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Evaluation of the partnership for democracy in respect of the Parliament of Jordan

Addendum to the report[1]
Committee on Political Affairs and Democracy
Rapporteur: Ms Josette DURRIEU, France, Socialists, Democrats and Greens Group

1. Introduction

1. At its meeting on 6 September 2017, the Committee on Political Affairs and Democracy approved a report and adopted a draft resolution on the evaluation of the partnership for democracy in respect of the Parliament of Jordan[2] with a view to presenting them at the October 2017 part-session. As stated in the report, I visited Jordan again from 9 to 12 September 2017, mainly to verify on the ground the results of the municipal and local elections which took place on 15 August 2017,[3] although I did also take the opportunity to continue discussions on a few other issues raised on previous missions.

2. The visit was largely organised by the French Ambassador, Mr David Bertolotti, and his colleagues, in particular Julian Clec'h whom I wish to thank; I would also like to express my appreciation to the Jordanian Parliament and in particular Mr Khaled Albakkar, Chairperson of the Jordanian partner for democracy delegation, for their hospitality.

2. Local, municipal and governorate elections

3. These elections were the result of the implementation, on the ground, of the new legislation on elections in 2016 and on decentralisation in 2017. Accordingly, on 15 August 2017, Jordanians, for the first time, simultaneously elected members of local councils, municipal councils – including the mayor – and governorate councils, which are also known as "decentralisation councils". Despite the low overall turnout and a few incidents, the elections went smoothly. The tribal factor continued to play a key role and the Islamists, even though they are in decline, confirmed that they are, for now, the main political force, managing to secure, for example, the mayorship of Zarqa, the country's third largest city.

4. Some 1.3 million Jordanians, i.e. 31.7% of the electorate, voted (turnout in the 2016 parliamentary elections was 37%). Abstention was highest in the cities, such as Amman where it exceeded 80% or in Zarqa where it was just under 80%. Mr Khaled Al-Kalaldeh, President of the Independent Electoral Commission, whom I had met in Amman before the poll, said "if more than a million people vote, we will have succeeded". In his view, therefore, the elections were a success and I share that assessment. The mere fact that they were organised and conducted according to schedule and without any major problems is to be welcomed.

1. Addendum approved by the committee on 9 October 2017.
2. See Doc. 14399.
3. See programme, AS/Pol/Inf (2017) 17.

5. The Jordanians elected:

– 1 751 members of the 355 local councils; some are automatically assigned seats on the municipal councils. Of this total number, 555 local councillors are women (31.7%). Furthermore, 51 women were elected chairs of local councils. At local level, the inroads made by women are an anticipated and established fact.

– 1 057 members of the 100 municipal councils, some of whom come directly from the local councils. Of this total number, 441 municipal councillors are women (41.7%). 99 mayors were elected in this poll yet not one of them was a woman. The mayor of Amman is not elected but rather appointed by the King. Note that while women are well represented in the municipal councils, they have yet to break through to the executive level.

– 299 members of the 12 governorate councils, including 36 women (12%). Again, not a single woman was elected chair or vice-chair of a governorate council. Here too, women are less well represented further up the hierarchy, despite establishing a strong presence in the councils.

6. After boycotting the municipal elections for more than ten years, the Muslim Brotherhood staged a comeback. Their political arm called the "Islamic Action Front" contested the elections through the "Coalition for Reform". Yet despite winning three mayorships – the city of Zarqa and the smaller municipalities of Bani Hamida and Shoubak – they secured only 60 or so seats in the three different types of councils (out of the 2 300-plus seats contested).

7. Most of the candidates elected were elected thanks to their tribal base, thereby once again confirming the important role played by family and tribal affiliations in the ballot.

3. The visit

3.1. The elected representatives

8. Among the elected representatives, I met Mr Hazem Al Naimat, Deputy Mayor of Amman, the Mayor being appointed by the King, rather than elected; Mr Ali Abou Sokkar, Mayor of Zarqa; and Mr Ahmad Salameh Al-Fassatleh, Mayor of Madaba.

– AMMAN – Mr Naimat, Deputy Mayor of Amman, felt that turnout among women and in particular young women had been high (17%). He spoke of the failure of the Islamists and expressed regret at youth disaffection in the capital. The challenges facing Amman were road traffic, waste (12 000 tonnes to be collected every 48 hours) and computerisation.

– ZARQA – Mr Sokkar, the Muslim Brotherhood-backed Mayor, lawyer, civil engineer and former MP, was elected as part of the "National Coalition for Reform". Following the boycott of the elections over the electoral law and central government practices, he felt that the "street wanted something different" and more integrity. The Muslim Brotherhood secured three Mayor's seats. They are now calling for national proportional lists. His municipal council has 20 members, 18 of whom are elected and two appointed. The main concerns are environment, hygiene, basic services, markets and investment in sport and cultural activities. He was critical of "the King's entourage" but supported the repeal of Article 308 and defended the role of the courts. He was not in favour of abolishing the death penalty. Regarding Syria, he said he wanted to see an end to Daesh and denied that the Muslim Brotherhood supported them. He lamented the disintegration of Syria. Concerning the Israeli–Palestinian conflict, he strongly condemned the "occupation" and called for a fair solution although he did not support the two-State proposal. I found his comments to be constructive but fraught with contradictions.

– MADABA – Mr Al-Fassatleh, a 43-year-old Mayor popular with the tribes, in a municipal council whose 17 members include seven women, elected for the first time, said that the town relied on religious tourism (Mont Nebo) and industries, in particular car making. He spoke at length about his priorities, service provision and, above all, the city's economic development. This area is still very much under the influence of the tribes, including several Christian tribes.

9. On 11 September, Mr Albakkar organised a lunch for our delegation with several other elected representatives, including Ms Sary Abbady, chair of North Shunah local council, and Ms Salha Tallawy, chair of South Shunah local council. As a first-time councillor and former civil servant with little experience of electoral office, she was full of enthusiasm for her new role.

3.2. The ministers

10. Meetings with:

– Ms Hala Bsuisu Latouf, Minister of Social Development, who made a very strong impression on us. She described in detail what her ministry was doing to combat poverty and protect the less well-off using its "social assistance fund", which was never enough. The list of challenges was long: support for orphans, elderly persons, battered women, divorced women, girls at risk and women who had been convicted or were being held in administrative detention. Apparently there were around 50 women in this last category and she was planning to set up and build a reintegration centre for them. Decentralisation was a new experience which could aid and facilitate social dialogue and the work done by associations. The influx of Syrian refugees had led to a further increase in poverty in Jordan and made life even harder for women. The issue of the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") was addressed in detail. She was surprised not to have been informed about it directly and to see that parliament was "dragging its feet" over the Convention. She also mentioned other "obstructions" and the support shown by Islamists and liberals in the vote to repeal Article 308. The message had got through. She told us she was going to study the convention with a view to signature.

– Mr Walid Masri, Minister of Municipalities and Decentralisation, although the term "decentralisation" needs to be put into context. Rather, what we are seeing is "decentralisation of power at local level" based on the councils which are partly elected, but with an executive that comes under central government. This is a new experience for Jordan, however. Mr Masri placed great emphasis on the governorate councils, 15% of whose members are appointed and 85% elected and which have tangible power, approving key projects in areas such as education, health care and the allocation of funds to mayor's offices. The municipal and local councils have local responsibilities (town planning, road networks, waste collection, markets and public parks, etc.) and levy municipal taxes and charges (property, construction, penalty notices, household waste). These taxes and charges account on average for 40% of the budget, with the remaining 60% coming from State grants. The figures vary, however, from one municipality to another. Municipal council meetings are open to the public and there is direct discussion with the citizens who attend, although the latter cannot vote, of course. Suffice to say that democratic processes and moves towards decentralisation are genuinely under way and that is to be welcomed.

– Mr Musa Maaytah, Minister of Political and Parliamentary Affairs, spoke to us mainly about the July judicial reform and in particular the repeal of Article 308 of the Criminal Code. Equally important in his view was the revision of Article 98, which reduced penalties in some cases. There was now an urgent need to resolve the problem of female rape victims, who had no protection. He explained that 42 proposals or recommendations from the royal commission had been approved or were in the process of being approved. On the subject of the death penalty, the minister said that Jordanian society was not in favour of abolition and that it was not foreseen "unless society demanded it", which would require further efforts in terms of education and awareness. On this latter point, we agree with him.

– Mr Awad Mashaqbeh, Minister of Justice, likewise talked about the recent reforms. He elaborated on various measures designed to make the justice system more independent and spoke about a new law on community-based alternatives to incarceration. He welcomed the repeal of Article 308 and the revision of Article 98, which reduced the sentence for honour crimes if the crime was "impulsive". From now on, if the victim is a woman, this article no longer applies. As regards Article 340, however, which exempts from punishment men who kill their wives or female members of their families caught committing adultery, and which reduces sentences if there is a presumption of adultery on the part of the victim, the minister told us that since the *in flagrante delicto* offence was almost impossible to prove, Article 340 was neither applicable nor enforced, and that there was therefore no reason to repeal it. Naturally I told him that I totally disagreed. With regard to administrative detention, in his view, this was an "anti-crime" law designed to protect against threats and vengeance, and he was not in favour of repealing it. On the subject of the death penalty, he felt there was a need to exercise restraint but that it was a fair punishment for certain offenders. We did not endorse this view.

3.3. The Independent Electoral Commission

11. Mr Khaled Al-Kalaldeh, President of the Independent Electoral Commission, said that despite a few minor issues and a fairly low turnout, particularly in the major urban centres, the elections were a step forward. As he saw it, the 2016 and 2017 elections and the introduction of "decentralisation" had gone "almost flawlessly"! And indeed our own assessment is very positive. There were fewer errors and less fraud. "Dirty money" is still circulating, however, and the tribes continue to be a major force.

12. Fewer women turned out to vote in 2017 than in 2016 (48% compared with 52%) whereas turnout among men increased, although there was a significant rise in the number of women elected. This is a new and significant development… and shows that men are voting for women. Close examination reveals an important finding:

– age group 25-30 years: 82 women elected / 68 men elected

– age group 31-35 years: 75 women elected / 57 men elected

Young women are making inroads!

– age group 36-40 years: 85 women / 117 men elected

– age group 45-50 years: 231 women / 605 men elected

The process becomes reversed again.

This is an important development, namely young women entering politics and running for election. I caught a glimpse of this dynamic after the parliamentary elections and it was evident again on 15 August. As before, however, when it comes to senior executive positions, women fade away. There are no female mayors, for example. The glass ceiling will not break on its own and I told the President of the Independent Electoral Commission that legislation will be needed.

13. Also disappointing were the political parties, which, apart from the Muslim Brotherhood, failed to organise themselves, and hence have no detailed manifestos. The history of the difficult period 1980-1989 still weighs on people's minds. Despite winning three mayoral seats, the Muslim Brotherhood failed to gain ground and is growing weaker, according to Mr Al-Kalaldeh. The Arab Springs and political developments in Tunisia, Egypt and even Morocco are a sign that they are struggling. Proportionally speaking, the Islamic Action Front is weaker, with 400 000 votes in 2014 and 150 000 in 2016. The tribes are a fact of life but the growing rivalries are something new; which explains that they try to select the best. Tribalism remains a negative factor and continues to pose a threat to the State, according to Mr Al-Kalaldeh.

3.4. Civil society and international non-governmental organisations

14. I visited the Al Hayat Centre for Civil Society Development where I spoke to Mr Shahadeh Abdallah, former senator, former Minister of Municipal Affairs and head of the Centre's RASED (The Observer) programme, along with other members of this election monitoring programme. The people we spoke to likewise emphasised the role played by the tribes and prominent figures in these elections without parties or manifestos. The elections were properly conducted, however, and large numbers of women were elected to the councils, especially younger women. Granted, there are still no women mayors, deputy mayors or chairs of governorate councils but the elections were not a failure. "They will succeed next time" is the feeling, and in four years, it will be time to review the legislative changes that need to be made. The government has not done enough to raise public awareness and explain decentralisation, despite holding more than 1 200 seminars and the efforts made by the Jordanian Women's Network: 70 candidates / 50 elected and the "youth" network 25 candidates / 15 elected. The results are satisfactory however, confidence is re-emerging… and the King supports the shift.

15. At the French ambassador's official residence, I met representatives of civil society and non-governmental organisations: Ms Farah Mesmar, from the Swedish foundation Kvinna till Kvinna, which promotes peace and women's rights; the lawyer Ms Hala Deeb, a specialist in women's rights; the journalist Mr Mohammad Shamma, JHR (Journalists for Human Rights). Mr Kais Zayadin, MP and member of the Jordanian parliamentary delegation, was also present. I came away from these discussions and from a meeting with the director general of the Jordanian news agency PETRA with the impression that the press is relatively free (300 media outlets, 85 private broadcasters, 200 online newspapers, 9 print dailies), but self-censorship is definitely a concern: 1 300 journalists belong to trade unions and 10 000 do not. Outside influence is a real problem. The rights of certain children, born to Jordanian mothers and foreign fathers, do not seem to have evolved as much as we would like.

16. In my previous report, on the "Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Jordan" (Doc. 13936), I raised the subject of children born to Jordanian mothers and foreign fathers: because the mothers cannot pass their nationality on to their children, those children cannot obtain free health care or education. It is also hard for them to obtain a driving licence or work permit. I further pointed out that in response to an initiative in the Jordanian Parliament in 2015, a directive had been issued, clarifying these children's rights. From January 2015, it seemed, they would be able to apply for a special identity card enabling them to use subsidised government services such as secondary schooling and health care. Unfortunately, I was informed that this did not seem to be the case and that the situation of these children is as precarious as ever. This is something that clearly needs to be verified.

17. Mr Albakkar, who had accompanied us on the visit to the Marka correctional and rehabilitation centre (see paragraph 48 of the explanatory memorandum to my report), had promised to look into the cases of the detainees whom we met and to keep me informed. Unfortunately, I did not receive this information in time to be able to include it in this addendum.

4. Conclusion and amendments

18. As I had hoped, this second visit helped me to better understand the electoral process and in particular how the decentralisation that has been taking place works. So far this decentralisation has taken a rather "light" form. Granted, the councils are to a large extent (85%) elected and women are gaining ground. But the executives are still controlled by men and subject to the decisions of the Interior Ministry. Powers and responsibilities are not clearly defined and, apart from local taxes which account for 40% of the budget, councils derive their funds from State grants for specific projects under the authority of the governorate. It is our view that a process is genuinely under way but that it needs to be developed further if Jordan is to have decentralisation in more than name. This visit also afforded me an opportunity to continue the discussions on subjects already raised during my previous visits, such as the death penalty, administrative detention or discrimination against women and children born to Jordanian women and foreign fathers.

19. The conclusions set out in the report approved by the Committee on Political Affairs and Democracy on 6 September still stand. I wish, however, to improve the draft resolution by making a few amendments:

19.1. **Amendment A**: after paragraph 6.3, insert the following paragraph: "likewise welcomes the holding of local, municipal and governorate elections on 15 August 2017, according to the new legislation on decentralisation. This electoral process, while still complex, was conducted properly. These elections were free and well organised, although tribal and financial forces remained dominant. The low participation rate is still to be regretted, even if it is to be welcomed that the representation of women, and in particular young women, has made strong progress and confirms the important movement of women into politics. While noting that the powers and responsibilities of the councils are not yet clearly defined and that their revenues derive partly from State grants, the Assembly believes that this commitment to decentralisation is a step forward;"

19.2. **Amendment B**: at the end of paragraph 6.5, add: ", the revision of Article 98, which reduced the sentence for honour crimes if the crime was 'impulsive', and regrets the fact that Article 340 of the Criminal Code, which exempts from punishment men who kill their wives or female members of their families caught committing adultery and which reduces sentences if there is a presumption of adultery on the part of the victim, has not been repealed;"

19.3. **Amendment C**: delete paragraph 6.10.