of the LPE. This resulted in the votes for the appellant going from 5081 to 4864. (3) procedures of the committees - no accurate verification by the Committee as required under Article 48 of the LPE. (4) The Special Committee acted outside of its scope and affected the counting and calculating of votes. (5) The IEC did not follow the necessary procedures to identify and resolve a difference in the number of</p>	The application unclear	Rejected [Merits]



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485/2016	Belqaa Amman Court of Appeal	Mohammad Alaqqemeh	The IEC, polling committees and Candidate Mahmoud Al- Adwan	<p>voters and ballots according to Article 48 of the LPE. (6) The IEC refused entry of candidates into the IEC to complain of the Special Committee's actions in the polling centres and refuses to provide results of specific ballot boxes to the candidates.</p> <p>Alleged Invalidity of Results (1) A number of procedural violations in the counting of boxes 1 – 61 resulted in mistakes which omitted considerable votes from the Al-Haq List (of which the applicant is a member) and in favour of the Deir Ala List (of which the winning candidate is a member). (2) Deir Ala received 8495 votes, with the candidate (applicant) receiving 4868 votes. Whereas, Al-Haq list received 8654 votes with the winning candidate receiving 3148 votes. The absence of accuracy and correctness in the polling and counting of votes inadvertently affected the votes of the applicant candidate. Requests a recount of boxes 1-61.</p>	<p>The Court ordered the requested evidence to be provided by the IEC. The IEC provided protocols and Special Committee reports for all polling stations in the Belqaa district. The Appellant pointed to mistakes in the calculation of the votes, when comparing the manual protocols to the final results.</p> <p>On 2 November, the Court ordered experts to review the protocols. The mistake was found to be a human error in the switching of numbers (eg. 4688 was recorded instead of 4868). The Appellant's closing statement detailed the mistakes in calculation and that the expert report was insufficient.</p> <p>The Appellant (the highest candidate on his Deir Ala list) lost to the defendant (the 2nd highest</p>	Rejected [Merits]



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495/2016	Belqaa Amman Court of Appeal	Siham Al- Bizbiz	The IEC, polling committees and winning candidates in Belqaa.	Invalidity of Results Call for a recounting of all ballots in Belqaa and, accordingly, a Court order to declare the applicant the winning candidate, on the basis of a series of alleged polling number of violations	<p>candidate on the Al-Haq List) by a small margin of 21 votes.</p> <p>The Appellant candidate stood up and thanked the Court for their time and consideration, despite the result not being in his favour.</p> <p>Note: There was a noted rivalry between Al-Haq and Deir Ala in Belqaa.</p> <p>Although long, the application lacks substance and evidence, and the Arabic is badly phrased.</p> <p>The applicant received 17 votes, with her list receiving a total of 39 as the lowest ranking list in the country. Even if the appeal succeeded on the basis of violations, the applicant cannot satisfy her claim that the Court should order her as the winning candidate.</p>	Rejected [Procedural]
462/2016	Central Badia Amman Court of Appeal	Hind Al-Fayez & Zeid Al-Fayez	The IEC, polling committees and winning candidates in Central Badia.	Invalidity of Results Decision No. 38/2016 of 22/09/2016 and the Official Gazette Publication No. 5425 of 28/09/2016 by the Board of the IEC that contains the announcement of the winning candidates in the Central Badia District in the 18th Parliamentary Election. This appeal concerns the procedures of the electoral process in the Central Badia	<p>The Appellants relied on Article 71(5) of the Constitution concerning the elections not being conducted in accordance with the Law. However, the question of threshold arises here and was not addressed by the Appellants. It was raised by the closing pleadings of the Defendant</p>	Rejected [Merits]



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
463/2016 [Merged under 462]	Central Badia Amman Court of Appeal	Mohammad Al-Shammout & Talal Abu-Khreshan	The IEC, polling committees and winning candidates in Central Badia	<p>District, calling for the invalidity of these results and the electoral process that followed from violations of the law and procedure and is characterised by severe flaws, in accordance with which Article 71 of the Constitution is applicable.</p> <p>Tampering: The stealing of 10 ballot boxes which were subsequently tampered with, as confirmed by the IEC, violated the Penal Code as well as Article 60 of the LPE under which this criminal action is prescribed a sentence of 5-10 years. Ballot books were damaged and some were replaced with ballot books that had incorrect signatures. This tampering affects the will of the voters, particularly in the 4 boxes which were omitted, and invalidates the electoral process, as well as brings questions of national security, politics and justice into play.</p> <p>Requests a declaration of invalidity of the elections in the Central Badia district due to severe violations and tampering of boxes and the holding of a by-election.</p>	<p>Suleiman Al-Ziben, who went through the legal procedures step-by-step that were indeed complied with, before effectively concluding that the Central Badia elections followed the procedures meant under Article 71(5). Further, the Appellants only relied upon a single piece of evidence - the reports of the decision of the IEC Board in omitting 4 boxes and IEC Chairperson's Press Conference in which he details the tampering. They put forward no request for other evidence or the opening of the boxes, nor did they raise the question of a 3% difference detailed in the LPE and Executive Instructions.</p> <p>The Court's rejection was received by a large group of Central Badia candidates and supporters for either side, prompting the Judge to precede his decision with a statement urging appropriate behaviour for a Court room and avoiding bringing familial disputes into a court room.</p> <p>Timeline: On 18 October, the appeals concerning tampering in the Central Badia were merged under</p>	Rejected [Merits]



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464/2016	Central Badia	Ghazi Al-Ziben &	The IEC, polling committees and	<p>winning candidates in the Central Badia District in the 18th Parliamentary Election. This appeal concerns the procedures of the electoral process in the Central Badia District, calling for the invalidity of these results and the electoral process that followed from violations of the law and procedure and is characterised by severe flaws, in accordance with which Article 71 of the Constitution is applicable.</p> <p>Tampering: The stealing of 10 ballot boxes which were subsequently tampered with, as confirmed by the IEC, violated the Penal Code as well as Article 60 of the LPE under which this criminal action is prescribed a sentence of 5-10 years. Ballots were damaged and some were replaced with ballots that had incorrect signatures.</p> <p>This tampering affects the will of the voters, particularly in the 4 boxes which were omitted, and invalidates the electoral process, as well as brings questions of national security, politics and justice into play.</p>	<p>Case 462/2016 (Hind Al-Fayez). On 22 October, evidence by the IEC was provided, which included the minutes of meeting of the IEC, their reports on the Central Badia as well as a CD on public statements.</p> <p>On 24 October, pleadings in relation to the evidence provided made by the Appellants, during which they disputed the absence of a signature on the IEC reports and attempted to show extracts of a CD provided by the IEC in Court, to which the Court refused.</p> <p>On 27 October, final statements were made by the Appellants focused on the political question before the Court before the population of Jordan and the international community.</p> <p>On 29 October, the Defendants made their final statements, focusing on both questions of procedure and merits in the interpretation of Article 71(5)</p>	Rejected [Merits]



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[Merged under 462]	Amman Court of Appeal	Nayefah Al-Ziben	winning candidates in Central Badia	<p>Gazette Publication No. 5425 of 28/09/2016 by the Board of the IEC that contains the announcement of the winning candidates in the Central Badia District in the 18th Parliamentary Election. This appeal concerns the procedures of the electoral process in the Central Badia District, calling for the invalidity of these results and the electoral process that followed from violations of the law and procedure and is characterised by severe flaws, in accordance with which Article 71 of the Constitution is applicable</p> <p>Tampering: The stealing of 10 ballot boxes which were subsequently tampered with, as confirmed by the IEC, violated the Penal Code as well as Article 60 of the LPE under which this criminal action is prescribed a sentence of 5-10 years. Ballot books were damaged and some were replaced with ballot books that had incorrect signatures. This tampering affects the will of the voters, particularly in the 4 boxes which were omitted, and invalidates the electoral process, as well as brings questions of national security, politics and justice into play.</p>		
474/2016 [Merged under 462]	Central Badia	Sayel Al-Jboor	The IEC, polling committees and winning	Call for invalidity of results in Central Badia due to a number of violations, which included:		Rejected [Merits]



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475/2016 [Merged under 462]	Amman Court of Appeal		candidates in Central Badia	<ul style="list-style-type: none"> - Votes by individuals who did not have a right to vote and miscounting of invalid ballot books. - Inaccuracy in the polling and counting of ballots. - The stealing of ballot boxes and the tampering with its contents. The stealing of the ballot boxes was a publicly known incident, verified by statements of President of the IEC, Khaled Kalaldeh, and Jihad Al-Momani. 		
	Central Badia Amman Court of Appeal	Salah Al-Jboor & 13 others	The IEC, polling committees and winning candidates in Central Badia	<p>Call for invalidity of results in Central Badia due to a number of violations, which included:</p> <ul style="list-style-type: none"> - Votes by individuals who did not have a right to vote and miscounting of invalid ballot books. - Inaccuracy in the polling and counting of ballots. - The stealing of ballot boxes and the tampering with its contents. The stealing of the ballot boxes was a publicly known incident, verified by statements of President of the IEC, Khaled Kalaldeh, and Jihad Al-Momani. 		Rejected [Merits]
481/2016	Central Badia	Ghadeer Al- Wadhan	The IEC, polling committees and	Invalidity of Results		Rejected [Merits]



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[Merged under 462]	Amman Court of Appeal		winning candidates in Central Badia			
494/2016 [Merged under 462]	Central Badia Amman Court of Appeal	Ali Jboor & Haitham Jboor	The IEC, polling committees and winning candidates in Central Badia	Invalidity of Results		Rejected [Merits]
493/2016	Central Badia Amman Court of Appeal	Bassem Al-Saleem	The IEC, Board of the IEC, and the winning candidates in the Central Badia	Invalidity of Results & Unconstitutionality (1) The IEC violated Article 73(1) of the Constitution as the stipulated “general election” has not been completed due to the omission of counting a number of the ballot boxes in Central Badia due to a criminal act prohibited in Article 60 of the LPE. The results were announced with box No. 92 missing and excluding 4 boxes with tampered contents. This deprived certain voters of their constitutional right to vote and deprived the candidates of votes, rendering the Central Badia electoral results invalid and incomplete. Accordingly, the Central Badia elections were incomplete, and as the Central Badia is an electoral district per Article 8(a) of the LPE, this renders the “general election” incomplete and thus does not satisfy Article 73(1) of the Constitution.	As the Appellant is not a registered voter in the Central Badia district, the right to bring the case in that district is questionable under the Law. Further, the substance of the case (apart from the question of unconstitutionality) concerns the Final Voter Lists, which were appealable to the First Instance courts under the LPE. Following Case No. 55/2016 in Ma’an, it was likely that the Court rejected the case on the basis of a lack of jurisdiction to hear it under Article 71 of the Constitution, as it should have been raised at an earlier stage of the process.	Rejected



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				<p>(2) The IEC's publication of the official results in Official Gazette issue no. 5425 on 28/09/2016 meant that the Parliament was unable to "convene" within four months of its dissolution on 29/05/2016, as it is required to "convene" under Article 73(1) of the Constitution, as the IEC published results on the last possible day within the four month period.</p> <p>(3) The IEC violated Article 6(a) of the LPE when it reopened the Final Voter Lists past the stipulated deadline and removed the names of dead people which invalidates the Final Voter Lists upon which the elections were conducted.</p> <p>(4) The Final Voter Lists conjoined voters from the three different Badia districts, and the three Badias also consisted of voters whose names are not listed as those of the Badia in the By-Law. That the Badia people are the descendants of the families listed in the By-Law was shown in Case 397/2016 of 25/08/2016 concerning the IEC's rejection of my candidacy (Bassem Al-Saleem), which stipulated that the Badia districts are closed off. The voting of individuals outside of the Badia districts to which they follow is contrary to the law stipulated</p>		



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				<p>and confirmed by this very Court of Appeal, which thus renders all such votes invalid and invalidates the electoral results.</p> <p>(5) The electoral process and legal framework is unconstitutional, particularly contravening the non-discrimination provision which stipulates the Jordanians shall be equal before the law. The By-Law's ethnic, sectarian and religious division, particularly the division of the Badia districts according to blood-descendants, and the allocation of reserved seats based on Circassian or Chechen ethnicity and the reserved seats based on Christianity constitutes a division that directly violates the constitutional principles of non-discrimination and equality stipulated in Article 6.</p> <p>(6) The legislator incorrectly stipulated in Article 15(E)(ii) that electoral appeals are to be referred to the Court of Appeal and that the Court's decisions are to be final. The IEC's decisions concerning candidacy are administrative decisions, as confirmed by this Court of Appeal in Case No. 397/2016 concerning my candidacy (Bassem Al-Saleem). According to Law on Administrative Courts No. 27 of 2014, the High Administrative Court is to be specialised court to</p>		



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				<p>review claims concerning administrative decisions, and the sole court at that. Thus, the legislator was incorrect to allocate the Court of Appeal as specialised to hear cases concerning the IEC's administrative decisions on candidacy. Further, Article 15(E)(ii)'s stipulating that the Court of Appeal decisions are final deprives candidates from a secondary course of appeal, as it allows a first-level case at the stipulated Court of Appeal with its granted jurisdiction, but does not allow a further second-level of appeal concerning the decision of an administrative body. This violates the access to judicial justice and right to have a secondary course of appeal, violating constitutional principles and rendering the LPE unconstitutional.</p> <p>Accordingly, we request:</p> <ul style="list-style-type: none">- The invalidity of the IEC's announcement of final results according to the reasons stipulated in Paragraphs (1)-(4) of the application.- The unconstitutionality of the LPE according to Paragraph (5) of the application.- The unconstitutionality of the absence of a secondary course of appeal concerning candidacy according to		



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478/2016	Madaba Amman Court of Appeal	Ali Sneid & Others	The IEC, polling committees and all winners of seats in Madaba.	<p>Paragraph (6) of the Application.</p> <p>Invalidity of Results (1) There was no necessity to apply Article 30 of the LPE in polling centres. (2) Tampering with the ballot papers which resulted in incorrect results, contrary to Article 42 of the LPE. This resulted in the votes for the appellant going from 5081 to 4864. (3) The final election results follow from violations of Article 47 of the LPE concerning the procedures of the committees and there was no accurate verification by the Committee as required under Article 48 of the LPE. (4) The Special Committee acted outside of its scope and inadvertently affected the counting and calculating of votes. (5) The IEC did not follow the necessary procedures to identify and resolve a difference in the number of voters and ballots according to Article 48 of the LPE. (6) The IEC refused entry of candidates into the IEC to complain of the Special Committee's actions in the polling centres and refuses to provide results of specific ballot boxes to the candidates. (7) The red dot next to the Al-Wahda Watanieh List in the ballot books must be omitted.</p>	<p>The evidence requested (protocols, polling centre results...) were ordered by the Court and provided by the IEC.</p> <p>The Appellant lawyers were deliberately absent from the Court hearing in which the Judgement was announced.</p>	Rejected [Merits]



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490/2016	Madaba Amman Court of Appeal	Suleiman Al-Maleeti		Invalidity of Results	The evidence requested (protocols, polling station results...) was ordered by the Court and provided by the IEC.	Rejected [Merits]
492/2016	Al Karak Amman Court of Appeal			Miscalculation of Results	Request for experts rejected by the Court.	Rejected [Merits]
488/2016	Al Karak Amman Court of Appeal	Hani Mayateh		Incorrect implementation of Article 46 of the LPE and Article 27 of Executive Instruction 10 concerning the division of votes amongst seats allocated in the district, as the counting should have qualified the reserved seats in the context of Article 9(d) of the LPE. In Al Karak, the votes were divided by 10. The appeal argues that the votes should have been divided by 8 which are the 'Open List' seats, as the other 2 are reserved seats. The division of the list votes among 10 is a fundamental mistake in the counting of results, and that directly resulted in the loss of the applicant to the case who had received the highest votes in his list.	Court may have relied on the letter of the law (or the ambiguity therein) which defines reserved seats as seats allocated to districts in the same manner as non-reserved seats	Rejected [Merits]
473/2016	Al Karak Amman Court of Appeal			Miscalculation of Results	Request for experts rejected by the Court.	Rejected [Merits]
461/2016	Az Zarqa (1) Amman Court of Appeal	Salti Khuleifat & Mohammad Salam		Invalidity of Results Numerous violations at polling centres resulted in incorrect results.	Absence of Appellant lawyer from final hearing.	Rejected [Merits]



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476/2016	Az Zarqa (2) Amman Court of Appeal	Ahmad Salameh and Mohammad Al-Hajooj	The IEC, polling committees and all winners of seats in Az Zarqa District 2	<p>Invalidity of Results (1) Violations of Executive Instruction 9 on Polling and Counting and Executive Instruction 10 on Results, including the counting of valid and invalid ballot books, incorrect implementation of the requirement to refer differences of 3% or more difference in the ballot books, a number of invalid ballot papers were counted particularly in favour of Ali Al-Khalaleh on the Future List;</p> <p>(2) The writing of numbers was in English, contrary to the executive instructions and causing a confusion in the counting of votes as some were counted in English and others in Arabic (for example, the 5 in Arabic looks like a 0 in English);</p> <p>(3) Polling staff failed to verify votes in ballot boxes compared to voters;</p> <p>(4) Differences in electronic and manual recording;</p> <p>(5) Differences in how polling centres treated ballots which did not have the list ticked;</p> <p>(6) The ballot boxes were moved from the centre in which they were originally announced to be counted in, without the supervision of candidate agents;</p> <p>(7) The announcement of results was late;</p>	<p>Court decision to reject requested evidence (protocols and polling station results and Special Committee reports) despite insistence of lawyers on 26 October. Closing statement of lawyers noted that the absence of the evidence rendered it difficult for the Court to come to a correct conclusion.</p>	Rejected [Merits]



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486/2016	Az Zarqa (2) Amman Court of Appeal	Suleiman Al- Khalaitah	The IEC, Polling Committees and all winners of seats in Az Zarqa District 2.	<p>(8) The preliminary results had a slow margin between the Future List and Karameh List.</p> <p>(9) Problems with ballot books and miscalculation of votes resulted in the election not reflecting the free will of the people in a democratic fashion.</p> <p>(10) Challenge to the validity of electoral results, particularly the difference between the Future List and the Karameh List. The final results show a 12 votes difference between the lists.</p>		Rejected [Merits]



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56/2016	Jerash Irbid- Court of Appeal	Ali Kokzeh	Unspecified.	Unconstitutionality of the LPE and Articles 8(a) and 8(b) on the district divisions and female reserved seats.		Rejected [Procedural]
57/2016	Jerash Irbid- Court of Appeal	Ali Kokzeh	The IEC, the IEC's Board and the President of the IEC's Board.	Challenge to the final election results and validity of the winning candidates, calling for a declaration of invalidity of elections and a by-election in the Jerash district.		Rejected [Procedural]
58/2016	Jerash Irbid- Court of Appeal	Wareh Al-Dalabeeh	The IEC, the IEC's Board and the President of the IEC's Board.	Challenge to the final election results and validity of the winning candidates, calling for a declaration of invalidity of elections and a by-election in the Jerash district.		Rejected [Procedural]
60/2016	Irbid District 4 Irbid- Court of Appeal	Rakez Rabab'eh	The Board of the IEC.	Challenge to the IEC's final election results on the basis that the LPE's limitation of the right to vote to a single list is contrary to the constitutional right to vote. The application calls for the invalidity of the appointment of Muntaha Al-Baool and the removal of Safa' Al-Momani from the Open List to the reserved seat, based on a challenge to the validity of female candidates on the Open List: (1) Women cannot run for seats on the open list outside of the reserved seats stipulated in Article 8(b) of the LPE. (2) The IEC incorrectly allowed women to not fall under the maximum required in a list (Article 9(d)(ii)), while allowing women to fall under		Rejected [Procedural]
Record No. not obtained	Ajloun Irbid- Court of Appeal	103 Applicants	The IEC, Safa' Al-Momani (female) and Muntaha Al-Baool (female)		The majority of the 103 Applicants are from the 'Momani' family.	Rejected [Procedural]



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Record No. not obtained	Ajloun Irbid-Court of Appeal	No details of this case were available at time of writing bar outcome		<p>the 4 seats allocated to Ajloun under By-Law No. 75 of 2016.</p> <p>(3) The IEC violated Article 46(a)(4) in its polling and counting of votes on the calculation of votes for female candidates by allowing them to count for the open list.</p> <p>(4) The IEC contravened Article 8 of the LPE which specifies that women only have 15 seats.</p> <p>(5) The IEC incorrectly implemented Decision No. 6 of the Special Bureau of Interpretation and allowed it to increase the number of seats a woman can win outside of the reserved seats.</p> <p>(6) The IEC incorrectly allowed Decision No. 6 of the Special Bureau of Interpretation to override the existing provision in the LPE on the calculation of women seats (Article 46).</p> <p>(7) The IEC incorrectly referred one sole provision to Decision No. 6 of the Special Bureau of Interpretation instead of looking at all other provisions within the LPE which limit the seats a woman can win to the 15 reserved seats (Article 9(d) and Article 46(a)(iv)).</p>		Rejected [Procedural]



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
Record No. not obtained	Irbid District 1 Irbid-Court of Appeal	Khalid Al-Sholool	The IEC, polling committees in Irbid District 1, Head of the PCC in Irbid District 1, Head of Polling Centre Inath Doqra, Head and members of PCC in PC Inath Doqra, Security in PC Inath Doqra, and all winning candidates in Irbid District 1.	Invalidity of Results		Rejected [Procedural]
Record No. not obtained	Ma'an Ma'an - Court of Appeal	Hussein Al-Halalat & Hassan Al-Shalabi		Concerned violations in the Wadi Musa area.	Ballot boxes in Wadi Musa were opened and recounted (?).	Rejected [Merits]
55/2016	Ma'an Ma'an - Court of Appeal	Maha Odat	The IEC, Board of the IEC, President of the IEC, polling committees in Ma'an, and the Candidate Ibtisam Al-Nawafleh	A challenge to the candidacy of the candidate winning the reserved seat in Ma'an on the basis that she did not resign from her position as an employee of the Ministry of Education within the 60 days required by law. The candidate applied for retirement but the decision permitting her retirement was only issued by the board on 26/08/2016, contrary to Article 11 of the LPE. This clear violation of the law invalidates the acceptance of her candidacy and thus	The Courts of Appeal had earlier ruled during the candidacy process that the submission of a letter of resignation was adequate	Rejected [Procedural]



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Case No.	District	Appellant	Against	Subject of Appeal	Comment (In absence of written decisions of the Courts at the time of writing)	Decision
				renders her seat invalid under Article 71 of the Constitution.		



ANNEX 5 TABLE OF RECOMMENDATIONS

Priority Recommendations

No	Area of Assessment	Purpose	Recommendation	Target Institution	Int'l/Regional Instrument, Article	Commitment
P1.	Enhancing Participation	Promote universal right to vote in order to enhance participation	Guarantee the right to vote to all citizens without distinctions of any kind. Amend the constitution/ law accordingly.	Legislature	ICCPR, Art 25	Right to vote of every citizen
P2.		Promote Universal Suffrage, Participation of Youth	Amend the Constitution to decrease the eligibility age for membership of the Chamber of Deputies at least in line with existing thresholds for municipal councils. Fix in law the voter age as defined by the Bureau.	Legislature	ICCPR, Art 25, GC 15	Right to Stand. “Any restriction on the right to stand, such as minimum age, must be justifiable on objective and reasonable criteria”
P3.		Promote Women’s Participation	Implement the recommendations of the JNWC to assign a minimum 23 reserved seats (one per electoral district) in addition to right to be elected outside the reserved seat system. Adopt measures to require political parties to appoint women to key decision making roles	Legislature	ICCPR Art 3 CEDAW Art 4.1	Right to Vote Affirmative Action – Special Temporary measures
P4.		Promote Equality	Guarantee the right and opportunity of women in decision making roles within IEC structures through the adoption of ECOSOC Resolution 15/1990 recommendations	IEC	ICCPR Art 3, CEDAW Art 1	Equal right of women to political rights, Special measures
P5.		Promote greater Participation	Ensure access to and knowledge of and ability to seek amendments to	IEC		



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				PVL based on extended time line for display and amendments coupled with voter outreach and awareness activities					
P6.		Promote Participation		Amend the law to permit public servants to stand on basis of resignation only after election success.	Legislature	ICCPR Art 25, GC 16	Right to Stand. Measures to avoid conflicts of interest should not unduly limit the rights protected.		
P7.		Promote choice of political representation to enhance participation		Amend the law to ensure that the right to vote or to stand is not limited to specific constituencies solely on the basis of ethnic origin or descent.	Legislature	UDHR Art 21.1 ICCPR, Art 25 (a)	Freely chosen representatives		
P8.		Promote informed choices		Amend the law to ensure that public media cover campaign activities to enhance informed choices.	Legislature	ICCPR, Arts. 19 and 25	Voters' choices should be informed.		
P9.	Enhancing Transparency	Promote Efficiency, Transparency, Public Confidence		Ensure early issuing and distribution of manuals on procedures and operations well in advance of election day	IEC				
P10.		Promote certainty, transparency, integrity and confidence		Adopt procedural rules to ensure timely publication of all IEC decisions impacting electoral process and clear guidelines on timely deadlines for publication of same	IEC				
P11.		Promote Transparency and public confidence		Guarantee direct access to observers and party and candidates' agents to all stages of counting and tabulation, including at district suboffices and the SC proceedings	IEC				
P12		Promote Transparency, consistency and integrity of campaigns		Campaign finance regulations to ensure consistent reporting standards, within specified deadlines, with clear provisions for sanctions for non-compliance.	IEC	UNCAC, Art 7	Funding of candidature		



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P13	Enhancing Compliance with Standards	Promote equality of the vote	Amend the law and the constitution to include precise mechanisms on delimitation of boundaries with the aim and purpose of achieving equality of the vote and representation between electoral districts	Legislature	UDHR, Art 21.3 ICCPR, Art 25 (b)	Genuine elections, equal suffrage
P14		Promote Freedom of the Media and Freedom of Expression	Amend legislation to promote freedom of the media and freedom of expression to limit self censorship	Legislature	ICCPR Art.19	Freedom of the Media and Freedom of Expression
P15.		Promote Freedom of Expression and Transparency	Guarantee the right to CSO observer groups to issue their findings on election results without restrictions	IEC		Freedom of Expression

Additional Short Term Recommendations

No	Area of Assessment	Purpose	Recommendation	Target Institution	Int'l/Regional Instrument, Article Commitment	
S1.	Political Context	Promote culture of adherence to campaign regulations and engagement with electorate	The adoption and promotion of a comprehensive code of conduct between political actors prior to elections	IEC, Political Parties and Candidates	ICCPR, Art 25 GC 26 Respect for the rule of law. Enable citizens to exercise political rights	
S2.	Legal Framework	Promote participation and voting by persons with disabilities and those without access to polling centres	Adopt special measures, including fixed and/or mobile polling stations to assure the right to vote to disabled, persons in places of detention, (jails and prisons) for the and those confined within health care institutions Establish fixed and/or mobile voting stations for places of detention and health care institutions	IEC	ICCPR, Art 25 CPRD 29(a) Effective exercise of the right to vote	
S3.	Election Administration	Promote Efficiency, Transparency, Public Confidence	Ensure early issuing and distribution of manuals on procedures and operations well in advance of election day	IEC		
S4.		Promote Certainty and Confidence	Determine the closing date of amendments to the FVL as definitive. Remove legal provisions allowing adoption of FVL after its close date.	IEC/ Legislature	UDHR, Art. 21 ICCPR, Art 25	Right to Participate



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S5.	Election Observation	Promote Participation	Extend the opportunity for CSO observers accreditation to a date close to election day	IEC		
S6.	Media	Freedom of the Media	Ensure independence of the JMC	Legislature	ICCPR Art.19	
S7.		Access to information	Provide equitable amounts of free airtime on state owned media for electoral contestants in the campaign period.	Legislature		Access to information in order for voters to make informed choices.

Additional Long Term Recommendations

No	Area of Assessment	Purpose	Recommendation	Target Institution	Int'l/Regional Instrument, Article	Commitment
L1.	Political Context	Promote Participation in political and public affairs Strengthen the role of political parties. Encourage competition and development of political programmes	Amend the LPP to include provisions clearly outlining their object and purpose, with incentives for memberships.	Legislature	ICCPR 25, GC 26	Freedom of Association
L2.		Promote certainty, transparency	Amend campaign finance provisions in the law to avoid funding of traditional campaign methods associated with vote buying	Legislature	ICCPR (25) b UNCAC, Art 7	Ensure the voter's choice not undermined by disproportionate expenditure
L3.		Promote right and freedom to participate	Remove unreasonable limitations on the right of candidates to stand. Amend the law to permit persons to run as independent candidates without being restricted to membership of coalitions	Legislature	ICCPR 25, GC17	Right to Stand
L4.		Promote respect for will of the voters	Amend constitution to ensure parliament empowered and plays expanded role in governmental power and policy.	Legislature	ICCPR 25, GC7	"It is implicit in article 25 that...representatives do in fact exercise governmental power"



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L5.	Legal Framework	Promote equal treatment of citizens	Amend the electoral laws to bring it into line with Constitution and international obligations, and guarantee the right to stand irrespective of the period of nationality.	Legislation	UDHR, Art 21 ICCPR, Art 2 ICCPR, Art 25	Right to Stand – Non-discrimination between citizens,
L6.		Promote fair procedures	Amend the law to provide right and mechanism of second recourse of appeal.	Legislature		Right of Appeal. Application of Fair procedures.
L7.		Promote Participation of youth	Amend constitution to fix the voting age in line with decision 6 of 2016 of the Law Interpretation Bureau and enhance youth participation and continuity for future elections.	Legislature	ICCPR, Art 25	Right to Vote of all Citizens
L8.		Promote certainty	Ensure clear and separate timelines for each stage of the process, in particular between registration and appeals stages and the campaign period.	Legislature		
L9.		Promote certainty and transparency	Ensure legislation pertaining to election process is published in a timely manner well in advance of the election calendar	Legislature		
L10.	Media	Promote equal treatment	Adopt regulations to ensure that private media is subject to the same regulation as state owned media with regards to equal and impartial broadcasting of election news and campaigns	Legislature	ICCPR Arts 19, 25 GC 25	Legal Authority of Media Regulatory Bodies
L11.		Ensure certainty	Establish clear IEC led procedures for addressing rules and procedures in violations by the media during the election campaign. Codify the law regarding effective implementation of election related activities.	Legislation		Rule of Law

