



PRELIMINARY STATEMENT

**Technically well- administered elections despite serious inadequacies in the
legal framework**

Amman, 25 January 2013

Summary

- The 23 January parliamentary elections have been organised and conducted in a transparent and credible manner. Election day was calm and peaceful despite sporadic local violent incidences. Polling, counting and tabulation of results were well administered. The Independent Election Commission declared a voter turnout of 56.7 per cent.
- Despite some technical glitches, polling, counting and tabulation operations were assessed positively by EU EOM observers in the polling stations observed. Procedures were largely followed in the polling stations observed in the presence of agents and domestic observers contributing to the inclusiveness and transparency of the process. In violation to campaign regulations, widespread campaign activities and materials were observed by EU EOM observers in the vicinity of polling stations observed.
- The newly established Independent Election Commission has made significant efforts to master its tasks in a transparent and impartial manner. Technical preparations were effectively accomplished within the operational and legal deadlines. In an effort to overcome the deficiencies and loopholes in the Election Law, the Commission issued a large number of Executive Instructions regulating and interpreting aspects of the electoral process usually regulated in the law.
- The legal framework, generally, complies with international and regional obligations and commitments pledged by The Hashemite Kingdom of Jordan. However substantial gaps and deficiencies are affecting universally accepted principles such as the equality of votes and the universality of suffrage.
- The adoption of the new Election Law by the National Assembly safeguarding the certainty of law, and the establishment of an independent election management body signify an improvement and a start for further legal reforms.
- The legislative framework fell short of important provisions for constituency delimitation including competence and criteria. The previous constituency delimitation was re-applied without the due revision reflecting population movement and seriously undermined the equality of the vote between urban and rural voters and created an uneven playing field for candidates.

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- Freedom of assembly, freedom of expression and movement rights were generally enjoyed by the contestants during the campaign. However, campaign was not very competitive and remained low key in large parts of the country despite the high number of candidates and national lists contesting - largely due to tribal affiliations, uneven financial resources of contestants and the non-participation of some opposition forces.
 - Cases of use of political money such as vote buying and other fraud attempts were reported during the campaign. Candidates and others were detained allegedly involved in forging or withholding voter cards and offering money. Domestic observers complained about belated actions taken by the Independent Election Commission and inconsistent application of the law.
 - The registration process resulted in an increase in the percentage of registered voters up to 71 per cent of eligible voters. However, extensive proxy voter registration affected the credibility of the voter registration process and contributed to a general perception of distrust about the accuracy of the final voter list.
 - A rigid regulatory framework and self-censorship limited a lively public debate in the print and broadcast media. Whereas public media were legally obliged to provide balanced and neutral reporting, the private media remained in this respect unregulated. Broadcasting, print and online news media campaign coverage was highly commercialized.
 - The women quota in the newly adopted Election Law remained the same, 10 per cent. A total of 191 women contested, representing 13.4 per cent of the total number of candidates, while women represent 51.8 per cent of the registered voters. Women's representation in the election administration was low, particularly in decision-making positions.
 - Domestic observation coalitions played an important role contributing to the transparency of the process. A total of 6,990 observers were accredited to all 4,069 polling stations throughout the country to observe polling, counting and tabulation of results.

Preliminary Findings

Background

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

Legal Framework

The legal framework, generally, complies with international and regional obligations and commitments pledged by The Hashemite Kingdom of Jordan. However, it contains substantial gaps and deficiencies which undermine the protection of universally accepted principles such as the equality of votes and the universality of suffrage. The adoption of the new Election Law by the National Assembly, upholding the certainty of law, and the establishment of an independent election management body signify an improvement and a start for further legal reforms.

The overall legislative framework fell short of important provisions for constituency delimitation including competence and criteria. For the purpose of these elections, the previous constituency delimitation was re-applied without the due revision reflecting population movement and therefore seriously undermined the equality of the vote between urban and rural voters. The universality of the right to vote was curtailed by the exclusion of large groups such as the members of the armed forces, general intelligence, public security, gendarmerie and civil defense while in active service. Furthermore, the right to vote was not extended to persons declared bankrupt, retarded insane or interdicted. Additionally, there were no provisions for proxy voting; voting abroad; voting of prisoners; and persons in pre-trial detention against international commitments and in contradiction with the principals of universal suffrage and the presumption of innocence. Candidacy procedures and relative timelines are clearly defined in the laws and along with a pragmatic approach of the Independent Election Commission which interpreted the provisions in a constructive and inclusive manner, enabled for a successful exercise and adequate possibility for aspirants to apply and to rectify missing information. The lack of detailed procedures for the campaign resulted in an inconsistent application of the monitoring and enforcement power of the Independent Election Commission during the campaign. Small infractions brought to the District Election Committees have often been dealt with by a simple reminder of the campaign rules and were usually followed by removal of campaign material. In some other cases they were transmitted directly to the IEC who has referred the most serious ones to the concerned authorities and enforcement bodies namely, police, municipality and in few cases to Courts.

Election Administration

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

The Independent Election Commission had to face a number of challenges related largely to the deficiencies, loopholes and inconsistencies in the Election Law. In an effort to smoothly continue

and complete the electoral process, the Independent Election Commission issued a large number of Executive Instructions regulating and interpreting aspects of the electoral process such as the allocation of seats formula for the national constituency (the transfer of polling results into the allotment of reserved seat and seats resting on the proportional system), the aggregation of results process and the handle of challenges and complaints on the tallying and distribution of seats usually regulated in the Election Law. Some of those Executive Instructions were produced significantly late in the course of the process leaving little time for understanding and implementing important steps in the electoral process; and raising concerns and distrust among stakeholders. Furthermore, internal disagreements between “reformers” and senior Secretariat officials, engaged in previous elections conducted under the auspices of the Ministry of Interior, have contributed to delays in the decision-making policies. Such disagreements were replicated on the lower levels of election administration, particular in those electoral districts, where the Heads of the District Election Committees were senior officials of the Ministry of Interior.

The Election Law does not foresee an explicit mandate for the Independent Election Commission to take on responsibility for voter education. The introduction of a mixed electoral system that requires voters to cast two votes, the issuance of voter cards, and the new concept of ballot papers called however for systematic voter education programmes. EU EOM noticed diverse and sometimes inconsistent voter education activities by various electoral stakeholders. In the absence of a voter education plan the Independent Election Commission produced numerous print products and broadcasted TV and radio spots; whilst civil society organisations mainly focused on outreach activities on local level. All these efforts remained limited and scattered.

The greatest challenge for the Independent Election Commission was to reverse the general negative perception of stakeholders and of the society on the integrity of the previous electoral processes. Most political stakeholders and civil society representatives were largely satisfied with the performance of the Independent Election Commission and recognised its efforts to ensure transparency and impartiality in the process.

Voter Registration

The final voter list, compiled on the basis of a completely new voter registration exercise since 1989, included 2.272.182 voters (51.8 per cent are women and 48.2 per cent men). Some 71 per cent of the eligible voters were registered during this exercise. Most political stakeholders challenged and questioned the accuracy of the final voter list largely due to the extensive use of proxy registration which in many cases was even conducted without the consent or knowledge of the respective eligible citizen. Domestic observer groups had repeatedly stated their disapproval of the extensive proxy voter registration. EU EOM considers the effort made by the Independent Election Commission positive and going in the right direction; however, the Commission lacked ownership over the voter registration process as it was not involved in recruiting, training and direct supervision of voter registration officers. To a positive note, the issuance for the first time of single-use voter cards with safety features of high quality was introduced as an additional preventive measure for multiple voting and impersonation electoral offences.

Campaign Environment

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

Several cases of extensive use of political money, vote buying and other fraud attempts marked the campaign period. Suspects including candidates had been detained and interrogated under order of Public Prosecutors in Amman, Mafraq, Balqa and Madaba allegedly involved in forging or withholding voter cards, offering money to voters and “donations” to clubs and associations. Few were released on bail while court decisions are still pending. Domestic observer coalitions accused Independent Election Commission of not taking immediate or even actions to cases reported to it and referral them to the Courts. Few isolated incidents including burning of campaign vehicles and tents and an alleged candidate assault in Irbid, Mafraq, Zarqa were reported. These incidents are still under investigation. The newly enacted Political Party Law lacks the limits for campaign expenditure creating an uneven playing field among different candidates with women being the most affected. In addition, the decision of municipalities to request a refundable compulsory deposit up to 4000 JD for campaign material removal after elections did not favor candidates and national lists with limited financial resources.

Media

A rigid regulatory framework and self-censorship limited print and broadcast media in contributing effectively to a lively public debate. Whereas public media were legally obliged to provide balanced and neutral reporting, the private media remained in this respect unregulated. The public broadcaster *Jordan TV* focused aside from reporting on the King and Government greatly on the Independent Election Commission. *Jordan TV* also offered contestants free airtime. This attempt to help citizens to make an informed decision was however only used by a limited number of local constituency candidates and national lists. Campaign coverage by privately owned broadcasters was often unbalanced. Four of them - *Josat*, *Nourmina TV*, *A1 Jordan TV* and *Al Haqiqa Al Duwaliya TV* - are owned by national lists' leaders or candidates, granting them extensive airtime.

Broadcasting and online news media, with exceptions such as *Roya TV* and *Radio Al Balad*, campaign coverage was highly commercialized. Paid advertising by candidates and national lists

– explicitly permitted by the Independent Election Commission without definition of a financial ceiling - exceeded in many media the campaign coverage. Furthermore, most media did not clearly distinguish between independent editorial content and paid coverage, including interviews and talk shows hosting candidates. This misled citizens and raises concerns about professional ethics of media practitioners. Despite concrete efforts of some broadcasting media, very few electoral debates were organised. Media outlets encountered difficulties on finding candidates willing to participate. Although paid advertisement was also widely observed in print media, most newspapers reported extensively on the electoral process, some even introducing an “election section”. The private newspaper *Al Ghad* also offered to national lists a specific section to present their platforms. Also noteworthy is that the government owned newspaper *Al Rai* gave significant space to the Independent Election Commission. Online media, adding to the vibrancy of the media scene, used to enjoy a higher level of regulatory freedom. On 16 September 2012 adopted amendments to the Press and Publication Law to regulate also these media jeopardize this freedom but are not yet implemented and have not affected the online media’s coverage of the campaign significantly. Several interlocutors reported to the EU EOM that certain news websites would blackmail candidates to force them to advertise on their website. The legal framework lacks comprehensive regulations for media violations during campaign.

Participation of Women

The women quota in the newly adopted Election Law has remained the same, 10 per cent. A total of 191 women contested for these elections, representing 13.4 per cent of the total number of candidates, while women represent 51.8 per cent of the registered voters. Out of 61 national lists, only two national lists were headed by women candidates. In the other lists, female candidates were usually listed on the fifth position or below, and had thus relatively few chances to get elected. Women were not allowed to participate in the internal selection of candidates of the Bedouin tribes. The additional three Badia seats in the quota system are, therefore, not necessarily improving women representation. Women remain discouraged from entering into politics, primarily for cultural reasons. In addition to that, the fact that the Jordanian society, as reaffirmed by the newly amended Article 6 of the Constitution, is based on family and domestic values with women being its pillar, seems to create an additional barrier towards an effective affirmation of women in life and in the political arena. Women’s representation in the election administration was low, particular in decision-making positions.

Participation of Minorities and other groups

Chechen, Circassia and Christian minorities as well as the Bedouin tribes are benefiting from quotas guaranteeing parliamentary seats as a result of article 8 of the Election Law. Three seats were allocated to Chechens/Circassia; nine seats to Christians; nine seats to the three major Bedouin Tribes in the North, Central and South regions. Jordanians of Palestinian origin, in spite of representing an important part of the Jordanian population, are considered underrepresented in the political life.

Domestic Observers

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

Complaints and Appeals

Complaints procedures for voter registration are well defined in both the Election Law and the Executive Instructions. 25,265 objections against the provisional voter list were submitted to the Independent Election Commission 7,473 were appealed to the Court of First Instance, while 6,208 were accepted. Complaints against local constituency candidates and national lists were low in number and produced minor changes in the preliminary list published by the Independent Election Commission. The Court of Appeal having jurisdiction for the first time in adjudicating candidacy complaints handled the very few cases within the given timeframe. Clear procedures for complaints during polling and counting remained under-regulated, establishing the possibility only for candidates and their representatives to complaint against implementation of polling and counting procedures without a defined timeframe.

Polling and Counting

Election day was calm and peaceful despite sporadic local violent incidences. Polling stations observed opened on time or within an hour mainly due to technical glitches and slow preparations by the polling staff. All essential election materials were available. Voting conducted in an orderly and efficient manner in the polling stations observed. Polling procedures in the polling stations observed were largely followed with minor procedural irregularities that did not impact on the overall integrity of the process. The secrecy of vote in a number of polling stations observed was insufficiently protected, mainly due to inadequate polling station lay out, open voting practices and of voters' carelessness. Polling staff acted professionally and impartial in the polling stations observed. In violation to campaign regulations, widespread campaign activities and campaign material were observed by EU EOM observers in the vicinity of polling stations observed. Polling was extended by an hour by the Independent Election Commission, due to queues in a number of polling stations across the country. At 20:15, the Chairman of the Independent Election Commission declared a voter turnout of 56.7 per cent.

Counting was conducted in an efficient manner in the polling stations observed in the presence of candidates, representatives of national lists and agents contributing to the inclusiveness and transparency of the process. Counting was overall assessed as good to very good in the polling stations observed. Domestic observers were present in most of polling stations observed. Counting procedures were largely respected and a copy of the official results was displayed in

the vast majority of polling station observed. The tabulation of results in the District Election Committees was assessed positively by EU EOM observers in the tabulation centres observed.

Serious but locally erupted clashes were reported in Ajloun, Maan, Karak, Mafrqa, Tafilah, Jerash and Balqa amongst candidates and amongst groups of youngsters in reaction to alleged malpractices and the anticipated results. In Karak and in Ajloun police had to intervene with tear gas. In Ma'an after the announcement of the results supporters of the losing local candidate attacked to polling centres and public buildings and allegedly one person died. In Balqa, district 1, alterations of results protocols in three polling stations were reported.

The European Union Election Observation Mission (EU EOM) has been present in the Hashemite Kingdom of Jordan since 13 December 2012 following an invitation from the Independent Election Commission. The Mission is led by Chief Observer, Mr David Martin, Member of the European Parliament (United Kingdom). In total, the EU EOM deployed over 80 observers from all (27) EU Member States, Norway and Switzerland across the country to assess the whole electoral process in accordance with international and regional commitments for elections as well as the laws of the Hashemite Kingdom of Jordan. A delegation of members of the European Parliament, headed by Mr Christian Dan Preda MEP, also joined the mission and fully endorses this Statement. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005. On Election day, observers visited over 355 polling stations in all 45 electoral districts of the Hashemite Kingdom of Jordan to observe voting and counting. The EU EOM will remain in country to observe post-election developments and the tabulation of results and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. The EU EOM wishes to express its appreciation to the Independent Election Commission and other Jordanian authorities, political parties and civil society as well as the people of Jordan for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Union to the Hashemite Kingdom of Jordan and the European Union member states' diplomatic missions resident in Jordan for their support throughout.

An electronic version of this Preliminary Statement is available on the Mission website www.eueom.eu/jordan2013/. For further information, please contact:

- Eberhard Laue, EU EOM Press Officer, Tel. + 962 798674537,
email: eberhard.laue@eueomjordan.eu

European Union Election Observation Mission

Crowne Plaza Hotel, 8th Floor
PO Box 950555, Amman 11195, Jordan

Web: www.eueom.eu/jordan2013/

Facebook: "EU EOM Jordan 2013"

Twitter: @eueomjo

Tel: +962 (0) 655 04425

Fax: +962 (0) 655 04435
