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Observation of the early parliamentary elections in Jordan (20 September 2016)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Mr René ROUQUET, France, Socialist Group

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1. Introduction

1. On 26 January 2016, the Parliamentary Assembly adopted Resolution 2086 (2016) granting the Jordanian Parliament "partner for democracy" status with the Parliamentary Assembly. It emphasised the importance of organising free and fair elections as the cornerstone of a true democracy and expressed the expectation that, consequently, it would be invited to observe the parliamentary elections in Jordan, beginning with the early elections scheduled for 2016.

2. At its meeting on 24 June 2016, the Bureau of the Assembly decided to observe the parliamentary elections in Jordan, subject to receiving an invitation. It set up an ad hoc committee for that purpose, comprising 11 members and also including the rapporteur of the Committee on Political Affairs and Democracy on "Evaluation of the Partnership for Democracy in respect of the Parliament of Jordan", and appointed Mr René Rouquet (France, SOC) as Chair of the ad hoc committee.

3. At its meeting on 5 September 2016, the Bureau took note of the letter of invitation sent by Mr Khalid Al Kaladeh, Chairperson of the Independent Election Commission of the Hashemite Kingdom of Jordan.

4. In line with the co-operation agreement signed on 4 October 2004 between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission), a representative of the Venice Commission was invited to join the ad hoc committee as a legal adviser.

5. The membership of the ad hoc committee, based on the proposals of the Assembly's political groups, is reproduced in Appendix 1.

6. The ad hoc committee went to Jordan from 17 to 22 September 2016 and held talks *inter alia* with political party representatives, Mr Shalem Hamad, Minister of the Interior, Mr Ali Al Drabkeh, Secretary General of the Independent Election Commission, as well as representatives of the international community present in Jordan and representatives of civil society. The programme of the meetings of the ad hoc committee is set out in Appendix 2. The ad hoc committee wishes to thank the Jordanian authorities for their help in organising this visit.

7. For the purpose of these elections, the Kingdom was divided into 23 electoral districts (there were 45 such districts in 2012). The electoral districts and the allocation of seats between the 12 governorates and the three Badia regions[1] were defined in accordance with the 2016 law on elections and the regulations governing electoral districts (No. 6/2016). This allocation is shown in Appendix 3.

8. On polling day, the ad hoc committee split into six teams which observed voting in Amman and its region, as well as the governorates of Central Badia, Balqua, Jerash, Karak, Irbid, Madaba, Ma'an and Tafileh.

9. The ad hoc committee concluded that the Independent Election Commission had organised the poll with integrity and in full transparency. The press release published at the end of the elections is reproduced in Appendix 4.

2. Political context and legal framework

2.1. Parliament

10. Jordan is a parliamentary constitutional monarchy. It has a bicameral parliament, made up of the Senate and the Chamber of Deputies. The members of the Senate are appointed by the King by royal decree in the conditions laid down by the Constitution. The term of office of senators is four years. Senators whose term of office has expired may be appointed for a new term of office. The number of senators (including the Speaker of the Senate) may not exceed half the number of deputies. At present, the Senate has 75 seats. The Speaker of the Senate is appointed by the King by royal decree for a two-year term of office, which is renewable.

11. The previous Chamber of Deputies, made up of members elected by direct suffrage, was dissolved by the King on 31 May 2016. It had been elected for four years in accordance with the legislation adopted in 2012 and had 150 seats, of which 123 had been filled by a direct, secret general ballot for single-mandate local constituencies. Of those 123 seats 9 had been reserved for Christians, 9 for Bedouins, 3 for Chechens and Circassians and 15 for women. The other 27 seats had been allocated to the political parties on the basis of a general nationwide constituency by closed-list proportional representation.

12. The composition of the previous parliament had been strongly characterised by a system allowing heavy representation of trans-Jordanian tribes and various small groupings around eminent figures, at both local and national levels. The latter tended to focus on issues relating to their electoral strongholds rather than matters of national importance.

13. Over the years, this attitude has prompted disinterest and fairly strong dissatisfaction with regard to the work of the parliament on the part of many Jordanians, resulting in fairly low election turnouts. A further factor was the system of "active" voter registration which required citizens interested in voting to be proactive and take the necessary steps to have their names put on the electoral roll.

1. The Badia regions are vast, sparsely populated areas in the north, centre and south of the country, where Bedouin tribespeople live.

14. The new Chamber of Deputies will be constituted on the basis of the results of the elections held on 20 September 2016, which were organised in accordance with the law on elections amended in March 2016.[2] It comprises 130 members elected by direct suffrage, which is 20 members fewer than the dissolved chamber. The number of reserved seats remains unchanged (36). The 130 members are elected for a four-year term of office. The Speaker is also elected. His term of office, which has been doubled, will be two years.

15. The new law has introduced a fundamental change, with all the deputies being elected by proportional voting from party lists. This change is in line with the idea that Jordan needs a "parliamentary regime"; King Abdullah II has stated for years that the Jordanian Parliament must represent the entire ideological spectrum of parties and that the Prime Minister should be elected by a government coalition. The system of registration on the electoral roll has also been changed and been made "passive", with all citizens aged over 17 years and 90 days on polling day being registered automatically and entitled to vote.

2.2. Government

16. Where relations between parliament and the government are concerned, it should be remembered that, on 29 May 2016, King Abdullah II appointed Mr Hani al-Mulki, the Head of the Aqaba Special Economic Zone Authority, to the post of prime minister, replacing Mr Abdullah Ensour. Mr Hani al-Mulki had an initial mandate of four months, ending after the elections of 20 September 2016, in particular to achieve the aims of Jordan's "Vision 2025" reform plan and implement the law on decentralisation, which will not take effect before the municipal elections in 2017.

17. Mr al-Mulki's appointment marks a switch to a technical government, acting without the support of a parliament. The Chamber of Deputies was dissolved on 31 May 2016 and, in compliance with the Constitution, its members immediately lost their prerogatives and no longer sit.

18. Following the elections of 20 September 2016, the King mandated Mr Hani al-Mulki to form a new government on 25 September.

2.3. The reforms introduced by the King

19. The powers of the Prime Minister are limited, especially since the wave of constitutional amendments announced in April 2016, which reinforced the authority of the executive, and chiefly the powers of the King. On 27 April 2016, the Jordanian Parliament passed a controversial constitutional amendment giving the King the power to appoint and dismiss senior officials without consulting the government.

20. A paragraph added to Article 40 of the Constitution empowers the King to choose his successor, the head of the judiciary and the president of the Constitutional Council. The King, who is the supreme commander of the armed forces, also has the final say on top-ranking posts in the army, the intelligence services and the National Guard. The prerogatives linked to executive power exercised by the King remain unchanged but, previously, his decisions had to be vetted by the government, even if it rarely vetoed an appointment decided by the King. With the constitutional amendment, the powers of the King are now enshrined in legislation.

21. This consolidation of the King's powers must be viewed in a broader and more complex political context and time-scale as well as in the light of a long-term development strategy for the country. In the wake of the "Arab Spring" protests, the King swiftly set up i) a national dialogue committee, tasked with proposing legislative provisions regarding elections and political parties, and ii) the royal committee on constitutional reform, tasked with proposing amendments to the Constitution.

22. On the basis of the work carried out by those committees, between August 2014 and May 2016, the parliament passed 42 constitutional amendments, changing 39 of the Constitution's 131 articles and providing for the setting up of an independent election commission, greater accountability on the part of the government, greater autonomy of political parties, the prohibition of torture and the toughening up of the rules governing the dissolution of parliament.

23. Four major laws, regarded as key components of all the reforms undertaken by the King, were also passed: i) the Law on Independent Election Commission; ii) the amended Law on elections; iii) the Law on political parties; and iv) the Law on the Constitutional Court.

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2. Article 8 of the Law on elections stipulates that the Kingdom will be divided into electoral districts corresponding to the 130 seats to be filled. Article 9 provides that the parliamentary seats assigned to electoral districts will be filled through a proportional system with open lists.

24. Complementing that set of laws is the legislation on decentralisation adopted on 23 August 2015. This law provides for the election of councils at the level of Governorates and at the level of municipalities. It is seen as a further step towards the democratisation of the country, helping to broaden the participation of the Jordanian people in political decisions and as a driving force in economic development at local level.

3. Administration of elections, voter lists and candidate registration

25. Parliamentary elections are run by the Independent Election Commission (IEC) and the lower-level election commissions.

26. The IEC was set up in 2011 to autonomously manage and supervise the electoral process. The successive constitutional reforms of 2014 and 2016 further reinforced the powers of this body, which will also run the next municipal elections. The IEC comprises a Board of commissioners, itself made up of a chair and four members appointed by royal decree for a non-renewable term of office of six years (Article 6) and the lower-level election commissions. In April 2016, the King appointed Dr Khaled Kaladeh as Chairperson of the IEC.

27. According to Article 27 of the electoral law, “An election committee shall be formed in each electoral district by a decision of the Board with its chair and members appointed in the same decision to perform the tasks stipulated in this law and other regulations and executive instructions issued thereof”. The members of the Board are chosen from among government and public institution officials. They must not have any kinship up to the second degree with any of the candidates in their district.

28. The electoral law stipulates that only political parties and independent candidates can appoint observers. Those observers may be present at voting and vote-counting, but only one per list/independent candidate for each polling station.

29. Any Jordanian citizen over 17 years and three months of age has the right to vote, on condition of having full civil and political rights and not presenting any of the disqualifying criteria provided for in law.

30. According to the data provided by the IEC, 4 130 145 Jordanians were registered on the electoral lists, breaking down as follows: 2 186 951 women corresponding to 52.8% of voters and 1 952 711 men, equivalent to 47.2% of voters.

31. The number of voters has increased by 45% since 2012, above all as a result of the automatic registration of all citizens aged 17 years and three months.

32. Where the registration of lists of candidates from political parties and coalitions was concerned, the political parties were allowed to register their lists of candidates as of August. According to IEC data, 39 of the 50 political parties registered with the Ministry of the Interior submitted lists of candidates within the legally stipulated time limits in order to participate in the elections of 20 September 2016.

33. Under Article 11 of the Law on elections, a candidate to the Chamber of Deputies must meet a number of conditions, including: he/she must have been a Jordanian national for at least 10 years, must not hold the nationality of another country and must be at least 30 years old on polling day. A total of 1 252 candidates, of whom 252 were women, stood on 226 lists.

34. The Minister of the Interior and the Secretary General of the IEC gave a presentation to the ad hoc committee's members on voting procedures, vote-counting and the declaration of election results, as well as the most important changes in the new legislation governing these elections.

4. Election campaigning, campaign funding and media coverage

35. Election campaigning began on 16 August 2016 and, in accordance with legislation, was supposed to cease 24 hours before polling day but, in the event, it never stopped. Among other things, the latter stage of the election campaign period coincided with Eid al-Adha, the “Festival of Sacrifice”, which is one of the most important festivals in Muslim countries. As a result, Jordanians were off work from 9 to 17 September, three days before the vote. On the whole, the ad hoc committee's talking partners did not report any major incidents during the election campaign.

36. When meeting party and civil society representatives, the Assembly delegation emphasised the importance of Jordanian citizens actively participating in the parliamentary elections of 20 September 2016, which should strengthen their trust in and respect for the democratic process and give the newly elected parliament greater legitimacy.

37. The representatives of the Moubada Party and the Proper Democratic Party met by the ad hoc committee made the following points in their assessment of the legislative changes and the running of the election campaign:

– with the Eid al-Adha festival, the election campaign had lasted only five weeks, which was a relatively short period;

– the changes made to the electoral legislation were felt to be a real “leap into the unknown”. More specifically, it had to be seen how the new system of voting by party list would fit in with the current structure of Jordanian society, which was still tied in with tribal structures or personal bond. They stressed that the majority of the parties had no manifestos but instead promoted slogans;

– the buying of votes could be a fairly substantial problem, particularly during the festival period, when the exchanging of gifts was a tradition that was broadly followed and it was very difficult to draw a real distinction between the types and origins of gifts. Votes could be bought in this manner either via a direct cash payment to “heads of families” or to women or through the payment of school fees for children;[3]

– the election campaign was conducted in a rather unusual way: instead of organising large public meetings, the main parties, groupings or eminent figures rented marquees in key areas of cities where they welcomed voters, offered them refreshments and spoke to them. Even in a context of fairly strict electoral legislation on campaign expenses, counting a maximum of 5JOD (€6) per voter and per voting district in the big cities (for a voting district in a big city, with a population of 200 000, costs would amount to 1 million JOD) and 3JOD (€4) elsewhere, our talking partners thought that spending limits could be substantially exceeded, given that hiring a marquee could cost around 6 000/7 000 JOD (€7 500/8 800) a day, an amount to be multiplied by a good 20 days not including remuneration for the refreshment services provided to visitors;

– major cases of improper use of administrative resources;

– illicit conduct on the part of certain public officials who devoted part of their working time to work on the election campaign, despite this being strictly prohibited by law.

4.1. The media

38. Generally speaking, the media made considerable efforts to inform voters about the new electoral system and encourage them to turn out to vote. Radio and TV spots organised by the IEC were broadcast free of charge every day.

39. On the other hand, the State-owned radio and television broadcaster, Jordan Radio and Television Corporation (JRTV), and a large swathe of private media had decided not to cover campaigning activities in order to maintain a neutral and impartial stance. Their decision limited candidates' access to the media and reduced the possibility for voters to gain more detailed information on the candidates and their manifestos.

40. Moreover, the candidates were not allowed to purchase slots on State radio and television for their campaigns, a measure that was taken to prevent giving wealthier candidates an unfair advantage over those with less funding.

41. JRTV did however organise and broadcast a “Debates 2016” programme six days a week, on which the candidates were able to present their manifestos free of charge.

42. Owing to the restrictions on airtime, many candidates used social networks as the main media tool for their campaign.

43. The ad hoc committee noted the concerns aired by the party representatives. It believes that the new electoral legislation and its implementing regulations cover most of the issues raised.

44. It welcomes the efforts made by the Independent Election Commission, whose work has been remarkable at both national and local level. The IEC benefited from technical assistance from the United Nations Development Programme (UNDP) and substantial funding from the European Union. That support enabled the IEC to set up an efficient system for implementing the new electoral legislation at all levels.

3. The beginning of the election campaign coincided with the back-to-school period; the best schools are private establishments, charging fairly high school fees which account for a sizeable share of household budgets.

45. One noteworthy measure was the major drive to train those managing 1 483 polling stations throughout the country, enabling them to deal with a wide range of problems which cropped up on polling day.

46. The ad hoc committee has faith in Jordan's judicial system and is confident that it will duly handle any legal action filed, at its different levels.

5. Polling day

47. Polling day was untroubled and voters were able to freely make their choices from the lists presented by parties of different political persuasions.

48. The six Assembly teams observed the elections at 52 polling stations in Amman and its region, as well as the governorates of Central Badia, Balqa, Jerash, Madaba, Ma`an, Karak, Tafileh and Irbid.

49. The polling stations were segregated by gender, with men voting in boys' schools of all levels and women voting in girls' schools.

50. On the afternoon of polling day, the IEC decided to extend voting by one hour, so that it ran from 7 a.m. to 8 p.m.

51. There was one incident in the Central Badia voting district, where eight ballot boxes were stolen and subsequently found. As a result, the IEC organised a re-run in the constituencies concerned on 21 September. The re-run was incident-free.

52. The ad hoc committee members' assessment of the conducting of voting, including vote-counting, was very positive, and the teams did not find any irregularities.

53. Nevertheless, certain shortcomings were observed by the ad hoc committee members:

– the design of voting slips, in the form of a booklet, was confusing for voters when they chose between the different lists, and a number of voting slips were spoiled as a result. The booklet design also slowed down the vote-counting process;

– on the whole, the polling stations were fairly difficult to access for people with reduced mobility;

– people who were unable to read, chiefly in rural areas, found it difficult to vote without being assisted;

– there were few women among polling station officials; of the 52 polling stations visited, only 15 of them were chaired by women.

54. According to the definitive results issued by the IEC, the turnout was 36%, namely 1.4 million of the 4.1 million entitled to vote. In 2013, the turnout was 56%, namely 1.29 million of the 2.3 million entitled to vote.

55. Overall, the lists supporting the current government appeared to have secured victory. It is also noteworthy that the Islamic Action Front, the political wing of the Muslim Brotherhood, the only political movement organised at national level, won 16 seats out of 130 thanks to its three lists (Al Islah – national reform coalition, Al aqsa and Zamzam).

56. More detailed analysis of the vote is difficult at present, as most of the deputies were elected on the basis of lists bearing names with geographical connotations or tending to be linked to eminent figures at local level. When parliamentary blocs/coalitions start to be formed from the lists/parties during the constitution of parliament, more in-depth analysis of the results will be possible. For the first time, 20 women will sit in parliament, 15 elected to mandates reserved for women and 5 elected on proportional lists.

6. Conclusions

57. The Parliamentary Assembly's ad hoc committee for the observation of elections to the Jordanian Chamber of Deputies concluded that the parliamentary elections held on 20 September 2016 took place in a calm atmosphere, with voters able to freely make their choices from the lists presented by parties of different political persuasions.

58. The ad hoc committee salutes the professionalism of the Independent Election Commission, which organised the poll with integrity and in full transparency. It commends the professionalism and courtesy of the polling station officials met by the delegation during its visit.

59. The ad hoc committee considers that some aspects of the electoral process could be improved. The electoral legislation and its implementing regulations should more closely regulate the question of "prolonged election campaigning", which continued on voting day right up to the doors of the polling centres. The law should also consider whether the choice of voting method, using a voting slip in the form of a small booklet, is the most appropriate in terms of legibility for voters and management of the counting process. Moreover, the Parliamentary Assembly welcomes the effort made to ensure transparency during the count by using a camera, which allowed all observers to see the contents of each ballot paper.

60. The ad hoc committee invites the Jordanian authorities to carry out an in-depth analysis of the organisation of the parliamentary elections of 20 September 2016, the first elections to be held since the new electoral legislation was passed. The ad hoc committee is convinced that this work should be carried out in close co-operation with the Venice Commission with a view to improving the electoral legislation as well as certain practical aspects of the organisation of voting and, more generally, the entire electoral process before the next elections are held.

61. The ad hoc committee stresses the need to reinforce co-operation between the Parliamentary Assembly and the newly elected parliament within the framework of Resolution 2086 (2016) on partner for democracy status.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Mr René ROUQUET, France (SOC)

– **Group of the European People's Party (EPP/CD)**
  - Vladyslav GOLUB, Ukraine
  - Nicole DURANTON, France

– **Socialist Group (SOC)**
  - René ROUQUET, France
  - Geneviève GOSSELIN-FLEURY, France

– **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Olena SOTNYK, Ukraine
  - Andrea RIGONI, Italy
  - Anne KALMARI, Finland

– **European Conservatives Group (EC)**
  - Suella FERNANDES, United Kingdom
  - Arkadiusz MULARCZYK, Poland

– **Rapporteur of the Committee on Political Affairs and Democracy on "Evaluation of the partnership for democracy in respect of the Parliament of Jordan"**
  - Josette DURRIEU, France

– **Venice Commission**
  - Sergeï KOUSNETSOV, Head of Division

– **Secretariat**
  - Alessandro MANCINI, Administrator, Parliamentary Project Support Division, Parliamentary Assembly
  - Danièle GASTL, Assistant, Election Observation and Interparliamentary Co-operation Division

Appendix 2 – Programme for the election observation mission (Amman, 18-22 September 2016)

Sunday 18 September 2016

10:00-10:45	Meeting of the ad hoc committee: – Opening of the meeting and welcoming address by Mr René ROUQUET, Head of the delegation – Recent developments in the field of election legislation, by Mr Serguei KOUZNETSOV, Venice Commission – Practical and logistical arrangements presented by the Secretariat
11:00-12:00	Meeting with Mr Slameh HAMMAD, Minister of the Interior, accompanied by his collaborators in charge of electoral administration and election issues
12:15-13:45	Meeting with: – Mr Egidijus NAVIKAS, Head of the Political Section, Delegation of the European Union to the Hashemite Kingdom of Jordan, – Mr Nikolai VULCHANOV, Deputy Chief Observer of the European Union EOM in Jordan, and his team – Ms Lora BORISSOVA, Deputy Head of Division, European External Action Service – Mr Gonzalo JORRO MARTINEZ, Programme Manager, EU Delegation – Political background, electoral campaign
14:30-16:00	Meeting with Mr Ali Al DRABKEH, Secretary General of the Independent Election Commission
16:30-17:15	Meeting with representatives of NGOs involved in observing the elections: – Ms Lena ALOUL, Transparency International Jordan – Mr Amer BANI AMER, AL Hayat Centre for the development of society civil – RASED
17:15-18:15	Meeting with Mr Richard CHAMBERS, UNDP Chief Technical Adviser, Support to the Electoral Cycle in Jordan

Monday 19 September 2016

10:00-11:30	Meeting with the Partnership for democracy delegation of the Parliament of Jordan to PACE
11:30-12:30	Meeting with Ms Abla ABU OULBI, Proper Democratic Party
14:30-16:30	Meeting with Ms Laurence CARLIER, Deputy Long-Term Observer Coordinator of the EU EOM to Jordan in the Amman electoral district,

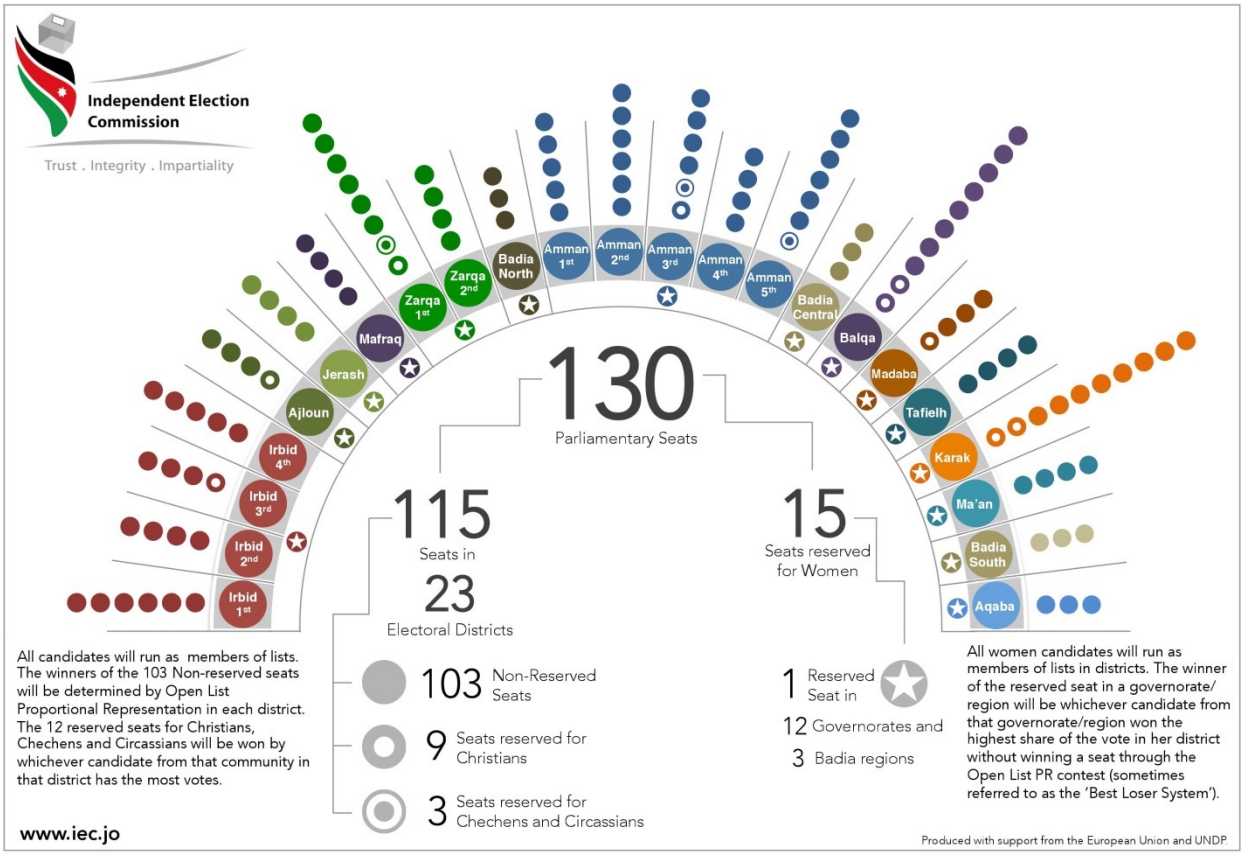
Tuesday 20 September 2016

06:30-07:00	Observation of the opening of polling stations
07:00-20:00	Observation of voting
20:00 –	Observation of vote-counting procedures

Wednesday 21 September 2016

10:00	Debriefing meeting of the ad hoc committee
13:00	Issue of press release

Appendix 3 – Districting and seat allocation for the 2016 parliamentary elections, as defined by the Law on Elections to the Chamber of Deputies (Law No. 6/2016) and the implementing regulations on the electoral districts



Appendix 4 – Press release issued by the Parliamentary Assembly observation mission

Partnership for democracy with Jordanian Parliament on the right track, early elections well administered

Strasbourg, 22.09.2016 – Following the invitation of Jordan's Independent Election Commission, the Parliamentary Assembly of the Council of Europe (PACE) observed, for the first time, the early elections to the Jordanian Chamber of Deputies which took place on 20 September 2016.

In 2016 the Jordanian Parliament was granted "Partner for Democracy" status with the Parliamentary Assembly of the Council of Europe, and committed itself to doing everything possible to ensure the elections were conducted according to international standards.

The PACE delegation, led by René Rouquet (France, SOC), was made up of thirteen members from seven European countries and visited Jordan from 17 to 21 September. It met with some of the candidates, the Minister of the Interior, the Secretary General of the Independent Election Commission, representatives of civil society and international organisations. On election day six teams of observers were deployed, observing the vote in Amman and its surrounding area, as well as in the governorates of Central Badia, Balqa, Jaresh, Madaba, Ma`an, Karak, Tafileh and Irbid.

The PACE delegation welcomes the professionalism of the Independent Election Commission, which organised the poll with integrity and in full transparency. It commends the professionalism and courtesy of the polling station officials met by the delegation during its visit. Jordanians, called upon to organise new elections within a completely new legislative framework, have risen magnificently to this major challenge.

The delegation noted that some aspects of the electoral process could be improved by heeding the advice of the Council of Europe's Venice Commission. The election law and its executive instructions should regulate more effectively the issue of the "prolonged election campaign", which continued on voting day right up to the doors of the polling centres. The law should also consider whether the choice of voting method, with a ballot in the form of a small booklet, is the most appropriate in terms of legibility for voters and handling of the counting process. Moreover, the PACE welcomes the effort made to ensure transparency during the count by developing the use of a camera, which allowed all observers to see the contents of each ballot.

The PACE salutes the commitment shown by members of the Jordanian delegation, who participated very actively in its work after obtaining Partner for Democracy status. The Jordanian delegation was able to showcase the development of the democratic process in their country but also helped to make the PACE members more aware of the challenges Jordan faces.

In the context of its work with the Parliament of Jordan, the PACE continues to actively support the Jordanians in their efforts towards the consolidation of democratic process in their country. The PACE is naturally ready to continue working with renewed interest with the new delegation, which it hopes will be designated as soon as possible.

The PACE will discuss a report on the parliamentary elections during the October 2016 part-session.