



The National Integrity System (NIS) Jordan

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Rasheed was established in 2013 in Jordan as a result of the efforts of a group of civil society organizations and a number of individuals operating in the anti-corruption field, with a view to reinforce the values of integrity, transparency, and good governance.

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Introduction

This study is designed to assess the Jordanian National Integrity System (NIS), through analysing the capacities of the main institutions in the State, and assessing the extent to which the roles relating to Anti-Corruption, promotion of transparency, accountability, and governance are undertaken up to the 30th of March 2016.

The preparation of this study has been accompanied by several national developments; for example but not limited to, the issuance of the elections Law, Political Parties Law, Decentralization Law, and the adoption of the National Action Plan for Human Rights, as well as the attempts in favor of the structural reform in many regulatory institutions.

It is worth noting that TI has conducted several evaluations to the NIS in many Arab countries. For Jordan, this report is the first to analyze NIS and all underlying institutions. A methodology adopted in more than 40 countries has been followed to prepare the report.

The study emphasizes the most notable issues impacting the Jordanian NIS. It further provides several recommendations, general and specific, related to NIS pillars under evaluation.

These recommendations shall reinforce the roles of these institutions throughout all the efforts to fight corruption, and shall also fortify the values of integrity and transparency.

Preamble

The Impact of the Arab Spring or reform movements that have spread all over the Arab region for more than four years perhaps has had an indirect effect on Jordan. As a result, the governments, political institutions and public authorities called attention to taking several actions at all legislative, executive, administrative, and judicial levels for more transparency, integrity, and governance within the public institutions and those of public services. A need also arose to create and update the legal frameworks governing institutions with a view to achieve functions and to exercise jurisdiction efficiently and effectively.

Since the year 2011 and in response to the demands of the Jordanians, the development and review process started in the majority of the government and semi-government institutions in Jordan. A Royal Commission was established to amend the Jordanian Constitution, where more than 40 Articles of the Constitution were amended to bring about balance between the legislative and executive authorities.

The judicial authority regulatory provisions were also amended in a manner granting it more autonomy, provided that the administrative judiciary shall be divided into two grades.

Simultaneously, a provision included the establishment of the Constitutional Court to have competence to make judgments pertaining to validity of challenging the constitutionality of laws and regulations in force; to answer questions relating to the interpretation of the Constitution provisions; to explicitly provide the general frameworks of jurisdiction, conditions applied to the workers in such court, safeguard the financial, administrative and judicial independence of courts, and to emphasize the mandatory decisions to all authorities.

In a remarkable development, the establishment of an independent Election Commission has been provided for. The said commission is entrusted with overseeing and running the electoral process in Jordan. The Parliamentary election process and the other elections formed a challenge to Jordanians, under the increased skepticism waves as to the integrity and soundness of the electoral process in the recent years. Under such pressure, the establishment of the Independent Election Commission has been provided for in accordance with a law that ensures financial, administrative, and technical independence to exercise its jurisdiction

Multiple constitutional provisions that would guarantee rights and duties of Jordanians have been updated, in addition to the amendment that limits jurisdiction of the State Security Court to hearing the crimes of treason, espionage, currency counterfeit, drugs, and terrorism.¹

The provision has been also updated to emphasize that civilians stand trial before a civilian judge. Article 94 of the Constitution has been amended to limit the content of the article related to Council of Ministers' right to stipulate interim laws, providing that these laws shall be approved within two cycles after the House of Senates' meeting.²

This study constitutes a favorable opportunity for all national institutions while trying to evaluate and review the achievements at all institutional and legislative levels, and to closely and deeply examine the challenges and difficulties that preclude from a way forward on promoting the institutional stability and reinforcing the values of integrity, transparency, and anti-corruption.

Undoubtedly, Jordan just like the other world countries and the region has suffered from administrative and financial corruption that had the most dramatic effect on the performance and efficiency of certain national institutions. The public authorities have sooner paid adequate attention to such corruption and thus vigorously took several steps in an initial attempt to draw the public legislative frameworks, and to adopt national plans and strategies coupled with relevant timelines.³

Notwithstanding the importance of taking such steps, however the implementation de facto turns into one of the most notable challenges and impediments facing the Jordanian State.

This study analyzes and addresses a set of structural issues that led to weakened integrity and transparency values, and a proliferation of corruption. The international, national and related reports and indicators suggest that improvement is less than the contemplated level in Jordan.

1) Under Article 101, clause 2 of the Constitution, the State Security Court has jurisdiction and competence to consider crimes of treason, counterfeiting currency, drugs and terrorism. This amendment has been introduced in 2011.

2) The provision of Article 94 of the Constitution after amendment: In cases where the House of Representatives is not sitting or is dissolved, the Council of Ministers has, with the approval of the King, the power to issue provisional laws covering the following matters: a. General Disasters. b. State of War and Emergency. c. The need for expenditures incapable of postponement. Such provisional laws, shall have the force of law within two sessions after the Assembly. This brings it back to the constitutional provision before the year 1958.

3) For example, the National Integrity Charter & Action Plan, National Human Rights Action Plan, the National Agenda, National Dialogue Conference, We are All Jordan Forum, and the Kingdom's Economic Plan for 2025 and many other sectoral national plans.

Executive Summary

Background

Anti-corruption and the process of corruption eradication formed during the last five years a priority for decision-makers in Jordan. King Abdullah, the head of the political regime kept urging the three main authorities and the relevant national institutions to do their utmost in the review of legislation and the development of plans and strategies that will contribute to the anti-corruption process.

There is no doubt that the anti-corruption process requires concerted institutional efforts based on the principle that the scattered individual efforts do not achieve the contemplated success. The legislative and political sufficiency issue constitutes one of the most important elements of NIS success in terms of existence of adequate and effective legislation capable of achieving general and private deterrence.

It is also essential to have a political apparatus with a firm conviction and belief in the importance of the anti-corruption process, which would thwart any efforts that would intervene in the investigations or the judicial authority's decisions.

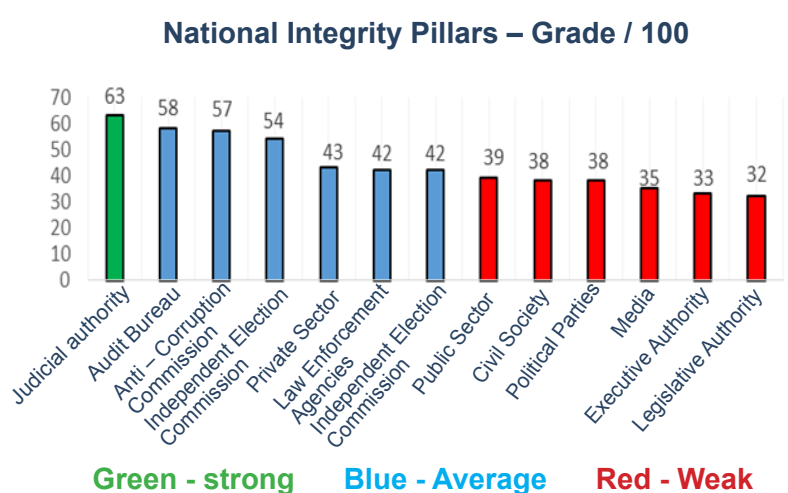
The success of anti-corruption efforts on the national level requires the support of the legislative authority, through setting high-quality legislations to fortify the institutions and those in charge thereof against exercising any form of corruption, and pave the way for the public opinion to view information as an effective means of public control. The parliament should also provide oversight instruments that would preclude from any abuse of public funds or public administration, through active parliamentary committees, parties, and active parliamentary action groups with preset control and programs objectives to be implemented.

National Integrity System (NIS) Report – Main Results

In general, it is apparent that the pillars of the Jordanian NIS range between medium to poor. The poor pillars are up to the maximum limit and in certain pillars touch the medium. Those pillars with such grades are the ones which legislations have been amended and mechanisms developed during 2011 – 2015 as shown in table (1) hereunder

Table (1): The Main Results for NIS Analysis

Institution	Grade	Category
Judicial authority	63	Strong
Audit Bureau	58	Average
Jordan Anti- Corruption Commission	57	Average
Independent Election Commission	54	Average
Private Sector	43	Average
Ombudsman Bureau Law Enforcement Agencies	42	Average
Public sector	39	Weak
Political parties - Civil Society	38	Weak
Media	35	Weak
Executive Authority	33	Weak
Legislative Authority	32	Weak



It is clear that the Judicial Authority gained the highest scores in terms of practices and legislations. However, the Judicial Council requires building on the institutional achievements and avoiding the shortcomings and deficiencies in legislations and practices, in order to move forward on impact and effectiveness. This requires the complete administrative and financial independence from the Ministry of Justice, as well as reinforcing autonomy safeguards of the judges, and improving economic conditions and social security for the judges. It is also important to take rapid and effective actions to eliminate prolonged litigations, improve courts' infrastructures, and intensify work on capacity building of judges through the activation of the Judicial Institute and the adoption of rehabilitation programs and long term training.

The evaluation and analysis reveal the main issues within the Jordanian NIS. The analysis of the major political authorities in Jordan, especially the executive and legislative authorities, demonstrates a poor performance in the development of institutional tools that enable each authority to carry out their roles.

Perhaps such weakness in the institutional structure created reciprocal assessment. Scientifically and methodologically, it is not possible to talk about a strong executive authority apart from a legislative authority able to exercise their legislative and regulatory roles professionally.

Notwithstanding the administrative power of the executive authority and the fact that it owns the State's budget, it failed to constitute a real lever in the evaluation process.

The assessment status indicates that the current expenditure takes the lion's share of those provisions, and that the administrative powers are often misused. That would preclude from enforcing the constitutional rules concerning the flexible segregation between the authorities.

The general weakness in the legislative authority, specifically the elected House of Representatives, precludes from gaining the satisfaction and confidence of the Jordanian street, where the key performance indicators, roles, independence, and resources remain struggling in a series of challenges. Perhaps the most prominent challenge is the incompleteness of the general structure of the political system to form a "parliamentary, representative" structure, which prevents the collective institutional work among the members of the Council. Another challenge is the formation of parliamentary majority, as well as lack of monitoring minority acting as a shadow government. The foregoing is affirmed by the poor scores obtained by the political parties in the evaluation of the NIS pillars, where the score of Political Parties Pillar was 38.

The legislative authority suffers from general weakness in quality practice of the parliamentary regulatory instruments. At the time the use of parliamentary regulatory instruments is increased in quantity, we don't observe any impact on public policy, in addition to the restrictions on the discussion of the Audit Bureau reports, and the inability to make decisions on violations committed, as well as weakness in the parliamentary experience in the discussion of budget and laws in general, and the weakness of the Secretariat General system, and inability to provide technical support to the members of the House during their legislative and regulatory term.

The common observation among the National Integrity System 13 pillars suggests that the legislation allocated scores are higher than those to the practices. This is attributed to updating the majority of regulatory laws of these institutions and to the adoption of updated action plans during the past five years. This adds some burden to the authorities, represented in the necessity to implement and activate legislations and policies on real grounds, or the future evaluation will be prone to retreat and decline in practices.

Among the other common observations is the weakness of non-governmental players, such as: media, political parties, civil society, and the private sector. This confirms that the participatory approach with those sectors is still obscure and ambiguous.

At the time the promotion of freedom of media, opinion and expression and limitless freedom is emphasized ⁴, laws are enacted and applied ⁵ whereby journalists are arrested and committed to trial at the State Security Court for certain cases, in addition to increased skepticism in the civil society organizations, and providing draft laws that would increase the admin bureaucracy and narrow the public activities' exercise, as well as failing to activate the Public-Private Partnership, and finally the inability to promote and protect the private sector to effectively take part in elimination of unemployment, poverty, and to attract investments, or even preserving the existing one.

(4) The statement has been emphasized by the King Abdullah II on many occasions in Jordan.

(5) Many Reports by the Center for Defending Freedom of Journalists indicate that 10 journalists are reported to have been arrested since the beginning of e-crimes law implementation mid 2015

Overall Evaluation of NIS

The evaluation of the NIS pillars reveals that the majority of evaluated pillars gained a score ranging between poor to medium in accordance with the TI's methodology in analyzing the NIS pillars. The NIS considers that the institution getting (81-100) as very strong; 61-80 strong while, 41-60 average, 21-40 poor and 0-20 very poor.

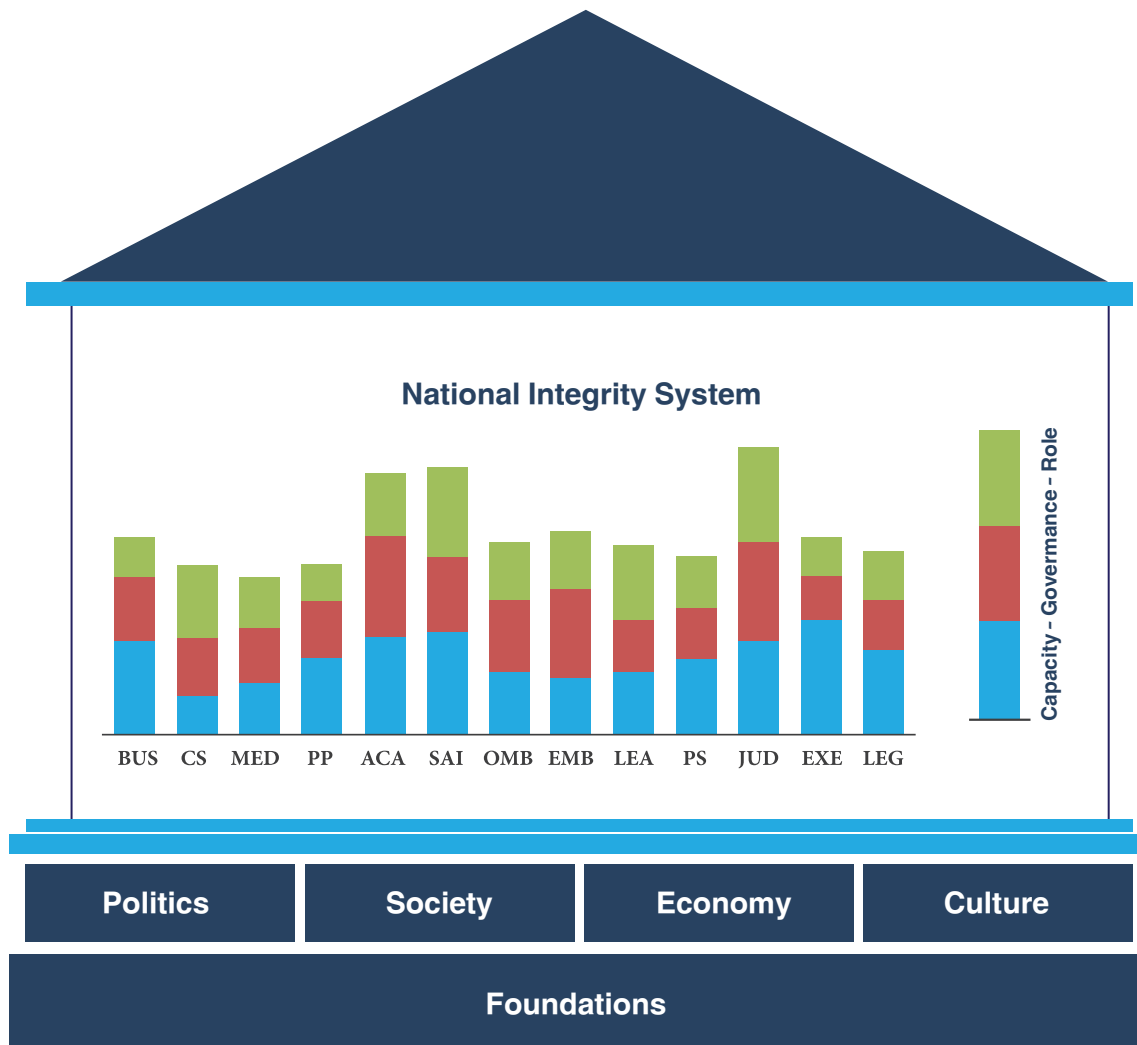
The institution classified as strong in accordance with this approach is only the judicial authority for getting a score of 63, followed by the Audit Bureau (58), followed by Anti-Corruption Commission (57), then the Independent Election Commission (54), then the private sector by (43), immediately followed by the law enforcement agencies(42), and finally the Ombudsman Bureau (42).

The institutions with the poor assessment are: the public sector (39), immediately followed by the civil society (38), the political parties (38), the executive authority (33), the media f (35), followed by the legislative authority (32).

The following diagram (1) illustrates the results of the NIS pillars in Jordan according to TI's Methodology.

The total score for each pillar consists the quantitative assessment for three dimensions; capacities, governance, and role. The score also demonstrates the strengths, weaknesses, and variation in efficiency between one pillar and another. The diagram also shows that the NIS is a comprehensive system with all its constituents, where all pillars are equal in importance, and any negligence in any part of the system shall affect the whole structure. According to the methodology, culture, economy, civil society, and politics form the main pillars of any national system.

The results of this study also emphasize the limited roles being undertaken by NIS pillars, with evident weakness in governance in all pillars, which confirms the incomprehensiveness of the vision on the level of legislations and practices related to performing the respective roles. The results and scores of NIS support the pillars, which are culture, economy, society, and politics. No national system would succeed in isolation from these main pillars, and therefore it is essential that the results of NIS analysis are reflected on these pillars.



LEG - Legislative	EMB - Electoral Management Body	MED - Media
EXE - Executive	OMB - Ombudsman	CS - Civil society
JUD - Judiciary	SAI - Supreme Audit Institution	BUS - Business
PS - Public Sector	ACA - Anti Corruption Agencies	
LEA - Law enforcement agencies	P·P - Political parties	

NIS Pillars

The institutions subject to the assessment process in accordance with the TI are 13 institutions. They can be classified as follows:

The main governing institutions, namely the public authorities of the State: The executive authority, legislative authority, and judicial authority, as well as the other form represented by the public sector, law enforcement institutions, Anti-Corruption Commission, audit bureau, Independent Election commission, and Ombudsman Bureau.

The third and last form of such institutions are represented by the non-governmental institutions active in the NIS, namely: political parties, media, civil society and private sector. See the hereunder table (2).

Table (2)		
Main Governing Institutions	Public sector, law enforcement institutions and control agencies	Non-government institutions active in the National Integrity System
Executive authority	Public sector	Political parties
Judicial authority	Law enforcement agencies	Media
Legislative authority	Anti-Corruption Commission	Private sector
	Audit bureau	Civil society
	Independent Election Commission	
	Ombudsman Bureau	

General Recommendations

Through the assessment of the NIS pillars in Jordan, we find out that it is imperative to accelerate the implementation of the following general recommendations. However, the detailed recommendations are contained in the assessment report in each pillar separately, and included in annex (1) of the general report, according to the following:

- 1- Issuance of the Anti-corruption, Integrity and Transparency Law, related to the consolidation of the Anti-Corruption Commission and Ombudsman Bureau, based on standards and principles that guarantee the effectiveness of resources, capacities, independence, and roles, as well as not foreclosing corruption crimes by prescription, in accordance with the best international practices and UN Convention against Corruption (UNCAC).
- 2- Amendment of the Access to Information Law in a manner that guarantees institutional and continual disclosure of information, concurrently with the amendment of Jordan's Protection of State Secrets and Documents Provisional Law. Failure to access information represents one of the most significant challenges and impediments to an effective NIS.
- 3- Reform the legal framework regulating civil society, develop real and effective national partnerships for real inclusion of civil society into the national projects, policy and relevant legislation making, and ensuring non-interference in the work of the civil society.
- 4- Adopt a national action plan that can be implemented within a specific timeline to promote and disseminate awareness in the work of political parties, refrain from any practices that would preclude from individuals affiliation to the political parties, reform the legal framework governing the direct financial support to political parties, based on indicators and objective standards relating to the roles expected to be played by the political parties, in a manner that guarantees direct linkage to the legislative authority, for the completion of the "representative parliamentary" political regime structure.

5- Develop the House of Representatives internal Bylaw with a view to activate the Secretary General for providing technical support to the members of the House of Representatives, specify and segregate roles among the House committees and the permanent office, reorganize the parliamentary oversight tools, to grant efficiency in performing roles, and the same time to revisit the provisions of the parliamentary blocs to entrench teamwork within the Parliament.

6- Enhance the public sector efficiency, reform the civil service system with a view to overcome the administrative inflation issue, activate the Code of Conduct, strengthen financial and administrative transparency through dissemination of reports and through ensuring the constant availability of all information on the institutional level, and circulate the use of electronic link between all institutions, and to consolidate the employment system for governmental and public positions based on qualifications and competency.

7- Enhance and reinforce the role of the Audit Bureau, upgrade audit methodologies, keep up with the international audit standards and the professional control best practices within the audit Bureau, reinforce the Bureau's institutional independence, enhance control to include revenues, activate audit and open investigations on corruption cases discovered by the Audit Bureau in cooperation with the concerned bodies, and activate the role of the Parliament extending its control over the executive authority and public sector based on the reports of the Bureau, and referring violations to courts. ⁶

8- Adopt the principle of disclosure in general budgets, present the economic management mechanisms and government procedures related to public debt to the public, benefit from the lessons learned from privatization policies and procedures, and including those in the process of preparing future economic and social policies ⁷ as well as adopting financial and economic reform policies and plans that can be executed in a manner that ensures eliminating deficit and indebtedness.

9- Enhance and reinforce the operations of internal units, and develop means for effective control over major developmental projects.

10- Reinforce financial and administrative independence of the judicial council, complete the courts' infrastructure development project, develop plans and procedures to eliminate judicial burden and prolonged litigation, and promote judges' autonomy through subsidizing the judges' social security and economic allocations.

11- Review and amend legislations and policies governing the private sector to ensure the protection of investors and timely decision making, as well as activating control over the fight this sector, and developing a comprehensive national framework for Public-Private Partnership (PPP).

(6) It is worth noting herein that the Parliament may not commit refer violations to courts, according to the decision of the Supreme Council for Constitution Interpretation.

(7) Privatization Evaluation Committee Report <http://www.pm.gov.jo/content/1405784251>

Country Profile

1- Preface

2- Country Profile: Historical background

Jordan is located in the heartland of the Middle East region, Northwest of Saudi Arabia, south of Syria, Southwest of Iraq, and east of Palestine. Jordan has a maritime outlet on the Red Sea through Aqaba city located at the northern edge of Gulf of Aqaba. Jordan is located at latitudes 34.52 – 39.15 to the northward and longitudes 59 – 31 eastward. The total area of the Hashemite Kingdom of Jordan is 89287 square km including 7,8% agricultural lands.

The Jordanian Constitution provides that the political regime of the State is Parliamentary Monarchy Hereditary. The King exercises His authorities through a Royal Decree signed by the Prime Minister and appointed ministers. The government is deemed to be the supreme executive and administrative authority of the Jordanian State. The government and administrative activities are executed through the Cabinet that assumes full liability for the management of the State's internal and foreign affairs.

The Cabinet is composed of the Prime Minister and a number of ministers. The Prime Minister supervises the government activities and chairs the Cabinet.

The Prime Minister is liable before the House of Representatives. The legislative authority is entrusted with the Parliament and the King. The Parliament is composed of the elected House of Representatives and House of Senate appointed by the King. The judicial authority is supervised and managed by a judicial council that the constitution provided for its formation under the law and is represented by the chairman of the judicial council.

King Abdullah bin Al Hussein (Abdullah I) ruled Jordan since the inception of Transjordan in 1921 as Emir. Following independence from Britain in 1946 he was appointed king to the successor state, Jordan. After his assassination in 1951, his son King Talal ruled the nation for a short period. The greatest achievement of King Talal was the issuance of the Jordanian Constitution on the 8th of January 1952. King Talal was forced to abdicate on August 11, 1952 for health reasons. At that time, his eldest son prince Hussein was still under the legal age and thus the Regency Council assumed power until King Hussein came of age (18) according to the constitution of 1952 and proclaimed King of Jordan.

He was enthroned in 1953 until passed away he in 1999 overcoming so many challenges faced by his reign. King Hussein terminated the martial law in 1992. In 1992 the political parties' law was passed and promulgated. In 1989 the parliamentary life was revived through the parliamentary elections. King Abdullah II succeeded his father Hussein following the latter's death in February 1999, and carried on with the journey of building and upgrading the Jordanian institutions, following his late father's approach.

3- The Institutional Political Pillars

To what extent are the political institutions in the country supportive of the effectiveness of the NIS?

Anti-corruption during the recent years became a priority to the political institutions in Jordan. In more than one occasion, King Abdullah II emphasized the importance of anti-corruption and instructed the executive authority to adopt a national integrity charter and plan together with a timeframe to implement it in 2012. In 2013, the national integrity charter and its action plan were announced. This was followed by a royal directive to adopt a national plan for human rights that was announced in 2016.

The political institutions took multiple legislative measures and adopted several policies and action plans for the fight against corruption and improvement of the institutions' general performance.

The major challenge faced by such national efforts has been the translation of those legislations, action plans, and policies in reality and in practice that would be beneficial to the institutions and individuals.

The political institutions in Jordan adopted a legislative political reform system with a view to include citizens into the decision-making process. Political Parties' Law and the Decentralization Law were passed in 2015, and the Elections Law for the House of Representatives was passed beginning of 2016, in addition to adopting the party-list proportional representation system as an alternative to the single-vote mechanism that constituted a major challenge to the political parties and society in reinforcing the legislative authority.

For the international indicators, Jordan was ranked the 11th among Arab countries and the 87th internationally according to the “failed states index 2013”⁸. In 2012, Jordan was ranked the 90th internationally, meaning a decline of Jordan’s position by three scores, while in 2014 it was ranked the 83rd internationally.

However, the barrier the political institutions encounter in Jordan lies in the vulnerable institutionalized relations between the executive and legislative branches in accordance with the representative parliamentary system⁹, rendering the influence tools and parliamentary control fragile and not expected to fulfill the anticipated results.

Recently, a tendency to place personal interests before public interests prevailed, through providing service privileges to the representatives to lobby for no-confidence vote, or through not meeting quorum for confidence vote, and accordingly disabling the parliamentary control instruments.¹⁰

(8) Issued by Foreign Policy magazine, USA

(9) Confirmed by the King Abdullah II in the discussion paper No. 5 on the link: <http://kingabdullah.jo/>

(10) Employment appointments accusations based on intermediation and nepotism in the House of Representatives, links: www.jfranews.com, <http://www.gerasanews.com>, <http://sawaleif.com>

Political Social Pillars:

To what extent social groups and the political system in Jordan are linked in a manner supporting NIS.

Origins of the Jordanian nation vary. The vast majority of Jordanians stem from the Levant and Arabian Peninsula descending from the different Arab tribes with ethnic minorities that immigrated to the region before the establishment of Transjordan, most notably Circassia, Chechen and Armenian Diasporas. Jordan experiences unique ethnic and religious diversity ensuring coexistence between the races and religions.

The constitution and laws provide protection and liberty to all citizens in terms of formation and participation in the respective clubs, schools, societies or worship places.¹¹

Total population of the Kingdom is 9,531,712. The population increased since the outset of the sixties of the previous century, the number of population multiplied to more than 10 times in 55 years. The greater increase took place during the past decade, in particular since 2011. The population growth rate during the period 2004 and 2015 amounted to around 5.3 % annually. The drastic increase is attributed to the migrations, including forced migrations, and seeking refuge to Jordan. The Jordanian annual growth rate was 3.1% against 18% for non-Jordanians¹². Population of Jordan amounts to 6,613,587 accounting for 69.4% of total Kingdom people.

For the international indicators, in particular the human development index (HDI) for 2014, Jordan made progress by 23 grades to be ranked 77th while it ranked 100th according to the human development report for 2013 as shown in table (3) as follows:

Table (3)			
Year	Globally	Among Arab countries	Degree
2014	77	9	0.745
2013	100	11	0.744
2012	94	11	0.700
2011	95	9	0.699

(11) Jordan, population diversity, Jordan House of Representatives, <http://www.kinghussein.gov.jo/>

(12) Results of population census during 2015, preliminary results, department of statistics, website: <http://census.dos.gov.jo/wp> Press coverage of the census for 2015 – <http://www.albosala.com>

(13) Issued by UNDP, the index is published in a report by the World Bank and the International Finance Corporation.

Social Economic Pillars

To what extent does the social economic situation support the NIS efficiency?

The Jordanian economy depends greatly on the public sector. The government adheres to an Economic-Social model that continues to bear the brunt of the prolonged decades of intensive employment in the public sector and to heavy reliance on the foreign manpower in many sectors, not to mention the educational system that is known to be a quantitative rather than a qualitative system.

Even if the regional security crisis comes to an end in the near future, the poor stimuli to promoting foreign donors to provide aids contributing to the refugees' costs would put Jordan face to face with a new debt crisis, never to mention the general weakness in the Jordanian investment climate.

For unemployment, the International Labor Organization (ILO) estimated the high unemployment rate to be 30% by the end of 2014 relative to the population, The Ministry of Labor affirmed that the rate would include the youth newly entering the labor market, The actual unemployment rate for all classes is about 11.8% only.¹⁴

The unemployment rate in the Kingdom during the first quarter of 2015 was about 12.9%; 11% for males and 22.1% for females over the same period.

The unemployment rate for the first quarter of 2015 increased by 0.6 point, compared to the last quarter of 2014, taking into consideration that 55.1% of the unemployed were holders of high school or higher certificates, and 44.6% of total unemployed were holders of lower educational qualifications than high school.¹⁵

(14) The ILO report, press coverage of the report, Alghad newspaper, <http://www.alghad.com>

(15) The above rates and figures are in accordance with reports issued by the Jordan Department of Statistics, press coverage to the report content at the link

Furthermore, the employed subscribed to social security without discontinuation amount to 1,112,000, and average income of workers is JD 470. The Department of Statistics determines the poverty line in Jordan is below JD 580/month per family. In terms of the social economic development, Jordan occupies 82nd place among 174 countries.¹⁶

The Kingdom's economy mainly relies on the service, trade, and tourism sectors¹⁷, and certain extractive industries like fertilizers and pharmaceuticals. Jordan lacks natural resources. The phosphate mines are located to the south of the Kingdom.

Jordan is the third largest exporter of phosphate worldwide. Among the most important other extracted resources are Potash, salts, natural gas and limestone.¹⁸

For Jordan position pursuant to the Global Governance Indicators issued by the World Bank, Jordan score in the accountability indicator 2013 was 25.1%, political stability indicator and absence of violence 25.6%, government effectiveness and quality of services and independence from political pressure, government credibility was 89.8%; organizational quality indicator and quality of services, independence from political pressures and government credibility 89.8%. The governmental ability to formulate and implement sound policies and law that permits promotion and development of the private sector 56%; rule of law 62.6%, and anti-corruption indicator 60.8%.¹⁹

However, the major challenge faced by the Jordanian economic is summarized in the total public debt and ratio to the GDP. It amounts to JD 24.6 billion accounting for 90.9% of GDP.²⁰

In connection with the demographic distribution by nationality in the Kingdom, the non-Jordanians account for 30% of total population, half of them are Syrians (1.3 million) centered mainly in Amman (436 thousand), followed by Irbid (343 thousand), then Mafraq (208 thousand), Zarqa (175 thousand).

The Egyptians are almost 636 thousand centered mainly in the Amman (390 thousand). The Palestinians are almost 634 thousand.²¹

(16) according to UN Agency for Population, see the link: www.ammonnews.net

(17) <http://firemountainseagle.jeeran.com/ScienceAndEngineering/archive/2008/5/571610.html>

(18) <http://petra.gov.jo/Artical.aspx?Lng=2&Section=9&Artical=178931>

(19) Global Governance Indicators report issued by the World Bank, kindly see www.albankaldawli.org, a report issued by the Ministry of Public Sector Development- Jordan, most notable global indicators and reality of Jordan for 2015 published on www.moppsd.gov.jo. Certain studies indicate that the figures are higher up to the third quarter of 2016.

(20) Disorders relating to the basic challenge of the Jordan economy for 2016, alghad newspaper, <http://www.alghad.com/articles/912825>

(21) main results of public census for 2015, department of statistics February 2016, <http://census.dos.gov.jo/wp>

Social Cultural Pillars

To what extent do the prevailing morals, ethics, norms and values support the NIS efficiency?

The administrative corruption phenomenon is the most prevalent in Jordan. It is demonstrated in the crimes offending the public office like bribery, embezzlement and abuse of office, the offences against the public confidence such as forging a department seal, money or debentures and securities counterfeiting, as well as the economic crimes that jeopardize the public funds.

Amongst the most common corruption forms are nepotism, intermediation, and incomppliance with the laws and regulations. The main reasons for corruption are attributed to low salaries coupled with high living standards, the variation in income between the private and public sectors, lack of transparency, widespread poverty, absence of business ethics and poor standards of conduct and external pressure being exercised by the stakeholders.²²

According to anti-corruption commission 2014, number of corruption cases reached 151 out of which 102 cases recorded in the public sector, 34 in the private sector and 15 belonged to individuals as follows: office misuse 18 cases in the public sector, breach of office duties 4 cases in the public sector, public fund abuse 34 in the public sector, 17 in the private sector, abuse of office 12 in the public sector and forfeiting cases – 16 in the public sector.²³

Results of the opinion polls in Jordan reveal low confidence of people in the public performance where satisfaction level in the government for 2014 accounted for 47%, the parliamentary council 32% and the political parties 31%.²⁴

Assessing the economic and social conditions, the results show that the economic problems in general came in the first place by 72% (unemployment, high prices, poverty, and economic condition in general). Abundance of refugees occupied the second place by 9% while the financial and administrative corruption (intermediation and nepotism) came in the third place by 5%.

(22) a statement by former member of anti-corruption commission Dr. Eid Shakhanbeh, <http://www.alhayat.com>

(23) Summary report by anti-corruption commission 2014, <http://www.jfranews.com.jo>

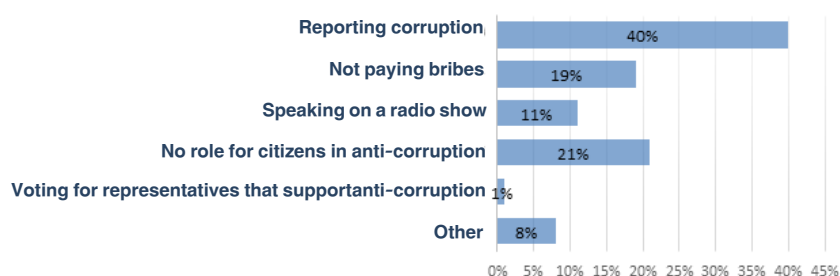
(24) Poll results conducted by the Strategic Studies Center – Jordan University on national important issues, published on: <http://www.assabeel.net/>

The same results further show low trust by people in the official social and economic policies. 32% of people believe that the policies and economic procedures taken by the government in the fight against poverty were adequate. 28% believe that the unemployment procedure was adequate and 24% believe that the economic policies and procedures to eliminate high prices were adequate, while 26% think that the procedures to eliminate the expat manpower were adequate.²⁵

A report issued by the Research Department of the American Congress 2016²⁶ indicates that corruption and nepotism constitute a rampant phenomenon in Jordan economy giving rise to a growing feeling of frustration among the youth. The report also demonstrates that among the problems faced by Jordan long ago is poverty, corruption, slower economic growth, in addition to the high unemployment rates of 12.5%. It also indicates that corruption is so apparent in Jordan drawing attention to a broad use of the so called «nepotism/intermediation».

The results of Corruption Barometer for Jordan revealed that reporting corruption in the Jordanian community is generally affected by the culture; some consider it slandering and an unacceptable²⁷ behavior (29%) due to the close relations between citizens and tribalism. On the other hand, 72% of the respondents indicated that reporting corruption is a personal obligation, and 60% of the respondents indicated that they are willing to spend time in courts as witnesses to report corruption, whereas 33% indicated that they are unwilling of spending such time.

Diagram 2



(25) Poll results conducted by the Strategic Studies Center – Jordan University on national important issues, published on: <http://www.assabeel.net/>

(26) A report issued by USA Congress Research Department 2016, see results at <http://www.alghad.com>

(27) Corruption Barometer issued by Transparency International 2016 <https://www.transparency.org/search?topic=14>

Corruption in Jordan

Since 1995, TI has been issuing its annual report on corruption perceptions' index. It measures corruption perceptions in the public sector depending on a number of surveys, experts assessments and opinions of businessmen. The corruption perception index in the State's public sector depends on a scale (from zero to 100) so that zero means highest rank of corruption perception while (100) means less perception, Table (4) shows Jordan's rank on this index for 2005 up to 2015

Table (4) shows Jordan's rank on corruption perception ²⁸

Year	Grade	Rank	Countries under rating
2005	57	37	159
2006	53	40	163
2007	47	53	180
2008	51	47	180
2009	50	49	180
2010	47	50	178
2011	45	56	183
2012	48	58	176
2013	45	66	177
2014	49	55	175
2015	53	45	168

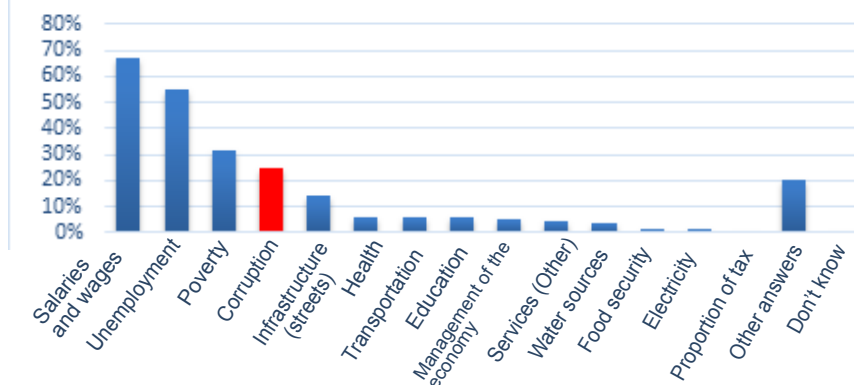
(28) Methodology changed in 2012

The main results of Jordan according to The Global Corruption Barometer (GCB)²⁹ issued by TI indicate the following main results:³⁰

- 25% of Jordanians believe that corruption has been a serious problem among the problems that the government is required to tackle. Corruption came in the fourth rank after the economic situation that occupied the first three ranks.

The respondents believe that the most important troubles faced by the Kingdom require government intervention as follows: 67% low salaries and wages, 55% unemployment and 31% for poverty.

Diagram 4



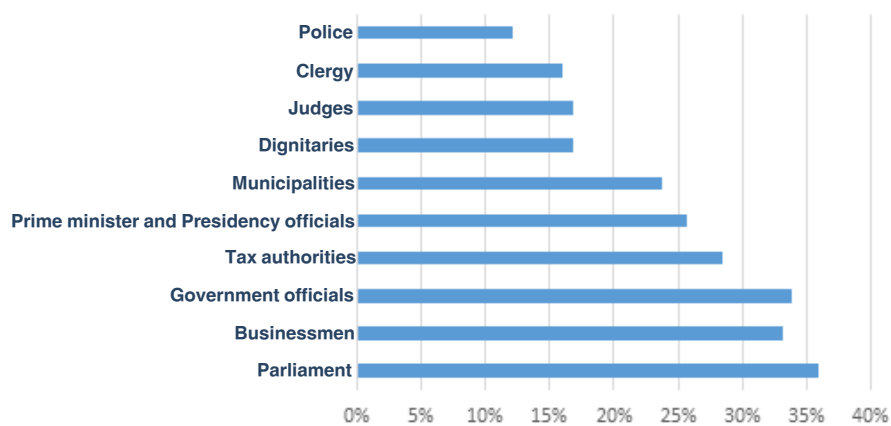
- Efficiency of the government in the efforts against corruption in the public and private sectors is as follows: 61% of the respondents are dissatisfied with the government's anti-corruption performance in the public sector; 34% of respondents believe that the Jordanian government's efforts against corruption are effective in the public sector against 30% in the private sector.
- 75% of the respondents believe that corruption has somewhat increased or significantly increased during the year while 12% believe that corruption remained at the same level, whereas 12% believe that corruption has declined.
- 3% of the respondents reported that they paid themselves bribes to get a public service done for them during the past 12 months.

(29) Global Corruption Barometer Issued By the Organization Transparency International 2016.

(30) (GCB) poll in Jordan has been conducted by the Strategic Studies Center – Jordan University during the period from November 23 to December 4, 2014. Volume of the sample was 1199 of adults divided equally by males and females. They were interviewed face to face in the different governorates of the kingdom. The poll contained 10 main questions three of which had branches.

Public opinion results about corruption degrees in the sectors according to the sample revealed the police was of the lowest corruption followed by the clergy men and then judges according Diagram (5)

Diagram (5) shows corruption degrees by sectors



At the National Level

The anti-corruption commission was established as an independent commission by virtue of the Anti-Corruption Commission Law No. 62 of 2006, whereby the commission's objectives and duties are identified and the corruption acts set out.

The law was amended by virtue of the amended law³¹ No. 10 of 2012. The new amendments included protecting witnesses and reporters, in addition to granting the Commission the authority to suspend any contract, agreement or concession obtained through corruption act. Furthermore, the amendments granted the commission the international cooperation authority to provide and seek mutual legal assistance. The amendment ruled out abatement of corruption and relevant penalties by prescription.

(31) Published in the official gazette volume No. 5151 dated April 3, 2012

The law was amended by virtue of the amended law³² No.16 of 2014 and whereby added laundering crimes, illicit enrichment, failure to disclose investments or equities or benefits that may lead to conflict of interest and to criminal corruptive acts provided for in Article (5) of the Anti-Corruption Commission Law No. 62 of 2006, as amended.

The amendment was followed by adopting a national strategy to fight corruption for the period from 2008-2012. The strategy was based on the promotion of the Anti-Corruption commission capabilities to protect against corruption, education, training and public awareness, law enforcement, coordination of Anti-Corruption efforts and international cooperation. By the end of the strategy period, the national anti-corruption strategy was prepared for the period from 2013 to 2017.

The pillars of the National Anti-Corruption Strategy for the period 2013 to 2017 are based on the following:

- 1- Enhance the level of awareness and education on corruption and anti-corruption efforts.
- 2- Reinforce the efforts for preventing corruption
- 3- Enhance capacities of the Anti-Corruption commission
- 4- Activation of societal participation in anti-corruption activities and strengthening integrity
- 5- Efficiency of investigative procedures in corruption cases and prosecution of perpetrators.
- 6- Reinforce international cooperation on the fight against corruption
- 7- Develop national laws in conformity with the international Anti-Corruption standards and requirements and to ensure efficiency of implementation.

32) Published in the official gazette volume No. 5278 dated March 2, 2014

At the International Level

In 2003, the Hashemite Kingdom of Jordan signed and ratified the UN Convention against Corruption, having passed through all its constitutional stages under "Ratification Law on UN Convention against Corruption" No. 28 of 2004. The ratification deed was kept with the UN Secretary General dated February 24, 2005.

In 2010, by lot Jordan was elected a State to be reviewed in the first cycle. Also by lot Maldives Islands and Nigeria Republic were selected as States to review Jordan. In the same year 2010, Jordan was officially notified of review process commencement.

Accordingly, Jordan began to implement the practical procedures required to finalize the review according to the decision of States Parties.

Within the period agreed upon, Jordan's self-appraisal report in connection with the third and fourth chapters under review was filed. During the period from 7-14/3/2011, the field visit was made by the experts of both reviewing states in conjunction with the Secretariat of the United Nations Office on Drugs and Crime). The report was published on the website of UN Office on Drugs and Crime.³³

Outputs of the report were approved and Jordan needs of technical and technological assistance necessary to activate anti-corruption efforts were identified in conformity with the UN Convention against Corruption requirements.³⁴

33)To examine the report kindly visit the link: <http://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>

34)To view the report summary in Arabic, kindly see the link: <http://www.jacc.gov.jo/>

The most prominent recommendations of the European Neighborhood Policy report³⁵ about work progress for 2013 are as hereunder.

The report that monitors the major developments and reform efforts also demonstrated that corruption in Jordan remained a question with a very serious concern. It underlined the following recommendations:

- To carry on building a more compatible, comprehensive, participatory, and open political system where all Jordanian can feel they are represented through the amendment of the legal election framework accordingly.
- Strengthen independence and integrity of the judicial system and its administrative capacity.
- Take tangible steps and measures to eliminate violence against women and promotion of more women integration into the political life, economic affairs, education and work, for example, through the application of the Protection of Women from Domestic Violence Act.
- Moving forward towards ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Safeguard freedom of expression and freedom of media, through the amendment of provisions related to the Penal Code so that violations in connection with the freedom of expression and free media may not be committed to the State Security Court.
- Safeguard liberty to formation of societies through easing of current regulations, creating of enabling environment to double effective participation and involvement by the people.
- To continue implementation of the IMF Standby Agreement (SBA) including addressing tax reform issues and increased tax collection and personal income tax graduation through legislative procedures.
- Take decisive actions to improve the business and investment environment through legislative and organizational measures with a view to promote growth.
- To carry on with upgrading public fund control institutions in accordance with the International Best Practice and implementation of the anti-corruption strategy for the period from 2013 through 2017.

35) To view report summary kindly visit the following link: www.iacc.gov.jo

Recommendations to the Integrity Pillars

The following recommendations explain the basic reform aspects to each pillar, Implementing these recommendations will help build a national integrity system in Jordan with adequate power and ability to prevent, detect, and address corruption.

The Legislative Authority

Recommendations:

- 1- Development of the House internal by-laws for more effective institutionalization for its committees; development of the institutional structures, including the executive office and a permanent office serving the regulatory legislative goals.
- 2- Activation of the code of conduct, building terms of references for attendance of the House activities and events, including meetings, committees, controlling discussions and proposals, while coupling violations with financial penalties as in the comparative regulations in a manner not to contravene the parliamentary immunity principles.
- 3- Reconsideration of internal procedures of the parliamentary blocs, formation frameworks, provision of logistic technical and financial support to ensure realization of objectives.
- 4- Restructuring the secretariat of the House and recruiting expertise and technical administrative competencies necessary to provide informative technical support to the representatives.
- 5- Upgrading the technical equipment throughout the House and committees activities, dissemination of sectoral and annual reports in an ongoing manner, permitting continued coverage for all House and committees activities and airing them to the public
- 6- Development of rules and standard procedures to prevent conflict of interests among the representatives, legislative and regulatory activities.

- 7- Review and develop procedures for discussing laws before the House and committees through the development of rules and procedures to regulate committees and actions to hearing viewpoints of the stakeholders.
- 8- Stimulation of the parliamentary collective action to complete the elements of the representative parliamentary government, and formation of political majority and shadow government through the representative minority, and support the minority to be able to oversee the government's performance.
- 9- Review and develop parliamentary control instruments to ensure real control over the executive authority.
- 10- Ensure an effective review of the Audit Bureau report and to provide expressly for the ability of the Parliament to address the judicial authority to prosecute crime perpetrators according to the reports.³⁶

Executive Authority

- 1- Adoption of disclosure principle in the general budgets entirely in conformity with the international standards
- 2- Effective control over the developmental projects.
- 3- Present to the public and the National Assembly the economic management and official procedures related to the public debt and privatization programs, and include the procedures in the process of preparing future economic and social policies³⁷, through financial and economic reform plans and policies, and the action plans needed for implementation.
- 4- A comprehensive review of the financial disclosure law to include provisions ensuring its activation through presentation of templates, inclusion of the largest possible segment, and increased control powers in agreement with the transparency and disclosure standards.

36) As stated earlier, the Parliament can't commit violations to courts according to the supreme council for constitution interpretation

37) Privatization Evaluation Committee Report <http://www.pm.gov.jo/content/1405784251>

- 5- Development of rules of reference to the course and priorities of the legislative process.
- 6- Reconsideration of the e-government methodology and philosophy and identifying the goals envisaged from the public service automation, as well as the consolidation of the employment-related institutional references.
- 7- Upgrading and developing the civil service system to keep pace with the developments on the level of public employment, and consolidating institutional references related to employment.
- 8- A comprehensive review of the independent governmental units, frameworks and determination of objective standards for merger and restructuring.
- 9- Consolidation of financial systems, transfer, travel, and other outlays under a consolidated system
- 10- Reconsideration of the appointment system for leading and supervisory posts in conformity with the transparency, integrity and disclosure standards and committees' outcomes.
- 11- Review the education system with the different elements, and determining the possible areas of development for facilities, curriculums, and the academic sector.
- 12- Adoption of national action plans and programs to enhance leniencyvalues, rule of law, justice, transparency, integrity, and good governance.
- 13- Preparation of budgets based on results- oriented budget, and basing assessments on demonstrated documents and accord to the national priorities.
- 14- Adoption of a consolidated procurement system for supplies and works at the institutional level for those that spend from the public funds within clear financial limits, foundations, and controls, and development of accounting and accountability mechanisms and procedures.
- 15- Revisit the government's procedures and mechanisms for delivering services through adoption of programs, automation and effective training to the human personnel and development and rehabilitation of infrastructure.

Judicial Authority

- 1- Ensure financial and administrative autonomy of the judiciary council
- 2- Review the systems and regulations relating to the judges' financial remunerations, and linking them constantly with the inflation rates
- 3- Complete construction of the justice palace in all geographic regions and governorates.
- 4- Staff the courts and judges with the adequate human technical personnel to facilitate and accelerate the decision-making process
- 5- Adoption and development of an action plan for the judiciary system capacity building on all contemporary updates, mitigation of burden and daily monthly judicial assignments.
- 6- Rehabilitation of the courts infrastructure to facilitate access in accordance with the international standards.

Public Sector

- 1- Development of a national action plan to solve and terminate the administrative inflation in the public sector
- 2- Activation of the code of conduct, public post values, integrity and transparency in rendering services.
- 3- Rehabilitation of the infrastructure to ensure good filing and archiving of information and access of citizens to services apart from any obstacles.
- 4- Information indexing and archiving with all official institutions, and grant the streamlining of information readily and smoothly.
- 5- Public institutions are bound to publish their annual sectoral reports at all times and publication of financial and admin reports of companies in which the government is a shareholder.
- 6- Circulation of automated programs use and e-link between all institutions in all governorates.

7- Activation and restructuring of internal control units in public institutions.

8- Application of principles of equal opportunities and transparency in posts beyond the control of the civil service bureau and revocation of exceptional powers in appointments.

9- Allocation of financial resources for services based on clear and objective basis that takes into consideration the domestic needs and national priorities.

Law Enforcement Agencies

1- Reinforce the Prosecution autonomy and provide it with technical equipment necessary to perform its duties in terms of prosecution and investigation.

2- Enhance the skills of individuals entrusted with interrogation, investigation, and monitoring, and continually build their capacities to cope with the latest technical developments in the investigation and information collection fields.

3- Ensure right of grievance through complaint procedures with the independent authorities about any breach individuals may encounter and ensure impartial trials, in an unbiased, transparent and independent manner.

4- Increase numbers of district prosecutors to mitigate the burdens of investigation and witness hearing on current prosecutors.

5- Investigation and detention powers shall be limited to the Prosecution holder of the jurisdiction.

6- Identify the authorities exercising the judicial police powers in particular and ensure any person vested in exercising such powers shall be subjected to intensive training.

7- Reinforcement of rule of law culture among all security services and not abuse rights of people under no pretext.

8- Development of national programs; activation of the notary record with the Ministry of Justice to regulate judicial records.

9- The District Prosecutor's profession is one of the posts demanding an additional effort and classified as a dangerous profession psychologically and physically. This requires provision of financial, human, admin and technical allocations to ensure performance of all tasks vested in them.

Anti-Corruption Commission

- 1- Amendment of Anti-Corruption Commission Law to ensure criminalization of all corruption acts provided for in the UN Convention against Corruption; bridging gaps and shortcomings in the current Act, as well as inclusion of clear provisions about the preventive role of the Commission and raising awareness about corruption dangers, development of mechanisms under the law with a view to coordinate between the Commission and the regulatory institutions in the private sector for corruption elimination.
- 2- Reconsideration of the Commission organizational structure to ensure realization of entrusted duties and tasks, provide it with the technical and admin personnel for the development of the human resources, aiming to keep up with the developments at the regional and international levels.
- 3- Coordination of efforts and real partnerships under the law with the civil society organizations and media.
- 4- Create a mechanism for reference coordination and consolidation concerning investigations of corruption cases between the Commission and the Attorney-General at the courts, Department of financial disclosure, customs department, audit bureau, Ombudsman bureau, and money laundering and counter terrorist financing unit.
- 5- Upgrade the Commission's infrastructure for institutional and self-sufficiency to undertake procedures necessary to investigate and detect corruption cases, and provide it with the software and e-linking together with the technical equipment.
- 6- Adequate attention should be given to the importance of the preventive aspect and development of executive action plans for people's raising awareness against corruption dangers.

Independent Election Commission (IEC)

- 1- Strengthen financial and administrative independence of the Commission given the privacy of the activities and roles.
- 2- Develop the commission's organizational structure to ensure activation of technical roles relating to the awareness and education in all Election stages not only during the elections season.
- 3- Develop more effective mechanisms and procedures in the regulation and perusal of Election campaigning, financial disclosure, and controlling political finance.
- 4- Publishing all electoral process-related information reports and decisions to the public
- 5- Development of the Commission's Law to ensure total cooperation by the State institutions during the electoral process; development of law provisions for the activation of the law enforcement service roles to take control of the election crimes, including the political finance (termed black money).
- 6- Review the election law to ensure criminalization of all acts offending principles of the electoral process and to ensure equality and justice between all candidates.
- 7- Development of clear mechanisms, evidence and reference rules to the ad-hoc committees and expansion of the Election Commissions, polling stations and sorting committees, in addition to adoption of adequate training programs some time before the polling date.
- 8- Development of mechanisms to deal with media during the Election period particularly the election campaigning for bias and independence.
- 9- Direct supervision by the Commission and provision of human and technical specialized personnel.

Ombudsman Bureau

- 1- Accelerate passing the Integrity and Anti-Corruption Law whereby the Ombudsman Bureau may be merged into the anti-corruption commission as well as coordination between the control institutions.
- 2- Identify the best international experiences in building institutions similar to Ombudsman and taking advantage of such experiences.
- 3- Grant real and actual independence to the regulatory institutions including the financial, admin and technical independence to exercise the entrusted duties impartially and integrally.
- 4- Explicitly stipulating publishing the annual, sectoral and periodic reports to the public without restrictions.
- 5- Reconstruction of the structural and functional building to achieve the goals required by the control institutions.
- 6- Development of a national database that constitutes a reliable reference for all bodies for evaluating and monitoring progress of work and to prevent double work within the different control institutions in Jordan.

Audit Bureau

- 1- It is imperative that the Audit Bureau shall be granted complete administrative and financial independence, where the Bureau president shall report to the Chairman of the National Assembly only.
- 2- The law shall provide for non-dismissal or disqualification of the Bureau President during his/her term unless convicted for offences commission or gross violations. The term of presidency is 6 years.
- 3- The Bureau shall develop the applicable control tools and means in conformity with the approved international best practices; exercising all types of control particularly performance control, administrative control, and to review and develop legislation for coordination between control agencies.
- 4- The law shall provide for activation of the legal accountability in accordance with transparency and integrity principles, while maintaining objectivity and pursuant to the best international standards until the time when the audit bureau control turns to be external control agency.
- 5- Development of instructions for the standards related to the technical institutions like the universities and companies.

- 6- Development of the technical apparatus, and supplying Audit Bureau with professional specialized personnel; development of the organizational and administrative structure to cater for the real needs.
- 7- Timely report writing of regulatory reports once errors are detected or upon completion of audit process so that effects resulting from audit don't disappear; timeliness.
- 8- Exercise greater role in the bureau to control revenues as it does over the expenditure; expenditures may be passed by more than one person whereas the revenues are received by one.
- 9- Reinforce the use of automated accounting information systems used in the State institutions because they give rise to possible verification of validity of revenues and expenditure so that the bureau is enabled to obtain and examine the information at any time pressure free.
- 10- Accelerate the implementation of the NIS pillars for containing important pillars that would positively reflect on the bureau activities.
- 11- The control of the Audit Bureau should include companies of which the government owns 25% of capital or more.

Political Parties

First: The legislation level

- 1- Review the Political Parties' Law to ensure facilitation and acceleration of parties' registration process³⁸. The current law includes lengthy procedures that are administratively complicated and tend to deter individuals from proceeding with licensing political parties.
- 2- Review the legal framework regulating the financial support to the political parties and to be guided by the international systems including declaration of establishment, participating in elections, number of votes given to the party, number of seats won by the party, party's woman and youth representation rate, number of premises of parties in the regions and governorates.
- 3- To expressly provide for the right of parties, whether institutions or legal personalities to proceed with all internal affairs-related acts without approvals or restrictions to amend the respective articles of association.

³⁸A report issued by the American Department of State for 2008, Jordan .

4- Revocation of punishments prescribed by the political parties law described as sever and that don't conform to the official public speech, to head towards enhancing political parties life.

5- The law shall include independence of the legal personality of the party to the effect that no intervention should take place in their internal affairs but through clear judicial procedures, and no institution shall view any accounts, files, and records of the party unless through the competent court.

6- Amendment of open public meetings law to guarantee permission is granted to the legal personalities to make a written notice for holding a public meeting or to sign it together with the legal persons.

Elimination of broad powers granted to the Minister of Interior on the public meetings law represented in the power to rule out certain meetings from the provisions of the public meetings law and in issuing instructions necessary to implement the law provisions at any time he may wish.

Second: Practice Level

1- Suspension of any practices that would influence belonging to the political parties or get involved in their activities.

2-Review and develop school and university curricula in the civil educational and political fields, and removing any materials contravening the freedom of opinion and expression and political pluralism, and the right to form parties and affiliate to them.

3- Political parties' engagement in developing plans and society programs, and not to abuse right of parties to address public opinion, including the youth.

4- The political parties seek development of their internal regulations and institutional structures based on transparency and governance.

5- The political parties develop national plans and programs to meet individual needs to attain solutions and perceptions about the problems faced by the Jordanian State.

6- The political parties should follow all methods towards the achievement of the financial disclosure, financial and administrative transparency, and dedication of the best political practices for the public work.

Media

- 1- Review right of access to information to ensure self-disclosure at all times and classification according to objective grounds.
- 2- Review Prevention of Terrorism Law without affecting the freedom of opinion and expression and to ensure journalists are not committed to the State Security Court.
- 3- Review e-crimes Law to ensure journalists are not detained, and ensure no litigation prolonged in conformity with the printing presses and publications Act.
- 4- Review the Printing and Publications Law to ensure e-communications are regulated without recording for restriction and not to resort to withholding.
- 5- Review audio-visual media law and ensure relay-licensing decisions are reasoned.
- 6- Redefine the journalists in harmony with the international standards and best practices, and open the door for membership in the journalist association for each journalists employed by any media.
- 7- Adoption of a national action plan to classify all information in the institutions according to a clear methodology.

Civil Society

The legal framework regulating the right to form CSOs should be based on the following principles:

- a) Freedom of establishing and registering CSOs through notification only, provided that the executive authority, in case of objection, shall be entitled to resort to courts.
- b) Each CSO shall have the right to freely develop its articles of association. The board of directors is entitled to administer the society without intervention from any government authority.
- c) The board of directors of the society is entitled to freely elect its members, and the government shall respect election results. The government may not object to the membership of any individual of the board unless through a case filed before the competent administrative court.

- d) The executive authority shall be entitled to oversee associations activities. In case of any violations, the courts shall have final jurisdiction.
- e) Each CSO is entitled to seek internal and external funding, provided such funding is announced and funding sources declared and expenditure budgeted. All such funding shall be documented. The CSO shall publish its annual budget and its general assembly examines the budget.
- f) No CSO may be dissolved without consent of the general assembly or a court decision. Further, no society may be suspended without a judicial decision.
- g) The term of the transitional board of directors shall be 60 days during which the general assembly shall convene for election of the new board of directors. Under no circumstances the mentioned period may be extended but for once to this end.

■ At the Civil Society organizations Internal Procedures Level

The civil society institutions are invited to follow all institutional ways and methods to gain confidence of the public to proceed with achievement of goals. They are asked to pursue all ways and procedures that would enhance transparency, integrity and governance, bearing in mind that democracy is the natural way for succession of power between its members, including:

- a) Participation: all members whether men or women may take part in these institutions, directly or indirectly.
- b) Sharing and coordination: An invitation for sharing and coordination based on real visions and strategic action plans for the achievement of mutual goals in service of public interest without wasting resources or efforts.
- c) Transparency: Providing and making available all information concerning activities, to beneficiaries, the public, related official authorities, and information providers.
- d) Accountability: reporting on how the CSO resources are expensed, while the decision makers take liability for the decisions. These organizations and failure and may be held accountable whoever proved to have misused the CSO funds.

- e) **Equality and inclusion:** all people shall have the chance to participate based on efficiency and non-discrimination.
- f) **Good Governance:** the civil society institutions are asked to follow all good governance ways and methods in terms of finance, admin and executive elements and shall abide by the applicable laws for realization of the goals set out in the internal by-law.
- g) **Succession of power:** among the most problematic issues faced by the civil society organizations is the domination of elites on all society activities for lack of provisions for succession of leadership periodically and the bylaws devoid of periods to assume leadership office.

Private Sector

- 1- Amend the laws and regulations necessary to deliver professional licenses or low-risk investment projects, and apply the concept of post- control and inspection, as well as adopting registration principle in the form of permission to exercise work and the subsequent licensing, except in the cases of heavy industries with detrimental environmental effect. In such cases, an environment study shall be required according to specific conditions issued in the instructions manual.
- 2- Determine a time period to respond to transactions by privacy and seriousness of activities and compliance with the application of the rule stating that lack of response within the prescribed period shall mean acceptance.
- 3- Issue professional licenses for longer periods, 3 or 5 years while developing effective control mechanisms.
- 4- Review the investment law for simultaneous registration and licensing at the integrated window within the same day.
- 5- Apply the electronic registration once the provisions of the e-transactions law have been amended so that the service recipient may apply for electronic registration. In case of acceptance, fees are paid online.

6- More investors' safeguarding (especially minorities) is required through the following steps:

- Stipulation of immediate inspection of transactions with the concerned parties.
- Increased disclosure requirements in the annual report in the case of related parties' transactions.
- Minority investors are allowed to litigate managers in case of mismanagement.
- Identify directors' duties in the law.
- Open the company books for inspection by the shareholders.
- Reduce the minimum requirement for shareholding rate to ask the companies controller to audit the company activities and books from 15% to 10% or less.

7- It is important to emphasize that the best anti-corruption method is prevention, through activating the control role of the companies control department and the securities commission.

8- The penal articles in the Companies Law and Securities Law shall be amended to increase the monetary value of penalties, especially for the violations with financial effect, particularly the effect resulting from breaching the Article No (148) companies)

9- It is important to emphasize the application of the membership qualifying requirements, in particular the "no criminal record" certificate.

10- Activation of civil responsibility provisions of the chairman and members of the board of directors of public shareholding companies.

11- Activation of criminal and civil responsibility for auditors.

12- Severe penalties imposed are required in case of non-disclosure whether in terms of content or timing.

13- Review the Public-Private Partnership policies, taking into consideration the modern approach that regulates the relationship between both sectors, and identify the regulatory and executive frameworks of the law to ensure efficiency, and coordinate cooperation between the sectors to support national economy.

The Legislative Authority

Summary

The National Assembly in Jordan is composed of two Houses: the House of Representatives comprising 150 members, and the Senates comprising a number of no more than half the number of Representatives.

The Representatives are elected by secret ballot for a term of four years based on the single-vote up to 2016. By virtue of the new elections law, elections are based on the closed list. Members of the Senate are appointed directly by His Majesty the King within the Constitution terms and conditions for a four-year term. They are elected from the former prime ministers, ambassadors, chairs of the House of Representatives, cassation court judges, courts of appeal judges, retired officers of the graderank of General, and figures gaining confidence of the nation.

The Constitution has empowered the National Assembly authorities to enact laws, oversee and hold accountable the executive authority. However, presence of the political parties in the Parliament is too low.

The latest elections of the House of Representatives were conducted on January 23, 2013. The House comprises 150 members including 15 seats for women and 27 for lists at the Nation level. Both Houses are composed of a permanent offices, parliamentary committees, friendship committees, secretariat general, to provide technical and administrative support, and parliamentary blocs for the House of Representatives.

Yet, the National Assembly needs to develop its practical tools and mechanisms constantly, as well as updating the internal procedures, activating the code of conduct, activated not to mention the development of and develop legislations to take control of 'political money' and eliminate of the economic influence on the Assembly's decisions. It needs to move towards the programmatic political work.

The following table summarizes the indicators' scores reviewed for the major significant dimensions to a strong parliament and for the role of the legislative authority in the NIS. The remaining part of the report presents the specific regulation for each indicator individually.

The below table summarizes total score of the legislative authority in Jordan according to the capacities, governance and role in terms of law and practice.

Overall Score: 40/100			
Category	Indicator	Law/ Score 100	Practice/score 100
Capacity 38/100	Resources	50	25
	Autonomy	50	25
Governance 33/100	Transparency	50	25
	Accountability	25	25
	Integrity	50	
Role 50/100	To what extent does the legislative authority carry out its regulatory role over the executive authority?	50	
	To what degree does the legislative authority place governance and anti-corruption as a priority in the country?	50	

Structure & Organization

Jordan has had a parliament since 1947. However, in the late 60s, parliamentary life was suspended due to wars, up to the end of the eighties when parliamentary life was revived in 1989. The Legislative Authority is bicameral, the first is the House of Representatives which is directly elected by the people and currently includes 150 representatives. Parliamentary elections are held every four years. The second house is the Senate [House of Notables] whose members are appointed directly by the King within defined specifications, provided that the number of Senates may not be exceed of half the number of the House of the House of Representatives.

The parliamentary regulatory principles are defined by the Jordanian constitution, whereas the Parliamentary activities are regulated by the bylaws. The Constitution set forth the Parliament functions as developing policies through legislation and enactment of laws, as well as overseeing the government performance in general, The current parliament contains twenty parliamentary committees, ten political blocs, and parliamentary coalitions, as well as the Secretariat General that is concerned with the management of the legislative authority affairs in general.

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The legislative authority regulation sets forth the minimum number to form parliamentary blocs by 14 representatives. The blocs shall be deemed revoked if the minimum number goes below the limit for any reason.

Given the absence of the political parties, there is no dominating bloc within the legislative authority, the blocs and respective alliances change drastically, and thus the respective position of the government, noting there are certain blocs are supporters to the government and other opposing ones.

The management of the legislative authority is supervised by the Permanent Office composed of the chairman and deputy and two assistants elected annually³⁹. The legislative authority is composed of 20 parliamentary committees under the bylaws. The committees are elected beginning of each ordinary cycle⁴⁰: legal committee, financial committee, economy and investment, foreign affairs, administrative committee, education and culture, youth and sports, national steering and media, health and environment, agriculture and water, labor, social development and population, energy and mineral resources, public service and transport, tourism and antiquities, public liberties and human rights, Palestine committee, countryside and Badia, public order and conduct, integrity, transparency and fact finding and woman and family affairs.

Under the rules of By virtue of the amendments to procedures' amendments of the legislative authority bylaw in 2013, an executive office has been created, and composed of members of the permanent office members, heads of the parliamentary blocs or their designates, and a representative on behalf of the independent members, if any.

The permanent office shall assume the following powers and competencies jurisdictions:⁴¹

- 1- Preparation of the legislative authority's annual budget
- 2- Presentation of the final account and monitoring the Council's financial expenditure
- 3- Study proposals to regulate the legislative authority activities and make recommendations thereabout
- 4- Coordination and follow-up of activities of the standing permanent committees and committees formed by the legislative authority.

39) Article 7 of the Rules of Procedures of the House of Representatives 2013

40) Article 40 of the Rules of Procedures of the House of Representatives

41) Article 19 of the Rules of Procedures of the House of Representatives of 2013

- 5- Receiving complaints and petitions filed by citizens concerning their affairs, and take proper action, including bringing them referring the complaints to the competent committee.
- 6- Oversee and follow-up memoranda and questions by the legislative authority members
- 7- Approve the organizational structure of the Secretariat General of the legislative authority and determination of relevant staffing
- 8- Investigate urgent matters and emergencies.

Concerning the Senate, the chairman is appointed by His Majesty the king for a couple of years and may be re-appointed. Term of membership in this house is 4 four years, and reappointment is allowed. Meetings of the Senate are coupled with the meetings of the House of Representatives. Convention cycles are the same for both.

The Senate is composed of the permanent office and 16 committees, namely:

- 1- Legal committee
- 2- Financial and economic committee
- 3- Arab & International Affairs and Expatriates
- 4- Administrative committees
- 5- Education committee
- 6- Media and national steering committee
- 7- Health, environment, and population
- 8- Agriculture and water committee
- 9- Labor and social development
- 10- Energy and mineral resources
- 11- Tourism and heritage
- 12- Public services
- 13- Liberties and people's rights
- 14- Palestine committee
- 15- Woman's committee
- 16- Culture, youth, and sports

Capacities: Resources

Law: To what extent are there clauses guaranteeing that the Legislative Authority has financial, human, and technological resources to enable it perform its duties effectively? Do the House of Representatives have sufficient resources to achieve its goals?

Score: 50/100

The National Assembly is primarily governed by the Constitution then by its Rules of bylaw to administer its activities, regulatory, and legislative roles. Under the Constitution it stands for an independent authority among the three authorities of the state: the legislative, executive, and judicial authorities. It plays the role of legislation and control. The Constitution granted the National Assembly liberty to regulate its financial, administrative, and functional activities and affairs as the Constitution has not addressed these matters.

However, the bylaw does not include on any financial and administrative details for the House, except for Article 8 of the bylaw, which provides that the Speaker of the House "chairs the administrative service"⁴² and Article 12 which determined duties of the Permanent Office, most notably "Overseeing the implementation of the House's annual budget"⁴³, and Article 179 which provides that "The Secretariat General of the House shall be formed in accordance with the financial and administrative regulations promulgated for this purpose. However, there is no adequate support to the House blocs, noting that the blocs are a new phenomenon that started to take place in the current House.

Under the amendments to 2013 bylaw, the House's general budget is the responsibility of the Executive Office that prepares the budget and submits the final account, s and monitors the financial expenditure of the House. The budget is subject to the general procedures applicable to the budget preparation in Jordan. Usually it is allocated as approved by the Executive Office. It is submitted by the government as an authority in the general budget law of the State.

It undergoes the procedures applicable in the discussion of any of the budget items with emphasis on the House's inability to increase allocations or transfer them, and therefore the House's allocations are limited in this context.

For the human resources, the staff members of the Secretariat General Service of the House still belong to the civil service system as public employees and are under the same recruitment conditions and procedures and the annual manpower tables. The House may only create or revoke any vacancy on the manpower table with the consent of the executive authority.

42) Clause "k" of Article 8 of the bylaws of the House of Representatives

43) Clause "b" of Article 12 of the bylaws of the House of Representatives

In accordance with the decision taken by the law interpretation bureau 2016, the House may only appoint the personnel with the consent of the executive authority which may affect possible provision of qualified personnel to the House.

Among the powers of the Permanent Office is the appointment of staff based on monthly remuneration as an alternative to the limited human resources or consultants. Such appointments are often subject to interventions and pressures by the representatives which gives rise to great pressure on the burden of the Secretariat General. The Secretariat General Service is saturated and overstaffed and is suffering from administrative inflation, noting that more than 800 people are employed by the Secretariat.

The infrastructure comprises one office building for the Representatives and the Secretariat. However, given the fully staffed Secretariat Service and increased number of representatives to 150, the infrastructure is overcrowded and would impede movement in addition to lacking adequate and necessary halls for the committees.

The technical preparedness of the two Houses is still characterized by vulnerability and the House is in need of devices and electronic software necessary in terms of e-voting systems, attendance control , electronic communication with the representatives, and feeding the website with all important information.

Practice: to what extent does the Legislative Authority have adequate resources to achieve its goals in practice?

Score: 25/100

In practice, the National Assembly lacks clear strategic action plans to identify priorities. Furthermore, the Speaker is the sole competent authority to determine expenditures and in full charge of the budget. Budgets of the National Assembly do not contain financial ceilings determined based on the Assembly needs.

The vast majority of expenses are allocated to the Secretariat General payroll and monthly salaries of the Representatives up to JD 3500 equivalent to \$5000 per representative. Prohibitive allowances are being allocated to cover movement and travel expenses of diplomatic missions without predetermined substantive considerations.

Work teams are allowed to travel notwithstanding the nature of the activity, Representatives are entitled to many privileges and benefits, most notably: customs-free vehicles, diplomatic passports, and transportation and travel per diems amounting to JD 350 equivalent to \$500/day abroad.

The Assembly provides offices to the representatives. The Assembly furthermore provides each representative with one office manager to administer his/her administrative works in terms of correspondences and agenda. The Assembly pays salaries and remunerations of those office managers from the budget. Most of the representatives have recourse to other employees on the payroll of the representatives. The Assembly may have recourse to experts on specific fields for lack of permanent experts at the Assembly.

The Assembly provides office equipment, computers, internet and other requirements. However, it lacks the qualified personnel. It also provides audio system for session recording but in most cases the audio system is out of work and thus may not be used on voting on laws and other Assembly activities.

Capacities: Autonomy

Laws: To what extent is the Legislative Authority considered independent from external pressures?

Score: 50/100

The political system in Jordan is parliamentary, monarchy hereditary⁴⁴. Article 24 of the Constitution provides that "The Nation is the Source of Powers"⁴⁵. The Constitution vested the National Assembly comprising the House of Representatives and the Senate and the King with the legislative authority.⁴⁶

The House of Representatives is composed of⁴⁷ members elected directly by secret general election in accordance with the Election Law that ensures the following principles:

- a- The right of candidates to observe the electoral process
- b- Punishment of abusers with the voters' volition
- c- Safety of the electoral process throughout all stages.

44) Article 1 of the Constitution of Jordan, "The Hashemite Kingdom of Jordan is an independent sovereign Arab State. It is indivisible and no part of it may be ceded. The Jordanian people are part of the Arab Nation, and its ruling regime is parliamentary with a hereditary monarchy."

45) Clause 1 of Article of the Constitution of Jordan.

46) Article 25 of the Constitution of Jordan provides that "The Legislative Authority shall be vested in the Parliament and the King. The Parliament shall consist of the Senate and the House of Representatives

47) Article 67 of Jordan Constitution

The Constitution defines⁴⁸ the term of the House of Representatives as four calendar years starting from the date the results of the general elections are announced in the Official Gazette. The King may, by a Royal Decree, extend the term of the House for a period of not less than one year and not more than two years. The elections should take place during the four months preceding the end of the term of the House. If the election has not taken place by the end of the term of the House or if it is delayed for any reason, the House shall remain in office until the election of the new House.

The House of Representatives shall at the beginning of every ordinary session elect its Speaker for a period of a calendar year, and he/she may be re-elected. If the House meets in an extraordinary session and has no Speaker, the House shall elect a Speaker for a term which shall terminate at the beginning of the ordinary session.⁴⁹

The Constitution provides that “The King shall ratify and promulgate the laws and order the enactment of the regulations necessary for their implementation, provided they shall not contravene provisions thereof.”⁵⁰ It also provides that “The King instructs to conduct elections of the House of Representatives in accordance with the provisions of law.

The King convenes the Parliament, inaugurates, adjourns and prorogues it in accordance with the provisions of the Constitution. The King may dissolve the House of Representatives and the Senate or relieve one of its members of the membership.⁵¹

The King shall appoint the Senate members according to the Constitution and one of them Speaker of the Senate and accepts resignations of the Senators.⁵²

The King calls upon the Parliament to convene in its regular session. The King may, by a Royal Decree published in the Official Gazette, defer the meeting of the Parliament to a date set out in the Royal Decree, provided the period of postponement does not exceed two months. The King may extend the ordinary session for another period not exceeding three months for the completion of pending matters. At the expiration of the six months or any extension thereto, the King shall dissolve the said session.⁵³

48) Article 68 of Jordan Constitution

49) Article 69 of Jordan Constitution

50) Article 31 of the Constitution

51) Article 34 of the Constitution

52) Article 36 of the Constitution

53) Article 78 of the Constitution

After the amendments to the Constitution in 2011, which rebalanced the legislative and executive authorities, some of the clauses which encroached the legislative authority were amended. The clause provided that “If the House of Representatives is dissolved, a general election should be held so that the new House shall convene in an extraordinary session not later than four months after the dissolution date at most. Such session shall be deemed as the ordinary session in accordance with the provisions of Article (78) of this Constitution under the same extension and adjournment conditions.

If the election has not taken place by the end of the four months, the dissolved House shall restore its full constitutional power and convenes immediately as if the dissolution had not taken place and shall remain in office until the new House is elected. Such extraordinary session shall not in any case exceed September 30th and shall be adjourned then for the House to be able to hold its first ordinary session on the first of October. If the extraordinary session happens to be held in the months of October and November, it shall then be considered as the first regular session of the House of Representatives.⁵⁴

A provision was added to the effect that if the House of Representatives was dissolved for any reason, the new House may not be dissolved for the same reason. The government in the tenure of which the House of Representative was dissolved shall submit its resignation within one week after the dissolution date and the prime minister may not be entrusted with the formation of the next government.⁵⁵

The King shall inaugurate the ordinary regular session of the Parliament by delivering the Speech from the Throne. He may deputize the Prime Minister or one of the Ministers to perform the inauguration ceremony and deliver the Speech from the Throne.⁵⁶

The King shall summon the Parliament to hold an extraordinary session upon request by the absolute majority of the House of Representatives by a petition signed thereby indicating the matters desired to be discussed. The Parliament may not discuss in any extraordinary session any matters other than those specified in the Royal Decree thereunder the session is convened.⁵⁷

No law may be passed unless approved by both Houses and ratified by the King.⁵⁸ “If the King contends not to ratify the law, he may, within six months from the date of its submission, return it to the House coupled with a statement of the reasons for the non-ratification.⁵⁹

5) Article 73 of the Constitution

55) Article 74 of the Constitution

56) Article 79 of the Constitution

57) Article 82 of the Constitution

58) Article 91 of the Constitution

59) Clauses “1”, “2” and “3” of Article 93 of the Constitution

The Constitution also provides that “Every member of the Senate and the House of Representatives is at liberty to talk and express opinion within the limits of the by-laws of the House he/she belongs to; and the member may not be blamed for any voting or opinion he expresses or speech he makes during the sittings of the House.”⁶⁰

For the Senate, members are appointed by the King without any substantive controls for member selection which affects effectiveness and independence of the House. Furthermore, individual work has been the dominant feature of the elected House of Representatives as well as the engagements of the House members with the interests with the government that preclude from full independence of the actions of such members, and therefore affect the legislative and regulatory decision-making.

In addition, the member-oriented interest in getting services is widespread and prevailing between the representatives and the government.

Practice: to what extent is the Legislative Authority independent from external powers in terms of practice?

Score: 25/100

Notwithstanding that the Jordanian Parliament enjoys legal protection against interference; however, the actual autonomy is influenced by the prevailing political environment, in particular the semi-complete absence of political parties in the House, and the prevalence of the phenomenon of independent Representatives.

In practice, the separation between the three authorities seems to be an elastic or flexible separation,⁶¹ meaning that the legislative authority is totally insecure from interferences by the executive authority in the work of the House, yet, these interferences may not be objectively verified.

60) Article 87 of the Constitution

61) Stated on the official website of the House of Representatives in relation to the separation between the authorities that “The Jordanian political system is founded on the principle of the flexible separation between the three authorities (executive, legislative and judicial).” Official website of the House of Representatives, available under the official link for the Assembly at <http://www.parliament.jo/node/3>

Although the Constitution gives the government the right to make recommendations to dissolve the House of Representatives, it prevents the government recommending dissolution from continuing its tenure, requiring it to resign within a week from the resolution on the dissolution. The head of the government recommending dissolution of the House may not be entrusted with the subsequent government formation.⁶²

The Senate has the role of partner to the House of Representatives in the legislative authority. Although the two Houses enjoy the same legislative duties, the Senate does not participate in the debate on the ministerial statement to obtain a vote of no confidence in the government, nor does it cast votes of confidence in the government or ministers. These functions are a mere competence of the House of Representatives.

In practice, the House of Representatives may not pass any law or legislation unless ratified by the Senate. If the Senate rejects amendments or resolutions from the House of Representatives then this legislation shall be brought again before the House of Representatives, If the House of Representatives insist on its resolution then it is returned once again to the Senate. If the Senate persists with its decision and the Representatives adhere to their position once again, the disputed subject matter shall be finally settled by a joint meeting attended by two thirds of the members of both Houses. In this case the Speaker of the Senate chairs the joint meeting as expressly provided for in the constitution⁶³ In practice, such a dispute rarely happens. In most cases disagreements are resolved in consultation with the legal committee and the competent committees.

Although the Constitution allows for the House of Representatives to ask the government to create a law, the absolute majority of laws are made through the government initiative. According to the statements, more than 15 legislative initiatives were brought up by the representatives yet never communicated to the government for review.⁶⁴

The problematic aspects become defined in observing practices undertaken by the Representatives while exercising their legislative and monitoring activities. The ideological political work has not yet crystallized within the House, as a parliamentary majority has not been formed to formulate representative parliamentary system. The King produces papers for discussion which refer to the necessary formation of a parliamentary majority for consultation in order to form parliamentary governments and a minority to form a shadow government to monitor the government performance. However, the experiment is still under crystallization and production process in labor. This keeps the House under the influence and pressure.

62) Clause 2 of Article 74 of the Constitution states that "The government -in the tenure of which the House of Representatives is dissolved- shall resign within a week from the date of dissolution; and its head may not be designated to form the government that follows."

63) Article 89 and Article 92 of the Constitution

64) According to information obtained from the Secretariat General in the House of Representatives.

Governance: Transparency

Law: To what extent are provisions made available with the Legislative Assembly to ensure the public have access to information relevant to the decision-making process activities?

Score: 25/100

bylaw of the House of Representatives states that of the House sessions should be public, but may be 'secret' upon written request of the government or of at least five Representatives. In this case the only allowed attendees in House's meeting conference hall shall be the ministers, senators, and the Secretary General of the House. The Speaker would announce the request to the House for deliberation and thus if approved the session remains closed to the end of the subject for which the secret session was held.⁶⁵

The bylaw provides for confidential information of the House papers that may not be published or communicated unless included on the agenda or transferred to the government⁶⁶. However, there are no rules of reference or instructions that regulate access to information or media activity in the House. The House information has not been classified or indexed in accordance with the access to information law.

The bylaw requires detailed minutes of meeting of each session setting out names of absentees with/ without excuse, session deliberations, discussions and decisions. A summary of the minutes shall be recorded in a registry. The chair of the session and the Secretary General of the House shall sign the minutes.

The House instructions provide for development of draft laws on the website of the House once received by the House of Representatives. Furthermore, the committees request people to make and send comments to the Legal Committee for follow-up.

The Constitution also grants that "every member of the Senate and the House of Representatives may address questions and interpellations to the Ministers concerning any of the public matters as set forth in the by-laws of the House to which that member belongs. No interpellation shall be debated before the period of eight days as of its receipt by the Minister, unless the case is urgent and the Minister agrees to shorten said period."⁶⁷

65) Article 95 of rules of procedures of the House of Representatives

66) Clause "a" of Article 94 of the rules of procedures of the House

67) Article 96 of the Jordanian Constitution

Practice: To what extent can the public attend and examine information and decision-making process in a timely manner in practice?

Score: 25/100

Not all decisions and matters discussed or in the House are made available to the public, on the basis of openness and the public's right to know. Most of the resolutions by the Permanent Office of the House of Representatives are not made available to the public. Details of representative's travel abroad and the resulting costs are kept highly confidential. Sometimes, meetings of the standing committee turn into closed meetings where journalists and media personnel may not take part in. furthermore, disbursement of the House budget details are quite confidential as well as the minutes of meetings of secret sessions under the bylaw.⁶⁸

On the other hand, the House of Representatives receive the widest and largest media coverage in Jordan, paving the way for the public to follow view of what is going inside the House in terms of details. Print newspapers, satellite and radio, and electronic newspapers are responsible for ensuring coverage of such events to the public. In numerous official sessions under the Dome, the satellite and terrestrial radio transmission broadcast live along with the news coverage on the electronic newspapers. At some sessions of the House, the media resorts to using social media for live broadcasting.

The House of Representatives pave the way for the public to directly follow the sessions via certain mechanism by closely getting into the House for follow-up together with the journalists and media personnel.

The most interesting facts demonstrating how far the House is accessible to the public and providing information is related to the implementation of the Access to Information Law. Up to the time of preparing this report, the House of Representatives have not categorized its information, failed to implement the captioned law, notwithstanding the House's recognition of how important the law is.

However the House neither designated in formation application form nor it designated the an information commissioner, or created a record to cater for the information access applications. This creates shortcomings in terms of the House application of such important law.

Amongst the positives for which the House of Representatives should be commended, it publishes the names of the Representatives who attend and do not attend the sessions, along with absentees with/without excuse, while making this information available . to the media and the public. Also, the House regularly posts the draft laws sent to it by the government on the website of the House of Representatives for public view.

68) Waleed Husni Personal interview, source quoted earlier

However, concurrently cooperation with the civil society is being conducted through a monitoring program with a view to pursue and appraise the entire achievements of the legislative authority and control agencies, and for the purpose of registering interventions and interrogations and other House's related affairs.

Furthermore, there is no channel designated for the House or to any party to make television coverage of the House activities. The House meetings are broadcasted on the official sports channel; however the House's important matters are transmitted on the official television. The meetings of the committees are not broadcasted on television, instead summaries are. Moreover, the House does not produce annual reports covering and demonstrating their activities publicly, yet the Speaker holds press conferences about the achievements of the House.

Governance: Accountability

Law: To what extent does the Legislative Assembly have provisions to ensure reports are submitted and accountability is in place?

Score: 25/100

The bylaw is devoid of legal provisions illustrating control and accountability criteria for members of the Parliament, except for the direct general control by the public, through vote of no confidence motion. Citizens can file complaints and petitions and communicate with the Representatives and the House of Representatives, but there is no clear mechanism on how to consider and investigate these complaints.

The House of Representatives is deemed to have direct responsibility for its work. As an independent authority, in this capacity, it has power to take responsibility in accordance with the constitutional and legal provisions, 'the bylaw', which regulates its work. At the same time it has the power of discretion in cases where there are no legal provisions. According to parliamentary norm the House is «self-governed»

The House issues its achievements, reports of the various numerous standing committees, or reports of the sub-committees or ad-hoc committees formed by the House, to debate discuss certain issues, in accordance with the provision of Article 63 of the Rules of Procedure of the House bylaw. These rules allow each standing or ad-hoc committee "to select from its members a sub-committee to study specific subjects. The sub-committee shall present a report on the result of its work to the committee from which it was formed."⁶⁹

69) Article 63 of the House of Representatives' by-law provides that « Each standing or ad-hoc committee may select from its members a sub-committee to study specific subjects. The sub-committee shall present a report on the result of its work to the committee it is derived from

The bylaws of the House provides that reports similar to the chairman of each standing committee shall be developed about "every subject matter studied by the committee and decided to bring it before the House. The Speaker of the House shall include the committee reports on the House agenda sequenced as received with priority given to the urgent projects.⁷⁰

However, until this time, the committees lack clear regulatory mechanisms and terms of references, and do not have any reporting procedures on an ongoing basis. The reports are limited to showing the activities implemented by the committees during the parliamentary cycle.

Detailed minutes of meetings are developed for all the committee meetings, listing the names of attendants and absentees, the facts, and any decisions taken. The minutes of meetings are signed by the chair, secretary and rapporteur.

The chairman of the committee submits to the Speaker of the House a detailed report on each subject studied by the committee and decided to bring it before the House⁷¹. The Speaker of the House shall include such reports in a chronological order into the House agenda giving priority to the urgent projects. However, these reports are often not published publicly.

It should be noted that the committees' reports are printed accompanied by the draft laws, amendments, and the mandating reasons, as well as the proposals from the committee and any other proposals. These reports are communicated to members at least five days before the start of the debate, unless the House decides to give the subject urgent status. In this case they are debated as a summary topic.⁷²

In its report referred to under clause (a) of this Article, the proposals from members of the House of Representatives that have not been considered by the committee shall be enclosed with a view to give them the opportunity to defend their proposals in the House.

70) Article 72 of the House of Representatives by-laws

71) Article 72 of the by-laws

72) Article 81 of the House of Representatives by-laws

Practice: To what extent is the legislative authority liable for presentation of reports on institutional practices?

Score: 25/100

Usually the House submits various reports. Lack of mechanisms and standards to the legislators in terms of consultation or holding open sessions is reflected in practice.

Notwithstanding the fact that the committees sometimes resort to holding consultative meetings to obtain comments on draft laws, this mostly does not regularly happen.

Types of reports provided by the House of Representatives vary as follows:

- 1- Reports from the competent standing committees pertaining to laws and legislation. These are presented to the House having discussed the laws by the competent committees then discussed in official sessions held in the National Assembly.
- 2- Reports submitted by the committees on monitoring cases: The House decides to have them examined and investigated through formation of ad-hoc committees in accordance with the by-law and constitution. These reports are often published.

The House often publishes the captioned reports either through various media institutions or the website. The financial reports of the House of Representatives pertaining to finance and budget of the House are not disclosed to the public being confidential documents.⁷³

However, an annual report containing a publicly available archive of the House's work and achievements is never made available to the public. The House publishes on the website some of the activities and important draft laws while the remaining reports and outputs are not published.

Furthermore, the bylaw is devoid of clear mechanism in handling complaints, petitions, questions and priority of examining them by the House in a clear institutional manner.

RASHEED frequently publishes reports pertaining to the regulatory legislative achievement, House meetings, attendance, and absenteeism.⁷⁴

73) Waleed Husni. Personal interview, a source mentioned earlier

74) Al-Hayat Centre for Civil Society Development - observer

Mechanism for committees and regulation of activities and organizational frameworks sound are flexible, vague, and differs from one committee to another and from one cycle to another, which increases possibilities of and thus exposed to continued change and replacement constantly, and thus leading to instability of positive parliamentary norms and traditions.

Governance: Integrity

Laws: To what extent do the existing mechanisms in the Legislative Authority ensure integrity of the members of the Parliament?

Score: 50/100

The legal framework includes procedures to preserve the integrity of the work of the Parliament. However, the Jordanian Constitution sets out the principle of separation between stakeholders and the filling in public employments. All members of the Senate and the House of Representatives are prevented during their memberships from contracting with the government, official public institutions, and government-owned companies or controlled by the government, or any official public institution, whether directly or indirectly. This excludes land and real estate lease contracts, and the shareholders in companies with more than 10 members.⁷⁵

In 2014 the House of Representatives approved a parliamentary code of conduct including the most important general principles on transparency, integrity related mechanisms, means of investigation by the Parliamentary Order and Behavior Committee. The code also includes the establishment of the principles of democracy and values of citizenship, the altruism of the public interest, strengthening the concept of Representatives' responsibility and self-accountability, dealing with others objectively, and promote citizens' confidence in the House, in order to strengthen the values of national unity, to avoid provocation and the fueling civil strife and everything relating to affecting societal security and stability, as well as respecting the civil and political rights provided in the Constitution.⁷⁶

It is clear that the constitutional statement on the separation between stakeholders and the filling vacant public posts, or the National Assembly membership (the House of Representatives and the Senate), is designed for attaining higher levels of autonomy and integrity so that the representatives do not have any combined interest with the executive authority, as the capacity as a representative includes providing supervision and control over public institutions.

⁷⁵) Article 75 of the constitution

⁷⁶) Parliamentary code of conduct

The House of Representatives comprises a standing committee called the Committee of Order and Behavior. Its duties have been determined under the bylaw as: supervising the application of the code of conduct and studying any related proposals; considering complaints filed by the Representatives against any organization; ruling on any violation of the code of conduct; ruling on any behavior abuses the reputation or prestige of the House and its members, whether inside or outside the parliament. However, the constitution and rules of procedures of the House of Representatives never developed determinants over the practices of the House members concerning economic or trading activities, meaning to say the representatives may exercise their business freely during their membership, which in turn creates a huge gap paving the way for exploitation of positions in exercising their private business.

The constitution has provided for the conditions for the members of the House of Representatives and the Senate. The following may not be members:

- a- Non-Jordanians
- b- Other nationality holders
- c- Sentenced for bankruptcy and not rehabilitated legally
- d- Quarantined and such quarantine has not been removed
- e- Sentenced to prison for more than one year for non-political crime and not exempted yet
- f- Insane or mentally deranged
- g- A relative of the King in the degree to be prescribed in a special law.

The constitution included provisions pertaining to the penalty applicable to breaching these controls in case of any of the above incompetencies provided for in clause (1) of this Article has taken place to any member of both Houses during membership term or appeared following his/her election or violated clause (2) of this Article, his/her membership shall be terminated legally and the position becomes vacant. The decision if passed by the Senate shall be brought before the King for ratification. ⁷⁷

77) Article 75 of the constitution

Practice: To what extent integrity is safeguarded in practice?

Score: 25/100

The applications remain minimal. The House of Representatives delays the discussion of Audit Bureau reports, as the latter is arm of the House that provides control over the government activities. In addition, the mechanism for working within the House of Representatives is unclear and is affected by to numerous political, economic and social interests.

Within the House, there are repeated talks about representatives connected with interests with the government, which is a violation of the constitution. Furthermore, the disclosure and transparency policy of the House still requires review and updates in terms of its mechanisms; this shall be through a more open and policy that involves more disclosure.

However, this may not be verified. The House lacks the a mechanism to detect if representatives who own businesses exploit of their influence due to position to promote their interests.

It does not reveal also if there are any effects of these positions on their integrity. The economic and political conflict of interests and intervention of the capital in the political activity gave rise to popular outbursts against the House of Representatives and in a way or another affected the performance of the House.⁷⁸

Role

Control over the executive authority: To what extent does the legislative authority undertake its regulatory control role over the executive authority?

Score: 50/100

The Constitution states that the Prime Minister and the Ministers shall be jointly responsible before the House of Representatives for the public policy of the State. Each Minister shall also be responsible before the House of Representatives for the functions of his Ministry.⁷⁹

The Constitution granted the House of Representatives the right to commit ministers to the Prosecution with mandating reasons. The resolution for referral can only be passed by a majority of members from which the House of Representatives is composed.⁸⁰

78) For more information, see the press news "representatives connected with special interests with the government" on the Ammon news website

79) Article 51 of the constitution

80) Article 56 of the constitution

Every minister charged by the Prosecution after the referral decision by the House of Representatives shall be suspended, and his/her resignation may not preclude from prosecution or proceeding with trial.⁸¹

The constitution binds every government being formed to provide the House of Representatives with its ministerial statement within one month as of the date of its formation if the House is in session, and to request a vote of confidence on that statement. If the House of Representatives is not in session, it shall be called to convene an extraordinary session. The ministry shall present its ministerial statement and request the vote of no confidence on that statement within one month as of the date of formation. If the House of Representatives was dissolved, the ministry shall present its ministerial statement and request the vote of confidence on that statement within a month from the date of the convening of the new House.⁸²

In practice, the regulatory and control role is quite poor. In the control sessions to discuss important topics, the quorum is never present in the House of Representatives. The majority of the parliamentary committees complain about the quorum that is not present for convention. More than one committee meeting is held at the same time which creates confusion in the House. Furthermore, the questions asked by the representatives are not answered in a timely manner and within the timeline i.e. 48 hours. In case the responses are sent, they often don't contain adequate information. The parliamentary regulatory tools are ineffective in addition to inability of the House to discuss all questions and information made by the government.⁸³

The session for the vote of no confidence in the Ministry or in any Minister shall be held either upon request of the Prime Minister or a request signed by a number of not less than ten members of the House of Representatives. The vote of no confidence shall be postponed for one time and for a period not exceeding ten days if requested by the competent Minister or by the Council of Ministers. The House shall not be dissolved during this period.⁸⁴

Under the Constitution, discussion of the ministerial statement of the government is a main part of the control over the government and its programs. Discussion of the General budget for the State is also a regulatory activity over the government financial policies.

81) Article 57 of the constitution

82) Article 53 of the constitution

83) For more info, see: www.hauatcenter.org

84) Previous article of the constitution

The House of Representatives, under the Constitution and the bylaw, has the power to cast a vote of no confidence in the government or in a minister at any time so long as ten or more Representatives submit a request for a vote of no confidence. This request is presented to the House and a vote is taken on it. If the House passes a vote of no confidence on the Ministry in absolute majority of total members, it shall submit its resignation. If the no confidence decision is for a minister, he/she shall quit his position.⁸⁵

The House of Representatives has other control mechanisms starting with asking questions to the government and the ministers and ending with interrogation, up to a request for a vote of no confidence either in the minister or the government. Likewise, the public discussion sessions as well as presenting memoranda and discussions are deemed to be a part of the monitoring work of the House.

The regulatory role of the House of Representatives is expressly and extensively provided for in the constitution granting the House broad powers on the regulatory side, but restricted in the legislative side for presence of other partners sharing the legislative work, namely the Senate and government.

The House may discuss the general budget and view final accounts. The constitution provides not to impose tax or duty but through a law excluding types of wages charged by the treasury against the undertakings of the government departments in terms of services to individuals or in consideration of taking advantage of the State properties. The government shall consider, in imposing taxes, the ascending assignment principle while realizing social equality and justice and not to exceed the taxpayers' ability to pay and the State's need of money.⁸⁶

In connection with the general budget, the budget+ draft law together with the government units budget draft law is brought before the National Assembly at least one month before the beginning of the fiscal year for consideration in accordance with the provisions of the constitution. The same budget related provisions shall apply to them. The government shall present the final accounts by the end of six months from expiration of the previous fiscal year. A vote on the balance sheet general budget takes place chapter by chapter. No amounts in the expenditures part of the budget may be transferred from one chapter to another without a law.

The National Assembly when discussing the general budget draft law or the provisional laws relating thereto may reduce expenditures in chapters as it may find in conformity with the public interest, but may not increase such expenditures, not by amendment nor by voting presented discretely. However, following the end of discussion, development of laws may be proposed to bring about new expenses.⁸⁷

85) Article 54 of the constitution

86) Article 111 of the constitution

87) Article 112 of the constitution

Role: Legislation reform

To what extent does the House place governance and anti-corruption as priority in the State?

Score: 50/100

Under the constitution, the government has jurisdiction to formulate laws and legislations proposed by the House of Representatives, in addition to the powers for setting legislations and bringing them before the House, leaving the House of Representatives obliged to share the government and Senate in legislation development. However, its regulatory authority remains its own jurisdiction, and the house is the sole decision-maker while only the Senate and government under the constitution and by-laws of the House are to share in decision making.

Ten Representatives can propose a law and send it to the government, which must send it to the next session as a draft law. However, the practical application of this mechanism is very weak and falls short of the optimal level. In addition the government, through the Legislation and Opinion Bureau which is the service concerned with drafting legislation, does not have a national plan for legislation for each year.

Neither the legislative need nor the legislative costs are determined institutionally, and no discussion or dialogue took place on the legislation. Consequently, the Parliament bears the brunt of the blame and society's reaction to the amendment of laws, as well as the delay in ratifying draft laws.

Among the other control tools assigned to the House are asking questions and memoranda for debate in the parliament at official sessions, as well as public debate sessions. The current seventeenth House of Representatives has recorded the highest percentage of questions. In its extraordinary session alone it has asked a total of 1165 question and in the following extraordinary session 26 questions.

This is a huge number of questions to have been asked to the government within a time period of no more than eight months. But the total number of questions by the previous sixteenth House of Representatives more than two years ago we had just 749 questions throughout two ordinary sessions and three extraordinary sessions. This demonstrates the volume of House attention during the current seventeenth House to issues of corruption at the beginning of its work in the extraordinary session.

Recommendations:

- 1- Review and update the House bylaw for more effective institutionalization for its committees, and develop the institutional structures in terms of the executive office and the, standing office, in a manner serving the regulatory legislative goals.
- 2- Activate the code of conduct, set terms of references for attendance of the House activities and events in terms of meetings, committees' activities, as well as organizing dialogue, discussions, and proposals, while coupling violations with financial penalties as in the comparative regulations without violating parliamentary immunity principles.
- 3- Revisit the organization of the parliamentary blocs and their formation frameworks, and provide logistic, technical, and financial support to ensure achieving objectives.
- 4- Restructure the secretariat general of the House and equip it with expertise and technical administrative competencies necessary to provide technical and information support to the representatives.
- 5- Upgrade the technical services throughout the House and committees activities, disseminate sectoral and annual reports in an ongoing manner, and allow constant coverage for all House and committees activities while broadcasting to the public
- 6- Develop of rules and standard procedures to prevent conflict of interests among the representatives, legislative and regulatory activities.
- 7- Review and develop the procedures for discussing laws before the House and committees through the development of regulatory rules and procedures of committees and actions to hearing viewpoints of the stakeholders.
- 8- Encourage the parliamentary collective action to complete the elements of representative parliamentary government and form a political majority and shadow government through the minority, and support the minority to be able to oversee the government's public performance.
- 9- Review and develop parliamentary control instruments to ensure real control over the executive authority.

Sources and References

- 1- The Jordanian Constitution
- 2- Rules of procedures of the House of Representatives
- 3- Personal interviews: Waleed Husni, journalist who specializes in parliamentary affairs
- 4- Code of conduct of the representatives
- 5- Al Hayat Center for civil society development
- 6- Website of the House of Representatives
- 7- Website of the Legislative Studies and Research Center

Executive Authority

Summary

The Executive Authority has a general jurisdiction over the operations of all financial, administrative, and technical components of State institutions. However, lack of an administrative approach based on objective foundations of transparency and integrity has led to many administrative and financial imbalances in Jordanian public institutions.

The problem of the administrative staff inflation is still a real obstacle to the progress of institutions and the development of their capabilities. Despite the national efforts announced and the constant confirmation of their importance, they still fall short of bringing about any change on the ground.

Limited financial resources remain one of the main challenges faced by the Executive Authority. This problem has continued to worsen and even become a legacy common to all Jordanian governments, which have so far failed to develop relevant options and alternatives that would alleviate the burden of foreign debt and the external and internal indebtedness of Jordan, reduce poverty and unemployment, and implement job-generating national projects.

The accurate and objective flow of information also poses a substantial challenge to the activity of the Executive Authority, which monopolises information through its official institutions. The laws enacted and national plans approved are still restricted to application and enforcement.

The Executive Authority still needs to improve its decision-making mechanisms and enhance the activities and operations of official institutions and ministries in line with transparency and integrity criteria, as well as effective monitoring of the decisions passed by the Prime Minister and the Council of Ministers. The Executive Authority also needs to improve control and monitoring of government performance, strengthen communication, coordination and cooperation with all public institutions, the citizens, and the media, as well as monitoring, coordinating and overcoming obstacles to macro and strategic projects.

It is worth mentioning that the Jordanian government seeks to achieve the general objectives as part of a comprehensive vision, notwithstanding the challenges and difficulties it faces as a result of regional crises and conflicts, especially the flows of refugees due to the Syrian crisis, and the consequent pressures on the health and education, as well as the infrastructure. These pressures pose a stiff challenge to governments and their institutions.

The table below summarises the overall score for the Executive Authority in Jordan organized by capacity, governance, and role in terms of law and practice.

Overall Pillar Score: 33/100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 75/100	Resources	--	75
	Autonomy	75	75
Governance 29/100	Transparency	25	25
	Accountability	50	25
	Integrity	25	25
Role 25/100	Public sector management	25	
	Legal system	25	

The system of government in Jordan is a hereditary parliamentary monarchy,⁸⁸ Under the Constitution, the State is composed of executive, legislative, and judicial authorities. Executive Authority is vested in the King, who shall exercise his powers through his ministers in accordance with the provisions of Article 26 of the Jordanian constitution.⁸⁹

Accordingly, the King is responsible for appointing, dismissing, and accepting the resignation of the Prime Minister and the ministers. The ministers are appointed upon recommendations made by the Prime Minister, and it is for the King to reject any minister's appointment. It is worth noting, despite the fact that the King is the head of the Executive Authority, he enjoys constitutional immunity and is not accountable to the Parliament with regard to the throne in accordance with Article 30 of the Constitution, which states that "the King is the head of State and immune from any liability and responsibility", and the ministry shall be responsible for the public policy in Jordan.⁹⁰

88) Article 1 of the Constitution of Jordan provides that "The Hashemite Kingdom of Jordan is an independent sovereign Arab State. It is indivisible and no part of it may be ceded. The Jordanian people are part of the Arab Nation, and its ruling regime is parliamentary with a hereditary monarchy.

89) Article 26 of the Jordanian Constitution states that "The Executive Power shall be vested in the King, who shall exercise his powers through his Ministers in accordance with the provisions of the present Constitution.

90) Executive Authority, official website of His Majesty the King Abdullah II bin Al Husseinhttp:

[//kingabdullah.jo/index.php/ar_JO/pages/view/id/232.html](http://kingabdullah.jo/index.php/ar_JO/pages/view/id/232.html)

The Cabinet is composed of the Prime Minister, who is elected by the King. The King appoints and dismisses the ministers based on the Prime Minister's recommendation.⁹¹ However, to achieve the parliamentary representative mainstay in Jordan according to Article 1, which requires the formation of a parliamentary majority that is consulted to nominate the cabinet, while the minority forms a government to monitor the government's general performance in the House of Representatives, His Majesty King Abdullah II indicated that future governments will be parliamentary and through consultation with the parliamentary majority to designate the Prime Minister by the King. The designated Prime Minister will complete consultations with the parliamentary majority to appoint the members of the cabinet.

Capacity: Resources Practice

To what extent does the Executive Authority have adequate resources to effectively carry out its duties?

Score: 75/100

Financial resources of the Cabinet and ministries are set by the General Budget Department within the Organic Budget Law No. 58 of 2008 concerning its duties and areas of competence, which include a number of jobs and tasks, most notably preparing the general budget and the budgets of governmental units.⁹² It should be noted that the Jordanian government has suffered from a severe financial crisis for quite some time represented by chronic deficit in the budget, which has driven the government to resort to austerity measures and borrowing in the previous years.

Within the draft budget law, an item is allocated to the Prime Ministry and items to the remaining ministries. The budget is subject to discussion and oversight by the House of Representatives. The Jordanian Constitution requires the submission of a draft budget law and a draft Independent Units law to the Parliament at least one month before the start of the fiscal year. The government shall submit the final accounts at the end of six months after the close of the previous fiscal year.⁹³

91) According to Article 35 of the Jordanian Constitution: "The King appoints the Prime Minister and may dismiss him or accept his resignation. He appoints the Ministers; he also dismisses them or accepts their resignation, upon the recommendation of the Prime Minister."

92) Website of the General Budget Department, functions and posts of the Department: <http://www.gbd.gov.jo>

93) Clause 1 of Article 112 of the Constitution provides that "The draft law covering the General Budget and governmental units shall be submitted to the National Assembly for consideration in accordance with the provisions of the Constitution at least one month before the beginning of the financial year". The same provisions of the budget shall apply to them. The government presents final accounts six months after the end of the previous year.

In spite of the government's efforts to increase general budget revenues and to activate and complete government plans, it still faces many challenges at the budgets, economic programmes, and funding levels. The challenges faced by Jordan include limited financial resources for all public institutions, inability to create new job opportunities through new investment or productive projects, as well as the inflation in the administrative apparatus, which depletes allocations for ministries through current expenditure at the expense of capital expenditure (CAPEX).

Jordan's surrounding regional situation has had tremendous repercussions on the country, with the resulting humanitarian and refugee crises putting pressure on public sectors, such as health, education, employment and infrastructure. Despite these issues, the time is ripe for the Jordanian government to take advantage of the unstable atmosphere and act as a true incubator for regional investment, create new job opportunities, and establish partnerships that would benefit Jordan, something that has not been practically achieved thus far.

The semi-main revenue is derived from fees and taxes, which are insufficient for covering government expenses. Mostly it relies on aid, grants, and loans to cover this deficit.

These resources are neither stable nor permanent. Furthermore, the government resorts to removal of subsidies for certain products and hiking prices from time to time in order to cover deficits in the budget.

Such actions reflect the loss of economic options for overcoming these problems, and pose a significant hurdle to achieving a sufficient budget.

The table below shows the budgets of the Prime Ministry and some other ministries from 2013 to 2014, in millions of Jordanian dinars.⁹⁴

	2013 budget		2014 budget	
Office name	Estimated Budget	Actual Current and Capital Expenditures	Estimated Budget	Actual Current and Capital Expenditures
Prime Ministry	2.3	2	35.6	34.7
Ministry of Justice	17.8	16.3	57.3	55.5
Ministry of Education	285.5	279.7	905.4	892
Ministry of alth	148.1	141.7	650.4	612.6

It is worth mentioning that funding in general constitutes a challenge to the Jordanian general budget because of the chronic deficit and rising debt that seriously hinder the implementation of major national projects.

The financial results of the general budget⁹⁵ during the first nine months of 2015 show a fiscal deficit of JD 655.7 million, with total domestic revenue and foreign grants amounting to JD4827.6 billion, while total current and capital expenditure amounted to JD 5483.3 billion. If foreign grants are excluded, the fiscal deficit rises to JD1026.1 billion, as shown in the table below.

94) Source: Final accounts for years 2003, 2014 published on the website of the Ministry of Finance: www.mof.gov.jo

95) The following figures and information are derived from the General government finance bulletin for October 2015

Category	Amount in billions of dinars
Local revenues	4457.2
Foreign grants	370.4
Total	4827.6
Total expenditure	5483.3
Deficit before grants	1026.1
Deficit after grants	655.7

Regarding public debt, the outstanding balance of external debt (budget and guaranteed) at the end of September 2015 amounted to 9529.6 billion dinars, which accounted for 35.1% of the estimated GDP for 2015. The rise in the outstanding balance of external debt is attributed to the government's issuance of Eurobonds in global markets secured by the US government in June 2015 as follows expressed in billions of dinars.

Budget	8732.6
Independent institutions (guaranteed)	.797
Total	9529.6

The external debt service costs (budget and guaranteed) between January 1, 2015 and September 30, 2015 amounted to 405.7 million dinars, broken down as follows:

Instalments	261
Interest	144.6
Total	405.7

After deducting government deposits at the central bank and licensed banks, the net balance of the internal debt stands at 12783 billion dinars accounting for 47.1% of the estimated GDP for 2015, broken down in billions of dinars as follows:

Budget	10582
Independent institutions (guaranteed)	2201
Total	12783

The table below shows the movement of internal debt (budget and autonomous institutions) during the same period, expressed in billions of dinars.

Issuance	1870.7
Amortisation	2458.1
Interest	572.2

If government deposits at the central bank and licensed banks are excluded, the total debt rises to 24496.8 billion dinars accounting for 90.3% of the estimated GDP for 2015.

All employees in official institutions and departments, and in independent government units, are governed by the Civil Service Bureau system for appointment, secondment, promotions, and determination of staff grade and payroll scales. However, governmental employees receive allowances and other financial allocations under several items in each ministry, giving rise to a wide gap in the total amounts received from one employee to another of the same grade and experience, and created a condition of nepotism and intermediation, personal connections and administrative corruption used to obtain those financial privileges.

In accordance with the Constitution and the nature of the Jordanian political system, the Executive Authority possesses the general jurisdiction to conduct all State affairs through public institutions to fulfil the people's aspirations and achieve their desires by providing them with services and infrastructure, and identifying national needs in general.

However, governments are generally characterised by a lack of clarity before the citizens in terms of the national plans and strategies, and an inability to develop institutional plans attentively implemented by experienced, competent and knowledgeable people. This makes these institutions subject to the overall direction of the first administrative reference, and makes them incapable of building on the experiences of their predecessors in the organisation.

The Executive Authority is being exercised through an institutional arm called the Legislation and Opinion Bureau to draft and pursue the development of national legislation, aligning them with the best international practices and experiences, and defining legislative needs.

However, things did go as required when the Bureau monopolized certain draft laws and failed to put them up for public discussion, or to listen to the views of the local community or active parties; this led to failure in implementing or to applying those laws. Moreover, there is neither national plan nor national map towards the amendments intended to be introduced to the laws or the laws intended to be passed. Even some of lines and frameworks of execution of the National Integrity plan that the government has pledged to implement seem to have fallen short.

Some studies have spotted 68 commitments given their expected effect on development in the target sectors whether political or economic among 122 obligations the government pledged to implement.

How far the obligations' have been implemented have been tracked through a 5-grade scale that showed 12.5% of such commitments have been fully achieved, 21.5% have been achieved at a medium to high level and 38.4% have been achieved to a limited degree. Furthermore, no work has been done on 23.4% of the commitments and the research team was unable to report on 4.6%.

With regard to verifying the language of commitments and whether they were time bound, measurable, assignable, or realistic, the results showed that 43% were clearly defined or free from any ambiguity and 60% were measurable.⁹⁶

96) A study titled "evaluation of the government performance in implementing the NIS plan during 2014 issued by Al Hayat Centre for Civil Society Development (RASSED team)

Capacity: Independence

LAW: To what extent the Executive Authority is independent by law?

Score: 75/100

The Jordanian Constitution grants the independence of all three authorities in the country. Before they assume office, the constitution requires the Prime Minister and ministers to take judicial oath to carry out the duties entrusted to them and serve the nation.⁹⁷

By virtue of the Constitution, the Council of Ministers assumes liability for managing all internal and external affairs of the State, with the exception of any affairs that are or may be entrusted in accordance with the Constitution or any law to any person or other body. Powers of the Prime Minister, ministers, and Council of Ministers are delegated through regulations set by the Council of Ministers and ratified by the king.⁹⁸

Each minister is also responsible for the conduct of all matters pertaining to the ministry and must refer to the Prime Minister any issue beyond their competence. Likewise, the Prime Minister acts within their powers and jurisdiction, and shall refer other matters to the Council of Ministers for such decisions as may be necessary.⁹⁹

As a parliamentary hereditary monarchy, the separation of authorities in the Jordanian government is flexible. However, the Executive Authority, represented by the Prime Ministry, assumes a general mandate. Additionally, the nature of the public institutions is mainly linked to the Council of Ministers. This institutional approach may and does somewhat affect the independence of the control institutions.

The executive authority seeks to lay off some managers and administration boards of some institutions. The Council of Ministers independently appoints the boards of trustees for most public and public welfare institutions and universities, as the laws still rely on a traditional approach in the management of some institutions by creating semi-honorary boards of trustees to oversee the administration of some institutions without following or setting any standards where they are chosen independently by the Executive Authority. Despite the subordination of the security apparatuses to the Council of Ministers, there is no disclosure of or indication for any security recommendation relating to any case or topic.

97) Article 43 of the Constitution

98) Article 45 of the Constitution

99) Article 47 of the Constitution

100) As an example, the Prime Minister dismissed the chairman of the audit bureau as well as the head of the anti-corruption commission besides other institutions.

According to the Constitution and the law, the basic principle is that the Executive Authority is independent in the exercise of its functions and powers and possesses general jurisdiction for administering all affairs of the State and institutions.¹⁰¹ Each minister takes charge of all the affairs of his or her ministry with complete independence, except those falling beyond his/ her competence. In this case, the minister must refer the issue to the Council of Ministers to take the appropriate decision.¹⁰²

Practice

To what extent the Executive Authority is independent in practice?

Score: 75/100

According to the provisions of the Constitution, the only authority entrusted with the power to monitor the Executive Authority is the legislative authority. This is done in accordance with the constitutional and legislative frameworks governing those authorities.¹⁰³

The National Assembly represented by the House of Senates and House of Representatives, exercises these powers in accordance with the provisions of the bylaws governing the Houses through questioning, interpellation, votes of confidence and other tools of parliamentary control.

The Constitution bestows one minister to be member of either the House of Senate or the House of Representatives with the right to vote in his or her own House and to talk in both Houses.

101) Article 45 of the Constitution states that “1) The Council of Ministers shall be entrusted with the responsibility of administering all affairs of the State, internal and external, with the exception of such matters as are or may be entrusted by the present Constitution (**) or by any other legislation to any other person or body 2) The duties of the Prime Minister, the Ministers and the Council of Ministers shall be defined by regulations made by the Council of Ministers and ratified by the King. “

102) Article 47 of the Constitution provides that “1. Every Minister shall be responsible for the conduct of all matters pertaining to his Ministry. He shall refer to the Prime Minister any matter not falling within his competence.. 2) The Prime Minister shall dispose of all matters within his powers and competence and shall refer other matters to the Council of Ministers for such decision as may be necessary.

103) Article 51 of the Constitution provides that “The Prime Minister and Ministers shall be collectively responsible before the Chamber of Deputies in respect of the public policy of the State. In addition, each Minister shall be responsible before the Chamber of Deputies in respect of the affairs of his Ministry.

Ministers who are not members of either House may speak in them without the right to vote. Perhaps this constitutional provision causes one of the problems of the lack of independence. It should be modified to guarantee autonomy between the authorities' activities.¹⁰⁴

Despite all the efforts of the legislative authority to extend its control over the government's activities, the nature of the this authority formation and individual work within the Parliament preclude effective control tools, as there are still political parties unable to form a parliamentary majority. Notwithstanding the work of parliamentary blocs and coalitions, they vary in every session of Parliament and are not the outcome of systematic work.

In spite of all the efforts exerted to develop the Jordanian economy and search for options to address the current predicament, the general appraisal of such programmes is still focused in direction of the envisaged objectives. The first economic improvement programme 1990-2005 was adopted in cooperation with the International Monetary Fund (IMF) until the beginning of the international financial crisis in 2008, coupled with its devastating effect on many economies worldwide. These effects included the revolts against the governments of several surrounding Arab States in what has been called the "Arab spring", and their impact on the Jordanian economy in terms of higher energy costs and disruptions of Egyptian gas after 2011, on which Jordan depends for generating electricity.

This contributed to the rise in the energy bill because of heavy reliance on highly priced and non-environmentally friendly heavy fuel oil.

Trade with neighbouring countries was also reduced and interrupted as a result of the political unrest there. This has contributed to the growing deficit in the trade balance as a result of less movement of Jordanian exports, which has led to a cumulative increase in debt and external debt servicing charges.

The debt and deficit crisis has become one of the major challenges faced by Jordan government, along with the inability to strike a balance between the requirements of the free economic approach resulting from the restructuring programmes applied by the International Monetary Fund and the World Bank, and the people's demands to not raise prices, taxes and fees and to not suspending official subsidies to basic goods.

104) Article 52 of the Constitution provides that " The Prime Minister, or the Minister who is a member of either the Chamber of Deputies or the Senate, shall be entitled to vote in the House to which he belongs and to speak in both Houses. However, Ministers who are not members of either Houses may speak in both Houses without the right to vote. The ministers or deputies are entitled to have priority to address the Houses and that the minister who receives a salary from his/her ministry may not simultaneously receive membership allowances in either House.

Governance: Transparency

LAW : To what extent are there regulations in place to ensure transparency in relevant activities of the Executive Authority?

Score: 25/100

Over the last few years, the government had also adopted a number of policies and initiatives aimed at notifying the public of requirements to issue any official decision and continued disclosure of information, involving the media in summarising to share content and abstract of those decisions. Regarding the adoption of the National Integrity Charter and Action Plan, the National Plan for Human Rights and the amendment of certain laws related to enhancing media activities, there is no stable and clear policy on providing information and making information accessible to the citizens, especially in some matters that may concern and strike public opinion.

The Council of Ministers posts a summary of its decisions on its official website¹⁰⁵. However, requirements, decision-making mechanisms, procedural activities and other issues are not published. An example of this is appointments to senior leadership positions within the Jordanian government.

As for transparency, the law contains no provisions requiring ministries and the Council of Ministers to disclose all decisions taken, allowing the general public to attend cabinet meetings, and contains no provisions on the disclosing why the ministers have taken some decisions. This is reflected in those decisions and the related transparency.

It is inevitable to note that the Jordanian Constitution is devoid of a clear express provision on the right to access of information or guarantees making it available institutionally and continuously.

However, Law No. 47 of 2007 dated June 17, 2007, was passed to formation of an Information Council to guarantee provision of information to those who request it and to consider complaints submitted by people seeking information.¹⁰⁶

105) Prime Ministry website: <http://www.pm.gov.jo>

106) The access to information law, website of the e-media monitor: www.jmm.jo

Yet this law has many shortcomings and deficiencies that have precluded from effective implementation, in addition to lack of information classification at some official institutions and broad exceptions that keep discretionary authority at those institutions when evaluating requests for information.

According to a study conducted with a sample of 502 journalists and opinion leaders, 33% of them responded that they did not submit information requests to any official body.¹⁰⁷

Another study of 130 journalists revealed that 49% did not make use of the access to information law in their work due to the belief that there are other more effective ways to obtain the information.¹⁰⁸

There is still an obsession with the confidentiality of information. This obsession has become confusing to all parties including (the administrators and the ones that request information). Researchers have failed to access the most basic information, even though it is available in general newspapers and magazines. Despite the stipulations of Article 14 of the law¹⁰⁹ which binds government institutions to index their documents according to professional norms and classify deemed to be confidential and protected in accordance with the legislation in force.

However, the discrepancy between this law and the the protection of State secrets and documents law led to failure in implementation. Therefore, the information classification methods followed by most government institutions were based on and in reference to the State secrets protection law, which obscures information under the umbrella of "State secrets". Moreover, there are no common and unified standards shared by institutions in classifying their documents. Each institution classifies its documents according to its bylaws or what it deems important and appropriate.²⁰⁰

106) The access to information law, website of the e-media monitor: www.jmm.jo

107) A study carried out by the Al-Quds Center for Political Studies in Jordan. <http://alqudscenter.org>

108) Study prepared by the University of Jordan's Centre for Strategic Studies: www.jcss.org

109) Article 14 states that "each department shall duly index and organize information and documents it may have according to the professional and technical principles. The same Article requires and binds all government institutions to index their documents and have them duly certified.

200) for more information, see the study by: Taiseer Masharqeh, Saba Amarah, titled "a hard way and access information, legislative obstacles making access to information quite hard, on www.jmm.jo

Practice

To what extent is transparency available in activities relevant to the Executive Authority in practice?

Score: 25/100

All too often, the assigned ministries and institutions issue annual reports summarising and outlining the respective achievements. These are narrative anecdotal reports of a predominantly positive nature that focus on public activities and other achievements. They are devoid of references to strategic planning or balanced scientific analysis based on institutional and systematic assessment of their practices' compatibility with plans, legislation, and policies. These reports are not released through press conferences or on a broader scale and still cannot be used as a tool for monitoring those ministries and institutions, since they are no more than conventional protocol reports for the most part.

Therefore, access to these reports in order to ensure a transparent flow of information has not reached the desired optimal level according to the best international experiences. Similar attempts have been made, however, like the government's adoption of the Open Government Partnership (OGP) initiative for transparency in 2011, led by the Ministry of Planning and International Cooperation ²⁰¹.

This multilateral initiative aims to secure concrete commitments from participating governments to promote transparency, empower citizens, fight corruption and harness technologies to enhance governance by submitting action plans that include voluntary commitments.

201) Ministry of Planning and International Cooperation, website: <http://www.mop.gov.jo/Pages/viewpage.aspx?pageID=25>

The civil status system is applied across all ministries and some public institutions for appointments, according to the annual wage scale and manpower tables. A regulation for appointing senior supervisory positions was issued in 2012, as amended No. 3 for 2013, elucidating the foundations and criteria according to which high-ranking and leadership positions are filled in Jordan. Under this regulation, the Ministerial Committee for Selection and Appointment to Leadership Positions was formed and chaired by the deputy Prime Minister with the minister of justice, the minister of public sector development and two ministers selected by the Prime Minister and competent authority as members.²⁰²

The committee finalizes the procedures and interviews in accordance with the following principles and standards under Article 8 of the regulation, which defines the standards and the weight of each standard:

Num.	Standard	Some indicators related to the evaluation criterion Relative weight of the standard	Relative weight of the standard
1	Specialised technical knowledge	- Experience in the specialised field of work required - Consistency of the candidate's discipline and scientific degree with the nature of the position	50%
2	Administrative and leadership abilities	- Experience in a leadership or supervisory position - Experience in the strategic planning and programme and project management - The ability to identify priorities - The ability to make the right decisions in a timely manner	20%
3	Skills	- Communication, negotiation and meeting management skills - Logical analytical thinking skills - Proficiency in languages and technology	20%
4	Overall impression	- The impression that the candidate makes	10%
T o t a l			100%

101) Article 5 of the Regulation states that “a- a committee termed (Ministerial committee for selection and appointment of leadership jobs) chaired by the Prime Minister and the Minister of Justice and Minister of Public Sector Development as members plus two ministers nominated by the Prime Minister and the competent authority. B- The Prime Minister nominates one of his deputies to chair the committee in case of more than one deputy to the Prime Minister. However if the deputy position is vacant then the Minister of Justice chairs the committee. C- The Committee meets upon invitation made by its chairman and in presence of all members. It takes decisions pertaining to the evaluation actions by majority of four members. D- the Prime Minister nominates from among the first class employees in the Prime Minister Office the committee secretary to sign a declaration of full confidentiality of the committee activities, deliberations and to be held liable for non-compliance. E- If the competent authority is the Prime Minister, he may assign any minister not member of the committee to represent him in the committee. However, if the competent authority is the chairman of the committee or a member thereof one evaluation will be considered for him for purposes of committee decisions.

However, the referred to Regulation is not consistent with standards of integrity and transparency and leaves the door wide open for assessing the competence and privileges of the committee, since Article 10 of the Regulation²⁰³ allows it to, in certain cases, appoint by committee decision based on direct placement and recommendation made to it by the competent authority in specific and particular cases required for positions of a special nature, without defining or specifying these cases or appointments in particular. This raises a great commotion among the candidates to fill leadership positions apart from failing to comply with the standards of efficiency, integrity and qualifications guaranteed under Article 22 of the Jordanian Constitution.²⁰⁴

The regulation also gives the Council of Ministers absolute authority to implement it in Government-owned companies²⁰⁵ notwithstanding that their funds are considered public. The category of ambassador is excluded from appointments according to the provisions of this regulation.²⁰⁶

It is worth mentioning that the regulation is notably devoid of any provision referring to transparency throughout all appointment procedures and stages before the committee. No provision provides for publication of summaries of the committee's work to the public including the interviews to fill the positions or any other standards of transparency and integrity.

Governance: Accountability

LAW: To what extent are provisions available to ensure that members of the Executive Authority are held accountable for their actions?

Score: 50/100

The legal frameworks allow the executive authority to be held accountable for any irregularity that affects people by means of appealing those decisions before the administrative courts, under the terms of constitutional amendments passed in 2011 that explicitly stipulate the need for the administrative Judiciary to consist of two levels.²⁰⁷

203) It provides for "a council in specific cases based on post nature, appointment in particular by a decision based on direct placement and recommendation made by the competent authority.

204) Article 22 of the Constitution provides that "1- Every Jordanian shall be entitled to be appointed to public offices under such conditions as are prescribed by law or regulations.. 2- Appointment to any government office or to any establishment attached to the Government, or to any municipal office, whether such appointment is permanent or temporary, shall be made on the basis of merit and qualifications.

205) Clause C of Article 10 states that "the Council of Ministers shall decide application of selection and appointment procedures as set out in this Regulation to any of the Government-owned corporations for the purposes of appointing a director general, provided the appointment decision should be released by the competent authority.

206) Clause A of Article 10 provides for excluding ambassadors from the provisions of this Regulation.

207)Article 100 of the Jordanian Constitution

Among the control forms over the Executive Authority activities is the provision for committing ministers to trial for crimes they are charged with resulting from their performance and duties before the competent courts.²⁰⁸

Furthermore, the Constitution provides that ministers may not sell or lease any of the government properties, even if through public auction, just as they are not allowed to be company board members, participate in any business of financial transaction or receive a salary from any company during their term of Office.²⁰⁹

Among the most important means of control and accountability of the Executive Authority is represented in practices of the House of Representatives in terms of control and oversight means as referred to in the Constitution and bylaws of the House: the questioning: interpellation, proposal, and the vote of no confidence.

The Constitution stipulates that a vote of no confidence in a ministry or a minister is raised before the Council of Ministers. If the council decides on no confidence in a ministry by an absolute majority of total number of its members, the ministry shall resign. If the vote of no confidence is specific to a minister, the minister shall resign from office.³⁰⁰

Among the means of control and accountability being exercised over the executive authority is by the Audit Bureau, over financial and administrative procedures and actions carried out by the ministries and institutions subject to its control.

In 2011 and by virtue of the amendments to the Constitution, a Constitutional Court was established with jurisdiction over constitutional disputes and adjudicates constitutional appeals and inquiries on the interpretation of constitutional provisions. Chapter Five of the Constitution is designated for the jurisdiction, composition and appeal procedures. The court has jurisdiction over controlling the constitutionality of the laws and regulations in force and issuing rulings on behalf of the king. Its rulings are considered final and binding on all authorities and enter into force with immediate effect unless the rule specifies another date to become effective. The provisions of the Constitutional Court are published in the Official Gazette within 15 days as of the date of issuance.³⁰¹

208) Article 55 of the Jordanian Constitution

209) Article 44 of the Constitution

300) Article 54 of the Jordanian Constitution

301) Article 59 of the Jordanian Constitution

It is for the constitutional court to interpret the provisions of the Constitution if requested by a decision of the Council of Ministers or by a decision taken by either House by majority. Its rulings become effective following publication in the Official Gazette.

The Constitution also explicitly stipulates that upon the resignation or dismissal of the Prime Minister, all ministers are considered to have automatically resigned. This provision establishes joint liability among the cabinet, since they are collectively responsible for carrying out the government plan based on which they are granted confidence³⁰².

Practice:

To what extent control over the executive activities is effective in terms of practice?

Score: 25/100

Accountability enters into the Open Government Partnership initiative for transparency. The same is guaranteed through laws, rules, and mechanisms calling for government representatives, workers and public sector employees to assume their responsibilities, justify their actions, respond to criticism or the requirements they are expected to do and take responsibility for their negligence in work on the commitments³⁰³.

The regulatory institutions in accordance with the respective frameworks such as the Audit Bureau and the Anti-Corruption Commission receive complaints from citizens and investigate, verify and refer them to the courts if administrative or financial irregularities are proven in that regard. The Anti-Corruption Commission has dealt with many cases over the past years, including 1,808 cases in 2013 and 1,155 in 2014. The Information and Investigation Department registered 151 various cases in both the public and private sectors, including the office misuse, compromising public money, misuse of position for personal gain, forgery, nepotism, favouritism, fraud, embezzlement, theft, false certification, bribery, deceit, and money laundering³⁰⁴.

302) Article 50 of the Jordanian Constitution

303) Jordan, achievement report (2012-2013), Al Hayat Center for Civil Society Development (RASSED programme), Dr. Amer Bani Amer, Mai Olaimat, clause 17: implementation of the action plan commitments, page 17

304) For more information, kindly refer to the Anti-Corruption Commission report for 2014 and 2013 as well as the press conference of the Chairman of the Commission that was published on the link <http://www.deeretnaneews.com>

Additionally, the Judiciary in Jordan plays highly effective roles in prosecuting and criminalising any acts or offences that constitute a violation of the public administration in general. During the previous years, many public opinion cases and others have been prosecuted, with many security officials and others referred to the Judiciary on charges of administrative and financial corruption.

The competent courts issued rulings for 19 cases in 2014. The cases being under hearing with the courts in 2014 amounted to 37. The cases still under consideration with the courts from the previous years and up-to 2014 were 107 including 49 referred to courts in 2013.

The Anti-Corruption Commission cooperated with the relevant authorities in 2014 to recover funds and land for the benefit of the State treasury or for the benefit of others in the following cases ³⁰⁵

305) The Commission also contributed to the recovery of the following funds:

- JD 8,013,000 from the CEO of a joint stock company who got the money from the company. He had several companies and granted them money from the Company capital and in light of investigations undertaken by the Commission, reconciliations were made.
- JD 149,236 from a contracting company as an initial value in consideration for implementation of (Asma'a Bint Yazeed School for girls/ Jerash governorate) project. The tender did not comply with the technical and engineering specifications.
- JD 36,622 from Greater Amman Municipality (GAM) employee. GAM had paid, in the absence of all reason, the referred to amount as tuition fee to his son.
- JD 216,844 and 298 fils from a private company in favour of Aqaba Special Economic Zone Authority (ASEZA) as subsidiary allowance.
- Plots sold to companies with areas of 50 acres at JD 300,000 in 2004. The Sale Agreement that was executed between Aqaba Commission and the aforesaid company on account of the company in compliance with the project.
- JD 600,000 in favour of the Ministry of Works from the contractor approved in a tender. The tender value at referral and awarding was JD 6,137,291. The Ministry of Works approved the new price of the contractor without the formation of a technical committee which led to tender cost of JD 9,738,137. The above amount was recovered namely JD 600,000 from the real cost of the tender.
- Recovery of plots (Mashatel lands) in ASEZA region of 15 Donums that were sold at JD 25,000 per acre at a total price of JD 375,000. As a result of investigations, an express violation in the sale was found. This violation necessitated referral to the District Attorney (DA). The Cabinet was addressed. The Cabinet in turn turned down the sale because the value of the land is higher than the sale price in addition to the irregularity of the sale process. The total amount of the sale of the referred to lands amounted to JD 525,000. Recovery of JD 5,200,000 in favour of a Russian investor who invested in a shopping mall with Jordanian partners; The Russian investor acquired 50% in the Jordanian company the mall owner. In 2013, the partners decided to sell the company assets at JD 10,000,000; however the defendant (the general manager) refrained from returning the amount to the plaintiff. Given the efforts exerted by the Commission to resolve the dispute between the parties, the money was returned to the Russian investor. Recovery of a plot belonging to the Treasury lands in Zarqa governorate (Betrawi basin) that was registered in the name of a person under invalid proxy. The mistake was corrected and the land renamed in the treasury name.
- Recovery of JD 108,000 in favour of the treasury as a result of sales tax evasion of a group of companies owned by one person
- Recovery of JD 7,915 and 42 fils value of salaries received by an employee of the Ministry of Education as sick leave allowance to the contrary of principles and his brother, for him appeared before the medical committees.
- Recovery of \$1,000,000,000 i.e. equal to JD 709,000 from Palestine Reconstruction Company and the above amount was handed over to the shareholders and stakeholders.

In total, the commission participated in recovering JD 16,936,570.³⁰⁶

Other steps made in this direction include the adoption of the National Integrity System (NIS), which includes a National Integrity Charter and Action Plan, which aims to guarantee the management of public funds and State resources according to objective controls, reinforcing transparency and accountability in the public sector, empowering the regulatory services, and enhancing their institutional abilities to deter corruption, as well as reinforcing the principles of good governance within the public and private sectors.³⁰⁷

Furthermore, an amendment has been made to the Civil Service system regarding the hiring of public sector employees and an employees' code of conduct has been adopted that includes a set of principles and standards the public sector employees to abide by.

Governance: Integrity

LAW: To what extent are there mechanisms in place to ensure the integrity of the Executive Authority members?

Score: 25/100

Regarding conflict of interest for members of the Executive Authority, the Jordanian Constitution provides that no minister may take part in any financial or commercial activity belonging to the government or get involved in tenders or leasing contracts .³⁰⁸

306) for more information about the Commission activities, kindly refer to the annual reports of the Commission and the press conference briefings held by the chairman of the commission. <http://www.deeretnnews.com>

- Recovery of JD 3,698 and 995 fils from an individual who extracted a limitation of succession deed from Al Zarqa Sharia Court in 2006 for no reason.

- Recovery of JD 101,181 and 120 fils from the treasurer who embezzled this amount from one of the public shareholding companies.

- Recovery of JD 15,201 and 285 fils from an individual. This is the value of the amount belonging to the Income and Sales Tax Department.

- Recovery of JD 1,463 from a member of the General Federation of Trade Unions. This amount had been obtained without supporting documents.

- Recovery of JD 1,760,000 dinars from a facility in Aqaba resulting from the cancellation of designation of plots already awarded within the warehouse area in the Aqaba Special Economic Zone.

307) To review the charter and executive plan, kindly visit <http://www.csb.gov.jo>

308) Article 44 of the Constitution provides that «No minister may buy or rent government properties even if the same is in the public auction; may not, during his term be member of any broad member of any company or take part in any commercial or financial activity or receive salary from any company.

Furthermore, a law on illicit enrichment was passed in 2014 that constitutes a legal framework for public financial disclosure for a large number of people who occupy governmental positions .³⁰⁹

Under the law, the Financial Disclosure Department was established in the Ministry of Justice, composed of a number of judges. However, the law is still in need of a great deal of reform in terms of financial control over financial disclosure of people to whom the provisions of the law apply. The law also contains no stipulation allowing any party to examine its administrative procedures, mechanisms and frameworks. Criticism is still being made to this law .⁴⁰⁰

Practice:

To what extent is the integrity of members of the executive authority guaranteed in practice?

Score: 25/100

As tools of control, integrity, and accountability of public officials, administrative control units were established in each ministry by virtue of a letter by the Prime Minister addressing to each directorate or ministry or institution to monitor all administrative decisions and procedures and organise reports submitted periodically to decision-makers. The Civil Service Bureau basis and standards for selecting and appointing managers and employees of the internal control units in government institutions and departments .⁴⁰¹

309) Article 3 of the law provides that "the provisions of this law shall apply as of the date of the financial disclosure law No. 54 of 2006 come into force to whoever occupied or occupies any of the following posts: a- Prime Minister and ministers, b- chairman and members of the Senate, c- chairman and members of the House of Representatives, d- chairman and members of the Constitutional Court, e- judges, f- governor and deputy governor of the Central Bank, g- Chief of Royal Court, secretary general and minister of royal court, consultants of the King and consultants in the royal court, h- heads of independent agencies, authorities and members of their councils, i- heads and members of the council of commissioners, if any, j- rectors of public universities, k- ambassadors and senior staff and similar capacity and/or salary in government departments, official institutions and public institutions, l- Mayor of GAM and members of city council and heads of municipal councils and members of the first and second class municipalities in accordance with Municipalities Act, m- Chairmen of public central tender committees and civil private tenders, ministry and security committees, tenders and procurement committees in the government departments, public institutions, municipalities and their members, n- the representatives of the government, social security in boards of directors of the companies where the government and social security contribute to, o- chairmen and members of boards of directors or any director general of companies wholly owned by the government or social security or official institutions or public institutions, p- presidents and members of sports, labour, charities and cooperative councils and heads of parties and secretaries-general

400) See the link: <http://factjo.com>

401) To examine the procedures taken kindly visit the link: www.assawsana.com, and the website of the Ministry of Public Sector Development: mopsd.gov.jo/ar/SitePages/ContactUs.aspx

In the area of administrative development, the public institutions still suffer from bureaucracy and staff inflation, as over 50% of the amounts budgeted for those institutions are allocated to current expenditures, thereby hindering any national tendency or national project to improve service quality. To overcome this problem, procedures are underway to adopt the decentralisation law. The law is expected to reduce bureaucracy, promote transparency and emphasize the status of individual responsibility, thereby allowing revealing the element of efficiency and discernment and highlighting factors of creativity and innovation among the staff. It also leads to public involvement in decision-making and defines priorities for development.

The subject of appointment to senior and high-ranking positions still raises several problems in terms of practice. In certain vacancies that are announced, no response has been provided or criteria disclosed about the method followed by the committee formed according to the regulation. Additionally, many positions were excluded from the provisions of the regulation, and thus so many individuals resorted to appeal against the referred to practices with the administrative Judiciary.⁴⁰²

Regarding its rank on Transparency International's Corruption Perception Index, Jordan was ranked 55th in the corruption index according to a report issued by the Organisation in 2014. The index covered 175 countries that year, 17 of which were Arab countries.

The results showed that Jordan progressed by four points in 2014, scoring 49 compared to 45 in 2013. This was reflected in Jordan's international ranking, as it advanced 11 positions to take the 55th rank compared to 66th obtained in the previous year.⁴⁰³

Role: Public Sector Management

To what extent is the Executive Authority committed to developing a well-governed public sector?

Score: 25/100

Concerning the framework for the development and control over the public sector in recent years, several measures have been adopted to create an enabling environment in the public sector and to provide services optimally, such as by adopting and circulating the Code of Conduct in the public sector and all institutions, in addition to special codes of conduct for some institutions

402) see link: <http://ar.ammannet.net>, and the link: <http://sawaleif.com>, the link: <http://www.rumonline.net>,

403) See the report by the Transparency International Committee, events of releasing the committee report for 2014: <https://www.google.jo>,

The committee has been tasked with preparing a national strategy from which an executive plan will proceed in the coming 10 years. The strategy concerns developing the sectors of basic and higher education, technical education and vocational training to achieve a quantum leap in the human development sector and identify a set of reform policies that would support the modernisation and development process.

These could include preparations for convening an extensive national conference to adopt the national human resource development strategy from early childhood to the labour market, according to applicable plans and programmes, while adopting clear benchmarks, defining reform priorities, exploring the available financing options, and identifying steps for developing labour market mechanisms to pave the way for approval by the Council of Ministers and ensure that a constant and firm approach is taken by successive governments.

Monitoring the implementation and progress of the work on the national human resources development strategy could also ensure the advanced and qualitative level of the aims of this strategy.⁴⁰⁴

Figures indicate that the unemployment rate has seen a remarkable rise in 2015 compared to the past, where at the end of the third quarter⁴⁰⁵ it reached 12.9% versus 11.7% in the same period in 2014; an increase of 1.2%.

Similarly, the Civil Service system was enforced, effective early 2014 and regulates the relationship between public employees and the government institution where they work, ensuring the organisation of that relationship in terms of vacation, length of service, nomination, secondment, disciplinary sanctions, commissions of inquiry and appeals to the administrative Judiciary, as well as job grades and categories, conditions for filling them and other matters related to public employees.⁴⁰⁶

404) To examine content of the royal letter kindly visit the link: <http://kingabdullah.jo>

405) For more info, see the link: <http://www.jo24.net/>

406) To examine the system provisions, kindly visit the Civil Service Bureau link: <http://www.csb.gov.jo>

Role: Legal System

To what extent does the Executive Authority gives priority to public accountability and the fight against corruption as a concern in the country?

Score: 25/100

It is worth mentioning that the Jordanian Constitution was prone to fundamental and positive amendments in the late 2011 towards promoting the separation of powers and reinforcing and protecting human rights. Indeed, the overall constitutional reforms are as follows:

- 1- Revisit the special section on the rights and duties of the Jordanians and discuss some rights that were not in the Constitution previously like the rights of children; the rights of people with disabilities; the prevention of torture and arbitrary detention; the right to form associations; family rights; the right to engage in scientific research, literary and artistic cultural creation and sporting activities; the freedom of opinion and expression; the right to confidential correspondence and the right to compulsory basic education. However, they do not include all human rights as in international treaties such as the right to health, the granting of citizenship to women married to foreigners, and maternity.
- 2- Expressly provide that the position of the minister may only be assumed by a Jordanian national.
- 3- Expressly provide that when the Prime Minister resigns or is dismissed, all the ministers are considered to have automatically resigned too.
- 4- Organize the relationship between the Executive Authority and the legislature in terms of the ministerial statement if the House of Representatives failed to convene within one month of government formation or of the date the Council last met if it is not in session. Additionally, clearly state that the absolute majority required for confidence in the government shall be the absolute majority of the House members.
- 5- Grant the House of Representatives the authority to commit ministers to the public prosecutor for trial for crimes in office by a majority of the members of the House and a clear reference to suspending the duties of the minister after referral; the resignation shall not preclude trial.
- 6- Introduce a separate chapter (Chapter Five) for the establishment of the Constitutional Court and define general frameworks for vacant positions and jurisdictions.
- 7- Explicitly provide for the establishment of the Independent Election Commission to oversee and manage parliamentary and all other elections.

- 8- Explicitly provide for the authority of judiciary to adjudicate legitimacy of any representative within 15 days of the date that the election results are announced.
- 9- Expressly stipulate that if the House of Representatives shall be dissolved, the new House may not be dissolved for the same reasons, and the government during which the House was dissolved must resign within one week. Additionally, state that any minister intending to run for elections must resign 60 days before the nomination date.
- 10- Extend the sessions of the House of Representatives to six months, and state that the holders of dual citizenship may not run for elections, and that the electoral process is conducted within two months, and stipulate for continuing with absolute majority in the sessions of the House of Representatives.
- 11- Limiting the government powers to issue provisional laws, which have caused many problems in the past; the new amendment specified cases exclusively and through exceptional circumstances.
- 12- The government is bound to provide final accounts to enable the House of Representatives to verify and control general State expenditure.

it is for the House of Representatives to raise a motion of no confidence in the government and withdraw it at any stage during the life of the government. The session to vote for no confidence is convened in the ministry or any minister upon request of either the Prime Minister, or a request signed by at least 10 members of Parliament.⁴⁰⁷ If the House casts a vote of no confidence in the Council of Ministers, it must resign. If the vote of no confidence concerns a particular minister, the minister must resign from office.⁴⁰⁸

The Constitution requires every ministry formed to provide a policy statement to the House of Representatives within one month of its composition if the House is in session and confidence is requested for that statement. The Constitution provides for all cases in which the House is dissolved or not in session.⁴⁰⁹

407) Article 53 of the Constitution provides that "the motion of no confidence in the ministry or any minister is convened upon request of either the Prime Minister or a request signed by at least 10 members of the House of Representatives; 2- the motion of no confidence is adjourned for one time of no more than 10 days upon request of the competent minister or the ministry and the House during this period may not be dissolved...; 3- Each ministry formed shall present its ministerial statement to the House of Representatives within one month from its formation if the House is in session. 4 In case the House of Representatives is not in session, it shall be called to exceptional session. The ministry shall present its ministerial statement and request vote of no confidence in that statement within one month from its formation; 5- If the House of Representatives is dissolved, the ministry shall present its ministerial statement and request vote of no confidence in that statement within one month from the new House meeting. 6- For purposes of clauses (3), (4) and (5) of this Article, the ministry obtains confidence should the absolute majority of the House of Representatives votes for it.

408) Article 54 of the Constitution states that 1- "a vote of no confidence in the ministry or a minister takes place before the House of Representatives; 2- If the House decides no confidence in the ministry by the absolute majority of total number of the members, it shall resign. 3- If the no confidence decision belongs to a minister, he/she shall depart from office.

409) According to Article 53 above.

However, one of the problems faced by the governments of Jordan is the practical application of the content of the laws, plans and policies that have been passed and adopted over the last five years, which have required much time and effort. Some studies and initial indicators point to the government's failure to abide by the timelines adopted under the national plans in general.

For example, the results of the report issued mid-March 2018 by Al Hayat Centre for Civil Society Development (RASED programme) to monitor government performance), clarified the extent of the government's commitment to the integrity plan. According to the report, the number of partially achieved commitments rose from 13 in 2014 to and to 18 in the first half of 2015, while commitments with limited progress dropped from 19 to 18 over the same period.

The report indicates that no work was done on nine commitments by late June 2015, noting that the limited time frame for completion ended with the close of 2014.

These commitments include amending the Audit Bureau law and creating the legislative frameworks to ensure coordination between the three regulatory institutions (the Anti-Corruption Commission, the Ombudsman Bureau and the Audit Bureau); building a unified database for all three regulatory institutions; amending the Ombudsman Bureau law; systematically reviewing the activities of the e-government programme and identifying the obstacles to achieving its objectives; establishing an organisational unit within the Prime Ministry concerned with auditing the contracts and agreements concluded by and between the government and others, and submitting its recommendations to the Council of Ministers before these contracts and agreements are concluded; enhancing the role of the government plan monitoring unit in the Prime Minister's Office to carry out major government projects within the specified time frames; reviewing and evaluating institutional modality in the domestic ruling and its reflection on the developmental, economic and social reality of the region; enhancing the role of the local community in decision-making, as well as reviewing and developing the elections law, and the regulations and instructions issued thereunder. The commitments on which no work was done dropped by six, falling from 23 in 2014 to 17 in the first half of 2015.

The evaluations show that until June 2015, work has not been commenced yet on 17 commitments. The Prime Ministry is responsible for six of these commitments, where the execution of two of the commitments is a shared responsibility with the National Assembly.

The report points to two outstanding commitments pending implementation; the first relates to the development of participatory frameworks governing the relationship between the public and private sectors.

The second concerns the establishment of a culture of transparency in public work; the commitment stipulated that public institutions shall publish their non-confidential reports openly and continuously.

The evaluation also showed that the specified timeframe for completing the 29 commitments out of 68 ended at the close of 2014, accounting for 42.6% of all commitments. Government efforts to disseminate the content of the National Integrity System and to educate citizens are still inadequate ⁴¹⁰.

Recommendations

- 1- Total adoption of the principle of disclosure in general budgets, in compliance with international standards.
- 2- Ensure effective control over the development projects
- 3- Introduce the public opinion and the National Assembly to the economic management and official procedures regarding public debt, and learn lessons from privatisation policies and procedures, and include them in the process of forming future economic and social policies ⁵⁴, through financial and economic reform policies and their implementation plans.
- 4- Conduct a comprehensive review of the illicit enrichment law to include provisions to activate it through presenting models, including the largest segment, and increasing regulatory powers in accordance with the principles and standards of transparency and disclosure.
- 5- Develop a manual or terms of reference to the direction and priorities of the legislative process.
- 6- Reconsideration of the e-government methodology and philosophy and the envisaged goals of public services' computerization according to the best international experiences.
- 7- Modernise and develop the Civil Service Bureau system to keep pace with the changes to public posts, and to integrate institutional references concerned with employment.
- 8- Conduct a comprehensive review of autonomous government units and the frameworks of their activity and define the objective criteria for merging and restructuring.
- 9- Consolidation of the financial systems and systems of transfer, travel, incentives and other expenses made with public money under a unified system.

410) the link: <http://www.assabeel.net>, or check the link of Al Hayat Centre for Civil Society Development <http://www.hayatcenter.org/>.

- 10- Reconsideration of the appointment of leadership and supervisory positions in accordance with standards of integrity and transparency and disclose the work and output of the committees.
- 11- Review all components of the education system and identify possible aspects for developing the facilities, curricula, and the academic sector.
- 12- Adopt national plans and programmes that promote the value of tolerance, the rule of law, justice, transparency, integrity, and good governance.
- 13- Prepare budgets according to the results-oriented budget, and basing estimates on stable documents and foundations in accordance with the national priorities.
- 14- Adopt a unified system for supplies and works for all institutions that spend from public funds, within clear controls, regulations and financial ceilings, and develop mechanisms and procedures for accounting and accountability.
- 15- Review the procedures and mechanisms for providing government services by adopting effective programmes, computerization, software and staff training, in addition to developing and habilitating the infrastructures.

Sources and references

- 1. Reports of the Anti-Corruption Commission for 2013 and 2014.
- 2. The National Plan for the Promotion of Transparency and Integrity.
- 3. King Abdullah II's letter to form the human resources committee.
- 4. Proceedings of the media conference to release the Anti-Corruption Commission's report.
- 5. Civil Service System for the year 2013.
- 6. The illicit enrichment law.
- 7. The Code of Conduct
- 8. The Jordanian Constitution.
- 9. The system for appointing senior and leadership positions.
- 10. A study by Tayseer Musharaka and Saba Umara entitled «Hard and Thorny Road to Access Information: Legal Barriers Make Getting Information Elusive.»
- 11. A study carried out by the Al-Quds Centre for Political Studies in Jordan. (link: <http://alqudscenter.org>)
- 12. A study prepared by the University of Jordan's Centre for Strategic Studies: public opinion poll about the law guaranteeing the right to information.

- 13- A study entitled "Evaluating the government performance in implementing the NIS plan during 2014, issued by Al Hayat Centre for Civil Society Development (RASED programme).
- 14- General government fiscal bulletin for October 2015.
- 15- Source: final accounts of the years 2003 and 2014, published on the Ministry of Finance website.
- 16- Reports of Transparency International for 2013 and 2014.

Website links

- 1- Civil Service Bureau
- 2- Ministry of Planning
- 3- Ministry of Social Development
- 4- King Abdullah II Website
- 5- Anti-Corruption Commission
- 6- General Budget Department

The Judicial Authority

Summary

The legal framework regulating the judicial authority in Jordan provides a high degree of autonomy to the Judiciary. The establishment of the Constitutional Court in 2011 was an important step towards monitoring the Executive Authority. There is not enough evidence on the intervention of the Executive Authority in the Judiciary.

Furthermore, the judicial authority in Jordan has relatively enough resources in comparison with the remainder of public sector institutions. There has been a significant expansion in the budget for the Judiciary in the last ten years.

Overall, the legal framework provides the rules and regulations to guarantee the integrity of the Judiciary and autonomy of the judicial decisions. The Judiciary system has been subject to a comprehensive review in 2013.

However, the physical environment and the courts' facilities are still in need of several reforms to be well prepared in a manner consistent with the comprehensive fair trial safeguards. In addition, the assistant judges are still on the payroll of the Ministry of Justice as well as the persons entrusted with law enforcement; this creates duplication in the administrative decisions, subordination, and oversight.

The following table summarizes the total degree of the Judiciary Authority in Jordan in accordance with the capacity, governance, and role in terms of law and practice.

Overall Score: 63/100			
Category	Indicator	Law/ Score 100	Practice/Score 100
Capacity 63/100	Resources	75	50
	Autonomy	75	50
Governance 63/100	Transparency	50	50
	Accountability	75	75
	Integrity	75	50
Role 63/100	Supervise the Executive Authority	75	
	Corruption detection and punishment	50	

Structure and Organization

The Jordanian Constitution identified the organizational structure of the judicial service in Jordan and delineated the general characteristics to form and compose the judicial authority in Jordan. The Constitution leaves the task of setting the details of regulatory matters to laws when it states that, “The Judicial Power shall be exercised by the courts in their different types and levels. All judgments shall be issued in accordance with the law in the name of the King.”⁴¹¹

By virtue of the Constitution, jurisdiction of the courts has been divided into three types: civil, religious, and special courts. The special laws define the divisions, levels and jurisdictions of the courts.⁴¹²

However, it must be pointed out that under the amendments made to the Jordanian Constitution in 2011, the establishment of a constitutional court responsible for ruling on the constitutionality of laws and regulations was clearly provided for in accordance with a special law providing for the establishment of this court as an autonomous legal body.⁴¹³

The civil courts have jurisdiction for civil and criminal justice including cases filed by or against the government. The religious courts have jurisdiction for everything relating to personal status such as marriage, divorce and alimony. They are divided into: Sharia Courts which have jurisdiction for ruling on disputes arising from contracts of marriage, inheritance and divorce for Muslims; Tribunals of Religious Communities which have jurisdiction for ruling on issues of personal status for non-Muslims.⁴¹⁴

The special courts have their jurisdiction defined by the law specifically: the municipal courts, the High Criminal Court, the State Security Court and the Customs Court.

The Jordanian Judicial Council represents the top of the Judicial Authority pyramid in the Kingdom for the civil courts and is competent for administrative supervision of all the civil judges in the Kingdom. The Judicial Council also looks after developing the judicial service and making proposals on the Judiciary, the public prosecution and litigation procedures.

411) Article 27 of the Constitution of Jordan.

412) Articles 99, 100 of the Jordanian Constitution.

413) Chapter 5 of the Constitution Article 58 and thereafter.

414) Articles 103, 104 of the Jordanian Constitution.

By virtue of the constitutional amendments in 2011, it is clearly provided that the administrative Judiciary should be deemed to have two levels, whereas previously there was only one.⁴¹⁵

By virtue of the Judicial Independence Law, the Judicial Council represents the top of the judicial authority pyramid in the Kingdom, and consists of 11 members, all formal judges; including the president of the Court of Cassation as the president, the president of the Supreme Court of Justice appointed as vice-president, the president of the Public Prosecution, the two most senior judges in the Court of Cassation and the three presidents of the appeal courts in Amman, Irbid, and Ma'an, as well as senior inspectors in the civil courts, the Secretary General of the Ministry of Justice, and the president of the Court of First Instance in Amman.

The Sharia Judiciary is chaired by the Sharia Judicial Council composed of the President of the Sharia Supreme Court as president, and the membership of the three most senior judges at the Supreme Sharia Court, where the most senior of these acts as Vice-president, as well as the presidents of the Sharia Courts of Appeal, the Director of the Sharia Courts, the Sharia Public Prosecutor, and the most senior inspector in the Inspection Commission.

In regard to the Constitutional Court, the amendments to the Constitution in 2011 endorsed a chapter specifically on the establishment of the Constitutional Court under Articles 58, 59, 60 and 61. The Law on the Establishment of the Constitutional Court no. 15 of 2012 was issued under Article 58 on the constitutional amendments which states that "A Constitutional Court shall be established- by virtue of a law – headquartered in the Capital city of Amman; the court shall be considered an independent stand-alone judicial body, and shall be composed of nine members at least inclusive of the President, to be appointed by the King."

The Court has jurisdiction for ruling on constitutional disputes and interpreting the Constitution and the authorities entitled to directly challenge the constitutionality of the laws, regulations, and interpretation of the constitutional provisions. These authorities are: the House of Senates, the House of Representatives, and the Council of Ministers.

Any party to a case being heard by the courts of all kinds and levels may plea to the non-constitutionality of any law or regulation applicable to the subject matter of the case in accordance with the principles defined in the Law on the Constitutional Court. The Court shall rule on the appeal made to it within no longer than one hundred and twenty days from the date of the referral decision.

⁴¹⁵) Article 100 of the Jordanian Constitution

The Court may request any data or information it may find necessary⁴¹⁶. The Court issues its judgments in the name of the King. Its judgments are final and binding to all authorities.

The classification of the civil courts, which are the most important in the Jordanian judicial system and have jurisdiction to rule on administrative, penal and civil disputes, including cases filed for or against the government, are as follows in accordance with the laws:⁴¹⁷

1. First level courts:

- Magistrate courts
- Courts of first instance

2. Second level courts:

- The courts of appeal

3. Court of Cassation.

4. Administrative Judiciary

- The first administrative court
- The supreme administrative court

The Public Prosecution is deemed to be part of the civil judicial body. Article 14 of the applicable Law on the Formation of the Civil Courts no. 17 of 2001,⁴¹⁸ as amended, states in regard to the composition of the Public Prosecution department that “A judge shall be appointed at the Court of Cassation and will be called the Head of Public Prosecution. He shall undertake the functions of the prosecution before the Court of Cassation. A judge shall be appointed at each Court of Appeal to act as the Public Prosecutor.

He shall exercise all the powers granted to him by the Criminal Procedural Law and other laws. One or more judges shall be appointed at every Court of First Instance, and shall be named Prosecutor Generals.

416) Chapter 5 of the Jordanian Constitution and the Constitutional Court Law

417) To view the spatial and specific jurisdiction as well as the courts' mechanisms, kindly visit the Judiciary Council website, link: <http://www.jc.jo>, the Administrative Judiciary Law for 2014, Judiciary Independence Law for 2014.

418) Published on page 1308 of the Official Gazette No. 4480 dated March 18, 2001

A public prosecutor may be appointed at any Magistrate Court. The Head of Public Prosecution and the Public Prosecutor shall each have assistants with the same powers vested in them.”⁴¹⁹

Capacities: Resources

Law: To what extent do existing laws guarantee suitable salaries and working conditions for judges?

Score: 75/100

Arguably, the Judicial Authority in Jordan has adequate legislative structure, both constitutionally and legally, to achieve its goals. There are adequate resources to enable it to perform its duties properly. The executive and legislative authorities are in charge of providing permanent financial resources for the judicial authority.

However, financial autonomy has not been available yet to the Civil Judicial Council despite repeated requests and calls for a Judicial Council independent from the Executive Authority.

The Ministry of Justice is still the institutional reference for all the financial matters of the Judicial Council.

419) Article 15 of the same law provides that "a- the judge advocate general (JAG) each within its jurisdiction shall institute and track criminal cases in accordance with the Criminal Procedural Law and other laws, b- The attorney general or public prosecutor, each within its jurisdiction, may request delegation of any of the police officers in the capacity of judicial police to exercise prosecution role with the courts of first instance, magistrate courts whether generally or temporarily, as the case may be, the delegated officer shall abide by the instructions of the attorney general or the public prosecutor, c- The head of the public prosecution and the attorney general may delegate any of his/her assistants or any public prosecutor to assume hearing in any case being heard by a court other than the one he/she is entrusted with representing the public prosecution therewith and track the case if found that the case is of special importance so requiring. Article 17 of the law outlined subordination of the public prosecution members and staff. It states that: a- the JAGs, each within their jurisdiction, shall institute and track criminal cases in accordance with the criminal procedural law and other laws; b- The attorney general and the public prosecutor, each within their jurisdiction, may ask for delegation of any officer or police officers in the capacity of judicial police to exercise the prosecution role with the courts of first instance and magistrate courts whether generally or temporarily, as the case may be. The delegated officer shall abide by the instructions of the attorney general or the public professional; c- The head of the public prosecution and the attorney general may delegate any of his/her assistants or any public prosecutor to assume hearing in any case being heard by a court other than the one he is charged with representing the public prosecution therewith and track it if found that the case has a special importance so requiring. (Article 18 of the law states that: the Judiciary police staff shall be under the control and oversight of the head of the public prosecution and JAGs in connection with their judicial posts). Article 19 of the law states that: the public prosecution may interfere in all cases that the law provides for such interference therein).

The Judicial Independence Law regulating the work of the Council states that the duties of the Council are: to follow all administrative affairs of judges with regard to promotions, delegation, secondment, as well as giving an opinion on legislation regarding the Council's work and producing the annual report. However, it does not refer to the financial autonomy of the Judicial Council.⁴²⁰

Under the Judicial Service Regulation⁴²¹ No. 45 of 2015 whereby the basic salaries, annual increases, allowances, and representation allowance for judges are determined as follows:

a) Senior-level posts: the President of the Court of Cassation and the President of the Supreme Administrative Court each receives the salary and bonuses of a minister, in addition to representation allowance of 75% of the basic salary. The Vice-presidents of the Court of Cassation receive a basic salary of JD 2000 (\$2,822) and a judicial allowance of 120% of the basic salary. Senior-level Judges each receives a basic salary of JD 1,400 (\$ 1975) and a judicial allowance of 120% of the basic salary, and an annual increase of JD 20 (\$ 28).

The basic salaries and annual increases of judges from special grade through grade 6 are shown in the following table:

Grade	Basic monthly salary in dinars	Annual increase in dinars
Special	1110 – 1210	20 (\$ 28)
One	1010 – 1090	20 (\$ 28)
Two	910 – 990	20 (\$ 28)
Three	810 – 890	20 (\$ 28)
Four	710 – 790	20 (\$ 28)
Five	610 – 690	20 (\$ 28)
Six	510 - 590	20 (\$ 28)

420) Article 6 of the Judicial Independence Law

421) Article 3 of the Judicial Service Regulation for 2015

By virtue of the regulation, judges from the special grade up to grade six can claim a judiciary allowance of 100% of their basic salary. The newly appointed judge shall be placed on 7th grade and receives a basic monthly salary of JD 450 (\$ 635) with a judiciary allowance of 80% of basic salary and an annual increase of JD 20 (\$ 28). The judge working as a Public Prosecutor is paid JD 200 (\$ 282) per month as a shift allowance, as well as having use of a car and a mobile phone.

Under the Judicial Independence Law ⁴²², a social takaful [Islamic insurance] fund must be set up. It is composed of two autonomous accounts: one of which is called 'the judges' account' and the other is called 'the account for the Ministry of Justice employees'. The judges' account is for the benefits of both working and retired judges in the Kingdom. The account for employees of the Ministry of Justice is for the benefit of workers who are actively working in the Ministry of Justice of all classes and grades and who have been appointed in accordance with the provisions of the Law issued in this respect.

The Fund provides specific benefits for judges working outside of the Kingdom or who have taken retirement or provisional retirement, as well as for employees of the Ministry of Justice who are working outside of the ministry or who have taken retirement or provisional retirement, in accordance with the conditions and procedures defined by the Law issued in this respect. The Fund's sources of income for the judges' account are composed of: 15% of the fees earned for cases, claims and judicial or executive proceedings under the regulation of court fees or any other legislation.

Any deductions from the salaries of working and retired judges and their financial rights are defined by law. The Fund's income sources for the account of the Ministry of Justice employees are composed of: 20% of the adjudged collected fines, with the exception of those fines adjudged as civil compensation, and any deductions from the salaries of the Ministry of Justice employees, in addition to their financial rights.

Accordingly, in comparison with other employment sectors in Jordan, the salary allocations and salaries of judges are deemed to be good and cater for the need and appropriate for their working conditions.

The Law on the Constitutional Court defines the financial allowances claimed by the President of the Court and its judges. Article 20 indicates that "the President claims the salary and bonuses set for the President of the Court of Cassation under the provisions of the legislations in effect. The other members receive the salaries and allowances determined to the vice-presidents of the Court of Cassation under the provisions of the legislation in force."⁴²³ A financial regulation for the Constitutional Court was issued under No. 48 of 2013.

422) Article 45 of the Judiciary Independence Law

423) Article 20 of the Constitutional Court Law

Many instructions and regulations were issued concerning the Sharia Judicial Council on the internal procedures, salaries and judicial service in Sharia courts, and the tribunals for Church Communities. This regulation also defines the benefits and financial resources for those working in them ⁴²⁴

The financial resources allocated for Sharia judges are also sufficient for the requirements of life and provide a convenient working environment in comparison to the salaries of workers in the Executive Authority.

Practice:

To what extent does the Judiciary have adequate levels of financial resources, helpers, and basic structure necessary to perform effectively?

Score: 50/100

The financial resources available to the Judicial Council have been constantly increasing over the last five years. The budget for civil justice was JD 7,255,255 million in 2005 (\$ 10,238,269) then became JD (657,732,20) in 2014 (\$ 928, 160, 32) ⁴²⁵

The budget for infrastructure and services has doubled numerous times in the last ten years.

For the judges' salaries, their monthly allocations are acceptable, however no customs exemptions or allocated residential lands are provided to them.

424)The legislation regulating work in the Sharia Judiciary includes: The Law on Personal Status no. 36 of 2010; the Sharia Procedural Law; The Law on the Transfer of Immovable Funds; the Contempt of Court Law; the Law on the Institution for the Development of Orphan Funds; the Law on Sharia Lawyers; the Regulation on Inheritance, the Regulation on the Judicial Service of Sharia Judges; the Regulation on the Sharia Courts of Appeal; the Law on Sharia Enforcement no. 10 of 2013; the directives granting permission to marry to someone under the age of eighteen of 2011; directives regulating and recording evidence for inheritance estate settlement of 2011; the regulation on the defacement of papers no. 802 of 1953; the Orphans Act; the Regulation on the Administrative Organisation of the Directorate for Judges; directives organising the work of Sharia officials performing civil marriages no. 1 of 199[rest of date missed out in source]; the Regulation on the Institute for Sharia Judges no. 29 of 2015; the directives on members of the Offices for Family Reform and Harmony of 2014; the Law on Christian Tribunals of 2014; the Law amending the Law on the Composition of Sharia Courts 2015; the regulation on the Social Takaful Fund no. 69 of 2012; Amending Regulation of the Social Takaful Fund no. 42 of 2015; directives on the members of Offices for Family Reform and Harmony; Family Reform and Harmony Act no. 17 of 2013; Sharia Lawyers Association Act no. 47 of 2015; Alimony Fund Act no. 48 of 2015; Sharia Courts Fees Act no. 61 of 2015; Law on the Composition of Sharia Courts no. 19 of 1972 as amended; Holiday Fees for Sharia Lawyers Act no. 91 of 2015.

425) General budget of the Ministry of Finance, 2014

In regard to the infrastructure of the courts, the Ministry of Justice adopts the supervision and implementation with a view to improve the infrastructure within a plan and strategies created by its Directorate of Buildings and Projects. The plan is to create new buildings, strengthen and develop courts infrastructure through preparing model blueprints of court buildings in accordance with the international standards and in conformity with the Jordanian courts nature of operations. The plan also includes purchasing lands, construction of buildings, and evaluating the current infrastructure of courts, as well as supplying the courts with the needed systems and maintenance to ensure enhancing efficiency of the judicial services and , and expedite litigation procedures to save time and effort to judges, lawyers, and visitors.⁴²⁶

Within the overall strategy of the Ministry of Justice and the derived executive plans throughout the past years, during the first phase ending in 2010, new justice palaces have been built and started operations in the governorates of Irbid, Salt, Mafraq, and Karak, as well as buildings for the High Criminal Court, the public prosecution office in Amman, and an additional building for the Ministry of Justice have been implemented and put into operation. Within the implementation plan for stage two, new palaces of justice have also been built and put into operation in the governorates of (Madaba, Zarqa, Ajloun and Rasifa) by the end of 2014.

The Directorate of Buildings and Projects has developed a future plan for the next few years to build model buildings and palaces of justice, having allocated appropriate plots of land for these projects during 2013-2014. The work on the plans and blueprints started ⁴²⁷.

Job tenure and security for judges substantially improved; with the issuance of the new Judicial Independence Law, which granted appointment and promotion authorities in the judicial system to the judicial council, and determined in details the situations in which judges can be dismissed or terminated, only under strictly defined conditions in the law.

However, the judges' assistants still report to the Ministry of Justice. They are subject to the of the Civil Service Bureau system that falls short of the optimal level concerning the judges' assistants. In 2013 the courts experienced a number of sit-ins by court employees demanding increased financial resources for them. A number of the claims were responded to and a savings fund for court employees was created.

426) Development Plan of the Courts' Infrastructure in Jordan, for more information please see the website of the Ministry of Justice: www.moj.gov.jo

427) The master strategy of the Ministry of Justice: the following projects have been finalized: 1- Amman Court of Appeal building at an estimated cost of JD 20 million. 2- Judicial Institute of Jordan building at an estimated cost of JD 9 million. 3- Justice Palace building – Ma'an, at an estimated cost of JD 9 million; 4- Justice Palace building – Tafila at an estimated cost of JD 9 million

Certain courts still lack the proper infrastructure for litigation especially in Amman, such as the Court of North Amman, the Court of West Amman, the Court of East Amman and the Court of South Amman. These courts are multi-storey buildings difficult to access for the elderly and the persons with special needs. Moreover, the courtrooms lack space and in some others there are no courtrooms and the judges' rooms and the rest of the facilities also lack space and continually very overcrowded .⁴²⁸

Capacities: Independence

Law: To what extent does the law guarantee the autonomy of the judges?

Score: 75/100

Article 27 of the Jordanian Constitution secures the autonomy of the judicial authority by confirming the principle of separation between the authorities, stating that "The Judicial Power shall be exercised by the courts of law in their varying types and degrees. All judgements shall be given in accordance with the law and pronounced in the name of the King." Article 97 of the Constitution also confirms that "Judges are independent, and in the exercise of their judicial functions they are subject to no authority other than that of the law". It is a safeguard to the effect that judges are appointed and disqualified through a royal decree.⁴²⁹

The Constitution refers to a number of fair trial safeguards and the courts are accessible to all and free of interference. Furthermore, no civilian may sit to trial in a criminal case by a court whose judges are not all civil judges. This is with the exception of some cases where the power to hear them has been granted to the Court of State Security, namely, crimes of treason, espionage, terrorism, the crimes of drugs and currency forgery.⁴³⁰

Court sessions are deemed to be public unless the court decides that it should be closed subject to the public order or preservation of morals. In all cases the announcement of judgment is in a public session. The accused shall be innocent until proven guilty by a final judgment. Torture, cruel treatment, or arbitrary arrest is prohibited.⁴³¹

429) Articles 97, 98 of the Jordanian Constitution

430) Article 101 of the Jordanian Constitution

431) Article 8 of the Jordanian Constitution

It should be noted that there is a remarkable development to the Judiciary Independence Law in 2014 through creating several provisions securing the personal and employment autonomy of judges . ⁴³²

This will contribute to strengthening the autonomy of the judicial authority, most notably: the article confirming that the Judiciary is autonomous and the judges are autonomous and they are not subject to any authority within their jurisdiction other than the law ⁴³³; reduction of the Executive Authority role in managing the affairs of judges; the Council runs all matters relating to civil judges including looking after the affairs of judges, their appointments, promotions, upgrading, disciplinary actions, transferring, mandating and terminating the employment of judges within the provisions of this law. ⁴³⁴

A Social Takaful Fund was established for judges and employees of the Ministry of Justice with the aim of supporting those working in the judicial authority and improving their financial and social conditions .

A number of judicial safeguards were developed for judges facing disciplinary accountability. Additionally, the Judicial Inspection Directorate was deemed to be under the supervision of the Judicial Council, after it had subordinated to the Ministry of Justice ⁴³⁵. A judicial code conduct was also developed by a committee formed specifically for this purpose ⁴³⁶

The Sharia Courts Formation Law limited the appointment of Sharia Judges with the Judicial Council through a decision on the judge appointment under probationary period of three years. After the lapse of the probationary period, had the Council decided on judge fixation, a decision to this effect is issued. Had the council decided on dismissal or return the judge to his clerical post during the probationary period, a decision shall be made in accordance with the clause (b) Article 3 of the Sharia Court Formation Law. The Council shall also have competence over the judges' relocation from the judicial service to another post, as well as dismissal of judges according to the law provisions, transfer of the judge for a different work or additional work, promotions, and secondment when necessary to work for a court of the same degree or higher. The Council is also responsible for resignations or retirement requests, investigation in complaints filed against judges, or shall assign a Council member to do so, in addition to the promulgation of decisions relating to the complaints filed against the judges whether by filing the complaint or imposing a certain penalty in accordance with the law provisions ⁴³⁷

432) The law was published in the Official Gazette No. 5308 dated October 16, 2014

433) Article 3, clause A of the Judiciary Independence Law

434) Article 6 of the Judiciary Independence Law

435) Article 46 of the Judiciary Independence Law

436) Article 40 of the Judiciary Independence Law

437) Article 43 of the Judiciary Independence Law

157) The legislation regulating the affairs of the Sharia Judicial Council and its formation, duties and tasks and all relevant matters is the Sharia Courts Formation Law. This law has addressed so many related subjects. For more about the formation and duties of the Council, kindly visit the link: <http://www.sjd.gov.jo>

The Judiciary enjoys protection or immunity against legal prosecution, arrest, or detention without the permission from the Judicial Council except in the case of being caught red-handed in a criminal offence. The matter must be brought before the Council within 24 hours, where it is for the Council to continue detention, or release them on bail, or any other decision.

Furthermore, Article 16 of the aforementioned Judicial Independence Law states that a judge cannot combine his job in the Judiciary with running a business, or being a member of a board of directors, a company or a firm, under the penalty of perjury. The Constitution itself prohibits judges' membership in political parties.

Several procedures and actions have been incorporated into the Law ensuring more autonomy for judges than the previous practice in which the Minister of Justice had a hand. The Judicial Council is charged with making submissions to the appointment and the King then ratifies the appointment.

The autonomy of the Judiciary is a paradigm shift in terms of the Judiciary independence safeguards. It has removed every award of the State on the judge affairs management which was practiced in the past by the Minister of Justice. The new law draws the attention to a very important issue represented by securing neutralism and no conflict of interests within the judicial council body. The disciplinary council established under the law No. 30 is composed of three of the most senior judges of the Court of Cassation appointed by the Council from members other than the Council to which the disciplinary case shall be brought before by the attorney general by a decision from the Council. The referral and trial authority is not the same.

However, despite the previously mentioned positive aspects, the Judiciary Independence Law still includes some gaps that would affect the autonomy of Judiciary in one way or another, most notably:⁴³⁸

- Dismissal of the judge or referral to retirement for no reason, which would form a fundamental infringement of the autonomy of the judge himself personally.
- Maintain the Judicial Institute, along with the support staff of judges including: court ushers, clerks, heads of registration, legal researchers and administrative supervisors in the courts' facilities, under the subordination of the Ministry of Justice.⁴³⁹
- Interference in the work of the judicial authority is not clearly defined as a criminal offence in writing. The law is content with just warning any agency or authority against infringing the autonomy of Judiciary and interfering in their affairs.

438) Human Rights Conditions report by the National Centre for Human Rights for 2014, axis of the Judiciary Authority Independence

439) Article 41 provides that "the Institute reports to the Minister of Justice while its affairs and management is run by a regulation issued to this end"

- The Law only provided for giving the Judicial Council the right to give an opinion and provide proposals for legislation relating to the Judiciary⁴⁴⁰ without giving it the power to propose legislation for the work of the judicial authority.
- It does not clearly provide for the financial autonomy of the judicial authority.
- The public prosecution remains under the subordination of the Minister of Justice based on Article 11 of the Penal Procedural Code no. 9 of 1961⁴⁴¹
- The Council of Ministers has the authority to issue the necessary regulations to enforce the provisions of the Judicial Independence Law including regulations for the judicial service.

It is worth noting that the Jordanian Judicial Council created a judicial code of conduct in 2014 that extends to judges in the civil courts, JAGs, the Civil Attorney General and his assistants. The Code aims to strengthen judges' autonomy, integrity, neutrality and competency, as well as the effectiveness of their procedures and their mission based on administration of justice and consolidation of rule of law principle.

Practice: To what extent does the Judiciary operate without the interference of the government or any other party?

Score: 50/100

The institutional autonomy of the judges exists and is guaranteed by the Judicial Independence Law. Therefore, there is no legal loophole for interference by the Executive Authority or any other party in the work of the Judiciary. However, the personal autonomy remains governed by the actions, relationships and interests of the individual judges. They must embody the institutional autonomy for the judicial authority in their personal autonomy by not accepting any external influence in a case being heard by them.

It should be noted herein that the financial resources of the judicial authority in Jordan come from the Ministry of Justice. The overall administrative and functional autonomy of the judicial authority is available with the exception of the financial autonomy.

440) Article 6/b of the law

441) Article 11 of the Criminal Procedural Law No. 9 of 1961 provides that (1- The Public Prosecution is assumed by judges practicing the authorities and powers vested in them legally; they are part of the line of authority and report to the Minister of Justice administratively; 2- The JAGs to perform their transactions and written claims shall comply with the written instructions of their supervisors or the Minister of Justice)

Over the past years, the Judiciary did not allow investigations and ruling of numerous protracted cases, which involved a number of public figures and security officials. The Judiciary handled and dealt with all these cases autonomously. Public opinion was not far behind in following all the events and stages of the investigation processes and trials.

Concerning appointments, after the Judicial Independence Law was issued in 2014, the Ministry of Justice no longer had an authority to intervene in any procedure relating to the work of the judicial authority.

Vacancies in the Judiciary are announced to the public together with the qualifying conditions, and they will be published in the daily newspapers and on the website of the Judicial Council. Written and oral examinations are held and the results are announced publicly. All procedures contribute to openness in the appointment procedures. In addition, the process of upgrading and promotions is carried out in accordance with the judicial service system after the judge has completed a specific duration of service at that grade.

The Judicial Inspection Directorate, in accordance with its bylaw, is responsible for the hearing of disciplinary complaints and making recommendations for disciplinary penalties against any person proved to have infringed the conventions and the Judicial Independence Law. No interferences or problems have been monitored in respect to these procedures. In 2014 the inspection staff received 111 complaints against judges. The Inspection Service investigated all of them and imposed penalties for 11 complaints. It received 166 complaints about court procedures in general and it took legal proceedings for 26 complaints. In addition, 130 judges were under inspection for promotion purposes and 60 judges for permanent appointment. There were 58 judicial tours to courts.⁴⁴²

Governance Transparency

The Law: To what extent are there provisions in place to safeguard access of the public to information relating to activities of the Judiciary and the decision-making process?

The Judicial Independence Law is devoid of provisions guaranteeing the public access to information related to the decisions made. As a State authority, it is governed by the general rules for the public access to information as regulated in the Jordanian Access to Information Law of 2007. This law identified the Department to be the ministry, the department or the authority or the organisation or any public institution or public official institution.

442)Judicial Council report subject matter of the judicial inspection

Article 101 of the Jordanian Constitution states that: "Court sittings shall be public unless the court decides that they be in camera in consideration of public order or in preservation of morals. In all cases, the pronouncement of the verdict shall be in a public sitting." Based on the foregoing, transparency is established in two main aspects: open sessions, and public open pronouncement. For the most part, the trial sessions and deliberations are available to the media. However, in special situations the court requests that the media does not publish any information for the public on some cases, especially those in the State Security Courts or in some corruption cases, in anticipation of negative results that may result from the information publishing during the trial.

Article Two of the Illicit Enrichment Law⁴⁴³ states that the law includes the judges and accordingly the judge shall submit a declaration of their financial liabilities and those of their wife and children, who are minors, within three months of notification. Then they must submit a regular declaration every two years during the period that they are subject to this law.

This law is considered an important step towards transparency in the public administration in general, but the main gap is that these declarations are never opened unless there is a complaint about a particular person. At that point they are opened by a Judge at the Court of Cassation to take the necessary procedures.

Transparency

Practice: To what extent do the public have the right to access information of Judiciary and its activities?

Score: 50/100

There is no legal provision to bind the judicial authority to circulate their reports and decisions in particular those relating to the courts' situations and progress of work. Article 8 binds the president at the beginning of each year to prepare an annual report on the courts' situations and progress of work during the past year. The report shall be presented to the Council for approval, and the President submits the report to the King, and a copy to the Minister of Justice. Thereafter the report becomes available for all for examination. The annual reports of the Council are available on the website and may be read in full or downloaded, and thus the transparency concerning this clause is well established.

443) Illicit Enrichment Law

The judges' payroll, monthly amount, incentives, and personal privileges are supposed to be well-known. The evidence for that is that several other legislations, such as the Constitutional Court Law, that established public agencies and institutions have linked their member payroll with the payroll of judges of Cassation and their benefits.

The annual report of the Judicial Council includes all the information and data relating to the work of the judicial authority in terms of the activities, the resolutions and the actions taken by the Council for the purposes of developing the work of the judicial authority, as well as the strategies and developments achieved and the future aspirations which are a priority for the Judicial Council. These are all achieved through periodical decisions taken by the Council and published on the Council's website. The Judicial Council issued 264 resolutions centered about judicial issues of transfer, delegation, appointments, promotions, secondment and other administrative issues of judges ⁴⁴⁴.

Governance: Accountability

The Law: How available are legal provisions that secure holding the judge accountable for their acts?

Score: 75/100

Despite the judges enjoy a high degree of immunity, this immunity may not release from accountability for violating any of their duties, as stipulated in the law, or in case of committing any violation under the other criminal laws.

The Judge is subject to accountability at two levels: the first relates to the performance of their duties in accordance with law provisions. The Judicial Inspection Department may hold them accountable. There are detailed disciplinary procedures which can end up dismissing the judge or terminating him. Likewise, Regular citizens can also submit a complaint against judges to the Judicial Council. The president or the Council can refer it to the Inspection Department.

⁴⁴⁴) See the website of the Judicial Council containing the decisions of the Council as well as the annual reports published by the Council, see link: www.jc.jo

There is a kind of administrative control practiced by the president of the Council and the presidents of each of the courts under the law as a kind of administrative control, where the President may oversee administratively all judges. The same right is given to the president of each court to oversee the judges within his jurisdiction. For the purposes of this Article, the Magistrates within the centres belonging to the courts of first instance are deemed to be judges therein. The President of the Public Prosecution shall have the administrative supervision over all members of the Public Prosecution while the attorney general shall have the right to oversee their subordinates. The president of the Department of the Civil Attorney General has the right to supervise members of the Department and the assistants.⁴⁴⁵

However, the law included an authority of the president on his own, or upon submissions made by the Chief Inspector or the president of the competent court who is responsible for alerting the judge in writing about all violations against their duties or job requirements, after interrogation in writing. The warning is kept in the confidential file of the judge, provided that all their rights to defence are observed.

The Disciplinary Board is composed of at least three of the most senior judges at the Court of Cassation. They are appointed by the Council from non-members for two years. The Board may form more than one honour board. The Disciplinary/honour Board issues its decisions unanimously or on a majority basis within no more than four months.⁴⁴⁶

The disciplinary action is brought by the Public Prosecutor by a decision from the Board. It is recorded in a special register at the Council and is kept there after the completion of the action. The disciplinary action is brought against a judge as a pleading containing the charge(s) against him as well as the supporting evidence. This is submitted to the disciplinary board to commence the procedures within a period of no more than fifteen days from the pleading date.

The disciplinary board carries out investigations as it may find necessary. It has the right to assign one of its members to perform the needed. The disciplinary board, or the authorised member, has the power authorized to the courts concerning the summoning of witnesses necessary to hear their depositions or to request other evidence. Having finalized the investigations, if the disciplinary board does not find any grounds for proceeding with the case, it rules to set it aside. If the disciplinary board finds the grounds to proceeding with the case for all or some of the infringements, it summons the judge to appear before the court for trial - provided that the period between the summons and the date of the trial is not less than seven days. The writ of summons must include an adequate statement of the subject of the case and the evidence of the accusations.

445) Article 26 of the Judiciary Independence Law

446) Article 30 of the Judiciary Independence Law

The disciplinary board may order that the judge withholds performing their duties until the end of the trial. If it is clear to the disciplinary council that the violation the judge is charged with involves a criminal offence, it will stop the disciplinary proceedings and the judge shall be referred to the competent Public Prosecutor or the competent court, together with the minutes of investigation, papers, and other documents relating to the charge(s), to proceed with the case in accordance with the provisions of the law. In this case, no disciplinary action against the judge may be taken, nor any action previously taken may be continued, until the final verdict is issued. ⁴⁴⁷

The law includes certain provisions indicating that the disciplinary trial sessions are closed. The judge appears in person before the disciplinary council or appoints a judge to represent him who is not a judge at the Court of Cassation or one of the lawyers. The disciplinary council has the right to require the judge to appear. Failing to present, in person or by proxy, a trial in absentia shall take place. The judge also has the right to submit his defense whether in writing or verbally. He, or his proxy, has the right to examine the witnesses who have been heard by the disciplinary board during the initial investigations. The ruling is appealable at the Administrative Court. ⁴⁴⁸

Practice: To what extent are the judges held accountable for their actions?

Score: 75/100

The Judicial Inspection Department continues hearing disciplinary cases filed against judges in accordance with Judicial Inspection Regulation no. 47 of 2005. In 2014 it received 100 complaints against judges. It issued decisions to set aside complaints in 69 cases and recommendations were made to the president of the Judicial Council to take legal proceedings for 11 complaints.

In regard to the inspection actions and complaints filed against court procedures, 166 complaints against court procedures were received during 2014. Recommendations were made to the president of the Judicial Council to set aside 140 of these complaints and to take legal proceedings for 26 complaints.

In respect of inspection over the courts and judges, in 2014 activities of 130 judges were inspected for the purposes of promotion and 60 judges were inspected for the purposes of permanent appointment. Also, 8000 cases were examined for the purposes of preparing the annual report. 58 investigation tours took place in 2014. ⁴⁴⁹

447) Articles 31, 32, 33 and 34 of the Judiciary Independence Law

448) Articles 35 and 36 of the Judiciary Independence Law

449) The figures were obtained from the Judicial Council report for 2014, subject matter of judicial inspection.

However, the Judicial Inspection Department is badly in need of qualified and experienced personnel, to secure exercise of its inspection jurisdictions over all courts, and not to constrain the process to taking samples for inspection purposes. It also needs to increase number of inspectors within the Judicial Inspection Department.

Governance: Integrity

The Law: To what extent do mechanisms exist to guarantee the integrity of members of the legal profession?

Score: 75/100

A number of rules exist in the Judicial Independence Law and the Judicial Code of Conduct, in addition to the penalties that may be imposed on judges who contravene their integrity. Article 16 of the Judicial Independence Law provides for the rules on integrity to be observed by the judges. For example, judges may not hear any dispute in which they have an interest or which involves any of their relatives up to the fourth degree, or their in-law. This is important due to the importance of the family or tribe in relationships in Jordanian society.

The law specifies that judges may not have their job as a judge along with running a business, being a member of a board of directors, or a part of a company or a firm, under the penalty of perjury. The law also specifies that judges may not undertake any act or action in their personal interest or the interest of their relatives.

Thus, it is clear that the rules of integrity within the law are rigorous and are devoted in the Judicial Code of Conduct. The Code has put in place penalising mechanisms which are represented through the disciplinary council formed to hear complaints submitted against judges, not to mention the criminal justice that includes judges if the offence committed involves a criminal offence. Article 43 of the Law provides for the formation of a Judicial Code of Conduct Committee entrusted with acting as a preventative and remedial mechanism to ensure integrity of judges' and their compliance with the law. It is apparent that the rules for integrity in the law and the Judicial Code of Conduct are advanced and achieve a great deal of integrity.

The Judiciary Independence Law provides that among the judge appointment conditions is to satisfy the following: a good conduct, civil competency, not sentenced for any felony, not sentenced by any court or disciplinary board for a crime offending honor even if rehabilitated or amnestied, as well as having a good reputation and good behavior.⁴⁵⁰

Under the provisions of the Illicit Enrichment Law, judges are among the group required to submit a financial disclosure declaration. The Judicial Code of Conduct also emphasises numerous principles and values which judges must follow or avoid, as these principles or values might abuse their integrity and influence the Judiciary.

Practice

To what extent does practice secure the integrity of members of the Judiciary?

Score: 50/100

The legal framework to secure integrity of judges is available and judges are familiar therewith. All judges are required to take an oath or a solemn declaration of compliance with the law and integrity. Since the establishment of the Judicial Institute, judges receive legal training, including rules of integrity as provided by the law.

The Illicit Enrichment Law and the rigorous administrative control include all judges, and are subject to strict monitoring by the Judicial Inspection Department. They also undergo capacity building through long-term training the judges receive at the Judicial Institute on the Judiciary conduct.

450) Judiciary Independence Law

Role:

Supervision over the Executive Authority: To what extent does the Judiciary provide effective supervision over the Executive Authority?

The establishment of the Constitutional Court as a result of the constitutional amendments of 2011 was an important step in Jordan. The Constitutional Court monitors the constitutionality of numerous laws. It has proclaimed non-constitutionality of several provisions and legal clauses contained therein, most notably: Law on Landlords and Tenants. The Constitutional Court has played a mediating role between the legislative and executive authorities on many occasions through interpretation of the clauses of the Constitution.

The rest of the administrative decisions are under the control of administrative Judiciary for which the Administrative Justice Law no. 27 of 2014 was approved⁴⁵¹. Extrapolating the provisions of this law, it is apparent that it has strengthened the protection of citizens' rights, through confirming the right of individuals to a fair trial, through the following:

- a) Administrative litigation shall be on two levels (the Administrative Court and the Supreme Administrative Court), which establishes the human right to a fair trial. This amendment is in harmony with Article 14 of the International Covenant on Civil and Political Rights (ICCPR).
- b) Revoking the power granted to the Minister of Justice to delegating civil judges to work at the administrative courts of justice.

However, this progress in the role of the administrative Judiciary under the new law has not eliminated the existing problems that would undermine the application of the concept of dual judiciary, most notably:

- The legislator has not granted total jurisdiction to the administrative judiciary. The law still adheres to the restricted jurisdiction through identification of the administrative justice jurisdictions exclusively, under Article 5 of the Law.
- The administrative courts are not given the authority to hear disputes arising from administrative contracts.
- Narrowing of the scope of indemnity before the administrative courts. Their jurisdiction is restricted to hearing indemnity cases for subsequent damages arising from the established administrative decisions and proceedings according to dropping the case only.
- The continued bracing of sovereign decisions against all forms of appeals.

In the field of civil disputes in which the Executive Authority is involved as a society member, such disputes are subject to litigation and represented by the civil Attorney General in all civil disputes.

⁴⁵¹) The law was published in the Official Gazette No. 5267 dated August 27, 2014

The Role: Uncovering and Prosecuting Corruption

To what extent do the judges commit to combating corruption through legal prosecution and other actions?

Score: 50/100

Cases of administrative and financial corruption are heard just like other cases being heard by the courts and are subject to the same proceedings in terms of investigation, pursuit and evidence gathering in accordance with the legal regulations. Therefore, they are investigated by the Public Prosecution. In this case, two public prosecutors are assigned to work at the anti-corruption authority given the nature of the corruption cases and the time taken to gather evidence, hear witnesses, etc. Afterwards, the case shall be referred to the court of competence (in terms of location and type), subject to all litigation procedures.

17 investigation files have been referred to the Public Prosecutor delegated to the Commission. The cases under investigation reached 83 case files. Investigative files kept in 2014 were up to 51 files for lack of suspicion of corruption, or for being covered in the Amnesty Law. 36 investigative files were referred to the assigned Public Prosecutor and were registered during previous years and adjudicated in 2014.

Total number of files pending investigation from previous years is 72. 82 files were registered for investigation during 2014, of which 46 kept for lack of suspicion of corruption or previously considered. 36 files are still under consideration.⁴⁵²

452) Anti-Corruption Bureau report for 2014; for more details see summary report through the link:
<http://www.assabeel.net/local/item/137028>

Recommendations:

- 1- Grant financial and administrative independence to the Judiciary Council
- 2- Revisit the regulations and instructions relating to the financial privileges to the judges and link them at all times with the inflation rates.
- 3- Continue the construction of Justice Palaces in all governorates and geographic regions.
- 4- Staff the courts and judges with technical human resources adequate to facilitate and accelerate the decision-making process
- 5- Adopt and develop a capacity building plan for the judicial staff on contemporary updates, and reduce monthly and daily judicial and load on judges.
- 6- Rehabilitation of the courts' infrastructure to achieve fair easy access in compliance with international standards.

Sources and References

1. The Constitution of Jordan.
2. The Judicial Independence Law.
3. The Law on the Constitutional Court.
4. The Illicit Enrichment Law.
5. The website of the Judicial Council.
6. The website of the Supreme Judge Department.
7. The Constitutional Court website.
8. Annual report of the Judicial Council.
9. Annual report on the human rights situations.
10. The Administrative Courts Law.
11. General strategy of the Ministry of Justice.

Public Sector

Summary:

The Public Sector in Jordan is the biggest sector in terms of administrative staff. The Public Sector in Jordan is one of the largest government sectors worldwide. More than 42% of the total workers in the country are employed in the Public Sector while worldwide it is within 15%.⁴⁵³

The Public Sector in Jordan plays a pivotal role in formulating and implementing strategic plans. Therefore, we find the Public Sector investing in many initiatives and programs to develop the provision of services to citizens. However, the sector is inflated and thus most of the financial allocations for official institutions are allocated as current expenses, including salaries and other items.

The Public Sector experiences complex problems. To address these problems, the Ministry of Public Sector Development (MOPSD) was created, vested in developing and managing the Public Sector. This Ministry was established in 2006 by virtue of the Administrative Organizational Law No (12) of 2006, to be the legal and factual backup for of the public administration of the Public Sector Development. It has been assigned to oversee the implementation of the five main components of the Public Sector Reform Program, in coordination and cooperation with other competent ministries and government institutions.

The components are: restructuring and reorganizing the institutions, improving the quality of government services and streamlining procedures, management and development of human resources, as well as awareness, and program and communications management.⁴⁵⁴

453) Government and Public Sector, Economic Policies Development Forum, Talal Abu Ghazaleh Forum, January 2014.

454) The Ministry of Public Sector Development official website. <http://www.mopsd.gov.jo/>

The table below summarizes total score of the Public Sector in Jordan in accordance with the capacities, governance and role in terms of law and practice.

Total Pillar's score: (39/100)			
Category	Indicator	Law/ Score 100	Practice/Score 100
Capacity 50/100	Resources	N/A	25
	Autonomy	50	25
Governance 33/100	Transparency	50	25
	Accountability	50	25
	Integrity	25	25
Role 33/100	To what extent does the Public Sector introduce the public to its role in anti-corruption?	25	
	Cooperation with the government institutions and civil society organizations and private agencies on addressing corruption	50	
	Reduction of corruption risks through preservation of integrity in public recruitment	25	

Structure and Organization

The Ministry of Public Sector Development (MOPSD) was established in 2006 according to Administrative Organizational Law No (12) of 2006 to be the legal and factual backup for the public administration of Public Sector Development. It has been assigned to oversee the implementation of the five main components of the Public Sector Reform Program, in coordination and cooperation with other competent ministries and government institutions.

The components are: restructuring and reorganizing the institutions, improving the quality of government services and streamlining procedures, management and development of human resources, as well as awareness, and program and communications management.

Amendments were made to the tasks of the MOPSD through a new administrative organization bylaw No (54) of 2007, as amended in 2012, whereby the Ministry has been tasked with the preparation of public policies for the management and development of human resources in the Public Sector, and the development of plans and implementing programmes, as well as developing the organizational structures for the government department, setting plans and necessary programs, participating with opinions on the administrative organization systems to Public Sector departments and institutions, providing advice to develop their organizational structures, preparing general policies relating to Public Sector development, improving their performance, raising the level of services provided, and streamlining procedures. MOPSD is also responsible for setting the basis for optimal use of human resources in the Public Sector, and setting the plans and implementing programs, monitoring the application and classification of job descriptions, contributing to the formulation of training and capacity-building policies and strategies in the Public Sector, providing advice and support for capacity-building of Public Sector institutions in the field of human resources management, restructuring and improving government services, establishing and maintaining a special register to the training centres and institutes operating in both private and Public Sector wishing to provide training programmes to Public Sector institutions, following up on the performance of Public Sector institutions in the application of general policies and national priorities and evaluating these according to approved criteria; preparing proposals and recommendations to improve performance to be brought before the Cabinet, and finally performing any other tasks assigned to the MOPSD by the Cabinet or the Prime Minister.

The Civil Service Bureau (CSB) assumes the responsibility of organizing, managing, and developing public employment affairs in their human, procedural, legal, and control aspects, in cooperation with partners from Civil Service departments and institutions, through initiative, creativity and sharing knowledge, and well as enforcing legislations, justice, and equal opportunities in enforcing legislation, with a view to enhance performance and work towards excellence in rendering service to recipients.

Capacities: Resources

Practice: To what extent does the “Public Sector” possess the sufficient resources to achieve its objectives?

Score: 75/100

The Public Sector faces challenges in terms of resources, especially financial resources, in light of the difficult economic conditions in the region and Jordan in particular. The financial challenge exacerbates in the sectors which nature of work requires large sums of money to implement their projects and achieve their envisaged goals, such as the energy, water, public works, and infrastructure sectors.

In general, the Public Sector is the largest employer in the country. Based on the government manpower table, and according to the annual report of 2013, the total number of employees in the sector was 223,506 in 2014. This increases pressure on Public Sector financial resources, taking into consideration that the number of administrative units was 144 including 25 ministries according to the annual report of the CSB. 175⁴⁵⁵

The general mechanism for obtaining financial resources is through preparing specific budgets for each government ministry, directorate, or institution based on the respective needs of current expenditure. Accordingly, after presenting the official budgets of all public institutions and ministries to the Parliament, the budget shall be audited, voted on, and approved rejected by the Parliament. As for expenses relating to the capital projects that contribute to project implementation and generally reflects on the form of work programmes and strategic plans, the expansion therein is governed by priorities and the total expected revenues for a given year.

The increase of indebtedness and constant deficit in the general budget and the Public Sector affected salary levels; employees were granted small lump sum increases of JD 10 to 30 (\$14-42). This has created an additional deformity to the management of payroll and allowances in the Public Sector without leaving any positive impact on staff salary levels.

455) “Governance in General Administration and Financial Administration”, unpublished paper, 2015, Jordan Scenarios 2030, Centre for Strategic Studies.

Another problem faced by the Public Sector is the deformity in salaries and allowances system. This increase resulted from the duplicate administration in Jordan; some public institutions were established and included in the general budget (Independent Institutions). The management of these institutions was granted the right to follow a special appointment system and a special financial system, which created variation in salary scales and financial allocations in comparison to workers in the public sector, appointed through the Civil Service Bureau. As of January 1, 2012, the government implemented an integrated program to restructure salaries and allowances of Public Sector, through creating a unified reference to salary management in the Public Sector, and including employees from 47 independent institutions. The salaries of more than 80% of government employees underwent an increase, especially those working in Civil Service departments prior to the adoption of this program. The basic salary was increased to the different professional classes within the Civil Service, and a technical allowance has been determined for all job titles. In the past, this was limited to a specific number of positions.

The action has reflected positively on the employees under the provisions of the civil retirement law once retired.

Under the Civil Service Law No (82) of 2013, as amended, the cost-of-living allowance was increased to the third class employees from JD 110 (\$155) to JD 120 (\$169) as of 1/1/2014, to become JD 135 (\$190) as of 1/1/2015. Female employees were also included in the family benefits if the husband is disabled or she is the family breadwinner, or if she is divorced and deprived of the alimony for the children under the age of (18).

In general, the Public Sector institutions have sufficient numbers of human resources in the supporting jobs (clerks, typists, secretaries, etc.), and sometimes they reach to a general surplus deemed to be a remarkable administrative staff inflation in the official institutions in Jordan. As for modern computers, although most Public Sector institutions are equipped with the technical infrastructure and are connected electronically, there are variations from one institution to another. Given the rapid evolution in technology, keeping pace and updating it requires sufficient financial resources at all times. As for library resources, and according to the Minister of Public Sector Development, a number of government

directorates and institutions are provided with specialized libraries related to the nature of their work, in addition to the library of the Public Administration Institute that contain a variety of books and publications related to the Public Sector. Usually, the nature of training programs offered to Public Sector employees vary between guidance for new employees, specialized training (medical, engineering fields, etc.), skills training (languages, computer, etc.), and training to qualify employees to assume supervisory and leadership positions.

In most cases, Public Sector employees attend specialized courses, whether at the Public Administration Institute or the other training centres in the private and public sectors. The course content includes conceptions and implications of integrity in public work, most notably a chapter specifically for the Code of Conduct and Ethics in a number of programs offered at the Institute of Public Administration. There is also a special focus on new employees' orientation, middle management, and leadership programmes. Nevertheless, the actual impact these courses leave on trainees is still a matter of controversy and argument. No assessment study has been done to confirm whether employees actually benefit from these courses, or if this is reflected on their general performance.

In 2014, a special workshop was held to cover conceptions of the Employee Code of Conduct attended by more than 100 HR directors from various government bodies. Currently, awareness messages are being communicated to all government employees through the e-government network on awareness-raising with regard to the Code's objectives and rules.

It is important to note that a fundamental challenge facing most Public Sector departments and institutions is the limited financial allocations available for training. Most departments barely cover their training needs dedicated for mandatory promotions or upgrading to hold supervisory and leadership positions in these departments. Employees completing a number of training hours (by job level) is a prerequisite for mandatory promotion to the supervisory positions.

Capacities: Independence

Law: To what extent do Public Sector employees are granted autonomy under the law?

Score: 50/100

The matter of autonomy of the Public Sector institutions in Jordan is controversial. There is a great deal of confusion to the legislator in granting financial, administrative, and technical autonomy to certain Public Sector institutions which nature of work so requires. However, the domination of the Executive Authority and its broad powers render such independence incomplete. According to the Civil Service Bylaw, the public officials are prohibited from exploiting their positions for political activities, taking into consideration that the public official is a means through which the country performs its tasks and duties. Integrity of the department is dependent on integrity of the official. The public administration ensures independence of government employees in their public post through codes of conduct designated to each institution to be adhered to by the official by nature of his function. However, the autonomy criteria are never observed in recruiting the public officials. Moreover, there is always information concerning the interference of intermediation and nepotism in recruitment because the public posts are not listed in the Civil Service Bylaw that determines criteria of efficiencies and qualifications. Usually there are recruitment exceptions through special employment contracts or sometimes for certain positions without announcement.⁴⁵⁶

On the other hand, these institutions are faced with ambiguity in the concept of autonomy, which is sometimes improperly applied. The prevailing conception for the independent institutions is confined to their ability to issue regulations (financial, human resources, accessories), although the real conception of autonomy is the ability of these institutions to take their decisions and practice functions without foreign interference.

456) See for example: Where is transparency in hiring the companies controller? Via the link:

<http://www.jfranews.com.jo/more-116191-20-%D8%A3%D9%8A%D9%86%20%D8%A7%D9%84%D8%B4%D9%81%D8%A7%D9%81%D9%8A%D8%A9%20%D9%81%D9%8A%20%D8%AA%D8%B9%D9%8A%D9%8A%D9%86%20%D9%85%D8%B1%D8%A7%D9%82%D8%A8%20%D8%A7%D9%84%D8%B4%D8%B1%D9%83%D8%A7%D8%AA%D8%9F>

For the institutions under the Civil Service Bylaw, appointment is according to the provisions of the Civil Service Bylaw where the vacancies, administrative and technical needs are determined in accordance of the staffing structure by the end of each year. Three years ago, in light of the administrative inflation, the Prime Minister issued a decision providing for withholding appointments within the public institutions and their subsidiary institutions.

The decision-making process to each institution is organized under the law or regulation whereby the institution was established, taking into consideration the nature of the organizational structure. Most institutions in Jordan adhere to the administrative reporting line, as the institution representative is the higher administrative authority.

As for the administrative actions taken against an official in terms of disciplinary penalties or administrative decisions, the employee may appeal using the internal challenge methods provided by law or regulation or through filing an appeal at the Administrative Judiciary in Jordan, which is divided into two levels.

Practice: To what extent is the Public Sector independent in terms of non-interference in its activities?

Score: 25/100

Hiring Public Sector's officials takes place according to a mechanism approved by the Civil Service Bureau. The Civil Service Bylaw has granted the CSB the power to nominate candidates for the first and second class positions using approved lists of applicants prepared by the CSB annually. In addition, the departments provide the CSB with the vacancies in the third class having ascertained availability of financial allocations to this end. The CSB announces the vacancies in the local newspapers and relevant departments receive the applications. Nomination is conducted in accordance with the approved selection and hiring instructions. The CSB adheres to the principles of justice, equal opportunity, objectivity, and transparency in all procedures related to hiring in terms of examination and interviews.⁴⁵⁷

457) official website of the Civil Service Bureau, division: role of Bureau in hiring field:
<http://www.csb.gov.jo/csb/JobSeeker/CSBRole>

On the other hand, job stability in the Public Sector in Jordan is the highest and most stable among the other sectors for the benefits granted to the employee in terms of insurance, granting employee's rights, and security in the employment. This may be inferred from numerous indicators, most notably: low rate of turnover in most positions in the Public Sector. Although there may be cases of moving from the Public Sector to other sectors, whether to the private sector within the Kingdom or to work outside the Kingdom. The aim is to find better job opportunities in terms of salary in particular or for temporarily disengagement from the Public Sector, either by taking unpaid leaves or secondment with a view to preserve the position in the country, and pursue another job opportunity for a specific period of time outside the Public Sector.

Job stability may be inferred from the desire of the job seekers in general to get employed in the Public Sector institutions. The CSB has about 280,000 employment applications for civil service that are pending.

The Institute of Public Administration is the executive arm of the government in terms of planning and implementing Public Sector-oriented training programs. The Institute held 219 training programs in 2014, covering 6703 training hours for more than 4042 trainees. Furthermore, there are numerous other government training centres specializing in specific fields, such as (the Jordanian Diplomatic Institute, Ministry of Finance Training Centre, and the General Directorate of Customs Training Centre, etc). A significant number of Public Sector employees also enrolled in training at private sector institutions inside and outside the Kingdom.

The employees are never changed with the change of governments. The Civil Service Bylaw provides protection against the political interference in the employment of such employees. Currently the hiring committees suffer of shortcomings; their decisions are usually not published publicly, the hiring criteria are not disclosed, the new Civil Service regulation prohibits the public official from the right to strike or affiliation to syndicates, with the exception of the teachers. The regulation also lacks all autonomy principles that the official must enjoy, and lacks provision on the principle of interference in the public employment.⁴⁵⁸

⁴⁵⁸) For more info. See the link: www.csb.gov.jo

Governance: Transparency

Law: To what extent are there provisions to secure transparency in financial, resources, and information management in the Public Sector?

Score: 50/100

Legal provisions related to transparency in managing the Public Sector are for the most part sufficient, but the legal framework does not oblige the Public Sector institutions to disclose information in general.

Jordan has a set of laws governing the dissemination of information and ensures public access to it, namely Access Information Law, which is currently undergoing amendments, as well as the Government Services Development Bylaw, which requires government departments to publish directories of their services. In addition, the State budget is issued according to laws published in the Official Gazette. However, this law needs to be truly enforced, because some institutions still have not categorized their data, which hinders work according to the content of the law, and constitutes a real obstacle facing the constant flow of information.

The Financial Control Bylaw has been changed to “Internal Control Bylaw” dated December 28, 2014. It secures the provision of clear information to the internal control units. Article 10 of the bylaw provides that “The government department officials shall, under legal liability, facilitate duties of the financial control unit officials and provide necessary data, documents, records, and information to enable them perform their duties”.

It is worth mentioning that Article (9) of the “Access to Information Law” stipulates that the information requester is required to complete the relevant form including the requester’s name, location, job, and any other data the Council may decide. The requester is asked to determine what kind of information is sought. The competent official may accept or reject the request within 30 days of the day following submission of the request. In case of rejection, an explanation of the decision should be included. Refraining from responding within the specified deadline stands for rejection.

Some decisions made by the Council of Ministers are published in the Official Gazette (such as appointments, approval of agreements, approval of draft laws and bylaws). Furthermore, all decisions are published in audio-visual and print media.

With regard to reports, the Audit Bureau and the Ombudsman Bureau publish their audit reports. Most institutions publish annual activity reports, such as the Civil Service Bureau and the Ministry of Social Development. They also publish a general code of conduct to provide for compliance of officials with the standards of transparency and integrity in practice and with the law.

Practice: To what extent are the provisions applied to secure transparency in financial, human resources, and information management in the Public Sector?

Score: 25/100

The government seeks to implement a number of main pillars related to the reinforcing transparency in the government and Public Sector, as part of the National Integrity System (Charter & Executive Action Plan).

On the other hand, information published about the evaluation of performance of the government ministries, commissions, and government units is never adequate according to the report by Hayat Centre for Civil Society Development.⁴⁵⁹

Commitment to transparency shows through publishing information in the Summary of the General Budget, which targets the House of Representatives and the financial institutions in details. The «Citizens» Guide» targets the citizens and the media, using more streamlined narration, documents, and easy to use guides by the public.

As for the budget, the Ministry of Finance regularly publishes its monthly financial reports and the draft budget law on its official website. There is also a special unit, the General Budget Department, which is concerned with the technical aspects of the general budget and finalizing it. It also continuously publishes reports and announcements. However, Jordan's loans from the International Monetary Fund and the World Bank results in adjusting Jordan's financial decisions and procedures to meet the requirements of these institutions, which is unacceptable to many segments of the Jordanian society.

Foreign and domestic debts are rising and indebtedness is increasing, and no investment has been initiated in quality projects that would provide more job opportunities to the Jordanians.

Governance: Accountability

Law: To what extent are the legal provisions available to ensure the Public Sector officials are held accountable for their behaviour and acts?

Score: 50/100

The Public Sector officials, in terms of accountability, are subject to a legislative system that regulates investigations into administrative and financial violations and other abuses committed by government officials. The Civil Service Bylaw regulated in a special chapter the provisions on violations and the code of conduct rules.⁴⁶⁰

459) Jordan, first Progress report 2012-2013, Hayat Centre for Civil Society Development

460) Ibid, page 86

Government officials may be prosecuted and held accountable for any act or offence or breach committed while on duty. Investigation committees are formed to commence gathering evidence and investigate the violation and then make recommendations to commit to disciplinary councils. Under the Civil Service Bylaw, the disciplinary committees are formed for enforcement of penalties.

The Code of Conduct included the principles of transparency and integrity, through its objectives and provisions. The most prominent objectives are:

- A. Reinforce ethical standards, basic rules, and principles for the civil service morals, professional values, and culture, among the Civil Service employees, as well as reinforcing commitment to these standards, rules, and values, and establishing grounds to the good practices and good governance.
- B. Educate the Civil Service employees, and guiding them towards the sound ethics, and self-control frameworks that govern the progress of work within the Civil Service, in harmony with the applicable laws and bylaws.
- C. Contribute to determine the employees' duties and responsibilities.
- D. Emphasis that government employees are to serve citizens and service recipients, and being in power is dedicated to this end and the power vested in him is granted to serve people not to be used on them.

Practice: To what extent should the Public Sector employees be held accountable for their acts in terms of practice?

Score: 25/100

In 2014, administrative control units were created in all ministries and institutions to monitor the performance of public employees. Annual monitoring and evaluating mechanism for contracted employees was developed in order to minimize the administrative staff inflation. Nevertheless, some problems still appear in the transparency of investigation commissions and disciplinary councils' activities, as well as the publication of their results and reports for the public. There are also some problems related to the inefficiency of follow up on complaints brought by the citizens, or handling these complaints with an adequate level of seriousness.

In the past, numerous problems appeared in terms of awarding supply and procurement tenders. Every institution followed its own procedures, most of which were marred with many discrepancies. Much effort is currently put in to unify the national procurement system and approve a joint system for supplies and tenders. These systems must be developed electronically, including keeping transparent electronic records of sales, purchases, suppliers, submission of bids, and pricing. No legal committees are formed and no code of conduct is developed for the staff members of the government tender divisions or technical committees, in a manner that would ensure competition and transparency between the stakeholders.⁴⁶¹

A specialized unit in the Ministry of Public Sector Development termed “Government Complaints Management Unit”, reporting to the Government Service Development Directorate, supervises the management and maintenance of the government complaints system; the unit receives the complaints from people related to the services being rendered by the government departments and corporations, municipalities. It assumes the responsibility of follow up to the resolution of the complaints through the National Communication Centre. The unit also prepares monthly technical reports with a view to set up indicators and take proper actions and measures to eliminate people’s complaints, solve issues and negative phenomena using a practical method away from speculations and in line with the vision of His Majesty the King Abdullah II bin Al Hussein to upgrade the quality of services rendered to people, as well as listening to them, taking their proposals into consideration, as they are an essential partner in the continued development process of the Public Sector services.

The government complaint system is deemed to be a central window that ensures confidentiality of complaints, handling and resolving them professionally and transparently having verified the complainant’s ID through databases already connected with the system.⁴⁶²

⁴⁶¹) for more info, see the following link:

<http://www.hala.jo/2016/04/09/%D9%85%D9%82%D8%AA%D8%B1%D8%AD-%D9%84%D8%A7%D9%86%D8%B4%D8%A7%D8%A1-%D9%86%D8%B8%D8%A7%D9%85-%D9%85%D9%88%D8%AD%D8%AF-%D9%84%D9%84%D8%B9%D8%B7%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D9%83%D9%88/>

⁴⁶²) Ibid, Ministry of Public Sector Development, government complaints unit

Governance: Integrity

Law: To what extent are the legal provisions applied to ensure integrity of the Public Sector?

Score: 25/100

The national integrity system seeks to enhance and entrench the culture of transparency in the Public Sector by obliging the government to adopt the principle of disclosure of budgets, and ensure that the development projects funded by foreign aid are under control and accountability, as well as introducing the public to social security projects.⁴⁶³

The Public Sector encompasses a number of mechanisms in place to secure application and implementation of integrity. These mechanisms include institutions such as the Anti-Corruption Commission, Audit Bureau, Ombudsman Bureau. Legislative mechanisms include: Civil Service Law, Law on appointments to leadership positions, Internal Control Bylaw, Financial Bylaw, and Supplies Bylaw. National Integrity Charter covers fundamental principles and regulatory ethical and professional standards to public and private sectors. In addition, the MOPSD has completed the preparation of a Code of Conduct for Public Sector employees, covering ministries and independent institutions.

The national legislation system ensures the prosecution of any crime committed by a government employee or that occurs due to a public position. The Penal Law includes a special chapter penalizing Public Sector crimes such as embezzlement, infringement of job duties, forgery, personal enrichment, job exploitation, abuse of public property, and bribery.

In addition, the Civil Service Bylaw has included a chapter on practices that the government employee should undertake and abide by, as such practices ensure his proper conduct and behaviour, and to not compromise the prestigious standing of public service.

⁴⁶⁴ It is provided that the civil service is a responsibility and trust to serve the citizen and community which is governed, and whose progress is guided by religious, patriotic and national values of the Arab and human civilization; and aspires to establish ethical standards, rules and principles that govern the civil service's morals and high cultural professional values in civil service; promotes officers commitment to these standards, rules and values; and creates confidence and esteem in citizen and civil service's beneficiary regarding the departments' work, and establishes a state of respect and appreciation to their role in providing services in manner that best fits the citizen and the community equally.

463) National Integrity System, Covenant and Executive Action Plan, Hashemite Kingdom of Jordan, 2013

464) Article 67 of the Jordanian Civil Service Bylaw

To have the above realized; an officer must comply with the following:

- a. Official working hours, and to actively, honestly and accurately perform the duties and responsibilities of its assigned job, with the possibility to assign him/ her to work for extra hours than the official working hours including official feasts and vacations if the interest of work necessitate the same.
- b. To tactfully and politely treat the public, on the basis of neutrality, impartiality, objectiveness and justice without discrimination based on sex, race, religious beliefs or any form thereof.
- c. To follow the orders and directives of his/ her supervisors according to the administrative hierarchy, to respectfully treat his/ her supervisors and subordinates, and apply the principle of sharing and build the team spirit in work.
- d. To safeguard the fiscal funds and State's interests and properties, not to squander any of its rights, and to report any transgress against the fiscal funds or public interest or of any negligence or omission that might be harmful thereof.
- e. To have good knowledge of laws, regulations, instructions, plans, and programs related to the department's work, and to make use of the expertise and training and qualifying opportunities to increase the productivity and raise the individual and general performance level within the department.
- f. To be characterised by honesty, courage, and transparency in showing opinion and expressing the 47 areas of shortcoming and reporting thereof observing the verification of information and abstaining from personality assassination.
- g. To behave in a companionship spirit, cooperation, exchange of knowledge, respect the partnership between man and woman, strengthening the affiliation to the department and boasting its achievements.
- h. The Civil Service Bylaw covers all employment conditions and rules, periodic evaluations, penalties, and organizing investigation commissions, and all matters related to disciplinary responsibilities of the public official.

Practice: In practice, to what extent is integrity of the Public Sector guaranteed?

Score: 25/100

In 2014, the Code of Conduct and Ethics in Public Service was approved by the Council of Ministers after being reviewed and improved to ensure it is in compliance with the concepts of transparency and integrity in public work. The Code was applied to the Public Sector employees. Awareness workshops were held for government ministries, institutions, and directorates to familiarize participants with the provisions of the Code.

In terms of monitoring government performance, the previous Government Performance Monitoring Directorate was abolished. Under the regulation amending the Ministry's administrative organization bylaw issued on November 9, 2014, the Directorate of Policy and Decision-Making Support was created. MOPSD's role now encompasses decision and policy-making mechanisms, providing technical support in strategic planning, and monitoring the performance of institutions. A regulatory unit in the Prime Ministry undertakes follow-up on government projects.

In addition to the foregoing, a government complaints system is in force. The central government complaint system was created on April 11, 2011 upon directives made by the Prime Minister about forming a body to follow up on complaints filed by citizens with all government agencies, and to measure how serious the agencies are and their commitment to resolving these complaints within the available capacities.⁴⁶⁵

The approval of the Civil Service Bylaw No 82 of 2013 reflects the modern practices of human resources management, and enables the government attract competencies. It includes granting broader authorities to the Secretaries-General, the managers, and human resources committees in the ministries, government institutions and departments, and establishes work controls and ensures utilizing the discretion to the narrowest possible limits.

465) Minister of Public Security Development, Government Complaints Unit, official website: www.mopsd.gov.jo
<http://www.mopsd.gov.jo/ar/Pages/SideNav/%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D8%B4%D9%83%D8%A7%D9%88%D9%8A-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D9%8A%D8%A9-.aspx?MenuItem=3>

Notwithstanding updating the Civil Service Bylaw (Civil Service Bylaw, the instructions issued thereunder, and work procedures derived from the law and instructions) in terms of rules and procedures relating to NIS, such as (clarity and sequence of the functional procedures, granting broader authorities to the Secretaries-General being the top of the executive pyramid within their departments, functional rules relating to the job complaints, reviewing the procurement of personnel and appointment instructions), however there is still a sort of ambiguity prevailing among the public concerning the appointments and influences thereon whether clear or unclear.

The recommendations and proposals of the Public Sector are made after the undeclared evaluation field visits targeting the level of service provision and quarterly reports. The central complaints system against the government services and the annual survey complies with the requirements of the government service development system, advisory manuals, circulation of manuals to the government service, as well as following up on the implementation, addressing performance gaps, and reinforcing positive practices, etc.

Recently, many legislations have been issued in relation with the development of the public administration. The government is bound to apply the legislations that ensured effective recommendations and presented proposals, most notably: law on restructuring of the government institutions and departments, which came into effect beginning of April 2014, the bylaw on the creation of the government departments and development of the organizational structures; Civil Service Bylaw and instructions issued thereunder, and leadership positions appointment bylaw, and government service development bylaw.

Citizens in general do not get involved so often, or no institutional efforts are usually made based on plans aiming to getting people involved at all times and constantly in anti-corruption field. At certain sectors or institutions the activity was made seasonally and individually.

Role:

Awareness-raising of the public: To what extent does the Public Sector inform the public of its anti-corruption role?

Score: 25/100

No official efforts are made by the Public Sector to encourage people to combat corruption, or enhance anti-corruption culture. No initiatives have been recorded by the government ministries concerned with awareness and educating on fighting corruption. Most of the official activities were centred on awareness on procedures of services rendered by the institutions for combating corruption, and encouraging officials to pay taxes and fees on time. No Television or Radio programs concerned with fighting corruption have been monitored.

The Role:

Cooperation with government institutions, civil society organizations, and special authorities in anti-corruption activities

Score: 50/100

The Civil Society Organizations concerned with anti-corruption exert enormous efforts to reinforce best practices in the Public Sector, provide expertise, and introduce it to the best mechanisms and measures that should be taken in order to fight corruption. Unfortunately, action in the form of true partnerships is still incomplete and has shortcomings. Official institutions have neither realized the importance of partnership with Civil Society Organizations, nor have they given importance to the results of activities and reports being issued by these CSOs, other than the minimal limits with a very broad impact, such as the Corruption Perceptions Index Report issued by Transparency International in coordination and cooperation with Rasheed - Transparency Jordan.

Even though the National Integrity Plan includes a special pillar on enhancing the culture of integrity and the rule of law among citizens, it still did not make mention of the role civil society plays in disseminating a culture of transparency and integrity.

The government, represented by the Ministry of Public Sector Development, has recently prepared a guide on dissemination of governance and transparency practices, with a view to set mechanisms to reinforce and disseminate governance practices among the Public Sector departments, and to promote integrity and justice principles through introducing a practical model to apply governance principles to tasks and powers in each department. The model clarifies government procedures to ensure focussing on results and promoting accountability principles. The Guide also contains tools for appraisal of how far these practices are being adopted within the Public Sector departments. The Guide has been circulated by the Prime Minister to all government ministries, institutions, and departments to make use of content for reinforcing governance, and holding a number of awareness raising workshops for introducing the Guide and its relevant applications.⁴⁶⁶

Role:

Reduction of corruption risks through preservation of integrity in public procurement

Score: 25/100

As for government procurement, Jordan has three bylaws that govern public procurement; General Supplies Bylaw number 32 for the year 1993, Public Works Bylaw number 71 for the year 1986, and the Joint Procurement Bylaw for Medication and Medical Suppliers number 91 for the year 2002.

The three bylaws took into consideration the principles of competition, transparency, and integrity in all procurement processes. The regulations issued by virtue of these bylaws regulated tendering procedures, participation conditions, advertisement duration, financial guarantees required, as well as the means of applications submission, opening, evaluation, and the rules of awarding, as well as any other required conditions.

Instructions on supplies, and those specific to joint procurement, included the mechanism of objecting to an awarding decision. However, this was not included in the Government Tenders instructions issued by the Public Works Bylaw. Government Tenders instructions addressed the importance of an adequate period of time between advertisement of bidding, and the time of proposal submission, whereas this was not addressed in the Supplies instructions, nor in the Joint Procurement.

As mentioned earlier, there are government efforts for preparing a national joint procurement system, aiming to unify all procurement systems for all ministries, departments, and independent institutions.

⁴⁶⁶) Researcher's interview with HH Minister of Public Sector Development Dr. Ikhlaf Khawaldeh

Recommendations:

- 1- Prepare a national plan to solve the administrative staff inflation in the Public Sector.
- 2- Activate the code of conduct, values of the civil service, integrity and transparency in providing services.
- 3- Rehabilitation of infrastructure to preserve and archive data and ensure access of people to services away from obstacles.
- 4- Indexing and archiving data and information at all official institutions, and ensure timely flow of information smoothly and readily.
- 5- Oblige the public institutions to publish their annual and sectoral reports at all times, as well as publishing financial and administrative reports of public shareholding.
- 6- Circulate the use of automated programs and e-linking between all institutions in all governorates.
- 7- Activate and restructure the internal control units in the public institutions.
- 8- Application of principles of transparency and equal opportunities in posts beyond the control of the Civil Service Bureau.
- 9- Allocation of financial resources for the services based on clear and objective foundations subject to the local needs and national priorities.

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Law Enforcement Agencies

Summary

Law Enforcement Agencies in Jordan receive sufficient financial support and the human resources they need to carry out their activities and improve their infrastructure. However, they face growing pressure on their financial and human resources as a result of the Syrian refugee crisis, and increasing security requirements due to the civil wars in neighboring countries and the associated financial costs. The Ministry of Interior and the Public Prosecutor are of the most important institutions and the most powerful and influential.

The government is not made up of political parties for various reasons that cannot all be mentioned herein.

Accordingly, Law Enforcement Agencies implement State directions in general, away from any partisan bias. The efforts of Law Enforcement Agencies to tackle corruption have led to remarkable successes, although eradication of corruption requires continuous efforts. Moreover, it can be noticed that these agencies still need more transparency in performance as well as accountability that is relatively weak.

The table below shows the marks obtained by Law Enforcement Agencies in the areas of resources, governance, and the role they perform in strengthening the Jordanian National Integrity System in Jordan. The rest of this section is dedicated for qualitative assessment of these agencies by field.

The following table summarizes total score of Law Enforcement Agencies in Jordan according to capacities, governance, and role, in terms of law and practice.

Overall Score: 42/100			
Category	Indicator	Law/ Score 100	Practice/ score 100
Capacity 67/100	Resources	-	50
	Independence	50	25
Governance 58/100	Transparency	25	25
	Accountability	50	25
	Integrity	50	25
Role 38/100	Uncovering and investigating corruption	50	

Structure and Regulation

The Ministry of Interior and the Public Prosecutor (reporting to the Ministry of Justice) are the main law enforcement agencies. The legal framework regulating the work of these institutions is set out in the Public Security Law, the Law of the Ministry of Interior, and the Criminal Procedure Act which regulates the tasks and authorities of the Public Prosecution.

The Ministry of Interior consists of a number of important subsidiary institutions; in addition to Public Security, the Gendarmerie, and Civil Defense, there is also the provincial stewards including the governors and administrators. Although the Public Security reports to the Ministry of Interior, it is managed separately and has a separate Director General; it covers all activities relating to security affairs and regular policing. Its administration covers all provinces and governorates. The provincial stewards report directly to and are appointed by the Ministry of Interior.

They are charged with overseeing and coordinating the activities of government institutions in the governorates, districts, and sub-districts which form the administrative division in the Kingdom, in addition to overseeing the security situation. The Ministry of Interior is responsible for providing security and public order in the country and for upholding freedoms in the Kingdom. The Public Prosecutor reports directly to the Ministry of Justice; it comprises the Public Prosecutor for the Kingdom plus Public Prosecutors at the governorates level.

The Public Prosecutor is responsible for the initial investigations of all types of crime and represents the government before the courts. The public prosecutor reports directly to the Minister of Justice and is charged with investigating all major cases with all government officials including ministers, MPs, and the heads of independent institutions.

The army and the general intelligence report directly to the King. Article 127 of the Constitution was modified in 2012 to state that the army's role was limited to defending the country and safety of the nation. Regulating affairs of the army, intelligence, police, and the gendarmerie, is done by virtue of a law that also identifies the rights and responsibilities of their staff members. The King appoints the army commander and the director of the intelligence service, and can dismiss them from office or accept their resignation.⁴⁶⁷

467) Article 127 of the Jordanian Constitution

During the Ottoman Times, Jordan was subject to the provisions of Ottoman law, as a part of the Ottoman Empire⁴⁶⁸. The Ottoman Code of Criminal Procedures⁴⁶⁹ issued in 1897 covered the formations like Public Prosecutors, investigators, interrogators etc.

Jordan broke away from the Ottoman State in 1918; on 30 March 1921 it announced the formation of the emirate of Transjordan⁴⁷⁰ with Amman as its capital. The Hashemite Kingdom of Jordan announced its independence on 26 May 1946. The Interim Law of the Formation of Civil Courts⁴⁷¹ No. 71, as amended was issued in 1951.

⁴⁷²
The Law of the Formation of Civil Courts No. 26 was issued of 1951, as amended. Article 14 thereof states that a public prosecution service was to be formed as follows:

1. A judge with the title of Chief Public Prosecutor shall be appointed to the Court of Cassation and shall perform the function of prosecutor before the Court of Cassation.
2. A judge with the title of Public Prosecutor shall be appointed at each Court of Appeal and shall be granted the powers provided for in the criminal procedure law and other laws.
3. One Public Prosecutor or more shall be appointed to each Court of First Instance.
4. A Public Prosecutor may be appointed at any magistrate court.
5. The chief Public Prosecutor and Public Prosecutor shall have assistants with all authorities entrusted with them.

Article 15 of the same law states that it is for Public Prosecution representatives, each within their jurisdictions, to bring and pursue criminal cases as set out in the Criminal Procedure Law and other laws.

468) Article 91 of the Ottoman Constitution of 1876 states "Public Prosecutors will be appointed and charged with advocating public rights in criminal matters. Their functions and grades will be fixed by law."

469) Based on the French Criminal Investigation Law, translated from French into Turkish and then into Arabic and applied in Syria, East Jordan and Palestine like other Ottoman laws.

470) It was subject to the British mandate. Britain officially acknowledged Transjordan as an independent state at a meeting of the United Nations Assembly on 17 November 1946.

471) Published on page 1050 edition 1071 of the Official Gazette on 16/4/1952, then replaced by interim law on formation of civil courts as amended No. 96 of 1951 published on page 1304, Official Gazette 1082 dated September 1, declared void and annulled under the annulment of the interim law No. 96 of 1951 (law amending civil courts formation law) published on page 347 of the Official Gazette No 1116 dated July 16, 1952

472) Published on page 159 edition 1105 of the Official Gazette on 16/4/1952, later subject to a number of amendments and revoked by the Law of the Formation of Civil Courts No. 17 of 2001, as amended, in force and published on page 1308 of edition 4480 of the Official Gazette dated 18/3/2001.

Article 9 of the Criminal Procedures Law states that the assistants of the Judicial Police who practice their competences under the supervision and monitoring of the Public Prosecution are:

- Administrative governors
- Director of Public Security
- Police chiefs
- Heads of security centres
- Police officers and staff
- Officials responsible for criminal investigation and detection
- Mayors
- Captains of navy and air force
- All officials empowered as the Judicial Police under this law and other related laws and regulations

Capabilities: Resources

Practice: To what extent do Law Enforcement Agencies have adequate financial resources, human resources and infrastructure to operate effectively?

Score: 50/100

In general, Law Enforcement Agencies have sufficient financial and human resources, equipment, and machinery under the State budget. The financing of Law Enforcement Agencies' activities, especially their operational activities, is prioritized in the budget of the Ministry of Interior, the umbrella for all law enforcement-related agencies except the Public Prosecutor's office which falls under the Ministry of Justice.

The Ministry of Interior has one of the largest budgets after the Ministries of Health and Education. The budget for the Public Security services in 2014 was JD 545,210,588 (\$ 768,067,419) compared to JD 172,999,990 (\$ 180,320,465); a threefold increase compared to the year 2004 ⁴⁷³

473) General budget for various years, Ministry of Finance

Law enforcement agencies obtain the needed resources to practice their activities⁴⁷⁴. They get affected just like other government institutions due to the policies the government had to adopt after the financial crisis. However, that did not affect the operational expenditures but the development and upgrading plans in the activities and performance of the security services.

Although salaries are consistent with the payroll scale annexed with the civil service regulation for 2012, they are not in line with the privacy and nature of the Ministry staff work. The salary level insufficient compared to the tasks and nature of work of the Ministry of Interior activities, especially with the increasing burdens of the Ministry of Interior due to flow of Syrian refugees amounting to one million and a half people into Jordan; accounting for 20% of Jordan population.

Without a doubt, the low salary level of the public servants compared with the workers employed by certain independent institutions and the other government units constitutes a main challenge faced by the law enforcement services and their ability to undertake their roles.

According to the Ministry of Interior, the HR system is modern and adopts the best professional criteria for selecting employees. Furthermore, the law⁴⁷⁵ sets out in details the procedures for promotions, evaluations and termination. Every employee has a detailed job description.

The recruitment process undergoes announcements, depending on the nature of the job. The Ministry states that it has a training plan in consistence with job levels and personnel qualifications through a training center under the Ministry.

The Public Prosecutor does not have a separate budget. This position is on the payroll of the Ministry of Justice. The latter has recorded a significant increase in its budget and it is believed to have adequate financial.

The Public Prosecutor's office reports technically to the Judicial Council. The Public Prosecutors are judges and have been granted an increase to their monthly salary for some of the tasks they have taken on. In addition, the Judiciary Police members in the security services, the criminal investigation department and the preventative security service report technically to the Public Prosecution and to other technical agencies such as the crime laboratory, investigation, and tracking.

The Public Prosecutor's office is also staffed with human resources for every court of cassation, appeal, and first instance, for secretariat and administrative services, including printing, proceedings, notifications, etc.

474) Nisreen Zerikat, National Centre of Human Rights, personal interview

475) Public Security Law No. 38 of 1965

In 2014 the Chief Public Prosecutor received 10,039 cases from all courts in the kingdom. Public Prosecution is pursuing the issue of judicial requests. In 2014, 47 assistance applications were followed up and 113 requests for extradition handled.⁴⁷⁶

The Department of Judicial Inspection inspects the courts' activities at all times through field visits. However, the Department is still faced with challenges including linking the Inspection Department electronically to examine the procedures and the progress of the judicial process, and accordingly increase the number of qualified and efficient inspectors.⁴⁷⁷

Capabilities: Independence

Law: To what extent are Law Enforcement Agencies independent under the law?

Score: 50/100

The legal framework for the Law Enforcement Agencies provides foundations that grant their independence, notwithstanding the Public Prosecutor's independence. However, the Public Prosecutor connection to the Ministry of Justice and the Minister specifically could distort the degree of their independence.

The Jordanian government is partisan, and the presence of political parties in the Parliament is very poor. Employees of all Law Enforcement Agencies are banned from involvement into political parties,⁴⁷⁸ and political parties are forbidden from practicing partisan activities within any Law Enforcement Agency.⁴⁷⁹

The aforementioned Public Security Law prohibits members of the Public Security from belonging to any political party, promoting them or participating in any of their activities. It also prohibits officers and members of the Public Security from practicing commercial activities or combining their Public Security function with any other position.

476) Judicial Authority report for 2014 published on the Judicial Council's website: www.jc.jo

477) Judicial Authority report for 2012 published on the Judicial Council's website: www.jc.jo

478) Public Security Law

479) Political Parties Law of 2005

The Public Prosecutor is the Chief Judicial Police for their area of jurisdiction; they oversee all other judicial police and perform the following functions:

1. The Public Prosecutor supervises the administration of justice and oversees prisons, arrests and the implementation of the laws. They represent the Executive Authority before the courts and judicial departments and communicate with the relevant authorities.
2. The Public Prosecutor initiates prosecution lawsuits and implements criminal sentences.
3. The Public Prosecutor is charged with investigating crimes and tracking perpetrators.
4. The Public Prosecutor receives the reports and complaints

Under the Constitution and law, the Public Prosecutor is functionally a judge reporting to the Judicial Authority. Thus, the Public Prosecutor shall comply with and under all independence safeguards mentioned in the Judicial Authority pillar.

The law set out the conditions for termination of employment contracts of officers and personnel. Termination extends to whoever condemned for a criminal penalty in the police courts. The staff may be dismissed for "satisfactory and reasonable" causes; this is a flexible phrase which may weaken the independence of Judicial Police Officers. Terminating the employment of an officer should be determined by the Cabinet under recommendations made by the Minister.

The Public Prosecutor and his office staff are prohibited from joining political parties or practicing any partisan or political activity under penalty of perjury. They are also forbidden from practicing any economic or commercial activities and holding any other office.

The Public Prosecutor in Jordan has complete independence in performing their role and does not receive orders from any authority to perform their duties. Naturally they must always remain neutral and never politicized.

Furthermore, workers or any other party may not interfere in or suspend the activities of the Public Prosecutor. Legally, there is no party authorized to make orders to the Public Prosecutor.

A key point to note regarding the law is that the Public Prosecutor reports to the Minister of Justice who has the powers of a Public Prosecutor and may sometimes revoke or make instructions to the Public Prosecutor towards certain cases.

Practice: To what extent are Law Enforcement Agencies independent in practice?

Score: 25/100

Law Enforcement Agencies have historically been considered for several years of the most powerful State institutions in Jordan. It is difficult taking evidence for presence of external parties putting pressure on the Law Enforcement Agencies. However, since they are independent institutions, they don't at all times have full independence when it is related to the supreme interests of the State.

According to the Ministry of Interior⁴⁸⁰, recruitment is in accordance with the regulations and based on qualifications, and the open competition is available with committees to consider employment issues. The same is true of the Public Prosecutor.

In any case, it seems that Law Enforcement Agencies in Jordan sometimes protect State and regime interests. However, since the political parties in Jordan do not form the government, the support of the State's policies and trends become possible through the work and performance of the Ministry.

In view of the situation in the Arab world following the Arab Spring and the emergence of protests in most Arab countries, including Jordan, an unprofessional role of the Public Security and Gendarmerie has been adopted in breaking up some sit-ins and protests and perpetrating some ill-treatment acts. According to the statistics, there were 140 cases in 2014; 49 of which were committed to trial before the unit commander, 60 cases decided to forego trial of defendants, 24 complaints are still under consideration, 6 cases have been suspended, and only one case has been referred to the police court.⁴⁸¹

It is worth stating that the Crime Prevention Law that delegates judicial authorities to the administrative governors apart from any legal controls has been met with stricture from all parties. The government is still required to amend this law at its risk as a noticeable rise was witnessed in the number of administrative detainees in 2014 up to 20,216⁴⁸² compared to 12,766 in 2013. In 2012 the total number was (12410), and 11,345 in 2011.⁴⁸³

480) Ministry of Interior, ibid

481) Human Rights Situation Report 2014, Focus on the right to physical integrity

482) 3,541 male and female foreigners were detained administratively according to the Public Security Directorate. Sources in the Ministry of Interior refuted this figure because it is based on the serial numbers used in the administrative detention process, and a detainee receives several numbers at different stages of the detention process from the beginning to the end. These sources thus claim that using the serial numbers inflates the actual number of administrative detainees.

483) Human Rights Situation Report 2014

Governance: Transparency

Law: To what extent are there provisions in place to ensure the public can obtain information on the activities of the Law Enforcement Agencies?

Score: 50/100

Transparency is poor in the legal framework governing the Law Enforcement Agencies in Jordan. The law is devoid of a provision requiring Law Enforcement Agencies to provide information to citizens or civil society organizations on their activities. Therefore, the issue of making the information available to the public becomes responsibility of the officials themselves. For example, the Law of Public Security, the Public Prosecutor does not explicitly provide for disclosure of their activities. However, the Access to Information Law provides for such disclosure. The activities of the Public Security and the Public Prosecutor should be governed by the Law.

In return ⁴⁸⁴, the Law requires to keep information relating to investigations confidential and not to be revealed under the under penalty of perjury. Especially in the State Security Court, judges often make orders to prohibit publication of a case proceedings; this often happens in terrorism or major corruption cases. The argument is that publishing information on certain cases could affect the course of justice or disclose sensitive information which could affect national security.

The law instructs the Public Prosecutor not to disclose information to the public on cases under investigation. Moreover, the Law of Public Security forbids employees from publishing any information on cases under review and investigation but after the investigation is finalized and the final decision has been taken.

In conclusion, information relating to investigations and the committed crimes remains under the jurisdiction of the Public Prosecutor who is empowered by law to prohibit publication on any public opinion related case or which could affect the course of the investigation. The administration of institutional and administrative decisions within the security agencies shall remain confidential and may not be disclosed for all but in cases of retirement, or in cases affecting public opinion. The norm is that the Media Department in the Public Security Directorate shall issue explanatory declaration.

484) Public Security Law, ibid

Practice: To what extent are Law Enforcement Agencies' activities and decision-making processes transparent in practice?

Score: 25/100

The issue of transparency in Law Enforcement Agencies' is not under study, although the Ministry of Interior and the Public Prosecutor's office publish annual reports that describe the general crime situation and the results of criminal investigations. The Ministry of Interior has a website⁴⁸⁵ but the information provided therein is general, and does not provide the adequate data and information about activities to the public.

Absence of transparency determinants in the legal framework governing the work of Law Enforcement Agencies is reflected on their actual ability to abide by transparency standards when dealing with the public. Therefore, the principal means to obtain information remains within the framework of the right to access information. However, no accurate scientific information on the responsiveness of these institutions to any information requests is available.

Governance: Accountability

Law: To what extent are there legal provisions in place providing that Law Enforcement Agencies shall be held accountable for their actions?

Score: 50/100

The legal framework contains a number of provisions on holding the Law Enforcement Agencies accountable. The Ministry of Interior as part of the Executive Authority is subject to accountability and monitoring by the Parliament. The same goes for the Public Prosecutor who is under the Ministry of Justice, which in turn is held accountable by Parliament. In terms of financial and administrative control, these agencies are controlled by the Audit Bureau. If the need arises to impose restrictions on citizens' civil rights, this has to be done within the legal framework with the consent of the judicial authorities.

485) Website of the Ministry of Interior: www.moi.gov.sa

The Public Security Law contains a number of accountability mechanisms for Public Security officers and Ministry of Interior employees and investigation-related activities. The Ministry of Justice and the Public Prosecutor's office oversee the mechanisms and investigation-related activities. The law provides for the right of people to file complaints against the Public Security personnel and Ministry of Interior employees.

Furthermore, the Public Security Law⁴⁸⁶ provides for different levels of punishment for violations by Public Security personnel which range from warnings to salary deductions or downgrading, or sometimes dismissal if there is a violation of duty or the provisions of the Public Security Law. In this context, there is a specialist police court with the competence to hear violations and crimes committed by members of the Public Security.

Employees of the Public Prosecutor are also held accountable as well as the Public Prosecutors by the Judicial Inspection Department of the Ministry of Justice. The Inspection Department may proceed with the initial investigations on office misuse allegations or on corruption.

Under the Jordanian Constitution, as amended in 2011 a new Article was added and provided for prohibition of torture, detentions or compromising their rights⁴⁸⁷. The Penal Code provides for prosecution of any Judicial Police member or Public Security officer who undertakes any of the acts of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment against citizens. The penalty may be up to three years. Simultaneously, the Public Security Law provides for the formation of a police court with the jurisdiction to punish violations committed by members of the Public Security. Under the law, the judges of the court are from the military but an amendment to the law allowed adding one civilian judge.

Accountability (practice): To what extent are Law Enforcement Agencies held accountable for their actions in practice?

Score: 25/100

In general, the Ministry periodically submits reports on its activities and practices to the relevant authorities and when the need arises, they are disclosed through media. However, disclosure of the same to the public is unusual. Therefore, it may conclude that the issue is not secured in practice especially when it relates to the senior officials.

486) Public Security Law, ibid

487) Article 8 of the Jordanian Constitution

In return, the Public Prosecutor's office issues monthly and annual reports on the number and type of crimes and the stages reached (under investigation, or disposition). In addition, the Public Security issues regular monthly and annual reports on all types of crime and chronology for the evolution of crimes in Jordan.

The Ministry and the Public Prosecutor's office are also under control of the Audit Bureau in relation to financial and administrative matters. In the event of violations of regulations and instructions, the Bureau will publish this information in its annual report and the Parliament will become responsible for following up and rectifying the violations set out in the report.

In the event of violation of human rights by the Law Enforcement Agencies, the people may report to more than one institution and file complaints and notifications for any violation. If the act constitutes an offence, a complaint may be filed to the competent court.

Among these institutions to resort to: the National Centre for Human Rights, which receives complaints and notifications of any violations committed by Public Security personnel and public officials by virtue of its National Law. Furthermore, it may organize inspection visits to permanent and temporary detention centers

The National Centre for Human Rights' 2014 report shows the number of complaints received by the Centre as follows: ⁴⁸⁸

Table (2): Resolution of torture and ill-treatment complaints submitted to the Centre 2008-2014						
Resolution of complaints		2014	2013	2012	2011	2010
Number of complaints against various security centres and departments	Number of complaints suspended at the plaintiff's request	11	13	13	4	15
	Number of complaints closed for lack of evidence of any violation	14	15	18	15	10
	Number of complaints referred to the police court	-	-	1	-	3
	Number of complaints pending investigation	62	48	36	39	57
Total		87	77	67	58	85
Number of complaints of beatings and torture in correction and rehabilitation centres	Number of complaints suspended at the plaintiff's request	5	4	-	-	-
	Number of complaints closed for lack of evidence of any violation	-	5	-	1	2
	Number of complaints referred to the police court	-	-	-	-	-
	Number of complaints under investigation	6	10	5	2	2
Total		11	19	5	3	4

488) the above table is from the National Centre for Human Rights' Report 2014

Governance: Integrity

(Law): To what extent is the integrity of the Law Enforcement Agencies ensured by law?

Score: 50/100

Strong integrity mechanisms are set out in the Public Security Law and the legal framework of the Public Prosecutor which set out the general and specific rules.

There are also codes of conduct containing more details. The Security Law provides that Public Security personnel shall abide by the vocational and ethical standards, and forbids Public Security personnel from “engaging in commerce or industry or participating in commercial deals” or “performing any other activity which conflicts with their official role or affects the performance of their official duties in any way whatsoever”.

The law also forbids “accepting gifts, perks, or financial assistance from stakeholders or being beholden to anyone owning a commercial company having contracts related with his/her department”

In addition to the law, employees of the Ministry, the Public Security and the Public Prosecutor’s office are subject to public sector codes of conduct which contain more detailed clauses relating to integrity in relation to employees and public service.

The code of conduct of the Ministry of Justice states that the Public Prosecutor’s work shall be independent, neutral and just. The official position may not be used for any personal advantages and may not be involved in any business that might affect such independence.

In summary, the legal framework of the Law Enforcement Agencies provides standards and regulations that ensure a high degree of integrity in the performance of their work.

Practice: To what extent is integrity of Law Enforcement Agencies ensured in practice?

Score: 25/100

In general terms, the Jordanian government has recently achieved progress in ensuring the integrity of all government agencies.

For the sake of creating control mechanisms that grant integrity and anti-corruption, the Ministry of Interior activated the role of internal control through the inspector general, alongside the Ministry's financial, administrative and technical control operations.

The Inspector General's Office carries out scheduled and unscheduled/ control and inspection visits to all administrative units and levels under the Ministry in all regions of the Kingdom, to ensure the integrity of procedures, and the commitment to these procedures and the law, as well as monitoring and rectifying any breaches and violations.

Through the Inspector General, the Ministry has broadened its oversight scope using modern communication tools and media to launch and activate a web page for complaints and suggestions on the Ministry and e-governance websites.

The web page paves the way for citizens to submit complaints, where the Inspector General's Office follows up on these complaints. There is also a complaints and suggestions box in the Ministry building for the people to submit observations and suggestions on the services they have received.⁴⁸⁹

Through the Directorate of the Inspector's General Office, the Ministry is also coordinating with other oversight bodies (the Ministry of Finance, the Anti-Corruption Commission, the Audit Bureau, the National Centre for Human Rights) to follow up and resolve complaints and grievances about the Ministry's operations.

489) Ministry of Interior, ibid

Role: Combating corruption (law and practice):

To what extent do the Law Enforcement Agencies uncover and investigative cases of corruption in the country?

Score: 50/100

The Law Enforcement Agencies perform a vital role in combating corruption in the country, especially at the recent level of administrative corruption. However, it is doubtful whether they are able to deal with cases of corruption on higher levels, which in large have become the responsibility of the Anti-Corruption Commission.

The legal framework grants Law Enforcement Agencies the authority to investigate in most crimes. A fundamental part of the Public Prosecutor's role is representing the people and the government before the Judiciary; they are also authorized to take all necessary measures to collect evidence of crimes.

Law Enforcement Agencies can utilize modern investigative methods to gather evidence and uncover crimes. In most cases and to secure rights of people, the law requires a court decision for inspection, although in some other cases permission to conduct an inspection can be granted at a later stage. The Public Prosecutor has wide-ranging powers which enable them to freeze balances and business for people suspected of committing crimes including crimes of corruption, especially financial corruption.

The law also allows the Public Prosecutor to suspend employees during an investigation in criminal and corruption cases. The Public Prosecutor may also arrest suspects for various periods of time before bringing them to trial.

Although the data does not reflect all bribery cases in Jordan, the Department of Statistics' 2013 annual report shows that 176 bribery cases were handled in 2009 compared to 133 in 2013. The report also shows there were 16 office exploitation crimes in 2009, falling to only seven in 2013.

Naturally these cases reflect low and medium-level bribery in the public administration, and perhaps the Law Enforcement Agencies are unable to tackle bribery at higher levels of the administration for political reasons or for lack of proof.

The following are some of the tasks assigned to the Ministry of Interior according to its administrative formation in the governorates, districts and sub-districts:

1. Public complaints: receiving complaints from citizens for cases not within the jurisdiction of the courts
2. Security cases: cases referred from the police departments under the Crime Prevention Law .
3. Public health and safety: through public health and safety committees formed to inspect and monitor stores and ensure they meet public health and safety conditions.
4. Reviewing farming cases: related to infringements by certain persons on crops.
5. Reviewing attacks on forested areas.
6. Considering infringements against electricity and phone wires and poles.
7. Authorising and overseeing the holding of public meetings and regulating processions in accordance with the Law of Public Meetings and its instructions.
8. Renting buildings for the government interests through committees formed for this purpose.
9. Overseeing the operations of hotels, cafes, and nightclubs.
10. Deportation cases: relating to the deportation of foreign nationals when they violate the law.
11. Labour or the Law of Residency and Foreigners' Affairs, or their involvement in security-related cases.
12. Setting an emergency plan to tackle winter weather conditions.
13. Pursuing public affairs relating to its duties as follows:
 - a. Licensing, clubs, and associations, and monitoring public meetings and elections that take place there.
 - b. Licensing public stores which require governorate approval.
 - c. Licensing summons application writers in accordance with the Law of Summon Writers.

Recommendations:

- 1- Reinforcing the independence of Public Prosecution and staff it with adequate equipment and technical supplies to enable it to perform tasks of prosecution and investigations properly
- 2- Upgrading skills of personnel charged with investigation and monitoring, and work on capacity building at all times to cope with the latest technical and technological developments in the investigation and data gathering field.
- 3- Secure the right to grievance through complaint filing procedures with the independent authorities against breaches to individuals, and secure fair, neutral, independent, and transparent trial..

- 4- Increase the number of public prosecutors to reduce investigation burdens and hearing of witnesses performed by Public Prosecutors.
- 5- Limit investigation authorities and powers, detention, and other judicial actions to the Public Prosecution that has the general mandate.
- 6- Identify the parties practicing authority of the judicial police and ensure the authorized personnel receive intensive training.
- 7- Reinforce rule of law culture at all security servants and ensure the individual rights are never infringed in any way.
- 9- Development of national programs and activation of a criminal record with the Ministry of Justice to regulate judicial precedents.
- 10- The profession of the Public Prosecutor is to be considered one of the professions requiring additional efforts and classify it as a dangerous one physically and psychologically. This requires financial and administrative preparedness, and technical allocations to ensure tasks entrusted with the Public Prosecutors are undertaken efficiently.

Sources and references

1. Jordanian Constitution
2. Amended Interim Law of the Formation of Civil Courts No. 96 of 1951
3. Law amending the Law of the Formation of Civil Courts published on page 347 of an edition of the Official Gazette
4. Website of the General Budget Department
5. Human Rights Situation Report 2014
6. Website of the Ministry of Interior
7. Website of the Judicial Council
8. Website of the Public Prosecution
9. Annual report of the judiciary
10. Public Security Law
11. Political Parties Law
12. Statistical Yearbook, Department of Statistics, 2013

Anti-Corruption Commission

Summary:

The Anti-Corruption Commission started to gain high significance, especially after the political movement over the past three years. The Commission has been able to tackle a number of significant corruption cases. The general evaluation of the Commission was relatively positive, fundamentally because of its ability to uncover and tackle a large number of corruption cases in Jordan in the past few years, which shed some light on the Commission and its operations.

The Anti-Corruption Commission was founded by royal decree in 2006 with the aim of reinforcing citizens' trust in state institutions, providing justice and equality, and offering opportunities to distribute development gains. This is achieved through a general strategy that aims to fight and prevent corruption at an institutional level, uncover points of corruption, and investigate all corruption-related cases by adopting a basis of reforming, modernising and developing state institutions, and addressing the phenomena of favouritism and nepotism, which revoke what is right and legitimise what is wrong.⁴⁹⁰

The Commission's operations gained real significance during the period of political movements in Jordan over the past three years, which focused on the spread of all forms of corruption. This helped shed light on the Commission, its role, and achievements, which resulted in some expansion in its role. The Commission tackled a large number of cases including corruption cases which have become issues of public opinion. The Commission achieved major successes, although many difficulties and obstacles to its work still remain, which justifies the result it obtained in this evaluation.

Nevertheless, the Commission is still in excessive need for a review of the law governing its operations to guarantee it has the authority to investigate all corruption crimes, in compliance with the United Nations Convention Against Corruption (UNCAC).

The Commission also needs to dedicate institutional efforts to practising a greater preventative, awareness-raising, and educational role, as well as creating a mechanism to coordinate with the other national institutions that perform the same roles.

⁴⁹⁰) Website of the Anti-Corruption Commission, <http://www.jacc.gov.jo>

It is important to emphasize that the Commission's organisational and internal structure must be reviewed to ensure meeting and achieving all its entrusted roles. The following table summarizes the score of the Jordanian Anti-Corruption Commission, according to capacity, governance, and role, in terms of law and practice.

Overall Score: 57/100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 67/100	Resources	75	50
	Independence	75	50
Governance 58/100	Transparency	75	50
	Accountability	75	75
	Integrity	75	50
Role 38/100	Prevention	25	
	Education / raising awareness	25	
	Investigation	75	

Structure and organisation:

The Anti-Corruption Commission was established in Jordan by virtue of Law No. 62 of 2006.⁴⁹¹ It is managed by a board of directors, comprising a president and six members known for their fairness, integrity, neutrality, and expertise, who do not hold public office and are appointed by royal decree based on the recommendation of the Prime Minister. Tenure on the board lasts for four years, which can be renewed once for either the president or any of the members.⁴⁹²

The Law requires the president and members to dedicate their whole time to working for the Commission. Their financial allowances and salaries are determined the Prime Minister. The Commission is considered a national institution of public benefit with complete independence to exercise its jurisdiction and perform its operations. However, the law did not specify specific criteria for the Commission's board of directors.

491) Anti-Corruption Commission Law No. 62 of 2006, published in the Official Gazette edition 4794

492) Article 8 of the Commission Law

The chairman of the judicial council delegates judges serving on the judicial council to work for the Commission for specified periods.⁴⁹³ The president of the Commission may request delegation or secondment of any member of the judicial police, security, military services, or any other public employee to work for the Commission.⁴⁹⁴

Capacity: Resources

Law: To what extent are legal articles available giving the Commission sufficient resources to effectively carry out its various duties?

Score: 75/100

The Anti-Corruption Commission Law defines the Commission's role and area of jurisdiction, and confirms the need to provide sufficient financial resources to help it achieve its aims. Accordingly, the law obliges the government to provide the Commission with the financial resources it needs to ensure achieving its goals.

According to the law, the agency responsible for the Commission prepares the budget, discusses it with the government, which in return approves it.⁴⁹⁵ Sometimes the government approves the budget presented to it by the Commission, whilst at other times (most of the time) it allocates a smaller budget than that requested, especially in light of the inveterate general budget deficit. According to the law, the Commission can receive assistance, donations and grants on the condition of obtaining the approval of the Cabinet.⁴⁹⁶

Accordingly, it can be stated that the provision granting financial resources to the Commission leaves some room for official and government practices to set a financial ceiling for the amounts allocated to the Commission, and that under the law the provisions do not explicitly state that it is for the Commission to estimate the needed financial allocations for its work, by which the government and relevant agencies should abide.

493) Article 14 of the Commission Law

494) Article 15 of the Commission Law

495) Anti-Corruption Commission Law No. 62 of 2006, article 19

496) Article 19 of the Commission Law

Practice: In practice, to what extent is the Commission granted sufficient resources to achieve its goals?

Score: 60/100

Although the law does not clearly define the Commission's financial resources, the good will upon its establishment had a big impact in supporting it and ensuring providing it with the financial and human resources necessary to achieve its goals. Compared to other institutions, the Commission's financial sources are relatively small, and they are subject to debate by the Cabinet and by both houses of Parliament (the House of Representatives and the Senate), which always results in a reduction of allocations appropriated for the Commission as shown in the table below.

Anti-Corruption Commission					
Statement	Actual 2012	Actual 2013	Actual 2014	Re-estimate 2015	Estimate 2016
Revenue					
Government Subsidies (Current)	2.264	2.143	2.21	2.206	2.32
Government Subsidies (Capital)	0.401	0.92	0.375	0.225	0.155
Total Revenues	2.665	3.063	2.585	2.431	2.475
Expenditures					
Current Expenditures	1.969	2.076	2.017	2.206	2.32
Capital Expenditures	0.104	0.021	0.258	0.225	0.155
Total Expenditures	2.073	2.097	2.275	2.431	2.475

The Commission's position indicates that it was able to control some financial and administrative shortcomings and deficiencies because of the partnerships it has implemented with regional and international donor agencies.

When the Commission was established, it had sufficient flexibility to hire employees with the needed expertise and competencies, and there was a direct relationship between competencies and compensation. However, once the Commission became subject to the Law of the Civil Service Bureau, it no longer enjoyed the flexibility needed to appoint employees and determine their contracts and compensation.

The application of the Civil Service Law to the Commission did not have financial impacts on existing employees, but it will affect employees hired in the future. The number of employees in the Commission reached 181 employees, 46 of whom are delegates from other institutes and ministries, and 135 appointed directly by the Commission.

The key question is the extent to which delegated employees enjoy complete independence and a thorough understanding of the mission and vision of the Commission, and the extent to which they are engaged in its activities.

The majority of the Commission's employees are in the functions of administrative affairs, investigations, and information departments. Around 88 employees work in these units, one expert and one consultant, 10 employees for education and prevention, and one employee in the department for witnesses protection. It is clear that there is some structural variation and imparity in the Commission's working mechanisms and the division of its administrative and technical employees.⁴⁹⁷

In terms of the Commission's infrastructural preparedness and availability of technical equipment, it still needs to be equipped with all programs and technology to enable it to practice its investigative roles and prevent corruption, developing a national database that reinforces its role in anti-corruption.

Capabilities: Independence

Law: To what extent is the Commission independent by virtue of the law?

Score: 75/100

The Anti-Corruption Commission Law stipulates that the Commission enjoys legal personality with financial and administrative independence, and that it has the authority to perform all legal actions necessary to achieve its aims. Item (b) of article (3) clearly stipulates that the Commission shall enjoy freedom and independence in the performance of its tasks without any intrusion or interference from any other party whatsoever. It is directly connected to the Prime Minister, as are the other independent institutions, and it enjoys complete independence to practice its operations and tasks.⁴⁹⁸

497) Report on the Anti-Corruption Commission 2014, published on the Commission's website

498) Anti-Corruption Commission Law No. 62 of 2006, article 3

The law explicitly states that the Commission shall practice its operations and tasks with freedom and independence without any intrusion or interference from any other party whatsoever. The law also obliges the president, board members, and employees working for the Commission to disclose their possessions and those of their spouses and minor children before assuming their positions.⁴⁹⁹

By virtue of the law, and to ensure complete independence when exercising its authority, the law explicitly grants the president and board members the status of judicial police, for the purposes of performing their tasks. Moreover, it is for the board of the Commission to identify Commission employees who can also enjoy this capacity.⁵⁰⁰

The president and board members can only be prosecuted or arrested with the prior approval of the judicial council. After hearing the statement of the president or member, it is for the Judicial Council to decide whether to continue with the retention for a period it deems appropriate, or to extend this period, or to release them with or without bail.⁵⁰¹

Practice: To what extent is the Commission independent in practice?

Score: 50/100

Independence in practice is linked to two basic criteria. The first is the independence of the institution which is stipulated in the law, with no agency officially permitted to interfere in the Commission's work. The second criterion is linked to the independence of the people working for the Commission and the extent to which they feel protected from interference of individuals or organisations that can affect them.

This arises from the nature of the work since investigating corruption cases is a very complicated procedure which goes through different stages, starting with a simple notification and then going through the stages of investigation and reaching a decision on the case. There is no one specific person within the Commission who is able to make a decision on any case on their own, and the procedures followed make it very difficult to be able to put pressure on any member of the Commission. They also lead to the disclosure of any influence or pressure on any subject or case submitted to the Commission.

499) Article 8 paragraph (f) of the Commission Law

500) Article 16 of the Commission Law

501) Article 20 of the Commission Law

It is worth noting that the delegation of judges from the judicial council to work for the Commission has had a positive impact on ensuring neutrality, integrity and independence given the nature of the institutional and intellectual profile of the Jordanian judiciary.

Regarding the Commission's president and board members, despite the lack of any observable interference or pressure to influence their work, the fact that their tenure is subject to change and their services can be terminated is a key obstacle which must be addressed to ensure complete independence as per the law. More must therefore be done to strengthen the board of commissioners through setting a fixed period for their tenure and making it impossible to remove them from their posts in order to give more confidence, immunity and independence to the practice of their operations.

Governance: Transparency

Law: To what extent are there laws in place to ensure the public is able to obtain information on the Anti-Corruption Commission's activities and on its decision making process?

Score: 75/100

The Anti-Corruption Commission Law mandates complete secrecy for all documents relating to corruption cases handled by the Commission and all aspects of cases under investigation during the information gathering and investigation stages.⁵⁰² The Commission thus cannot disclose any information or respond to any enquiries relating to these cases.

Under the law, the president's tasks include drafting an annual report on the Commission's operations and present it to the board for ratification.⁵⁰³ The board must ratify the Commission's annual report and raise it to the Cabinet and to Parliament.⁵⁰⁴

Under the law, the Commission's board of directors is obliged to educate the public on the dangerous effects of corruption on economic, social, and political development, and to publish regular reports on the dangers of corruption, nepotism, and cronyism, on state institutions and public administration. It is also obliged to cooperate and coordinate with local, regional, and international bodies to enforce and develop measures to combat corruption and to suggest programs and projects to achieve this aim.

502) Anti-Corruption Commission Law No. 62 of 2006, article 21

503) Article 13 of the Commission Law

504) Article 11 of the Commission Law

The annual report is understood to be a guarantee under the law since it is available to the public and can be reviewed once it has been submitted to Parliament. It is thus not subject to the legal stipulations on secrecy. The imposed secrecy described above relates to technical investigative issues concerned with gathering evidence and is designed to hinder criminal perpetrators. Once the matter has been referred to the judiciary it becomes subject to the law in force on the management of criminal cases, i.e. the Code of Criminal Procedure, which permits parties to a case to obtain a copy of the case file and its contents.

There is another way for members of the public to obtain information, which is under the provisions of the Law on the Right to Obtain Information rather than the Anti-Corruption Commission Law.

The law does not mention any process to publish and distribute the minutes of the Commission's board meetings. However, the final decisions taken by the board are published.

Practice: In practice, how transparent are the Commission's activities and decision making process?

Score: 50/100

Although the Commission Law does not state that citizens must be able to see the detailed procedures and results of the Commission's operations, with the exception of annual reports, from time to time the Commission does make information available to the public in relation to cases which are of public interest. However, this is not a policy stipulated for in the law. In this regard, anyone following the Commission's work and monitoring its activities will find that there is a good amount of interaction and communication between the Commission and the public, with the latter able to look at certain corruption cases once the investigation process is concluded, especially those cases which are of public interest, through the publication of press releases and the convening of press conferences.⁵⁰⁵

In addition to this, the Commission has developed a website which publishes information and details of all the activities it performs as well as the annual reports, statistics, studies, conferences and other material. However the website needs to be monitored and developed on an on-going basis, as some of the statistics are still from the year 2011 and have not been updated. The Commission does not hold recurring, regular conferences on the outcomes of its annual reports or the violations and crimes it has referred or investigated as a preventative measure. The annual reports are published on an on-going basis on the Commission's website.

505) See <http://www.jacc.gov.jo/> on the forward sale case and the casino case. See also <http://www.jordanews.com/>

Governance: Accountability

Law: To what extent do the laws ensure the Anti-Corruption Commission is accountable for its operations?

Score: 75/10

The Commission Law does not render the Commission accountable to any particular body, although it does link it directly to the Prime Minister. Accordingly, the commission shall be held accountable before the Cabinet regarding its procedures and activities.⁵⁰⁶ However as a government agency, the Anti-Corruption Commission is subject to the oversight of the Audit Bureau⁵⁰⁷ like other institutions. The law also stipulates that it must submit annual reports to the government and Parliament, meaning it shall be held accountable for its performance before the government and parliament.

Under the law the Commission enjoyed complete independence in practicing its activities. We can say that in practicing its technical role, the Commission is subject to the law and is obliged to achieve the duties conferred upon it by the Commission Law. However, the president and the board's administrative subordination to the Prime Minister may intervene when it comes to the Commission's complete independence and transparency. The law ensures the Commission's right to request any information or data it needs from any other body or ministry and obliges these bodies to respond promptly to such requests.

Public opinion plays a major role in evaluating the Commission's on-going work in handling cases which are of public interest.

Practice: To what extent is the Commission accountable for its activities in practice?

Score: 75/100

No agency monitors or supervises the technical work of the Commission under the law; this supervision is performed by the Cabinet and the Parliament in terms of the Commission's technical role, through the annual reports, and the scope of the achievements, and cases that went through investigation, as these reports form a rich reference and source of information.⁵⁰⁸

506) Anti-Corruption Commission Law No. 62 of 2006, article 3

507) Anti-Corruption Commission Law No. 62 of 2006, article 18

508) Anti-Corruption Commission Law No. 62 of 2006, article 11

On the functional side, the board performs its administrative and supervisory role over the work of the employees.

The Commission's employees are now subject to the Civil Service Bureau, and are accordingly subject to the public sector employees' code of conduct. Public prosecutors seconded in the Commission are of the judicial council, and are subject in their work to the Law of Judicial Independence and the judicial code of conduct.

In terms of finance and other administrative aspects, the Commission is subject to the oversight and control of the Audit Bureau, and the law contains stipulations obliging the president and board members to disclose any property owned by them or their family members.

The president and board members must swear an oath before the King before commencing their work. The law grants the Cabinet the authority to terminate the tenure of the president or any board member during the term of the board in the event they violate their functional duties or the tasks entrusted to them, or commit any corrupt action, or fail to attend meetings.

The Commission's first board began its work on 19/3/2007 and resigned on 30/9/2010. A royal decree was issued appointing a second board on 30/9/2010; this board resigned on 1/2/2015. Another royal decree was issued appointing a third board on 1/2/2015.

Governance: Integrity

Law: To what extent do mechanisms within the Commission ensure integrity?

Score: 75/100

The law contains a number of stipulations and references to ensure integrity in the work of the Commission. It explicitly stipulates for the complete independence of the Commission's work, and stipulates that members of the Commission should swear a legal oath as an ethical commitment. Moreover, the Commission's president and board are subject to the Illicit Enrichment, and must submit financial disclosure forms and disclose their family's property.

The law also contains a stipulation which acts as a legal control on the work of the Commission, which states that the Commission must open an account at the Central Bank entitled “trust account for reconciliations and settlements”, which shall be used to hold funds resulting from corrupt acts which have been recovered or seized, until such time as they are returned to the rightful beneficiary.⁵⁰⁹

Practice: To what extent does the Commission guarantees integrity in practice?

Score: 50/100

Based on the Law of the Commission, the investigative method it adopts is based on the Code of Criminal Procedure. These cases involve several stages and pass through multiple channels, which might include an investigation stage or the administrative sequence through which each case passes. For integrity in practice, there is a high degree of commitment in instructions and bylaws, but it is difficult for any person in the Commission to perform their work alone, and no individual is allowed to push for a particular decision in a certain direction without clear and compelling evidence.

According to the law, there shall be no interference in the practical events of a case under review, and if the departments working within the Commission have differing views on an issue, it shall be referred to the board to make a decision.

As previously indicated, the individuals performing the investigations are public prosecutors from the judicial authority who are functionally subject to the law and instructions of the judicial authority and to its code of conduct. When performing investigations they follow the Code of Criminal Procedure in force in Jordan.

No problems relating to integrity in the work of the Commission or its employees have been monitored. Through reviewing the annual reports, no reference has been made to any issues relating to the Commission’s integrity in general or to any violations committed that would breach the principle of integrity. There is no code of conduct for the Anti-Corruption Commission’s employees, but they are subject to the codes of professional conduct for public employees. There is no law for conflict of interest in Jordan that sets out a general framework for identifying conflict of interest between public employees’ public employment, and employment in other positions.

⁵⁰⁹(Article 29 of the Commission Law

Role:

Prevention: To what extent is the Commission involved in preventative Anti-Corruption Activities?

Score: 25/100

According to the Anti-Corruption Commission Law, the Commission is responsible for setting a general anti-corruption policy in collaboration with the relevant agencies, as well as setting the necessary plans and programmes to implement this policy, and for educating the public on the dangerous effects of corruption on the economic, social, and political development. It is also important to publish regular reports on the dangers of corruption, nepotism, and favouritism on governmental institutions and public administration. The commission must cooperate and coordinate with local, regional and international bodies to enforce and develop measures to combat corruption and to suggest programmes and projects to achieve this aim.⁵¹⁰

However the Commission's preventive role is still very weak; the law only contains general references and vaguely worded statements on the Commission's role of raising awareness and providing education on combating corruption.

The law does not specify a mechanism or provide an image of how the Commission's potential preventative role could be realised.

There are some further important issues which are not covered by the law, whereby the lack of a provision in the law weakens the Commission's ability to perform its work and limits its capabilities for following up on all forms of corruption.

For example, there is a need to amend the Commission's role in criminalising what is referred to as "exerting influence", and criminalising bribes in the private sector.

The law does not include any advisory role for the Commission relating to preparing studies and reports, or cooperating with official public sector bodies to offer advisory opinions, advice, or consultation on anti-corruption issues.

However the Commission's website publishes annual reports written by the Commission since 2010 up to 2014, and also includes a number of studies presenting anti-corruption related articles and studies.

510) Article 11 of the Commission Law

Role:

Education / Awareness: To what extent has the Commission been successful in combating corruption through its education and awareness-raising activities?

Score: 25/100

In point of fact, the law does not contain any provisions or a clear vision on the issue of awareness-raising and education as a task to be undertaken by this type of institution in accordance with international standards, taking into consideration that awareness-raising is one of the means to eliminate corruption.

On the other hand, the Commission's awareness-raising, guidance, and educational roles are extremely weak. To date, it has carried out very few national activities addressing all members of society and aiming to affect or change public attitudes towards corruption, or to create a state of public awareness on the crimes of corruption.

However, has made general references have been made to the role the Commission can perform in educating citizens about the dangerous effects of corruption on economic, social, and political development. There are no other references in the articles of the law.

It is worth mentioning that the Commission's role in coordinating with the civil society organizations and academic institutions is limited to occasional meetings or meetings at conferences. Even though the Commission has invited civil society to meet to discuss a framework of cooperation, this is still insufficient. Moreover, it is important to mention that the role of the Commission in the private sector is non-existent. The Commission's website details most of its activities, which clearly show that there is no clear plan for working with civil society organisations and the private sector in a methodical and institutionalised manner.⁵¹¹

511) For more information please see the Anti-Corruption Commission's website, <http://www.jacc.gov.jo>

On the practical level, the Commission has not been able to develop or create a comprehensive, national awareness-raising role to address all members of society based on prior plans. The Commission has been able to adopt some activities to address the public, but these activities were not adequate, which is clear from the Commission's organisational structure; the Awareness and Prevention Department in the Commission includes 10 employees, but most of these are administrators rather than technical specialists. The Commission Law thus needs to be amended to include provisions that clearly and explicitly address the Commission's preventive and awareness role.

It is important to note the Commission has a website covering most of its activities and published reports. However, this website needs to be constantly developed and linked to other official and non-official institutions, and the services and activities carried out by the Commission need to be disseminated to the public.

Role

Investigation: To what extent does the Commission participate in investigating incidents of corruption?

Score: 75/100

The law grants the Commission a genuine role in carrying out investigations and gathering information by delegating public prosecutors to work with the Commission whose role is limited to performing investigations. The Commission's operating mechanism is to receive complaints or information from citizens or individuals, as well as self-disclosures, to open investigation files. If the Commission's Board decided the reported/filed complaint relates to a corruption case, it shall be referred to the public prosecutors working with the Commission, where the prosecutors work on collecting data and conducting the needed investigations, and then referring the case to the relevant court.

In terms of technical powers in fighting corruption, the Commission undertakes the following tasks:

a. Investigating financial and administrative corruption, uncovering violations and abuses, gathering evidence and information in this regard, conducting investigations, and following the necessary administrative and legal procedures.

b. Prosecuting anyone who commits any corrupt act, seizing moveable and immovable property, imposing travel bans, requesting suspension from work from the relevant authorities, suspending salaries, bonuses and any other financial entitlements if necessary, and modifying or revoking any of these decisions in accordance with the legislation in force.

c. The Commission may commence the necessary investigative procedures to follow any corruption case either of its own accord or based on information received from any party. If the result of the inquiry or investigation shows that the information received by the Commission was mendacious or malicious, the issue shall be referred to the relevant judicial authorities in line with due legal process.

d. Notwithstanding the provisions of any other legislation, the Commission shall commit to publishing its decisions within three months. If necessary, the board may extend this period for no more than three additional months as of the date of starting the detection procedures and investigating the complaint.⁵¹²

The law directly refers to the fact that the Commission undertakes investigating financial and administrative corruption, uncovers violations and abuses, gathers evidence and information, conducts investigations, and follows the necessary administrative and legal procedures in this regard. It also prosecutes anyone who commits any corrupt act, seizes moveable and immovable property, imposes travel bans, requests suspension from work from the relevant authorities, suspends salary, bonuses and any other financial entitlements if necessary, and modifies or revokes any of these decisions in accordance with the legislation in force.

However the national legislations do not cover the mechanisms for investigating and proceeding with the recovery of funds and gathering information or the agencies responsible for doing so. It is therefore necessary to review the legal provisions to ensure they stipulate for procedures and references for issuing a decision to recover funds.

The issue of coordinating and combining efforts with other institutions that have the power to investigate corruption cases is still existent; an investigation can be carried out by the Commission, the public prosecutor, customs, the ombudsman bureau, the Audit Bureau and others.⁵¹³

The law grants the Commission the authority to launch investigative procedures of its own accord; article 7 states that: “The Commission may commence the necessary investigative procedures to follow on any corruption case either of its own accord or based on information received from any party. If the result of the detection or investigation shows that the information received by the Commission was mendacious or malicious, the issue shall be referred to the relevant judicial authorities in line with due legal process.”

512) Article 7 of the Commission Law

513) National Anti-Corruption Strategy 2013-2017

The law specifies the time period during which decisions must be issued on cases investigated by the Commission; at the period determined is three months. If necessary the board can extend this deadline once for a maximum additional three months as of the date the investigation procedures into the complaint started.

In order to facilitate the Commission's investigative task and enable it to perform its duties, the law contains provisions which oblige all official and non-official bodies to cooperate with the Commission and provide it with any data and information it requests without delay under penalty of perjury. Anyone who violates this shall be punished with no more than three months' imprisonment or a fine of no more than five hundred dinars.⁵¹⁴

The law permits the Commission during the investigation of any corruption case to appoint any individuals, companies or relevant agencies to perform technical, financial and administrative audits of any persons, agencies, ministries, institutions, syndicates, associations, or companies subject to its control, in order to investigate the accuracy of its financial statements, records, accounts, and all financial transactions.⁵¹⁵

The law contains provisions that refer to the Commission's duties and tasks in the area of protecting witnesses, informants, whistle-blowers, and experts in corruption cases, as well as their relatives and other closely connected people from any possible assaults, retaliation or intimidation, through a provision which covers a number of procedures⁵¹⁶, and enacts a penalty on any person who breaches the duty to protect witnesses and informants.⁵¹⁷

514) Article 17 of the Commission Law

515) Article 17 paragraph (c) of the Commission Law

516) Article 23 stipulates: "The Commission is responsible for providing the protection necessary to informants, witnesses, whistle-blowers and experts in corruption cases, their relatives and other closely connected people to protect them from any possible assaults, retaliation or intimidation by virtue of the following: 1 - Providing them with protection at their place of residence. 2 – Disclosing no information on their identities and locations. 3 - Taking their statements and testimony using modern communication technology to ensure their safety. 4 – Protecting them at their place of work and protecting them from any discrimination or ill treatment. 5 – Providing accommodation for them when necessary. 6 - Taking any measures or actions necessary to ensure their safety, (b) - The board shall rule on requests to provide protection in accordance with the situation imposed by the conditions of the people seeking protection, such protection to be removed if the

circumstances that necessitated it should change. (c) – Organising all matters related to providing the requested protection to informants, witnesses, whistle-blowers and experts, their relatives and other closely connected people pursuant to a regulation issued for this purpose, (d) – Notwithstanding the provisions of any other legislation, the Board may dispense financial assistance to informants, witnesses and whistle-blowers pursuant to a regulation issued for this purpose.

517) Article 24 of the Anti-Corruption Commission Law

Recommendations

1. Amend the Anti-Corruption Commission Law to include the criminalization of all corruption acts included in the United Nations Convention Against Corruption (UNCAC), close the gaps and deficiencies in the current law, and incorporate clear provisions on the Commission's preventative role, as well as its role in spreading awareness on the risks of corruption. Mechanisms should be prepared by virtue of the law, and in coordination between the Commission and the control agencies on the private sector, in order to detect corruption, and prevent it in the private sector.
2. Review the Commission's organisational structure to ensure it can achieve its duties and tasks, and provide sufficient technical, administrative. and financial staff to develop its human resources to keep up with all regional and international developments
3. Coordinate efforts and establish a real partnership under the law with the civil society organisations and the media.
4. Create a mechanism to coordinate and unify the terms of reference for investigating corruption cases for the Commission, the public prosecutor before the courts, Financial Disclosure Department, Customs, the Audit Bureau, the Ombudsman Bureau, and the Anti-Money Laundering Unit of the Central Bank
5. Develop the Commission's infrastructure to ensure its self-sufficiency and institutional sufficiency, to enable it to complete all procedures required to investigate and uncover corruption cases, and provide it with all the necessary software, electronic connectivity, and technical equipment
6. Emphasize the importance of the preventative procedures, and set executive plans to increase citizens' awareness on the risks of corruption.

Sources and references

- Jordanian Constitution and all amendments thereto, 2011
- Anti-Corruption Commission Law No. 62 of 2006, published on page 4534 of Official Gazette edition 4794 of 30/11/2006 and all amendments thereto
- National Anti-Corruption Strategy for 2013-2017
- Independent Election Commission Law No. 11 of 2012, published on page 1588 of Official Gazette edition 5152 on 9/4/2012
- National Integrity System, National Charter and National Plan
- Number of national websites
- Website of the Anti-Corruption Commission

Independent Election Commission

Summary

The Independent Election Commission (IEC) in Jordan was recently established. Its institutional experience in administrating and supervising elections is somewhat modest in comparison to international experiences. Nevertheless, IEC succeeded in its management and supervision of the parliamentary elections in 2013.

It is worth mentioning that the elections process requires concerted efforts of national and international institutions, and needs a solid and strong legal base to ensure successful elections.

This is not restricted to IEC law, but also concerns the Elections Law itself that delineates the form of the electoral system and regulates the phases and procedures of the election process, and sets forth the penalties for the crimes that may be committed by any individual.

Jordan is still dealing with the issue of political finance, as one of the main challenges facing Jordan in general, and IEC in particular, taking into consideration that the executive instructions are not adequate to address this issue.

IEC still needs to improve its legal framework regulating its work to ensure compliance with all standards of autonomy, transparency, and integrity.

IEC also needs qualified staff and sufficient financial resources. National legislations also need more effective enforcement of penalties against violations related to election campaigns in order for them to be referred to courts.

The following table summarizes the total scores for the IEC in Jordan by capacity, governance, and roles in terms of the law and practice.

Overall Score: 54/100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 67/100	Resources	-	75
	Independence	75	50
Governance 58/100	Transparency	75	50
	Accountability	50	50
	Integrity	75	50
Role 38/100	Regulating election campaigns	25	
	Elections administration	50	

Structure and Organisation

The Independent Election Commission in Jordan was created under the Election Law No (11) of 2012. IEC is an autonomous legal body that is financially and administratively independent. It is tasked with the supervision and administration of all phases of parliamentary elections, as well as other elections called for by the Council of Ministers. The IEC shall take all the decisions and measures necessary to administer and implement fair, impartial, and transparent elections based on the principles of justice, equality, equal opportunities, and the rule of law.

The IEC is managed by a Board of Commissioners composed of a chairman and four members who are appointed by Royal Decree for a non-renewable period of six years.⁵¹⁸

The executive branch is managed by the Secretary General who is appointed by a decision of the Board of Commissioners, which is to be endorsed by a royal decree.

518) Article 6 of the IEC Law states: "A. The Commission shall have a Board of Commissioners composed of a Chairman and four members to be appointed by a royal decree for a non-renewable period of six years. B. (1) For the purposes of clause (A) of this Article, a list of proposed names of persons to be appointed in the board shall be submitted to the King. The list shall be prepared by a committee chaired by the Prime Minister and with the membership of each of the speakers of the Upper and Lower Houses of Parliament and the president of the Judicial Council. (2) In the event that the position of the speaker of the House of Representatives becomes vacant, he/she shall be replaced by the last speaker of the Lower House. If this is not possible, he/she shall be replaced by the last deputy speaker of the Lower House. C. The Board shall elect from among its members a Chairman, and a Vice Chairman to act on the Chairman's behalf in his/her absence.

The IEC was established in Jordan by virtue of Law No. 11 of 2012 as an autonomous body with a legal personality that is financially and administratively independent. It is tasked with the supervision and administration of all phases of parliamentary elections, as well as other elections called for by the Council of Ministers. The IEC shall take all the decisions and measures necessary to administer and implement fair, impartial, and transparent elections based on the principles of justice, equality, equal opportunities, and the rule of law. The Commission is composed of the following:

1. Board of Commissioners, composed of a chairman and four members who are appointed by Royal Decree for a non-renewable period of six years.
2. The executive body, managed by the Secretary General who is appointed by a decision of the Board of Commissioners, which is to be endorsed by a royal decree.

Article 12 of the law entrusts the Commission's Board of Commissioners with the following tasks:

1. Prepare the Commission's general policy.
2. Set the polling dates, once the King issues an order to Parliament to hold elections.
3. Adopt the schedule, action plans, and programs necessary to carry out the election process with integrity, transparency, and neutrality.
4. Take the necessary measures to register voters and candidates in accordance with the provisions of the Election Law, including procedures to check and update the voters' records and to handle complaints in this regard.
5. Publish the voters' lists and the names of candidates on the Commission's website and through any other media as specified by the Election Law.
6. Set rules for election campaigns, advertising, implementation, and monitoring, in line with executive instructions.
7. Educate voters of the importance of participating in political life, including the electoral process.
8. Appoint chairmen and members to any committees needed to carry out the parliamentary election process as required by the Election Law
9. Approve specifications for ballot boxes, ballot papers and official stamps for the ballot committee.
10. Set the foundations for approving candidates' representatives at polling and counting stations.
11. Approve representatives of civil society and journalists and any regional or international observers monitoring the parliamentary electoral process as required by the executive directives.

12. Extend polling hours in accordance with the provisions of the Election Law .
13. Develop executive regulations for publishing preliminary results and handling objections in accordance with the provisions of the Election Law.
14. Announce the final election results.
15. Issue a detailed final report on all the stages of the parliamentary election process and submit it to the King for publication in the Official Gazette.
16. Approve the annual report on the Commission's activities and operations copied to the Cabinet and the Parliament.
17. Approve contracts and agreements in which the Commission is involved, and form ad hoc committees for specific tasks to help the Commission carry out its tasks and authorities.
18. Propose draft legislation necessary for the Commission's work.
19. Any task or authority stipulated for in this law or any other legislation.⁵¹⁹

IEC shall be headquartered in Amman and it may open other premises and branches in other governorates.⁵²⁰

The executive body is managed by the Secretary General who is appointed by the Board of Commissioners, coupled with a royal decree⁵²¹

Capacity: Resources

Practise: to what extent are sufficient resources available to the IEC in order for it to achieve its objectives?

Score: 75/100

The Law guarantees administrative and financial autonomy for the IEC in practicing their activities, managing, and supervising all phases of the elections process⁵²² . Accordingly, the IEC's resources come from the general State budget of Jordan and are allocated under a separate line in the budget.

519) For more information, see the IEC's website: <http://entikhabat.jo/Public/DefaultAr.aspx>

520) Article 3 of the IEC Law.

521) Article 8 of the IEC Law.

522) Article 21 of the IEC Law, which states, "A. The Commission shall have an independent budget to be approved by the Cabinet and shall be submitted to the Prime Minister to be included in a separate chapter under the Government Units Budget Draft Law. B. Every annual budget of the IEC shall list the allocations needed for the management and supervision of the parliamentary elections process.

In practice, the IEC submits a general notion of the budget it expects to cover current and capital expenditure to achieve its goals for the year.

This estimate is brought before the Council of Ministers that in turn discusses the budget and incorporates it into the draft budget. It is thereafter forwarded to Parliament for further discussion and approval.

Notwithstanding the fact that the budget might undergo cuts by the Council of Ministers or Parliament, this is subject to the resources availability in Jordan and sufficiency thereof.

The discussions are conducted publicly between the IEC's Board of Commissioners and the Finance Committee of the House of Representatives and Senate.

However, the IEC's reports and requests have not demonstrated any problems with insufficient financial resources for managing and supervising the elections process.

The government of Jordan attributes great importance to elections, which gets attention from all sides. According to the Law, there are specific allocations in the State budget to conduct any elections process in the Kingdom ⁵²³. The Commission's budget is 2,475,000 (\$ 3,535,714).

The Secretariat of the IEC is subject to the Civil Service Bureau (CSB) with regard to appointments and promotions, as is the case with all other State institutions, according to the amendments to the IEC Law of 2012. All institutions and ministries are required to cooperate with the IEC in providing information. Also, if the IEC needs additional staff to accomplish the elections process, they shall respond, and the assigned workers will be under IEC supervision.

Under the IEC Law, it supervises the whole election process beginning from the preparation of voters lists through announcing the results, including all the necessary procedures in cooperation with the CSB. The Elections Law and IEC law regulated the relationship between the IEC and the CSB, specifically how they should interact and cooperate to complete the elections process, and transfer all information, tables and lists to the mandate and control of the IEC. This is because in the past, the elections were supervised by the Ministry of Interior.

523) Article 21 of the IEC Law states, "A. The Commission shall have an independent budget to be approved by the Council and shall be submitted to the Prime Minister to be included in a separate chapter under the Budgets of Government Units Draft Law wherein required funds shall be allocated for the Commission's functioning and to enable it to fulfill its obligations. B. Notwithstanding the contents of clause (A) of the Article, the funds allocated for each electoral process shall be determined and submitted to the Prime Minister.

The IEC implemented its first elections in 2013 and issued its final report to the King. The report gave a detailed presentation of all procedures taken from the establishment of the Commission and start of formulating the executive regulations, down to the voting day followed by announcement of the results. The report also laid out the main challenges that the new IEC faced, with attempts to conclude the lessons learned from the practical experience.⁵²⁴

The primary challenge in the IEC's work is recent start-up, followed by recruiting qualified staff. Another challenge is the negative attitude citizens have towards public participation in elections.

In terms of training courses available to IEC staff, there are numerous courses and training programs that employees must attend, such as the training programs in cooperation with the International Foundation for Electoral Systems (IFES), for studying the global elections program, consistent with the Jordanian environment. The beneficiaries are all IEC staff and temporary elections staff, including committees, field work teams, and civil society organizations. The IEC pursues a number of partnerships with local and international organizations in this field.

Monitoring and follow-up Reports of IEC did not show any violations or interference in its work by any other party. Comments focused on the Commission's lack of expertise in the mixed electoral system adopted in Jordan in 2013, and how the results are calculated, with the counting process taking a relatively long time.

Capacity: Independence Law

According to the law, to what extent is the IEC independent?

Score: 75/100

Following amendments made to the Constitution in 2011, the Commission began to practice its mission autonomously. Article 67, clause 2, provided for the establishment of an Independent Elections Commission.

This is a virtual constitutional guarantee of the IEC's autonomy. The IEC Law explicitly states that the IEC is financially and administratively autonomous to practice its assigned tasks according to Article 3 of the IEC Law.⁵²⁵

524) The article states, "An independent Commission shall be established to supervise the parliamentary elections process and administer every phase of the elections. It shall also administer any other elections declared by the Council of Ministers."

525) Article 3 of the IEC Law.

Therefore, according to the Law, the IEC has financial and administrative autonomy. In order to enable the IEC to perform its role, the new law that established the Commission guaranteed its tasks specifically and removed any conflicting powers with any other body or institution. Article 4 indicates that the IEC is responsible for parliamentary and municipal elections and any other public elections declared by the Council of Ministers. The Commission is entrusted with taking all the measures and decisions necessary to perform its tasks with integrity, transparency, and impartiality.⁵²⁶

In the same context, the Law grants the IEC's Board of Commissioners the authority to issue the instructions necessary for it to pursue its tasks. These instructions are binding to all official and other bodies and are published in the Official Gazette.⁵²⁷

Council and the Commissioners in the IEC are subject to the Illicit Enrichment Law and Audit Bureau control⁵²⁸

The Law also sets out the allocations and remunerations for the Chairperson of the Board of Commissioners and the Commissioners 225. It also defines the mechanisms and procedures for appointing the Secretary General.⁵²⁹

The Secretariat General staff of the IEC is appointed according to the instructions issued for this purpose. In 2014, the IEC Law was amended to make IEC staff subject to the Civil Service Bureau procedures.

This may have an impact on the technical autonomy of its employees, and may limit the supply of competent individuals with specific specializations, whereas IEC work requires experts and special disciplines.

The Law guarantees immunity for IEC Commissioners. An explicit clause prohibits the prosecution of any Commissioner for any complaint regarding the tasks they pursue in accordance with the provisions of the Law.⁵³⁰

The Law explicitly indicates that IEC decisions may be appealed before the competent court, which guarantees that IEC decisions may not be interfered with, and are subject to judicial control for any discrepancy in the practice of these powers.⁵³¹

526) See Article 4 of the IEC Law.

527) Article 27 of the Commission Law

528) Article 25 of the Commission Law

529) Article 7 of the Commission Law

530) Article 8 of the Commission Law

531) Article 11 of the Commission Law

Practice: In terms of practice, to what extent does the IEC operate autonomously?

Score: 50/100

In terms of autonomy, the IEC enjoys autonomy in the pursuit of its mission and in decision-making, although the real challenge and obstacle facing the IEC's work and practice is its start-up novelty. It was established in 2012 and carried out its first control over elections in 2013.

Within the Commission's election experience in 2013, the IEC implemented a number of measures to ensure its independent management of the elections process. In this line, the IEC issued and enforced an employee code of conduct to ensure its employees' impartiality, integrity, and professional competence in providing election services, in addition to guaranteeing equal opportunities, and applying standards of competence, competition, and transparency in selecting permanent and temporary IEC employees. As a result, the Commission faced challenges in rounding out its administrative and technical staff and had to seek delegates from some official ministries and appoint them using comprehensive contracts or procurement of service contracts. For polling and counting committees, the Ministry of Education staff was hired by temporary contracts.⁵³²

The Board of Commissioners issued 14 instructions to regulate all election phases. Local and international observers were allowed to monitor the process and issue special reports. These reports pointed out some procedural problems in the IEC's operations. Accordingly, the observers shared the Commission in accepting the observations and continuous amendments⁵³³

Even though the law does not include an explicit clause to prohibit termination of services of the IEC chairman or any of the member Commissioners until the respective term has expired, the law provides for possible termination of Commissioner's membership upon recommendations made by other three Commissioners in cases of repeated absence from the Board sessions, missing of any of the membership conditions, the member's desire to run for election, the issuance of a warrant for arrest by the Judicial Council, or a health condition preventing the individual's ability to continue working.

532) Detailed report of the election process of 2013 published on the IEC's website:

<http://www.entikhabat.jo/Public/DefaultAr.aspx>

533) See the Observation Report on the Election Process, the National Human Rights Centre Report, and report by the Civil Society Organizations Elections Observers Network.

It is worthy of note that the Chairman of the Commission submitted his resignation after completion of the 2013 elections and a royal decree was issued to appoint a new Board of Commissioners in 2014. No mention was made of the reasons that led the Board of Commissioners to resign.⁵³⁴

In the same context, it should be noted that the IEC's media spokesperson's service was also terminated in light of the Prime Minister's assignment of the IEC to supervise municipal elections. The spokesperson appealed this action since the IEC's task according to the law was supervisory, not the administration of municipal elections. As a result, the IEC Law was amended to include the administration and supervision of any elections process.⁵³⁵

Governance: Transparency

Law: To what extent do legal articles guarantee the public access to information concerning the IEC's activities and decision-making processes within its hallways?

Score: 75/100

Article 12 of the IEC Law delineates the tasks of the Board of Commissioners. It requires the Board to formulate the IEC's policies in a manner that would be clear to all. It is responsible for determining the timeframe, plans, and programs needed to implement election processes with integrity, transparency, and impartiality.

This requires the IEC to publicize its activities. The Law also requires the Board to publish the voters' lists and names of candidates on the IEC website and in any other method of publication specified by the law. Furthermore, the Law authorizes the Board to develop the executive instructions on elections processes, including election campaigns, awareness-raising for citizens on public participation, and approve the specifications of ballot boxes, ballot sheets, and the committees' official seals.

The Law entrusts the Board with formulating instructions for announcing preliminary results, regulating objections, announcing final election results, and, most importantly, issuing a final detailed report on all phases of the whole elections process and submitting it to the King. The report must be published in the Official Gazette. In addition, an annual report of the IEC's activities shall be approved and copied to the Council of Ministers and Parliament.

534) see link: <http://www.alrai.com>

535) see the link: <http://www.shaabnews.com/>.

In connection with the election process, the Election Law includes other obligations that the IEC must fulfil such as: preparing lists to be publicized, revising the lists and objections, and organizing all phases and details of the elections process.⁵³⁶

The minutes of Board of Commissioners monthly meetings are not available to the public. According to Article 9 of the Board's meetings instructions, such minutes are confidential.⁵³⁷

Board decisions concerning elections processes are advertised. The Board has already passed 95 decisions since the establishment of the Commission.⁵³⁸

Practice: In terms of practice, to what extent does the public have access to the IEC's reports and decisions?

Score: 50/100

All information related to the various phases of the election process is made available on the IEC's official website⁵³⁹. Information is also announced during press conferences and published periodically and continuously in newspaper. The IEC has vigorously organized open press conferences in which it responds to any queries on problems obstructing the elections process, as well as publishing data containing the various phases, periods, and dates set for each phase. The IEC also publishes names of acceptable candidates, lists, withdrawals, and other information.

The law is devoid of Articles to bind the elections subcommittees to publish reports but instead the Board of Commissioners is tasked with such reports. Nevertheless, the reports are submitted to the Board of Commissioners that determines the nature of information to be published. As for candidates and lists of voters, these are published in a number of places in every electoral district and are electronically available to the public. Any citizen may view them and challenge their validity.

536) Executive instructions No (5) of 2012 concerning objections to preliminary voter lists.

537) Executive instructions No (2) of 2013 concerning regulation of IEC Board of Commissioners meetings.

538) IEC report for 2013

539) See IEC website : <http://www.entikhabat.jo/Public/DefaultAr.aspx>.

Furthermore, the IEC report encompasses all details relating to the elections process and the procedures the IEC taken on various aspects of the legislative structure, with full analysis, explanation and details. The report covers executive and regulatory procedures with regard to human resources, training, financial resources, logistical support, and physical preparedness of the polling and sorting centres. Another special topic speaks of the relationship with partners such as the media, and the means of communications, political parties, and civil society organizations.

In the same context, the IEC has clear contact information for all. During elections, hotlines are set up to receive complaints from citizens. Lines are set up to receive complaints from all governorates, in addition to the implementation of introductory advertisements for the public about contact channels with the IEC, and voting mechanisms and procedures.⁵⁴⁰

Governance: Accountability

Law: To what extent does the law ensure that the IEC is held accountable for its actions?

Score: 50/100

The Law does not contain a special clause or chapter that clearly addresses the accountability of the IEC or those in charge of it, but this could be inferred from miscellaneous provisions in the IEC Law.

Such provisions indicate the necessity of the Commissioner and Secretary General to work full time at the Commission. They may not simultaneously hold a public or private sector job, run a business, or be a member in a board of directors of any company, be the head or a member of a council in any public or private institution, and may not pursue paid employment for any other agency, irrespective of its type.

In addition, the Commissioner must take the oath before the King when appointed and before commencing his tasks in these words: “I swear by Almighty God to be loyal to the King and to the country, and to preserve the Constitution, to respect the law, and to perform the duties entrusted to me with complete honesty, integrity, and impartiality.” The Secretary General is also required to take the same oath before the Board.⁵⁴¹

540) See IEC website. See the detailed report of the 2013 elections, third pillar, communication with partners concerned with the elections process.

541) Article 9 of the IEC Law.

The Law addressed the termination of the Commissioner's service either by resignation or upon recommendations made by three other Commissioners if the one in question is absent from three consecutive sessions without justifiable excuse, or loss of holding office conditions as designated by the Law.⁵⁴²

The Board of Commissioners takes its decisions by a majority of at least three votes. No member may abstain from voting. Any dissenting member must record her/his objection in the minutes of the meeting⁵⁴³ and sign it.

The law states that the Commission's decisions are appealable before the competent courts by virtue of the law and the Constitution. Appeals and procedures are governed by the law.

The appellant is the person affected by the IEC decisions; the law does not specify if this includes political parties but only says that those entitled to appeal are those with an interest in or who were damaged by a decision; the definition of "those entitled to appeal" depends on the electoral system being implemented.⁵⁴⁴

According to the Law, the IEC's financial and administrative allocations are under the control of the Audit Bureau. The Commissioners and Secretary General are subject to the provisions of the Law on Illicit Enrichment and must submit a declaration of financial disclosure. There is no external control agency that oversees the IEC's finances.⁵⁴⁵

Governance: Accountability

Practice: In practice, to what extent is the IEC subject to accountability for its actions?

Score: 50/100

In line with the above discussion, the IEC prepares detailed reports of all phases of the elections process, including the challenges it faced. These reports are submitted to the Council of Ministers, the King, and Parliament, and are published for public perusal.

542) Article 10 of the IEC Law.

543) Article 13 of the IEC Law.

544) Article 23 of IEC report

545) Article 25 of IEC report

It must be noted that in previous years when the electoral process was overseen and managed by the Ministry of the Interior, it was met with scepticism, incredibility and accusations of forgery. Following the establishment of the IEC in 2013 under the Constitution, a climate of confidence was established among the public.⁵⁴⁶

Moreover, monitoring of all phases of the elections process is possible by all media and the public. Local and international observers are allowed to monitor the parliamentary elections. In 2013, the following observation reports were issued: Carter Centre Report, International Democracy Report, European Union Mission Report, National Human Rights Centre Report and Civil Alliance to Observe Elections Report. These reports are published on the IEC's official website. Such reports are also launched at open, public press conferences and cover the viewpoints and observations of those observers towards the elections proceedings.⁵⁴⁷

In addition, all staff and Commissioners at the IEC are subject to a Code of Conduct, rules and controls that should be complied with. It includes disciplinary penalties in the event of any irregularity in the elections process or if anyone acts in a manner contravening the goals and purposes of the IEC. This is with regard to job liability.

Liability for the IEC's actions and decisions on the elections process shall be appealable before courts. Numerous appeals have been filed concerning lists of voters or election results.

By virtue of article 71 of the Constitution of 2011, the Judiciary has the authority to rule on appeals against validity of parliamentary appointment of members of Parliament. Each voter in a constituency may appeal to the Court of Appeal. 31 appeals were submitted to the Courts of Appeal following the announcement of the election results and its publication in the Official Gazette on 29/1/2013.

Some cases were dismissed in form for appealing after expiry of the challenge deadline. The other cases accounting for 87.10% of total appeals were accepted in substance. However, only one appeal was accepted in form and substance against Sixth constituency in Karak Governorate. The relevant courts in Amman, Irbid and Maan recounted the ballot papers in around 300 ballot boxes.⁵⁴⁸

546) Report by Carter Centre on Parliamentary Electoral Monitoring in Jordan in 2013, published on the IEC's website <http://www.entikhabat.jo/Public/DefaultAr.aspx>

547) To see these reports, please visit the following link: www.entikhabat.jo

548) IEC report, detailed report of the election process, pages 101 - 102

Governance: Integrity

Law: To what extent are the mechanisms to ensure integrity of the IEC?

Score: 75/100

The Commission is supervised and managed by the Board of Commissioners composed of a Chairman and four members who are appointed by a royal decree. The members are selected by a committee presided by the Prime Minister and include the Chairman of the House of Representatives, the Head of the Judicial Council, and the Chairman of the House of Senates as members. Their term of office is six years.

According to the Law, the Commissioner or Secretary General must meet certain conditions that are to be considered by the committee that recommends the proposed names to the King. The individual must be a Jordanian for a period of no less than ten years, must be legally competent, not holding the nationality of any other country, has a university degree, is not a member of the Senate, is not younger than 40 years old, and has competence and expertise. The individual should have a record of good conduct and known for integrity, has not been convicted of any crime against honour, morality, and trust, and may not be a member of any political party.

The Law further requires that the Commissioners assume full-time appointments and do not work in any other business or positions in the public or private sectors. There should not be any conflict of interests with the IEC and they must take the oath as defined by the Law. ⁵⁴⁹

Legislator grants the Commissioners some degree of immunity in their work at the IEC. The Law states that the Commissioner may not be prosecuted for a criminal complaint during their term of office or for any criminal complaint in relation to, due to, or resulting from the tasks and responsibilities assigned to them in accordance with the provisions of laws in effect, except with permission from the Judicial Council. ⁵⁵⁰

The Law also states that IEC staff is banned from undertaking practices banned to civil servants in accordance with the provisions of the Civil Service Law. They are also prohibited from running in any elections supervised or managed by the Commission and from participating directly or indirectly in the election campaign of any candidate. ⁵⁵¹

549) Article 9 of the IEC Law.

550) Article 11 of the IEC Law.

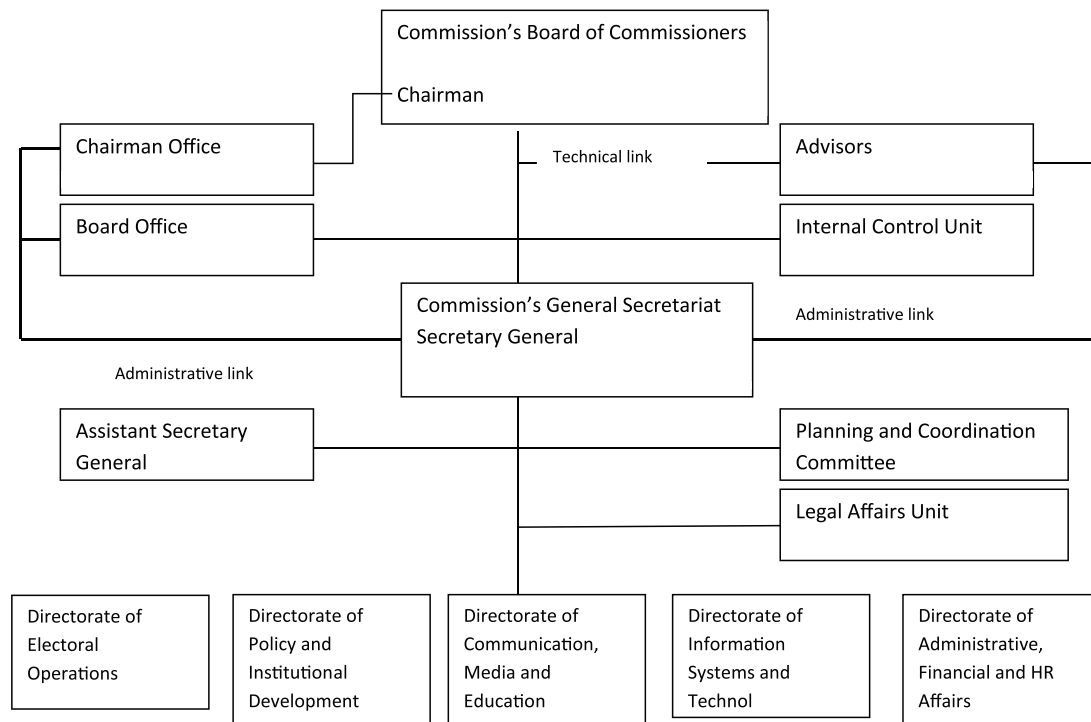
551) Article 17 of the IEC Law

To strengthen the approach of integrity and autonomy, the Law obliges the Commissioner or Secretary General or any of IEC staff to disclose to the Board in writing of any relationship with any election candidate under supervision or administration of the IEC in any of the circumstances defined by the Board according to the executive instructions. ⁵⁵²

Practice: In terms of actual practice, to what extent is the integrity of the IEC guaranteed?

Score: 50/100

In practice, no information has been deliberated or published to indicate that any IEC Commissioners or staff member participated in or had any connection to violations or actions that affected its autonomy since it was established. The IEC Board of Commissioners adopted a code of conduct, which is enforced on all IEC staff. Also, a special unit was created called the Internal Control Unit. It is directly linked to the Chairman and is responsible for the follow-up and investigation of any actions or suspected actions that would abuse or infringe the independence of IEC staff. The following diagram shows the Commission's organisational structure:



Organizational Structure of the IEC General Secretariat

The IEC has issued executive instructions concerning behaviour and disclosure rules at the IEC (Instruction No 7 of 2012). These instructions aim to create the right environment to conduct fair, honest, and impartial elections according to the legislations in force, and to ensure elections are conducted in a highly efficient and timely manner.

The instructions foster commitment to the principles of elections administration such as integrity, impartiality, autonomy, transparency, competency, service, ensuring employees' commitment to supervising the elections, and administrating it with a professional approach. They also aim to entrench the principles of democracy, rule of law; guarantee the equal rights of citizens to participate in the elections as voters and candidates; ensure the organized, independent, and credible conduct of the elections; strengthen efforts to build confidence in the elections process; and educate on job ethics and behaviour that the IEC staff are expected to demonstrate in performing their tasks and the disciplinary measures that could be taken if the instructions are violated. ⁵⁵³

Reviewing the local and international reports and media monitoring concerning the IEC, no violation has been observed regarding the IEC's integrity or those in charge of it during the elections it supervised. Rather, most were political money violations committed by voters and candidates, alleged procuring votes and campaign promises by voters and candidates, seizing personal identities of some voters, and breaches related to transferring votes from one district to another. ⁵⁵⁴

Role: Regulation of Electoral Campaigns

Does the IEC play an effective role in regulating the funding for candidates and political parties?

Score: 25/100

In accordance with the IEC Law and Election Law, official instructions were issued to regulate electoral campaigns ⁵⁵⁵. Numerous controls of campaigns were laid out such as setting the starting and ending dates of the campaigns, regulating electoral campaigning and emphasizing the free pursuit of campaigning liberties, including exempting electoral campaigning from any fees or taxes, and designating special locations for these advertisements.

553) To view the content of the instructions, kindly visit the IEC website: <http://www.entikhabat.jo/Public/DefaultAr.aspx>

554) To see the content of the international monitors' report please visit the IEC's website: <http://www.entikhabat.jo/Public/DefaultAr.aspx>

555) To view the contents of the executive instructions regarding election campaigns, No 11 of 2012, please visit the IEC website: <http://www.entikhabat.jo/Public/DefaultAr.aspx>

Reference was made to the IEC and elections committee undertaking the task of monitoring candidates' compliance with the Law and in implementing their electoral campaigning. The heads of IEC or election committee may request the concerned government institutions, municipalities, Greater Amman City Council, municipal councils and those in similar capacity, or the candidates themselves, Commissioners of lists, or any candidates on the lists, to remove or halt any form of counter campaigning at the cost of the concerned candidate or concerned list.

The instructions lay out a set of rules related to provisions of the Constitution and legislation in effect that candidates must comply with. These rules include: respect for others freedom of opinion; preserving national unity, homeland security and stability and non-discrimination among citizens; not using the State emblem in electoral meetings, advertisements, and publications or in any form of writings, drawings, and images used in electoral campaigning; not conducting election campaigns in ministries, government directorates, official and public institutions, educational institutions, and places of worship; not using any property or equipment owned by government directorates and public institutions in election campaigns; not attacking or inciting to attack the campaign of any opposing candidate or campaign manager by deleting, scratching, or ripping election advertisements, whether in person or by aides and supporters in the election campaign; not using microphones on vehicles for election campaigning; not posting any announcement or elections declaration on walls, telephone or electricity poles, traffic posts, or public property, or placing these in such a way to endanger public safety – this includes pictures, drawings, and written material; compliance with the instructions of concerned bodies regarding locations designated for electoral campaigning; not using the tactic of defamation or offending any candidate or list, or any boosters of a candidate or list, whether directly or indirectly in an election campaign; refraining from applying any form of pressure, intimidation, treachery, enticements, or promises of material or moral gains in order to influence voters' choices and push them to vote or prevent them from voting for a particular candidate or list.

The instructions also stipulated that no rallies or gatherings may be held within a distance of 200 meters from the polling and sorting stations; no data, speeches, announcements, expressions, or images may be used to provoke sectarian, tribal, regional, or racial strife among citizens or encourage citizens to obstruct the progression of the elections process for any reason whatsoever; no form of election campaigning may take place within polling and sorting stations throughout the period of the elections; and the exploitation or employment of children in jobs that may endanger their safety is prohibited.

With regard to accepting contributions and funding, the instructions have clearly set out the importance of not accepting any donations, financial or material contributions from foreign countries and governments, official and private international organizations, foreign companies, foreign expats, whether in cash or in kind or any other form of contribution.

It is also prohibited to accept any donations or cash or in-kind contributions from funds that the candidate or list knows have been collected from illicit sources such as stolen funds, donations from outlaw establishments, or funds from individuals wanted by the law. Candidates and lists also should not offer any donations, gifts, cash or in-kind assistance, or any other benefits, or promises to offer such to a natural or artificial person, whether directly or indirectly, in return for obtaining ballot cards or their votes or preventing them from voting for a specific candidate or list.

Notwithstanding the instructions, yet they fall short of ambition in creating practical procedures and mechanisms to reduce, rather eliminate, political finance. The instructions neither included any executive-procedural conception by the IEC of fighting political money, nor did it include any procedures or actions towards raising awareness on election crimes, as one means of the predetermined deterrence.

In addition to not mentioning the preventive methods such as formulating codes of conduct for candidates and honour code, which should be signed by the applicant, as well as holding awareness campaigns to the candidate and campaign managers and those in charge of the electoral campaigning, many citizens still believe that some actions and behaviours are permissible, even though they are, in fact, election crimes. The instructions also do not include any clauses that require candidates or list Commissioners to sign forms whereby they vow to implement their election campaigns in accordance with the provisions of the law. There are also shortcomings in regulating how the media handles election campaigns with the exception of general legislation on dealing with candidates with impartiality and equality; the instructions failed to determine whether such commitment extend to the private media or not. It is worth noting that Article 10 of the instructions does not suffice in terms of control over media.

The instructions further failed to include a national concept of managing funds spent on the electoral campaigns. One of the legal approaches used in all international legal systems regulating election campaigns is requiring candidates to open a special account through which all spending on the election campaign is transacted through the said account. They are also required to follow up and submit a detailed report of all exchanges and expenditures, supported by all invoices, along with an audit report by a certified accountant.⁵⁵⁶

Role: Administration of Elections

Does the IEC guarantee the integrity of the electoral process?

Score: 50/100

Despite the short period since the IEC assumed responsibility for administering parliamentary elections, nevertheless it has exerted great institutional efforts in this regard and managed to launch a new phase of election management in Jordan.

The IEC implemented a number of institutional and procedural measures to eliminate some negative phenomena in Jordanian society and the prevailing culture of justifying some acts that would affect integrity of the elections. Since the outset, it undertook direct supervision over preparing and reviewing the voters' tables with the Civil Status Department to prevent the occurrence of fraud or repeated names on the tables or transferring votes from one governorate to another. The IEC was authorized to create a national log to be updated continuously in all parliamentary elections.

The IEC took measures to prevent recurrent votes, such as pre-selecting the polling station for each voter. Thus, the name of the voter and the polling station are recorded in the General National List. If this action forms an obstacle to the voters' access, it initially forms an experiment that could be developed. Measures were also taken to verify the individual's identity with the voter's registration card and to check the name of the voter on both the electronic tables and the printed tables. This is done through a central network to prevent duplicate votes in another location.

The ballot paper was designed by the IEC to contain the names and pictures of the candidates. The same was done for the national list to contain the name of the list, its code and number, in order to ease matters for illiterate people, as well as supervising the appearance of the polling booth, its location, and the form of the ballot box, voting and sorting committees, preparation of minutes, and all matters related to permits for observers and their work mechanisms.

556) See the Carter Report on observing parliamentary elections in Jordan in 2013. Also see the article by attorney Saddam Abu Azzam, "Electoral Campaigning" at the link: <http://www.addiwannews.com/>

In the same context, the Board of Commissioners issued 14 executive instructions to regulate all aspects and phases of the electoral process. A national project was adopted in conjunction with a number of media outlets to educate citizens of the electoral processes, how to vote, and other activities, through videos, YouTube, and other means of publication.

Among the procedures taken is the establishment of a high level information centre, and the potential to create a central electronic link with 4069 polling booths in the Kingdom. The measures taken could be described in the following:

- Creating new records. The records were cleansed of the following categories: quarantined persons, declared bankrupts, convicted of a non-political crime for a period of more than one year, are 18 years old or less. The information shall be published for the people to make objections. The records shall be updated twice a year, once in January and once in June.
- The name of the voter is included throughout the Kingdom only in one counting room at a school, for once, [polling station], and shall be listed alphabetically. In this way, the name will only appear in one location.
- There is an electronic link that will, as soon as the individual has casted her/his vote, send a notification to all polling stations in the Kingdom to show that the person has voted.
- Adopt the voter's identity card that has 32 security codes on it to verify the voter's identity and confirm this by entering the data into the Civil Status system and make sure the person is truly the one voting.
- Guarantee the secrecy of the vote in a private chamber.
- Presence of local and international observers in the polling and counting stations.
- Count the results in the same voting rooms so that no manipulation occurs during the period of transporting the boxes to sorting centres. The sorting phase must be in the same room as the voting booths before the eyes of everyone present. Then the results must be posted and the total records of each room shall go to the committee to register the numbers.
- Use a special ink to ensure the voting process takes place only once.

Recommendations

1. Reinforce total financial and administrative independence of the Commission, given the nature of the operations and roles it performs.
2. Develop the Commission's organisational structure to ensure it performs its technical roles, especially education at all stages of the electoral process and not restricting its operations to election season.
3. Develop more effective mechanisms and procedures to regulate and monitor election campaigns and the associated financial disclosures
4. Publish full information and all reports and decisions on the electoral process for the public.
5. Develop the Commission Law to ensure complete cooperation by State institutions during the electoral process and develop legal texts to encourage the role of Law Enforcement Agencies in curbing electoral crimes, including black money.
6. Review the elections law to criminalize any actions that would negatively impact the principles and procedures of the elections, in a manner granting equality and justice among all candidates.
7. Develop clear mechanisms, tools and rules of reference for the work of the special committees and carry out sufficient training programmes in advance of the polling date
8. The Commission to develop mechanisms for handling the media during the electoral period, especially election campaigns, to ensure neutrality and independence
9. Direct monitoring by the Commission and provision of the necessary human and technical resources.

Sources and References

- Constitution of Jordan
- Independent Election Commission Law No (11) of 2012.
- Executive instructions issued by the IEC; 14 instructions.
- Report by the National Centre for Monitoring Elections.
- Report by the Carter Centre on observing the elections.
- Report by the European Union on observing the elections.
- Official website of the Independent Election Commission.
- Official website of the National Human Rights Centre.
- Official website of (RASED) – Hayat Centre for Local Society Development.

Ombudsman Bureau

Summary

The Ombudsman Bureau is an extremely important control institution for extending control over administrative matters. This necessitates a sound legal structure to enable the Bureau to pursue its roles and powers.

In Jordan, notwithstanding the deep-rooted experiment of the Ombudsman Bureau in 2008, the legal framework and institutional output mechanism were flawed. The resulting derailment reflected on the Bureau's exercise of its roles and, in turn, its effectiveness in fulfilling its responsibilities.

The law regulating the Ombudsman's work is marred by a number of deficiencies, starting with the lack of enhancing financial, administrative, and technical independence, down to preventing overlaps and duplication of jurisdictions with other control organizations, and arriving at the compulsory nature of the Bureau's decisions and recommendations.

Nevertheless, the reform approach that Jordan has adopted since 2012 is oriented towards developing the legal frameworks of control institutions and integrating them in one national institution that could promote each of their roles according to the best global experiments. Adoption of a draft Integrity and Anti-Corruption Law is envisaged in order to overcome these problems.

The Ombudsman Bureau is expected to be integrated with the Anti-Corruption commission in one national institution; competencies and authorities will be determined to ensure non-conflict of competencies, while integrating institutional references, and building a comprehensive database for the control agencies. However, so far this Law is still under discussion in the Parliament.

Therefore, the developing the work of the Bureau needs several steps to be taken at the level of practices, policies, and legislations.

The table hereunder summarizes the total score of the Ombudsman in Jordan in accordance with capacities, governance and role in terms of law and practice.

Overall Score: 42 /100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 42/100	Resources	-	50
	Independence	50	25
Governance 46/100	Transparency	50	50
	Accountability	50	50
	Integrity	50	25
Role 38/100	Investigation	50	
	Promotion of good practices	25	

Organizational Structure

It is worth mentioning that the institutional preparations to establish the Ombudsman Bureau began in 2006 with a meeting of international experts in ombudsman institutions in Amman, Jordan, with the Jordanian Legislative Commission assigned with the task of formulating the law for establishing the Ombudsman Bureau. Advice and consultation were given on to the legal framework for establishing the Jordanian Ombudsman Bureau.

These efforts were preceded by numerous attempts to establish an institutional agency to receive complaints filed by individuals on the administration. The first attempt started with the foundation of the control and administrative inspection bureau in accordance with Regulation No 55 of 1992. This bureau lasted until 2002 when it was abolished for lack of independence from the Executive Authority, lack of qualified staff, insufficient financial resources, and frequent lack of cooperativeness on the part of directorates and departments in investigation procedures.⁵⁵⁷

557) Ombudsmen and Human Rights Organizations, by Layla Tikla, Ribat, <http://www.ahram.org.eg/Archive/2003/9/30>; Also see Abdel-Munim Hamdi (1981), Ombudsman Bureau – Origins, Evolution, and Mandate, Dar-al-Jeel, Beirut, Lebanon.

Later, an Ombudsman Bureau was established under the Prime Ministry as one of its departments per Prime Ministry Administrative Regulation No 23 of 1999. Shortly thereafter, in 2001, it was cancelled for a number of reasons, most notably its lack of a clear mandate and the needed independence, as well as the lack of a defined structure and administrative system and lack of funding. ⁵⁵⁸

On 16/4/2008, the Ombudsman Bureau Law⁵⁵⁹ No 11 of 2008 was officially enacted as a national institution with financial and administrative independence and legal personality ⁵⁶⁰ according to Bureau Law No 11 of 2008. The Bureau is managed by a President, who is appointed by a decision of the Council of Ministers upon the Prime Minister's recommendation ⁵⁶¹, endorsed by a Royal Decree.

The President must work on a full time basis and may not engage in any other work, employment, or profession. The President is to be appointed for a four year term, which may be renewed once.

The President is to be appointed with the rank and salary of a working minister and shall exercise her/his authorities in organizing the Bureau and managing and overseeing the expending of its allocations.

558) Ombudsman Bureau Report 2009 published on the Ombudsman Bureau website, <http://www.ombudsman.org.jo/>

559) The Ombudsman Bureau Law was published in the Official Gazette, Vol. 4900, page 1260, on 16/4/2008.

560) Article 3 of the Law states, "(a) A bureau known as the 'Ombudsman Bureau' shall be established in the Kingdom, and shall have a legal personality with financial and administrative autonomy. As such, it may perform all legal acts necessary to achieve its objectives, including acquiring and disposing of movable and immovable assets, concluding contracts with third parties, and shall have the right to litigate. The Civil Attorney General may represent it in legal proceedings. (b) The main office of the Bureau shall be in the city of Amman. It may open branches or offices in any of the Kingdom's governorates. (c) It is prohibited to inspect the Bureau's head office, branches, or offices without a judicial order and in the presence of the Attorney General, provided that the President is notified thereof. Any contrary procedure shall be void."

561) Article 5 of the Ombudsman Bureau Law states, "(a) Management of the Bureau shall be undertaken by the President, who is appointed according to a decision of the Council of Ministers upon the Prime Minister's recommendation, endorsed by a Royal Decree. (b) The President shall work on a full time basis and may not engage in any other work, employment, or profession. (c) The President shall take the following oath before the King: I solemnly swear to be faithful to the King and the nation and to safeguard the Constitution, and to respect the laws and regulations in force, and to carry out my duties and responsibilities with honour, trust, impartiality, and dedication. (d) The President shall be appointed for a four year term, renewable once. (e) The appointment of the President shall be with the rank and salary of a working minister and shall exercise her/his authorities in organizing the Bureau, its management and overseeing its expenditure."

Capacities: Resources

Practice: To what extent does the Ombudsman Bureau have adequate resources to achieve its goals?

Score: 50/100

Under the Law, an item is dedicated in the State budget ⁵⁶² in which the financial resources are budgeted to administer the Bureau's activities. Its annual budget appears within the budget of the government independent units. The President of Bureau shall assess the required budget and present it to the Prime Minister. The government makes its opinion on the budget either by reduction or keep it as is. The budget is discussed together with the general budget in the Parliament. This makes a challenge and obstacle to the Bureau.

The budget's reduction or increase is subject to the financial situation of Jordan which in general suffers from indebtedness. Therefore, the Executive and Legislative Authorities try to frequently cut down expenditures of the independent ministries and institutions.

The Law does not include any explicit clear provision referring to the authority of the Bureau to receive aid ⁵⁶³. Thus, the Bureau shall obtain permission for grants and contributions provided to it. As for the Ombudsman Bureau budgets during the previous years, it is notable that at beginning of 2009 the budget was almost double the budget of 2010 meaning to say a significant reduction that barely covers the workers' salaries.

The Bureau therefore is unable to organize media campaigns, pay remuneration or recruit experts when necessary. That would constitute a substantial obstacle facing the Bureau to carry out the technical roles charged with it. The following table illustrates the budget of the Ombudsman Bureau throughout the previous years. It shows fluctuation of the budget between the estimated and actual, and that current expenditures form the largest share of the budget. ⁵⁶⁴

562) Article 22 of the Ombudsman Bureau Law states that, "The Bureau shall have special budget that is scheduled within the state's general budget."

563) Article 3 (a) of the Law states, "A bureau known as the 'Ombudsman Bureau' shall be established in the Kingdom, and shall have a legal personality with financial and administrative autonomy. As such, it may perform all legal acts necessary to achieve its objectives, including acquiring and disposing of movable and immovable property, concluding contracts with third parties, and shall have the right to litigate. The Civil Attorney General may represent it in legal proceedings."

564) State general budget for 2009 down to 2015

Estimated Budget and Actual Expenditures of the Ombudsman Bureau 2009-2015 (JD)						
Year	Budget/ Estimate			Actual		
	Running	Capital	Total	Running	Capital	Total
2009	900000	200000	1100000	584030	194293	778323
2010	767000	46000	813000	681391	42338	723729
2011	716000	28800	744800	681585	26832	708417
2012	873500	89250	962750	674328	70098	744426
2013	803000	62000	865000	660030	55564	715594
2014	899000	165000	1064000	595650	59338	654988
2015	953000	100000	1053000			
2016	884000	90000	974000			

The general budgets of the Bureau ranged from approximately one million USD to one million and a half USD.

Capacity: Independence

Law: To what extent is the Ombudsman Bureau independent under the Law?

Score: 50/100

According to the Law No 11 of 2008, the Ombudsman Bureau is a national institution with administrative and financial independence and legal personality ⁵⁶⁵. With regard to the Ombudsman Bureau's technical independence, the Law comprises a clause that entails a quantum leap in the Bureau's work.

565) Article 3 of the Law states, "(a) A bureau known as the 'Ombudsman Bureau' shall be established in the Kingdom, and shall have a legal personality with financial and administrative autonomy. As such, it may perform all legal acts necessary to achieve its objectives, including acquiring and disposing of movable and immovable property, concluding contracts with third parties, and shall have the right to litigate. The Civil Attorney General may represent it in legal proceedings. (b) The main office of the Bureau shall be in the city of Amman. It may open branches or offices in any of the Kingdom's governorates. (c) It is prohibited to inspect the Bureau's head office, branches, or offices without a judicial order and in the presence of the Attorney General, provided the President is notified thereof. Any contrary procedure shall render void."

Article 8 of the Law states that “The President shall exercise their authorities and duties in full independence and governed only by the law. The President shall not receive any instructions or orders from any party or authority.” In the same context, it is obvious that the Ombudsman Law entrusted the administrative, financial, and technical authorities with the President of the Bureau. This reflected on the structure of the Law as a whole. Most of the provisions regulate authorities of the President, entrust him with the powers, regulate technical and procedural aspects in the hands of the President but such Law failed to cater for the institutional structure of the Bureau based on standards of roles and technical authorities.

While the Law is composed of 24 Articles, 15 of them pertained to the President’s role and authorities giving the President great influence, without emphasizing the role of institutional frameworks in regulating the Bureau’s activities. ⁵⁶⁶

The President of the Ombudsman Bureau is appointed by a decision of the Council of Ministers based on the Prime Minister’s recommendation and endorsed by a Royal Decree. The President is appointed with the rank and salary of an active minister and exercises her/his authorities in regulating and managing the Bureau and its expenditures for a term of four years ⁵⁶⁷, renewable for once. The Law did not include any provision prohibiting the dismissal or retirement of the President before the end of the term specified in the Law.

Nevertheless, employees of the Ombudsman Bureau are subject to a salary scale and manpower tables, and the Civil Service system is applied on them in all employment matters since they are public employees, which will naturally have an impact on employees’ independence. Furthermore, the Bureau lacks the capacity and readiness to recruit expert and competent staff, because it is a singular type of entity with a special mandate that requires high quality expertise and competencies.

566) Articles 1, 4, 5, 7, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, and 23 indicated that the President exercises all these powers.

567) Article 5 of the Ombudsman Bureau Law states, “(a) Management of the Bureau shall be undertaken by the President, who is appointed according to a decision of the Council of Ministers upon the Prime Minister’s recommendation, endorsed by a Royal Decree. (b) The President shall work on a full time basis and may not engage in any other work, employment, or profession. (c) The President shall take the following oath before the King: I solemnly swear to be faithful to the King and the nation and to safeguard the Constitution, and to respect the laws and regulations in force, and to carry out my duties and responsibilities with honour, trust, impartiality, and dedication. (d) The President shall be appointed for a four year term, renewable once. (e) The appointment of the President shall be with the rank and salary of a working minister and shall exercise her/his authorities in organizing the Bureau, its management and overseeing its expenditure.”

The Bureau handles hearing complaints relating to any of the decisions or procedures or practices issued by the General Administration or their staff or refraining from doing any of them, and to make proposals and recommendations, including simplifying administrative procedures to enable people to benefit from the services being rendered by the General Administration effectively and readily within the framework of rule of law and equity, and discarding all that hinders the sound and effective administrative processing of people's issues, with a view to achieve principles of integrity, transparency and administration of rights and protection of liberties.⁵⁶⁸

Practice

In actual practice, to what extent is the Bureau independent?

Score: 25/100

The Ombudsman Bureau commenced operations on the 1st of February 2009 by receiving the complaints of individuals and institutions against the General Administrations, verifying validity thereof and settling them.

With the exception of the President of the Bureau, employees are appointed through the Civil Service Bureau. Prior to that, there was an independent hiring committee formed by the Bureau of some of the Bureau employees, as well as employees from other institutions, to enhance integrity in hiring. This is not found in the law, but as part of the President's powers in accordance with the Law. After the government adopted the structuring of public institutions and public service institutions, appointment became through the Civil Service Bureau, through holding general examinations to all job applicants. However, this constitutes an obstacle and challenge to the Bureau's activity because the Civil Service Bureau places general conditions and qualifications to hold posts, without setting specific conditions and rules for some positions requiring special experience and qualifications commensurate with the nature of competencies and roles undertaken by the Bureau. According to the latest figures, number of Bureau staff members is 60. The President has two assistants and a number of consultants and employees.

568) Article 12 of the Bureau's Law provides that "Bureau shall assume the following tasks and authorities: a) Hear complaints relating to any of the decisions or procedures or practices issued by the General Administration or their staff or refraining from doing any of them. No complaint may be accepted if filed against the General Administration if the scope of appeal is legally established before any administrative or judicial authority or if the subject matter of the complaint is being considered by any judicial authority or already adjudged; b) Make recommendations for simplification of administrative procedures to enable people to take advantage of the services being rendered by the General Administration effectively and readily through the complaints filed to it in this regard.

However, the nature of administrative work and restructuring adopted in Jordan since 2013 required that the government adopts of approaches for merging institutions; Ombudsman Bureau shall be merged with the Anti-Corruption Commission under the name of the National Centre for Integrity and Anti-Corruption. The law is still negotiable in the Parliament.

Undoubtedly, this reflected negatively on the general performance of the Bureau during the previous year. Therefore the competent public authorities should expedite ratification of the law and adopt a clear mechanism and an action plan.

The independence of the Bureau has mostly been affected following the end of the President's term when the president of the Legislation & Opinion Bureau was entrusted with the functions of the Bureau's president, notwithstanding the illegality of the action.

This has had more negative damage to the effectiveness and independence of the Bureau. The president of the Legislation & Opinion Bureau works in the Executive Authority and part thereof. ⁵⁶⁹

In 2009, a Royal Decree was issued appointing Mr. Abdul Ilah Al Kurdi as president of the Bureau. Following expiry of his term, no resolution was issued for renewal. The President of the Legislation & Opinion Bureau was assigned to chair the Bureau to date.

Governance: Transparency

Law: To what extent are legal provisions available to ensure the public's access to information regarding the Bureau's activities?

Score: 50/100

The Law contains no reference to the public's ability to access information or activities of the Ombudsman Bureau. No specific Articles were included to address the publication and transmission of information to the public, yet the Law contained references that all information and procedures pursued by the Bureau are strictly confidential and may not be viewed by anyone other than Bureau personnel authorized by the President, unless the President decides that the circumstances require information to be public or that this would assist in concluding a given case. ⁵⁷⁰

569) For more info about the legal wrangling towards the issue, please see the link: <http://www.ilanews.net>

570) Clause "b" of Article 15

The Law provides that the Bureau President must issue an annual report of its activities, annual outcomes, and the opinion of related bodies defending complaints, and the Bureau responsiveness thereto.

The report is to be submitted to the Council of Ministers and the Prime Minister must provide copies to the House of Representatives and the Senate. Thus, we find that this clause entrenches the Bureau's functional and administrative subordination to the Prime Minister who is required to forward the annual reports to Parliament. Also, the Law does not indicate the Bureau President's authority to publish the report to the public, hold press conferences about it, or discuss it with parliamentary committees.

Nevertheless, in this context the Law does include a clause obliging the Bureau President to inform the complaining party and the defendant ⁵⁷¹ of the results of the investigation or measures taken to resolve the complaint.

However, the instructions issued by the Bureau on accepting and considering complaints have placed general restrictions on the complaints. All of the Bureau's procedures regarding complaints submitted to it and all the information the Bureau gathers are strictly confidential.

They may not be disclosed to any other party than those concerned unless the President deems that the circumstances require such to be available to the public, or that this would assist in concluding a given case, and may not be publicized without the President's approval if necessary in the given circumstances. The President may also assess the circumstances that require protecting the identity of the complainant and the special task force and all Bureau employees shall comply therewith. ⁵⁷²

571) Article 15 clause "f" states "The plaintiff and defendant shall be notified of the President's decision and of the conclusions of the procedures taken

572) Article 16 of the Instructions for Accepting and Considering Complaints No 1 of 2009 issued by the Ombudsman Bureau. Please see link: <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=14>

Practice

To what extent, in terms of practice, is transparency available within the activities and events of Bureau's decision-making?

Score: 50/100

The Ombudsman Bureau official website provides a variety of complaint forms and information on the Bureau's tasks and methods for submitting complaints. However, it does not have a form to request the right of access to information in accordance with the law on guaranteeing the right of access to information.

In practice, there are many complications in coordination among control institutions that receive complaints from citizens, such as the Anti-Corruption Commission, Ombudsman Bureau, Audit Bureau, National Centre for Human Rights, and National Family Affairs Council. This matter was mentioned in the executive plan for enhancing the national integrity system, which indicated the importance of creating legislative frameworks to ensure coordination and harmony among control institutions, preventing overlapping authorities, and encouraging the sustained exchange of information and reports and building a unified national database. ⁵⁷³

In spite of these procedures, the Bureau has fallen short of the level and rank of stable and established institutions. Citizens are unfamiliar with the authority and jurisdiction of the Bureau. This is because the Bureau did not market itself through intensive media campaigns and awareness-raising for the public of its mandate and how to file a complaint. Moreover, its insufficient funding prevented the implementation of any community activities in general and made it difficult to expand or open branches in other governorates, among other measures. A study in 2012 indicated that the Bureau had communicated with the media only 11 times; five with newspapers, three with radio stations, two with television, and only once to news websites. ⁵⁷⁴

The annual reports of the Ombudsman Bureau are published on the website from 2009 down to 2012. The reports for 2014 and 2015 have not been published to date. The Bureau's website provides forms for individual, group and electronic complaints. However, the Bureau is required to play more effective roles for marketing its competencies, mechanisms, ensure periodic and recurrent publication and maximize disclosure of its information.

573) National Integrity Action Plan – Jordan

574) Husain Al-Rawashideh, article entitled "Queues at the Ombudsman Bureau"; See link <http://rawafednews.com/news/50214>

Governance: Accountability

Law: To what extent do legal provisions exist to ensure the accountability of the Ombudsman Bureau for its actions?

The Law does not provide a general framework of accountability of the Bureau's work as an institution. Rather, it combined all procedures to the Bureau President. The Law stipulated a number of conditions for holding the position of the Bureau president. The Law also allowed termination of the president following the same appointment method in certain cases, including inability to perform due to health issues, or if the president is sentenced for a crime or misdemeanour involving moral turpitude, if the president is absent for a period of three months without a justifiable excuse, or lost one of the appointment conditions. ⁵⁷⁵

The Law also requires that the President assumes full time job and takes the oath of office prior to commencing work. The president may not hold another post as one of the legal accountability measures. Nevertheless, these measures are inadequate and counterproductive because linking all of the Bureau's work with the sole person of the President has negatively impacted the institutional structure of the Ombudsman Bureau. ⁵⁷⁶

Also, the Law does not include any control mechanism or institution to extend control over the activities, decisions and recommendations of the Bureau. The exception is the Audit Bureau that audits the Ombudsman Bureau's financial decisions to ensure compliance with the Law.

575) Article 11 of the Law states, "(a) The President's service shall self-terminate if s/he is convicted, by a competent court, of a felony or an honour or public morality misdemeanour, and as of the date that such ruling becomes final. (b) Relieved from her/his post in the same manner as stipulated in Article (5) of this Law, when any of the following cases occurs: 1) If s/he becomes physically or mentally incapable of carrying out her/his duties and authorities pursuant to a medical report issued by an official governmental body(ies). 2) Absence from work for more than three months without a justified cause. 3) Loss of any of the conditions listed in Article (4) of this Law. (c) The Assistant shall be relieved from her/his post by a decision of the President when the following case occur: 1) If convicted of a felony or an honour or public morality misdemeanour. 2) If s/he becomes physically or mentally incapable of carrying out her/his duties and authorities pursuant to a medical report issued by an official governmental body(ies). 3) Absence from work for more than fifteen consecutive days, or thirty interrupted days, in any one year, and without a justified cause that is accepted by the President.

576) Article 5 (b-c) states, "(b) The President shall work on a full-time basis, and may not engage in any other work, employment, or profession. (c) The President shall take the following oath before the King: 'I solemnly swear to be faithful to the King and the nation and to safeguard the constitution, and to respect the laws and regulations in force, and to carry out my duties and responsibilities with honour, trust, impartiality, and dedication.'

Researcher in the Ombudsman Bureau Law finds it marred with numerous shortcomings that preclude it from carrying out its duties to the fullest. While the objective behind establishing the Ombudsman Bureau is to protect human rights, strengthen the right to submit complains and address public authorities, and reinforce the culture of hearing citizens' concerns, which is a priority of wise management, as well as fortifying the transparency and integrity of administrative services⁵⁷⁷, the Ombudsman Bureau Law is devoid of any reference to the Bureau's goals with the exception of Article 12, which speaks of the Bureau's powers, although this was eclipsed by the organizational side of defining the President's authorities and tasks and other technical aspects of the role that was hoped to be achieved in establishing the Bureau.

Furthermore, the law failed to provide that the authorities of the Parliament include discussing the report of the Ombudsman Bureau, and that the Bureau is not required by law to publish its reports to the widest possible. The law did not grant the reports and recommendations of the Bureau any advantage or formalized them before Judiciary; even the activities of the Bureau staff are considered the same as civil servants activities.

Practice: In terms of practice, to what extent is the Ombudsman Bureau held accountable for its acts?

Score: 50/100

Article 17 of the Jordanian Constitution emphasizes that Jordanians have the right to communicate with public authorities regarding their personal matters or in connection with public affairs according to the methods and conditions provided in the Law.

The establishment of an agency such as the Ombudsman Bureau as a control agency is an implementation of this Article.

However, practical application and practices⁵⁷⁸ demonstrate the lack of a clear vision on the Bureau's mechanisms and procedures, even though the political will does exist as expressed on numerous occasions.⁵⁷⁹

577) See Ismail, Issam Neameh, (2009), "Legal Nature of Administrative Decision-Making, A Detailed Study", Al-Halabi Legal Publications, Beirut, Lebanon.

578) Dr Yahya Ahmad Bani Taha, Binding Nature of Jordanian Ombudsman Bureau President's Decisions According to Ombudsman Bureau Law No (11) of 2008.

579) The National Charter indicates the necessity to establish an ombudsman bureau as one of the pillars upholding the rule of law. In his fifteenth Speech of the Throne before the Parliament on 2 December 2007, the King spoke of the need to expedite enacting the Ombudsman Bureau Law.

As for accountability, the employees of the Ombudsman Bureau are subject to the Civil Service System and the Employee Code of Conduct, and are subject to accountability just as the civil servants are. Furthermore, there is an internal control unit that follows up on internal violations. The Ombudsman Bureau is also subject to accountability by the Audit Bureau with regard to financial and administrative aspects and budget spending decisions.

The Parliament as well as the public may review, analyse, criticize, and monitor the Bureau's annual reports, although no provision is available binding publication if the foregoing were not published. It is observed that reports of 2014 and 2015 were not published to date. The reports already published were deliberated and communicated by media. The Parliament and civil society organizations failed to address the reports.

Governance: Integrity

Law: to what extent are laws with mechanisms are available to ensure integrity of the Ombudsman Bureau?

Score: 50/100

According to the Law, the Bureau's mission is to receive and investigate complaints against any decisions, procedures, practices, or failure to implement any of these, committed by the General Administration or its employees. No complaint against the General Administration will be accepted if the subject matter of the appeal is being considered by another administrative or judicial body, or if a judicial ruling has already been issued. ⁵⁸⁰

580) The instructions issued by the Bureau on accepting and considering complaints, No 1 of 2009, set out the possible situations for submitting complaints to the Bureau as follows: "The complaining party may file a complaint to the Bureau that includes the necessary information and data, if any, to reinforce the idea that the measure that is the subject matter of the complaint be included in one or more of the following cases: a. Discrimination in treatment or in entitlements of any kind or reason attributed to the Public Administration or its employees concerning any service recipient or owners of guaranteed rights. b. Unfairness, abuse, or failure to achieve equality. c. Violation of provisions of legislation in force, including the constitution, agreements, and covenants ratified by the Kingdom, and regulations and instructions that are applicable according to the requirements of the principle of legality. d. Mismanagement or failure to carry out an administrative procedure, action, or practice required by law or required with the aim of sound management according to the best standard applied to protect guaranteed rights. h. The measures that are complained against are based on unlawful instructions or apply procedures and standards that are unjust or unfair to any individuals or groups targeted for their application. i. Neglect or omission or error attributable to the General Administration or its employees. j. The Public Administration's failure to or refraining from offering prescribed services or carrying out the tasks assigned to it according to the legislation regulating its work. k. The executive measures taken concerning any guaranteed rights are insufficient, ineffective, inequitable, or entail the violation of any guaranteed rights.

Despite the authorities granted to the Bureau by virtue of the Law, the decisions of the Bureau are not binding to the defendant institutions. The decisions are more like recommendations made by these institutions, or addressing the Prime Minister .⁵⁸¹

Employees of the Bureau are subject to the Employee Code of Conduct for public employees. Also, the Bureau President is subject to the Illicit Enrichment Law.

The Law made no mention of penalties to be applied against the perpetration of crimes by the Bureau's employees. Rather, they are subject to the Penal Code that regulates all crimes and their punishments

581) Article 18 of the Law states, "If it becomes apparent to the President, after concluding her/his procedures, that the Public Administration's decisions, procedures, or omission thereof, includes any of the following: (a) Violation of law. (b) Injustice, abuse or inequality. (c) Based on unlawful instructions or unfair procedures. (d) Carelessness, negligence, or error. The President shall write a detailed report of such and send it to the Public Administration complained against, and s/he shall have the right to present the appropriate recommendations regarding the subject matter of the complaint.

Also, Article 15 states the procedures the Bureau should take to accept complaints, as follows: "(a) In the case where a decision was made to accept the complaint, the President shall commence taking all procedures to resolve the complaint in the fastest possible manner, and using the means which s/he finds appropriate. (b) The procedures taken by the President are confidential. Apart from the Bureau's employees duly authorized by the President, the procedures may not be disclosed, unless the President decides the existence of circumstances that require their publicity or if such a measure would facilitate resolution of the complaint. (c) The President shall send a memo including a copy of the complaint to the party complained against. The party complained against shall respond to the President's memo within a period not to exceed fifteen (15) days from the date of receipt of the memo. In certain cases, weighed by the President, s/he may extend this period. The President shall have the right to request the supply of authenticated copies of documents, papers, records or information related to the subject matter of the complaint. (d) If the party complained against fails to send its response to the President's memo within the period set in paragraph (c) of this Article, or refuses or abstains from supplying any of the documents or information requested by the President, in such cases the President may communicate the matter to the Prime Minister in order to take the necessary procedures in this regard. (e) The President shall take her/his decision regarding the complaint submitted to her/him, based on the response of the party complained against that is presented in accordance with paragraph (c) of this Article. The President's decision shall include the conclusions of the procedures taken and the recommendations issued by her/him in relation to the subject matter of the complaint. (f) The complaining party and the party complained against shall be notified of the President's decision and of the conclusions of the procedures taken.

Practice: To what extent is the integrity of the Ombudsman Bureau guaranteed in actual practice?

Score: 25/100

No real case relating to corruption of Ombudsman Bureau employees has been monitored. The annual report contains all information and data relating to the institutional framework of the Bureau and the employees receiving training courses and skills necessary to undertake their duties properly.⁵⁸²

However, no specified training course was found concerning the integrity of those working at the bureau, international standards, and the best practices in this field.

Role: Investigation

Law: To what extent is the Ombudsman Bureau active and effective in handling complaints submitted by the public?

Score: 50/100

According to the Law, the Bureau's mission is to receive and investigate complaints filed on any decisions, procedures, or practices, or failure to implement any of these, committed by the General Administration or its employees. No complaint against the General Administration will be accepted if the subject matter of the appeal is being considered by another administrative or judicial body, or if a judicial ruling has already been issued.

The Ombudsman Bureau website provides an individual complaint form, and another for group complaint. Any person may submit a complaint, whether by visiting the Bureau in person or electronically through the Bureau's official website. There is also a set of procedures that must be followed once the complaint is received, according to the following:

1. When a complaint is received, the competent officer examines data and records it in the incoming complaints register, saves all documents and data in a special file. It is then referred to the managing director along with a memorandum including a summary of the subject of the complaint, its facts, and a recommendation whether to accept the complaint in form.

⁵⁸²) Ombudsman Bureau website: <http://www.ombudsman.org.jo/>

2. The designated director commences an initial study of the complaint and produces a descriptive report to the Assistant comprising a recommendation of whether to accept the complaint in form, and the procedures the Bureau could pursue to address the complaint.
3. In light of the descriptive report, the Assistant shall express the recommendation to the President who may issue any of the following decisions, vetting justice and equity:
 - a. Reject the complaint in form due to disqualifications, or reasons that the defendant falls beyond the jurisdiction of the Public Administration.
 - b. If the complaint is dismissed for lack of jurisdiction; the President may direct the complainant to the competent authority.
 - c. The complaint requires more research and investigation in order to be accepted.
 - d. Accept the complaint in form and complete examination of the complaint according to the specified aspects and dimensions. Or accept the complaint in substance and take the needed measures to resolve it as quickly as possible using the methods deemed appropriate.

Procedures following acceptance of the complaint:

1. Communicate with the defendant informing it of the complaint filed against it together with the attachments. The Bureau will request a response regarding the complaint within no more than fifteen days. The Bureau must be supplied with the necessary information and documentation to address the complaint. In special cases, the President may extend the deadline.
2. Communicate with the complainant, hearing their depositions and statements, requesting any supporting documentation, and informing them of the defendant's response, if necessary.
3. The President or the delegate may visit the Public Administration at any time to review all existing documents and papers needed to conduct its tasks.
4. Having completed all information responses and the information collected, the competent authorities in the Bureau or special task force created for this purpose shall conduct the main investigation and submit its report on the initial results of the investigation with its recommendations to the Assistant who, in turn, makes her/his recommendation to the President on whether the complaint needs further investigation or not.

The decision making procedures:

- 1- The President shall examine the special report and issue the final decision regarding the complaint, stating whether the measure or action against which the complaint was filed abuses the guaranteed rights or was a breach of the interests of justice and fairness. The President shall write a detailed report and send it to the defendant and may produce certain recommendations as it deems appropriate if the complaint entails one of the instances stated in Article 18 of the Law.
- 2- The complainant and defendant shall be notified of the decision within the timeframe specified in the procedures taken or that will be taken in accordance with the decision.
- 3- In the event the President concludes that the General Administration has undertaken the whole necessary legal procedures and that the executive measure taken was sound and consistent with the principles of justice, then the President shall inform the plaintiff and defendant accordingly.
- 4- The President's decision shall include the details of the facts according to which the decision was made, and outline the details of the procedures followed in cooperation with the special task force, and any other procedures that are recommended to follow in the future.
- 5- The President may one or more decisions based on any of the following grounds:
 - a. No factual or objective basis for the complaint.
 - b. The complaint was filed in bad faith.
 - c. There was no concern or true and actual willingness on the part of the complainant to complete and justify the investigation.
 - d. Other means exist to resolve the dispute or provide compensation instead of resorting to the Bureau, which the complainant has not yet utilized or has not presented sufficient justification for not utilizing these means.

However, the Bureau may not accept complaints from the companies in which the government has 25% contribution.

Number of applicants who filed complaints against the General Administration with the Ombudsman Bureau in 2013 was (1037) from which 781 were accepted and the remaining rejected. The number of complaints accepted without any administrative mistakes was 257, 378 under official follow-up, and 16 kept for incomplete documentation. Thus, the Bureau activity during the year was limited to 130 complaints only with evidence of administrative violations. The Bureau managed to resolve 105 complaints either officially or amicably while 25 are still unresolved. ⁵⁸³

⁵⁸³) for more info. Please see the link: <http://islahnews.net/316679.html>, the annual report of 2013 on the official website of the Ombudsman Bureau, despite inability to read the report published on the website for some error technical error on the website.

In 2009, number of complaints received by the Bureau was 2761 distributed between 64 public institutions; 1239 were accepted. Number of complaints found to be based on administrative errors was 327. The Bureau managed to resolve 264 complaints, while recommendations were made to 63 complaints, and 641 complaints lacked administrative errors, forming 51.74% of total complaints.⁵⁸⁴ Implementation of the above reports or recommendations in general has not been provided for in the Law and never found interaction from the recipient institutions.

Role:

Fostering Good Practices: To what extent is the Ombudsman Bureau active and effective in awareness-raising efforts within the Government chambers and among citizens regarding ethical standards?

Score: 25/100

In terms of the effectiveness and capacity to receive citizens' complaints, although the Bureau's head office is relatively suitable, with its halls, special rooms, and offices to receive complaints from citizens, the limited institutional powers, focused on the President's decisions and limited resources will all prevent the Bureau from effectively fulfilling its role.

One of the main obstacles plaguing the Bureau's endeavours is the ignorance of the General Administration of the Ombudsman Bureau's role. The Bureau should be granted a greater role by the Parliament, and holding the Executive staff liable should be activated upon its recommendations.

Some provisions of the law should be amended to grant Ombudsman Bureau authorities to produce reports to the Council of Ministers and Parliament, as well as the authority to inspect centres and administrations, summon employees and take their statements, and to hear their testimonies under oath.

The Ombudsman Bureau needs greater independence through limiting connection with the Government, and connecting it with the Parliament, as appointments should not be through the authority providing supervision and control. Authorities of the Bureau should be enhanced in the law.⁵⁸⁵

584) The annual report of the Ombudsman Bureau of 2009

585) See "Control Organizations and Accountability Systems in the Palestinian Public Sector", prepared by researcher Jihad Harab, and Ahmad Saeed Momini (1991), "Grievances Judiciary, Islamic Administrative Judiciary", First Printing, Cooperative Printers Association, Amman, Jordan.

Considering all these inputs, we could say that the role and effectiveness of the Bureau is minimal compared to the aspired roles consistent with the roles undertaken by the Ombudsman Bureaus worldwide, in accordance with the best experiences.⁵⁸⁶

The scarce financial resources has had a negative impact on the Bureau's performance, weakened its ability to seek help of experts and investigators, and prevented it from organizing media campaigns to educate citizens on the role and importance of the Ombudsman Bureau.

Moreover, the Bureau does not have capabilities for allocating a portion of its budget for employee incentives and bonuses, and cannot appoint qualified employees directly, as it is governed by the Civil Service System, which defines the salary scales for all public sector employees according to educational qualifications.

Consequently, a draft law was adopted whereby the Ombudsman Bureau was integrated with the Anti-Corruption Commission into one institution. In addition, a department or agency was created to be concerned with fostering integrity and its values. The draft law is currently before the House of Representatives pending deliberations for more than a year. This long delay has reflected on the Bureau's performance and caused a further decline in its effectiveness.

Recommendations

1. Acceleration of passing the national law on integrity and anti-corruption under which the Ombudsman Bureau will be integrated with the Anti-Corruption Commission and coordination with the regulatory institutions will take place.
2. Identify the best international examples of creating control and integrity institutions and benefit from these experiments.
3. Grant actual financial, administrative, and technical independence to the control institutions to practice their respective tasks with full impartiality and integrity, and entrust these tasks to the House of Representatives and its special committees.
4. Explicitly provide for publication of annual, sectoral, and periodic reports for public view with no restrictions.

586) See link for the Association of Mediterranean Ombudsmen: http://www.ombudsman-med.org/eng/index.php?id=&id_sp=

5. Restructure and reorganization to ensure the desired objectives of control agencies are achieved and enable them to perform their roles.
6. Develop a national database to constitute a reliable reference for all bodies to observe and assess progress made.

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Audit Bureau

Summary

The Audit Bureau is considered one of the most important control agencies in Jordan in view of its role in monitoring the public institutions, departments, municipalities and companies in which the government holds a share of more than 50%. Given credibility achieved during the previous years, it has gained popular and institutional confidence in its work.

However, in the light of the divergence and expansion of the roles entrusted with the ministries, it has become imperative and necessary for the Bureau to adopt an action plan for technical and administrative reform which can keep pace with the volume of development in the official departments, in addition to examining the international best practice in exercising the financial control and urgent adoption of the International Accounting Standards (IAS) for the effect they have on controlling the public spending.

The Audit Bureau in Jordan is concerned with developing internal and external mechanisms and procedures to extend control over expenditures and revenues, and over pre and post audit procedures, as well as the inclusion of the modern control instruments.

Duplication of work and lack of coordination between the monitoring institutions in Jordan is a fundamental impediment to the progress of these institutions.

In the same context, it is important to emphasize that the Audit Bureau Law is in great need to an amendment that guarantees full independence to the Bureau in exercising its powers, and enables the Bureau's staff to carry out their work by granting them powers of the judicial police and develop penalties to institutions that are non-cooperative with the Bureau. The amendment should also include the activation of legal accountability regulations in accordance with the international transparency and integrity standards, including development of specific quality and technical control standards, and extension of mandate and jurisdiction of the Bureau the widest possible.

The below table summarizes total scores of the Audit Bureau in Jordan by capacities, governance and role in terms of law and practice:

Overall Score: 54/100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 75/100	Resources	-	75
	Independence	75	75
Governance 58/100	Transparency	50	50
	Accountability	75	50
	Integrity	25	50
Role 58/100	Effective review of accounts	50	
	Uncover and penalize misconduct	75	
	Improvement of financial management	50	

Organizational Structure

The idea of financial control in Jordan is fairly old compared to the political history of the emergence of Jordan. The first foundations for establishing an authority concerned with the audit dates back to 1928 when a branch was established in TransJordan termed ‘Accounts Review Department’ with a view to audit the financial accounts of the Emirate of TransJordan. In late 1930 this branch was renamed to ‘Accounts Audit Department’.⁵⁸⁷

In 1931 the Law on the Auditing and Verification of Accounts was issued whereby the Department of Auditing and Verification of Accounts was established on the basis of Article 19 of the original law of the Emirate of TransJordan.⁵⁸⁸ The task of this department was to examine the revenues, costs, deposits, and advances of the government’s accounts, including private funds recorded in the financial records of the State.

⁵⁸⁷) The Ministerial Decree published in issue 271 of the Official Gazette on 9/8/1930.

⁵⁸⁸) It provided that “The Emir as the Head of State has the right to ratify and issue laws and observe their implementation. He can only amend or defer laws or show indulgence in them in the situations and in the way given in the law.”

Although this law stipulated that the Department of Auditing and Verification of Accounts was attached to the Prime Minister's office, this link did not last long. In 1939 the Department was disengaged from the Prime Minister's office and attached to the Ministry of Finance.

In 1942 the Department was disengaged once against as it was in 1931, and was re-attached with the Prime Minister's office. This attachment lasted until 1949 when it was separated from the Prime Minister's office and attached to the Ministry of Finance and Economy. This attachment remained as is until 1952. The Law on Auditing [and Verification] of Accounts lasted until the Audit Bureau Law no. 28 was passed in 1952.

The promulgation of the Jordanian Constitution in 1952 formed the most important stage in the establishment of the Audit bureau, by virtue a clear and explicit constitutional deed under Article 119 of the Constitution "An Audit Office shall be set up by law for controlling the State's revenues, spending, and the manner of expenditure."⁵⁸⁹

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" In implementation of the constitutional provision, the Audit Bureau Law No. 28 of 1952 was passed.

Many amendments were made to the law in order to keep pace with the expansion of the government activity, and the economic and social development witnessed by Jordan at that period. The amendments also served the development of Bureau means and instruments to extend its control, according to international standards and best practice.

observe their implementation. He can only amend or defer laws or show indulgence in them in the situations and in the way given in the law."

589) Clause 1 of that same Article stated that "The Audit Bureau shall submit to the Senate and the House of Representatives at the beginning of each ordinary session, or whenever one of the Houses demands, a general report embodying its views and comments and indicating any irregularities committed and the responsibility arising therefrom." Paragraph 2 states "The law shall provide for the immunity of the Head of the Audit Bureau."

590) Published in the Official Gazette on p.174 issue no. 1105 of 16/4/1952.

Capacities: Resources

Practice: To what extent are there enough resources available to the Audit Bureau to achieve its goals in practice?

Score: 75/100

Under the law, the Bureau is an independent institution and providing financial control over public funds, State revenue and expenditures. The Bureau responsibilities include auditing accounts of the ministries, government departments, official public institutions, independent government institutions, municipal city councils, joint services councils, and the Greater Amman Municipality, as well as any other institution decided by the Cabinet, and companies in which the government holds a share of 50% or more. See the agencies under control of the Bureau.

Despite the law's reference to the Audit Bureau as an independent department ⁵⁹¹, the practice and some of the subsequent legal provisions have not included this independence or reinforced it in an optimum way. The financial, administrative, and control independence of the Bureau has not been strengthened optimally and its control is still unable to reach all institutions expending from the General Budget. Accordingly, it is not the department that has general jurisdiction in terms of financial control over the institutions or the agencies having public funds. The Bureau should be granted powers of the judicial police.

The Bureau is technically linked to the House of Representatives, and administratively to the Prime Minister who determines its budget and possible dismissal of its Head. This does not comply with international experience where the Prime Minister, the Executive Authority, or the Legislative Authority may appoint the head of the largest financial and administrative control institution. Such appointment is for a legally limited period of time that may not be prematurely terminated. This would provide independence, credibility, and sustainability to the progress and development the work of the Audit Bureau, and relieves it from any external pressures. ⁵⁹²

591) Article 2 of the Audit Bureau Law provides that "The Audit Bureau is an independent department and the Head of Bureau shall duly prepare its annual budget to be included within the State general budget.

592) For more info. Kindly visit the link: <http://www.alghad.com>

The Audit Bureau has a modern organizational structure which is subject to ongoing review and evaluation of its administrative, financial, and Human Resources departments, as well as the technical departments specialized in control being exercised by the Bureau. Its organizational structure also includes the Code of Conduct which emphasizes independence, objectivity, and neutrality, as well as paying attention to conflicts of interest in their work. The Code provides for professionalism and that staff should not be influenced by external factors in cases under review.

The law provides that the Head of the Bureau shall prepare the budget and allocate the financial resources of the Bureau. The budget shall be submitted to the Cabinet to be incorporated in the rest of the budget items. Usually, these allocations are taken into consideration by the Cabinet and the House of Representatives when they discuss the budget.

The budget of the Audit Bureau reached JD 8,139,000 (approximately \$ 11,627,143). The Bureau creates a durable strategic plan launched from the following dimensions:

- To combat all forms of financial and administrative corruption.
- To contribute to reforming the public financial administration systems of the State.
- To help strengthen the principles of legitimacy, transparency and accountability in administrative decision making within government departments.
- To help make appropriate and effective use of the resources available to the State.
- To help reinforce the institutional values and moral principles in the public service by preventing exceptions and undue interpretations practiced within government departments.
- To help the Executive Authority with redrafting legislations and laws, in line with the principles of control over public fund.
- To help the House of Representatives ensure the legitimacy of the work of the public sector through audit reports clarifying the various violations, as well as emphasizing any legislative, organizational, or institutional inefficiency, and proposing appropriate recommendations and solutions.⁵⁹³

593) see the press conference by the Head of the Audit Bureau – Jordan about preparation of a strategic plan, on the link: www.alrai.com/article/428924.htm, having reviewed the website the strategic plan referred to in the above statement was not found.

Capacities: Independence

The Law: to what extent does the Audit Bureau have independence?

Score: 75/100

The Audit Bureau Law experienced many amendments over the years 1959, 1962, 1963, 1987, 2002 and 2007.⁵⁹⁴

The Audit Bureau reports to the Parliament in terms of control, but administratively it reports to the Prime Minister who recommends appointment of the Head⁵⁹⁵ by a decision from the Cabinet. However, the Cabinet cannot terminate his employment without consent of the House of Representatives when it is in session. In case the House of Representatives is dissolved, termination is decided with the consent of the King. The House of Representatives will be informed when it is in session of the procedures taken, accompanied by the necessary explanation. Concerning the internal transactions and personal matters, the Head of the Audit Bureau shall report to the Prime Minister's office.

This procedure forms a challenge to the organizational and personal independence of the Head of the Bureau and his reporting lines, since the general rule for forming financial control institutions states that the law includes the mechanism for the formation to be prepared some time in advance during which the Head of the Bureau may not be dismissed or removed.

594) For more information please go to the Audit Bureau's website at: <http://www.audit-bureau.gov>

595) Article 5 of the Law states "The Audit Bureau is managed by a president who is appointed by the King based on a recommendation from the Cabinet. The House of Representatives is informed of this appointment. The head [of the Bureau] cannot be removed, dismissed or transferred to retirement, or any disciplinary penalties be imposed on him without the consent of the House of Representatives, if the House is in session, or with the consent of the King based on a recommendation from the Cabinet if the House was not in session. The Prime Minister shall notify the House when in session of the procedure accompanied taken accompanied with the necessary explanation. His personal matters shall be reviewed by the Prime Minister's office.

Notwithstanding the clear reference⁵⁹⁶ in Article 2 of the law that the Head of the Audit Bureau shall prepare the annual report of the Bureau for its incorporation in the general budget of Jordan, the current practice does not comply with the stated; the Head is subject to the control of the Executive Authority, specifically to the Ministry of Finance for review.

Usually, the budget is reduced under economic pressures and conditions that may affect the public budget of the State. This action constitutes a barrier before the activation of the Bureau's instruments in full. Therefore, this action infringes the financial and administrative independence that is supposed to be guaranteed by the law as in instrument to enhance the technical independence and the ability of the Bureau to practice its role of control without any influences.

In terms of the availability of sufficient and qualified personnel, the Audit Bureau, as an independent institution, has more flexibility in defining the salaries of employees and experts. However, following the restructuring of the public sector in Jordan, the independent institutions became subject to the Civil Service Bureau, which consolidated the payroll scale for all institution staff members, including the Audit Bureau. Including the staff of the Audit Bureau to the Civil Service System did not affect the salaries of the current staff, as they turned into rights, yet this could have a negative impact on the capacity of the Bureau to attract qualified individuals within the current salary scale in the future.

However, the Audit Bureau regularly takes advantage of aid from donors, which enables it to achieve its goals, especially to appoint experts and employees with appropriate salaries.

Moreover, the law permits the Head of the Bureau to issue the necessary guidelines for administration of work progress within the Bureau and to develop the appropriate manuals for this.⁵⁹⁷

596) Article 2 states that "The Audit Bureau is considered an independent department. The Head of the Bureau prepares his annual budget for incorporation in the general budget of the State in accordance with the guidelines."

597) Article 24 of the Law states that "The Head of the Bureau has the authority to issue directives to organize the workflow in the Bureau and put in place the necessary manual thereto."

Practice: to what extent is the Audit Bureau free from external interferences in performing its work?

Score: 75/100

The Audit Bureau is protected against external interferences in general. The past period witnessed stability in leadership positions of the Bureau Head and deputies. According to the Audit Bureau's report for the year 2014, released on March 26, 2015, the Bureau performed 457,989 audits over all the institutions under its control by virtue of the law ⁵⁹⁸. These assignments included pre-audits, post-audits, follow-up, and unannounced examinations. The Bureau, in practice, is applying the law provisions of the law on accountability although no independent assessment has been conducted on the Bureau in this respect.

The Audit Bureau submits an annual report of its activities before the Parliament copying to the Prime Minister, while publishing it on the website. The report is also published on the website of the Prime Ministry. Accordingly, the reference of the Audit Bureau shall be the Parliament, because the oversight role of Parliament requires follow up and correction of irregularities, if any, through the Executive Authority. Depending on the circumstances and needs, the Jordanian Parliament will ask the Head of the Bureau certain questions should the need arise. Usually the report includes detailed information on the assessment and the audit carried out by the Bureau during the period covered in the report, as well as any irregularities observed by the Bureau, and the procedures taken by the respective institution or ministry, in addition to any information, especially financial matters.

The Bureau or its personnel do not have the powers of the judicial police. However, the law provides for authenticity and applicability of the audit prepared by the Bureau auditors unless otherwise proved ⁵⁹⁹. Accordingly, the law does not grant these audits legal value of official support, meaning that the content of these audits may not be ignored except through forgery.

This has been the policy of the Bureau during the past periods. The Bureau executed and organized evidence on violations forming crimes, which shall be handled by the courts. Hundreds of violations have been referred in recent years to the competent courts as reflected in its report. According to the 2014 annual report, 4,541 cases were referred in 2014 and a decision was made on 1,532, while 3,009 cases are still being heard by the courts. ⁶⁰⁰

598) the Sixty Third Annual Report for 2014 , Audit Bureau , website link: www.audit-bureau.gov.jo/

599) article 20 of the bureau law states that "the audit prepared by the head of the Audit Bureau or an authorized personnel must be authenticated and applicable unless otherwise proved".

600) See the annual report of the Audit Bureau for 2014 through the link: www.audit-bureau.gov.jo

For other violations, the Bureau monitors the location of the violation and includes them in the report to be submitted to the Parliament. In turn, Parliament can question and follow up with the institutions committing violations and request them to correct their practices, or else will be referred to court. Therefore, the control of the Bureau is control over the procedures, and the extent of their compliance with the laws, regulations, and directives.

However, it should be mentioned that at the end of 2015 the Prime Minister passed a decision to move the head of the Audit Bureau to the Ombudsman Bureau. This decision gave rise to raising numerous questions. The Head of the Bureau refused to execute the decision once issued. After the decision was promulgated by the king, the Head of the Bureau made a statement that he would implement the royal decision.

Governance: Transparency

The Law: To what extent are legal provisions available to guarantee ability of the public to access information on the activities and decisions of the Audit Bureau?

Score: 50/100

As for the tasks of the Audit Bureau, article 119 of the Constitution stated that the main function of the Audit Bureau is to audit the State's revenues, expenditure, and spending methods. Article 3 of the Audit Bureau Law details such function in terms of auditing the State's revenues, expenditures, trust accounts, advances, loans, settlements, and warehouses as set out in the law. The Bureau is responsible for providing advice on accounting for the institutions under its control. It also controls public funds to ensure that they are spent correctly, legally and effectively. It also checks the sound application of the environmental legislation in force in coordination with the relevant authorities. The Bureau verifies that the decisions and administrative procedures of the audited institutions are carried out in accordance with the legislation in force. ⁶⁰¹

The Head of Bureau submits an annual report to the House of Representatives on the institutions under its control. The report includes notes and description of the violations committed and the liability resulting from them at the beginning of every ordinary meeting or upon request of the House of Representatives.

601) Article 3 of the Audit Bureau Law states that "The Audit Bureau shall assume the following functions: a) Auditing the revenues and expenditures of the State, its trust accounts, advances, loans settlements, and warehouses as stated under this Law. b) Providing advice in the fields of accounting for the institutions under its control. c) Auditing public money to ensure that it has been spent in a sound, legal, and effective manner. d) Ensuring compliance with the environmental legislation in force in coordination with the relevant authorities. e) Verifying that the decisions and administrative procedures in the institutions subject to the Bureau's control are carried out in accordance with the legislation in force.

Practice: To what extent does transparency exist in the activities and decisions of the Audit Bureau in practice?

Score: 50/100

Studies were conducted during 2013 for the purpose of identifying the impact of the computerized accounting information systems used in governmental institutions on the role of the Audit Bureau's auditors in strengthening accountability and transparency. These studies indicated that the computerized accounting information systems used in governmental institutions do have an effect on the role of the Audit Bureau, as such systems reinforce accountability and transparency, and that it is important to use computerized accounting information systems used in government institutions and enhance the duties of the Bureau, as such systems have a big role in accountability, transparency and integrity.

Accordingly, the effectiveness of the mechanisms and procedures used by the Audit Bureau vary depending on the capacity of the audited institutions to provide, compile and manage the data, as well as the maturity of the management systems of these institutions and the use of modern accounting equipment in the accounting field.

In the pursuit of the Bureau to provide its employees with standards of integrity and transparency, the Bureau uses its own Code of Conduct. All employees are required to sign the Code in an acknowledgement of compliance therewith. Furthermore, the Bureau develops field visit program to be paid by the Bureau staff to the institutions containing employees from the Audit Bureau to assess the organizational and professional aspects, as well as labor rights and the extent to which Bureau employees are complying with the professional rules and ethics in the audited institutions.

Any institution having a representative of the Bureau can communicate with the Bureau about the performance and behavior of the Bureau's employee, and provide feedback on that employee's performance so that the disciplinary panel can follow it up. The Head of the Bureau reported that a committee of senior staff chaired by the Secretary General of the Bureau makes monthly professional and behavioral assessment to the employees. In case of violations to the profession rules and ethics, disciplinary actions are taken against those committing the violations.

The Audit Bureau achieved a financial saving of over \$ 100 million in 2013. Although the saving has been somehow small compared to the volume of corruption and infringements, the Bureau's efforts are considered fundamental for shedding light on the agencies in which the government administration exists, as well as highlighting the unjustified public expenditure that abuses the treasury for no reason. The greatest crises faced by the Jordanian economy are concealed in the excessive overall rate of government spending and the admin staff redundancy.

In these cases the reports from the regulatory institution become very meaningful and significant for overcoming some of these crises and eliminating waste and uncontrolled spending.

However the follow up of the House of Representatives on these reports does not go beyond public discussion, which is not linked to the implementation mechanism.

The Audit Bureau website includes most of the information on its work and internal legislations. The Bureau publishes the annual reports on its website, and circulates copies to members of the House of Representatives. However, awareness and education have not been raised of the content of the reports of the Bureau issued to the public. The website does not include all annual reports of the Bureau but limited to briefing of the last four reports only.

The Bureau failed to publish any report about committees formed for certain public cases, such as the economic transformation program. The Head of Audit Bureau stated in a press statement that a broader committee was formed to investigate the economic transformation program and that he will shortly issue a report about the program. However, the Bureau has not yet issued any such report up to this date. ⁶⁰²

Governance: Accountability

Law: To what extent are legal provisions available to guarantee the Audit Bureau's reporting and holding liability for them?

Score: 75/100

By virtue of the law, the Audit Bureau shall prepare an annual report to be given to the members of the Legislative Authority, the House of Representatives, the Senate, and the Cabinet.

The Bureau is responsible for content of the report before all these authorities. The House of Representatives may ask the Bureau to attend certain sessions specifically for discussion of the content of the report.

⁶⁰²) see the link: www.gerasanews.com/print.php?id=69258

The law includes a traditional mechanism for the Bureau to uncover financial violations during the audit process. However, this mechanism is limited only to preparing the reports and submitting them on the House of Representatives and the Senate ⁶⁰³, without any reference to any procedure in respect to these reports. The law does not include any provision for any procedures to be taken by both Houses about the reports.

Having reviewed the by-laws of the Senate and the House of Representatives, they do not include any reference to how the Houses should handle these reports. The law should have determined the roles of the Houses towards the reports and the position from the financial, administrative and other violations referred to in the reports. Such positions include the analysis of the financial aspects, the public debt, the final accounts and the volume of spending, and other procedures taken against the institutions falling under the control of the Bureau. In the light of this information Parliament can practice its monitoring and legislative role and review the overall financial position of Jordan's government institutions.

Moreover, the law is devoid of any provisions comprising specific penalties and sanctions to be imposed under the law on the institutions which do not take a corrective action towards the violations observed by the Bureau.

A reference should be made to the provisions contained in the Penal Code, providing for penalties against the institutions that don't cooperate with the Bureau while on duty. ⁶⁰⁴

603) Article 22 (i) states that "The Head of the Audit Bureau shall produce an annual report together with the relevant notes and observations on the year end accounts and shall submit such to the House of Representatives and copied to the Prime Minister and Minister of Finance. The report shall include the Head of the Bureau's observations about the departments and institutions already audited by the Bureau pursuant to Article 4 of this law, with a statement of the violations committed and the liabilities arising therefrom. This shall be done at the beginning of every ordinary session or upon request of the House of Representatives."

604) Article 21 states that "For the purposes of this law, any employee or user in any institution under the control of the Bureau, shall be held legally liable for any contravention of the provisions of this law and the regulations issued thereunder in any of the following cases: a) Not responding to requests for clarification from the Audit Bureau. b) Without justification delaying informing the Audit Bureau within the specified time period of what the institution falling under the control of the Bureau will do concerning the irregularities or financial crimes." Also, Article 19 states that "The person refusing to allow an employee of the Audit Bureau to carry out his function as stated under Article 17 of this law, by preventing him from performing his official duties, shall be punished under the Penal Code, as well as the disciplinary procedures provided for in the Employees' regulations. c) Not providing the Audit Bureau with the evidence and documentation it requests within the specified time period or deliberately delaying it."

Practice: To what extent should the Audit Bureau abide by the reporting process and be held liable for its actions in practice?

Score: 50/100

The Audit Bureau regularly issues annual reports and provides the concerned agencies with copies thereof. However, the discussion on these reports and prosecution of the violators falls within the authorities of these agencies, such as the House of Representatives, which gives these reports more importance once discussed and necessary measures are taken against the violations reported by the Bureau.

As for work mechanisms in the Audit Bureau and exercise of jurisdiction, the law has not granted Bureau staff members the powers of the judiciary police, and the reports and information provided by the Bureau staff are not considered to be a legal argument to be invoked by the courts, but normal information provided by a public servant.

As for the agencies to be audited, or those refraining from cooperating or providing information to help the Audit Bureau complete its tasks, the law does not contain a text that binds these institutions to do so. The law states that in case a dispute takes place between the Ministry and the institution under the control of the Bureau, the dispute shall be brought before the Cabinet for decision. Therefore, many matters remain outstanding under the item of crucial areas of dispute in certain ministries. Such instances may be used as an alibi to evade from the Bureau's control. In principle, the Bureau should exercise its powers directly and report the violations to the concerned authorities. Provided responses shall be submitted and held accountable before the designated authority; either before the House of Representatives, or the respective court in case of crimes.⁶⁰⁵

The Bureau provides advice⁶⁰⁷ about government financial issues. It can make recommendations to the institutions under its control and help them implement the recommendations. As the Bureau is considered a house of expertise in legal, financial, accounting, and auditing aspects, it usually receives official letters from the institutions under its control inquiring about any financial, administrative, accounting, or legal subjects. The Bureau goes through these enquiries and provides the necessary advice. According to the 2014 report the number of legal consultations issued by the Bureau was 1,375 consultations.⁶⁰⁸

605) Article 23 of the Law states that "If there is a difference of opinion between the Bureau and one of the ministries or departments, the subject of the dispute is presented to the Cabinet for decision. The Head of the Bureau must include the disputed issues in his report to the House of Representatives."

607) Article 3 (b) states that "providing advice on accounting areas to the institutions under the Bureau's control."

608) To see the content of the report go to the Audit Bureau's website at: <http://www.audit-bureau.gov.jo>

Governance: Integrity

Law: To what extent are the mechanisms available to ensure integrity of the Audit Bureau?

Score: 75/100

The Head of the Audit Bureau is prohibited by law from being a member of the Senate or the House of Representatives, and the law lacks a clear reference that the Head of the Bureau and its employees are prohibited from practicing some private economic or management activities, or at least a clause on conflict of interests.⁶⁰⁹

The Bureau's regulatory legal framework does not include a reference to standards of transparency, integrity, and anti-corruption in its working mechanisms. The law discusses the procedural aspect and safeguards for Bureau employees when conducting their work. Moreover, the law left out reference to any aspect relating to international agreements ratified by the Jordanian government, such as the United Nations Convention Against Corruption, any other agreements, or any activities the Bureau undertakes in this regard.

The law does not include clear explicit provisions discussing the reinforcement of integrity, transparency, and good governance values, rather it designates to the Head of the Bureau the tasks of setting the manuals and the instructions, and designates the Cabinet to set the regulations necessary to execute the law⁶¹⁰ or expose the violations within the appropriate time⁶¹¹. of the law does not include a clear provision on the reporting mechanism, nor does it contain any other reference or designated powers.

609) Article 6 of the Law states that "The Head of the Audit Bureau may not be a member of the Senate or the House of Representatives."

610) Article 24 of the Audit Bureau Law states that "The Head of the Audit Bureau has the authority to issue directives to organize the work flow in the Bureau and put in place the necessary manual for this." Also, Article 26 of the same law states that "The Cabinet based on submissions made to it by the Head of the Bureau, carries into effect the necessary regulations for executing the provisions of this law."

611) See the Arab Anti-Corruption Organization 2007. Page 267

Under the internal instructions and the bylaw of the Audit Bureau, employees are subject to numerous principles regulating their employment to guarantee the integrity of employees. These principles cover the following:

Integrity: The auditor must be independent and neutral in his professional judgment, objective, and distant from personal interests.

Professional competency: The auditor must have the appropriate educational and professional qualifications and continually keep up-to-date with new developments in accounting and auditing. Professional care: the employee shall take due professional care in undertaking auditing activities by using professional standards with a view to protect public money.

Confidentiality: the employee shall preserve confidentiality of the information and documents obtained during the audit and must not disclose them except within the limits allowed in accordance with the applicable legislations.

Development and Updating: A permanent process of developing high quality audit outputs enhanced by sufficient and appropriate audit evidence shall be conditional on recruiting competent qualified personnel and on ongoing training using the latest international auditing methods.⁶¹²

The Bureau's employees are subject to a legal system which guarantees neutrality and integrity in terms of prohibitions imposed on the personnel not to get involved or engaged in any business activities. They must also comply with the Code of Conduct approved by the Civil Service Bureau.

Practice: To what extent is the integrity of the Audit Bureau guaranteed in practice?

Score: 50/100

No violations of integrity on the part of the Audit Bureau's employees have been observed. The employees are subject to a compound legal and administrative system which enables the administrative authorities to uncover any attempted corruption. Bureau representatives at the institutions have different employment conditions from the rest of the employees in terms of bonuses that preclude from getting involved in corrupt acts, as well as having powers established in practice and in law to follow up and investigate any violations.

612) See the Audit Bureau Website: www.gerasanews.com/print.php?id=69258

However, it is worth mentionin here that no legal mechanism exists to guarantee cooperation and follow-up between the Audit Bureau, the Ombudsman, and the Anti-Corruption Commission. Each institution acts unilaterally with no coordination or integration of their databases. Therefore, it is possible in reality that the Bureau investigates a violation while the Anti-Corruption Commission and the Ombudsman investigate the same case, creating duplication of work. ⁶¹³

Role: Effective Financial Audit

To what extent does the Audit Bureau provide audits of public expenditure?

Score: 50/100

As for the institutions subject to the control of the Audit Bureau, Article (4) ⁶¹⁴ provides that public institutions, departments, ministries, municipal councils, and government-owned companies by 50% or more of capital, are all under the control of the Audit Bureau. However, the concept of public institutions is still unclear and confusing in Jordan, since a unified standard does not exist for establishing public corporations. In the last ten years numerous institutions of public benefit have emerged and under their bylaws the financial auditing authorities have been delegated to private companies rather than to the Audit Bureau.

613) Aun al-Shabeel, Muhammad Momani: "The effect of computerized accounting information systems on the functions of the auditors of the Jordanian Audit Bureau in enhancing accountability and transparency." (Field Study)- Al-Manara Magazine. Al-Bayt University, Volume 19

614) Article 4 of the Audit Bureau Law states that "The auditing by the Audit Bureau covers the following: a) Ministries, government departments, official public institutions and public institutions. b) Municipal councils and joint services councils. c) Any institution where the Cabinet decides that the Bureau should audit its accounts, whether its finances have become governed as public funds or are levied by law. d) Companies in which the government has a shareholding of 50% or more.

The following demonstrates some of the problems which still encounter the Audit Bureau from a technical and administrative perspective:

1. The law does not contain any clauses regulating the mechanisms of operations between the Audit Bureau, and the institutions and ministries audited by the Bureau. All cases handled by the Audit Bureau are confidential, and all documents and information accessed by the Bureau through its control authority granted by virtue of the law, together with the resulting oversight reports and the decisions taken, shall be confidential. The Judiciary shall be provided only with the documents of cases being considered by them. The Bureau also considers all data handled throughout its operations as confidential. The Audit Bureau provides such information and data in its annual report to the Parliament, and thus transferring these cases to the jurisdiction.
2. Notwithstanding the multiplicity of institutions under the Bureau's control, the Bureau needs specialists in some sectors, such as universities and companies in which the government has a shareholding of over 50%, given the special nature of such roles and the different revenue and spending mechanisms compared to traditional institutions such as ministries and other government institutions. This is known as the audit planning process. In other words when the auditors conduct the audit process, they must plan this process so that the goal of the audit is achieved. Otherwise the audit process becomes ineffective and meaningless in terms of identifying the environment in which the institution under control operates. It is also important to identify audit goals, necessary testing towards achieving these goals, the main systems of the management, as well as the control systems. The auditors shall conduct a pre-assessment of weaknesses and strengths, and prepare documentation suitable to the audit plan and the proposed field work.⁶¹⁵
3. The majority of the roles played by the Audit Bureau are limited to auditing expenditures, and in reality these are internal control instruments. Moreover, the role is limited to traditional inspection rounds without activating any monitoring or control or strategic analysis instruments for some sectors, compared to previous years or peer institutions. No roles are specified either for providing recommendations to the State about the best methods and financial instruments to manage a sector different than another, or regarding the use of all forms of control in terms of positive or negative audit, transitional, or pre-audit, and post-audit.⁶¹⁶

615) Field standards in government control, pp 4-6, and a research titled: regulatory role of the Audit Bureau and its effectiveness in the Jordanian government universities, Mireia Bani Khalid, published in Manara Magazine, Al Albeit University, volume 19, number 2

616) Salama Mustafa Saleh "Modern concepts in internal and financial auditing". First edition, Dar Albedeyah Publishing and Distribution. Amman, Jordan. 2010

The Bureau also audits public money to ensure sound, legal, and effective spending by examining the return on spending (performance audit) in the traditional sense and it reflects in terms of control of economy, efficiency and effectiveness in the use of human and material resources.

The Audit Bureau shall work more effectively with the institutions under its control by providing recommendations, developing its reports, both narrative and technical reports, while including strategic dimensions that benefit the institution, and accordingly resulting in controlling and saving expenditures. Moreover, these reports shall include the difficulties and problems facing the bureau team in obtaining data and information from those institutions.

The Audit Bureau shall adopt the International Accounting Standards (IAS) legally and not only as a method of guidance and assistance.

The Audit Bureau shall open a thorough discussion with the institutions where irregularities are found. Its role should go beyond the public monitoring and sudden visits, since there is a shift in the modern auditing and monitoring methods. The Audit Bureau should also provide advice, consultancy, and training in some cases to these institutions. The Bureau shall remain in permanent dialogue with the institution on disputed issues until a mutual viewpoint is attained.

The capacity of the Audit Bureau for financial auditing may have improved in recent years but some gaps still exist. The current Audit Bureau Law stipulates that the Bureau undertakes the following tasks:

- Control government revenues and expenditures, provide advice on the accounting and auditing of public money, and verify administrative decisions. This is achieved through applying control and audit standards over the public sector, and conducting audits in accordance with the annual audit plan set for each institution under audit, including all ministries, public institutions, universities and companies in which the government has a shareholding of over 50%.
- The Audit Bureau issues “The Financial and Compliance Audit Manual” in line with the government auditing standards issued by the International Organization of Supreme Audit Institutions (INTOSAI); the standards were updated and developed in cooperation with the National Audit Office under the First Twinning Project with the audit institutions in the UK and Germany. The program of compliance for auditors includes all the aforementioned items professionally and in accordance with auditing standards. The Manual was recently updated under the Second Twinning Project which is currently being implemented between the Audit Bureau and a coalition of auditing offices from Spain, the Netherlands, and Estonia.

It is worth mentioning that a National Integrity System has been adopted and launched in Jordan. This System includes an executive plan in which some of its chapters refer to strengthening and empowering the Audit Bureau to carry out the role assigned to it, as well as the necessity of amending the Audit Bureau Law.

The first chapter titled ‘Strengthening the role of the public control institutions/ the Audit Bureau’⁶¹⁷ provide the following:

- The Audit Bureau Law shall be amended to include provisions for the Bureau to conduct administrative audits.
- The control of the Audit Bureau shall extend to include the companies in which the government has a shareholding of over 25%.
- International Audit Standards shall be added as a reference to the operations of the Bureau
- Head of the Bureau shall be granted the authority to publish annual reports in the way he deems appropriate, including electronically and by holding press conferences.
- Define the liability resulting when institutions do not cooperate with the Bureau while performing audit duties, and when these institutions refrain from correcting committed violations.
- The Bureau shall only be subject to Parliament control, on the basis of granting the implementation of law with neutrality, professionalism, and objectivity.
- Review the regulatory infrastructure and the administrative regulations of the Audit Bureau.
- Develop the staff of the Bureau by continuous specialized training, and focussing on areas of control and auditing.
- Ensure electronic linking, technical preparedness, and the needed software to enable the Bureau to track all the institutions and obtain all the necessary documents for its work.
- Develop legislative frameworks which guarantee coordination between the three monitoring authorities: the Ombudsman, Anti-Corruption Commission, and the Audit Bureau, so that the work is integrated, without any duplication, and consolidation of databases.

Under the previous perspective, the expenditures were audited based on the pre-audit methodology for amounts in excess of JD 5,000 (\$ 7500). The Bureau adopted the approach of gradual transition from the pre-audit to the post-audit in all audit procedures. The administrative control should be added as a new kind of control, in addition to the Bureau’s financial control. However, it is worth mentioning that the bureau has been practicing this type of control as of establishment over administrative decisions and procedures relating to the financial matters. The environment control also should be added to ensure compliance with the environmental legislation in force in coordination with the relevant authorities, in addition to carrying out performance control.

⁶¹⁷) the executive plan for Strengthening the the NIS in Jordan , see link:
www.csb.gov.jo/csb/Images/ArabicSite/NAZAHA-DOC-WEB.aspx

Role: Detection and retribution of misbehavior

The Bureau carries out the following forms of controls:

- **Legal Control:** In this type of control, behaviour with financial effects is compared against the law or, more specifically, compared against the different related legal rules governing this behaviour in form and in substance. This includes the powers of the Bureau to point out any deficiency in the financial or administrative legislation in connection with the financial matters, as well as verifying that the financial and accounting laws, regulations and directives are being enforced correctly.
- **Accounting Audits:** In this kind of audit various details of the financial transactions are audited in terms of the detail of revenue collections, the expenditure account, validity of entries and conformity with the accounting rules and frameworks. In short, it is an accounting documentary control.
- **Financial Control:** This is known as a comprehensive scientific method requiring integration and consolidation between the legal, economic, financial, accounting and administrative conceptions. It is a package of multiple controls simultaneously carried out with a view to ensure validity and authenticity of the financial acts in all aspects, with and aim to preserve the public funds and upgrade the use of them, in addition to achieving highest possible degree of effectiveness in the results envisaged from public money spending or collecting.
- **Economic Control:** The Bureau exercises this kind of control given its huge importance. The Bureau audits the activities of the public authorities and the public institutions and departments for their development costs. It audits the costs of large projects, looks at big cases and participates in the committees which research and discuss public economic issues.
- **Technical or Performance Control:** The Audit Bureau monitors the progress of work in the development projects in terms of delay or faltering. It points out any default or deviation. This control is performed through monitoring the institutions under its control. The Bureau monitors progress of development projects being undertaken by these institutions in terms of delay or faltering on projects under construction. The Bureau communicates with the competent authorities showing reasons of delay or faltering in order to hold the contractors liable or to take proper actions that would achieve the planned goals of such projects and to achieve maximum utilization of such projects. The Bureau also conducts this type of audit at its headquarters when the engineering (technical) departments are following some of these projects for progress of work or to identify certain implementation related problems.

• **Administrative Control:** The Audit Bureau conducts this type of audit in accordance with Articles 13 and 14 of the Audit Bureau Law no. 28 of 1952. Article 13 allows the Head of the Bureau to draw the attention to any fault he finds in the financial or administrative regulation related to financial issues. Article 14 also allows the Head of the Bureau to review all the reports and information provided by the inspectors whether financial or administrative, relating to financial issues. He can also review the investigation reports on violations relating to financial issues, and request any other documents to examine in terms of information or clarifications from all government departments. This type of control also includes the control over appointments in the departments, ministries, and government institutions, as well as allowances and promotions.

However, the Bureau, as previously mentioned, does not have the judicial police powers to refer violations to the judiciary. Number of public money abuse cases during 2014 was 216 cases and the amounts outstanding thereunder amounted to JD 1,366,839 (\$ 956,787,300). Total savings realized by the Bureau in favor of the State and the public.

institutions during the past five years were JD 348,570,000 (\$ 243,999,000) .⁶¹⁸

Role:

Improvement of the financial department: To what extent is the Audit Bureau effective in improving administration effectiveness in the government?

Score: 50/100

The improvement of the financial management of the government shall need development of the financial control instruments of the Audit Bureau, and transition from audit and control over procedures to control over the adoption of financial control and the inclusion of international control standards in the main competence of the Audit Bureau. The improvement also includes create coordination between all control agencies, which requires reinforcing human technical capabilities of the Bureau, as well as extending its control to include all institutions in which the government owns 25% and more. In the same context, this requires periodic and frequent publishing of the annual and sectoral reports, as well as publishing the outputs of the investigation committees in certain national financial issues that have taken up much space of public debate.

⁶¹⁸) for more information about the irregularities already monitored, please see the Audit Bureau report for 2014, page 30 on the Bureau's website.

Recommendations

- 1) The Audit Bureau must be granted full administrative, financial, and technical independence. The Head of the Bureau should report to the National Assembly.
- 2) The law should include a provision not to dismiss or disqualify the Head of the Audit Bureau during his term of six years, except in the cases of being convicted from committing crimes or severe violations.
- 3) The Bureau shall develop the accepted auditing instruments and methods in compliance with the best international practices in this field, and perform all forms of audit and control, especially performance audit and administrative audits. The tasks of the Audit Bureau should include reviewing and developing legislations to ensure coordination between control agencies. .
- 4) The law should include provisions to activate legal accountability regulations in accordance with the principles of transparency, integrity, and objectivity, as according to the best international standards and practices, so that the Audit Bureau's control is transformed into external control.
- 5) Develop manuals for the standards used in technical institutions such as universities and specialized technical companies.
- 6) Capacity building of the technical staff and providing the Bureau with specialized and professional personnel, as well as developing the Bureau's organizational and administrative structure to cater for the real need for it.
- 7) Writing the audit reports promptly upon errors are discovered or upon finalization of the audit process, to maintain effects resulting from the audit on time.
- 8) Play a greater role in auditing the revenues equally as the expenditure because expenditures are authorized by more than one person whereas revenues are received by one person only.
- 9) Reinforce the use of computerized accounting information systems in government institutions because they lead to the potential verification of validity of revenues and expenditure in the institution. This enables the Bureau to receive and review data at any time without any pressures.
- 10) Fast execution of the pillars of the National Integrity Plan, as it includes significant pillars that would positively reflect on the Bureau activity.
- 11) The control of the Audit Bureau shall include the institutions and companies where the government owns 25% of share capital or more.

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Political Parties

Summary

By the time the legislative framework regulating the formation of political parties is being developed, not all legislations are going through reform to promote the political party activity in Jordan, such as the Electoral Law, and the Public Assembly Law. In 2015, the Political Parties Law included radical reforms in terms of restructuring of the Political Parties Affairs Committee under the Ministry of Political Development and Parliamentary Affairs; the number of founding members for any party was reduced from 500 people to 150. Moreover, the restrictions related to having members of the party from the same tribe and governorate were no longer conditions for forming political parties, and a provision stated that the political party shall not be dissolved but through a judicial decision, while ensuring that no citizen shall be harassed or persecuted for political party affiliation.

Despite the progress referred to in the law, it is still directed towards licensing as an alternative to notice or placement, apart from bureaucracy and administrative prosecution for completing licensing and the required periods and deadlines to this end.

The most important issues that get in the way of the development of political party work in Jordan lie in the practices and cultural patterns prevalent in society resulting from over 30 years during which the partisan activities were prohibited. This makes it imperative for all institutions to review their political, cultural, educational, and security practices with regard to partisan activity.

Accordingly, Jordan greatly needs to unify its official approach towards political party activity, and advance the work of political parties through building a package of robust political legislations, for the purposes of reinforcing the partisan activity, through the Electoral Law, the Public Assembly Law and the Political Parties Law. At the same time, it should review the House of Representatives' bylaws, the special chapter on forming parliamentary blocs, as well as reviewing the system related to contributing to the political party funding and supporting, directly or indirectly to push the work of the political parties forward.

The following table summarizes the overall score of the political parties in Jordan according to its capacity, governance and role in both law and practice.

Overall Score: 50/100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 50/100	Resources	50	25
	Independence	75	75
Governance 38/100	Transparency	75	25
	Accountability	50	25
	Integrity	25	25
Role 25/100	Interest aggregation and representation	25	
	Anti-corruption commitment	25	

Structure and Organisation

Political parties first appeared in Jordan in the early part of the 20th century. Historically, the history of parties coincided with the emergence of the State of Jordan itself.⁶¹⁹ The first parties that originated in the Emirate of Transjordan were politically oriented beyond the regional framework and aimed at establishing the joint or unified Arab State.

Following the establishment of the Emirate of Transjordan in 1921, the 14 Jordanian parties were formed between 1921 and 1945, namely: the Umm al-Qura Party (1921), the Free Jordanians Party (1921), the Arab Covenant Party (December 1921), the Eastern Arab Association (May 1923), the People's Party (March 1927), the Executive Committee for the National Convention Party (1928), the Liberal Moderate Party (1930), the Jordanian Labor Party (September 1931), the Jordanian Solidarity Party (24 March 1933), the Association of Cultured Jordanian Youth (1933), the Jordanian National Party (1936), the National Brotherhood Party (September 1937) and the Executive Committee for the National Convention Party (September 1944).

619) Political Parties. Joint Authors, Al Urdun Al Jadid (New Jordan) Research Centre, 1997.

However, the bulk of civil society organizations appeared in modern Jordan in the 1950s and 1960s: The political parties, trade unions, the General Association for Labor Unions, women's and student's organizations, and the union of voluntary societies. Fifteen parties emerged between the mid-1940s and the mid-1950s, representing different political and ideological trends. These included the Muslim Brotherhood (1946), the Free Jordanian Youth Association (1946), the Arab Renaissance Party (May 1947), the National Front Party (October 1950), the Jordanian Communist Party (1950), the Arab Baath Party (February 1952), Hizb ut-Tahrir (November 1952), the National Union Party (November 1952), the National Front Party (May 1954), the Arab Nationalist Movement, the Syrian Nationalist Party, the National Socialist Party (July 1954), the Umma Party (July 1954) and the Arab Constitutional Party (April 1956).

Political party activity was forbidden and political life was disrupted in Jordan between independence in 1946 and the declaration of martial law in 1957. The House of Representatives did not convene until 1984, when the former House was called back in 1969, and it convened by supplementary elections. This was reflected in political intellect and activity in Jordan, which created generations opposing to the partisan activity because party affiliation was a crime punishable by law.

However, in 1989, a political climate of openness to democracy led to elections of the House of Representatives and martial law was abolished. The Political Parties Law was passed in addition to the press and publishing law, and the scope of public freedoms expanded in the country.

A number of laws governing political party activity were issued during this period. The first was the Ottoman Associations Law of 1909, whereby the political parties worked since the emergence of these parties in the 20th century. Five other laws came after, in 1936. Law No. 3 on political parties was enacted in 1954, followed by Law No. 15 on the same subject, which was passed the following year. Law No. 19 was issued in 2007, replaced by Law No. 32 of 1992. This was revoked and Law No. 16 on political parties was issued in 2012. Law No. 39 was enacted in 2015.⁶²⁰

On the other hand, there were 34 licensed political parties by the end of 2014, declined to 30 in late 2013. In 2015 the number of political parties increased to 37, of which 26 were under licensing⁶²¹

Since 2007, the government has assiduously provided direct financial support to political parties through the political party funding system, granting JD 50,000 (equivalent to US\$70,000) to every licensed party each year.

620) Published in the Official Gazette no. 5358, effective date 16 September 2015, date of issue 29 June 2015.

621) Statement by the secretary general of the Ministry of Political Development and Parliamentary Affairs

([link:http://ya-media.net/](http://ya-media.net/)).

Capacity: Resources

LAW: To what extent does the legal framework provide an environment conducive to the formation and operation of political parties?

Score: 50/100

The Political Parties Law in Jordan has undergone several developments, and since the open political democratic climate in the country it has constituted a priority for all. King Abdullah has repeatedly demanded that it be amended, resulting in the development of a legal framework for the political party formation process. Moreover, the Political Parties Law ⁶²² of 2015 constituted a qualitative leap forward when compared to previous laws dealing with the parties.

The Jordanian Constitution guarantees the right to compose political parties as a political human right, as indicated in Article 16/2 ⁶²³. The Political Parties Law of 2015 introduced developments concerning the ministry overseeing the functioning of political parties: the Ministry of Political Development and Parliamentary Affairs ⁶²⁴ was charged with supervising political party affairs instead of the Ministry of Interior, which was the supervisory body for so long.

According to the law, a semi-governmental committee is charged with overseeing political party affairs and receiving and examining applications to form political parties. This committee is composed of the secretary general of the Prime Minister's Office, the Ministry of Interior, the Ministry of Justice, and the Ministry of Culture, as well as a civil society representative, and a representative of the National Centre for Human Rights. ⁶²⁶

622) Political Parties Law no. 39 of 2015, published on page 7335 of Official Gazette no. 5358.

623) This stipulates that Jordanians have the right to form associations, unions and political parties as long as their aims are legal, their means are peaceful and their systems do not contravene the provisions of the constitution. It also confirms that international human rights conventions guarantee that right, most notably the Universal Declaration of Human Rights (Article 20/1) and the International Covenant on Social and Political Rights (Article 22/1).

624) Article 9 calls for the formation of a committee within the ministry to be known as the Political Parties Affairs Committee in order to examine requests to establish political parties and follow up on their affairs in accordance with the provisions of this law. This committee is chaired by the secretary general of the ministry and includes other members. Article 2 identifies this ministry as the Ministry of Political Development and Parliamentary Affairs.

626) Article 9 of the law provides for "the formation of a committee within the ministry to be known as the Political Parties Affairs Committee in order to examine requests to establish political parties and follow up on their affairs in accordance with the provisions of this law. This committee is chaired by the secretary general of the ministry and includes the following members: 1. The secretary general of the Ministry of Interior as deputy chairperson, who replaces the chairperson in his or her absence. 2. The Secretary General of the Ministry of Justice. 3. The secretary general of the Ministry of Culture. 4. A civil society representative appointed by the prime minister. 5. A representative from the National Centre for Human Rights designated by its board of trustees. (b) The committee chairperson represents it before all official, judicial and any other authorities. (c) The chairperson convenes the committee's meetings. These meetings are considered valid if attended by the majority of its members, who shall include the chairperson or his or her deputy. Decisions are taken by majority vote of the members present. (d) The chairperson appoints a ministry employee to serve as secretary of the committee.

As mentioned above, the committee is of an official nature. Political parties are not represented in the committee's membership, and broad participation of the civil society has not been achieved to ensure the effectiveness of the committee's work. Moreover, the legislator's follow the method of licensing and registration to identify the party's institutional structure, which does not comply with global experiences and international standards that have emphasized the need to facilitate for the right to form and join political parties, and to follow the notice and placement scheme to avoid administrative barriers that may block the will of the people to enjoy that protected right.⁶²⁷

Under the law, a political party shall have at least 150 founding members to be established in Jordan while in the previous law the number was 500.

The requirements for founders and people who wish to join or establish a political party are stated in Article 6 of the law. It is remarkable that the Article eased the conditions of the previous law considerably. It was stipulated that the age of the person should be at least 21 years, in addition to other conditions that were described as hindering to the will of the people at the time.

As can be noted in the conditions set out in Article 6 of the current law⁶²⁸, people convicted of crimes, misdemeanors, and felonies against honor and public morals are denied the right to establish political parties; this is considered an additional penalty imposed on such offenders.

The same article stipulates that anyone wishing to join or establish a political party shall be in possession of Jordanian citizenship for 10 years; this is also considered a legal impediment, assuming that the purpose of this condition is to verify a person's loyalty.

This is a distorted understanding of the issue of rights and duties before the law and the constitution, since simply acquiring Jordanian nationality bestows an individual with all rights, including the rights of citizenship.

627) The Universal Periodic Review Working Group has indicated this in a report compiling information on Jordan for the Human Rights Council in 2009, a summary prepared by the UN High Commissioner for Human Rights in accordance with paragraph 1 (c) of the annex to UN Human Rights Council Resolution 1/5, document number A /HRC/WG.6/4/JOR/319, November 2008. That was also a recommendation issued by Jordan during the comprehensive periodic review for 2010

628) Article 6 states that "no political party may have less than 150 founding members. (b) Party membership requires fulfilment of the following conditions: 1. Members shall be Jordanian citizens for at least 10 years. 2 They shall be at least 18 years old. 3 They shall never have been convicted of a felony or misdemeanor against honor and public morals or ethics, with the exception of political crimes, unless rehabilitated. 4. They shall enjoy full civil and legal capacity. 5. They shall normally reside in Jordan. 6. They shall not be a member of any other party or non-Jordanian political organization. 7. They shall not be a member of the Jordanian Armed Forces or of any security or civil defense agency."

According to licensing procedures, party founders are required to apply to the committee secretary for establishment of the potential party. The application is annexed with three copies of the bylaws, and letters of authorization to three founding members to follow up on the procedures before the committee.⁶²⁹

The committee secretary shall issue a receipt voucher of the documents already submitted to him/her, having verified validity of the information contained, and may request more information within 30 days as of the receipt voucher date. In the event that all the paperwork is completed as required in the law, the party announces its establishment within seven after the period of 60 days from the notice date passed.⁶³⁰

However, these measures are administratively complex and do not lead to simplifying procedures for the people wishing to establish a political party.

629) According to Article 10, "(a) requests to establish a political party are submitted to the committee secretary. Said requests are signed by the founders with the following information and documents attached: 1. Three copies of the party's statutes signed by the founders. 2. Support for the mandate signed by the founders delegating three founders to submit the establishment request and follow up on all necessary procedures before the official, judicial and other authorities until the formation of the party is announced and the composition of its bodies is complete according to the model used by the committee for that purpose. 3. Disclosure of the names of each founding member in four sections, including their national identification number, occupation, place of work and home address, and an attached copy of the identify card of each founder, issued by the Civil Status and Passports Department and certified by one of the authorized founders. 4. A certificate signed by the three delegated founding members before the committee secretary confirming the validity of the founding members' signatures in the documents indicated in this article. 5. The addresses of the main party headquarters and branch offices provided that they are located in Jordan, declared and reliable for sending any communication according to the provisions of this law. (b) One of the delegated founding members shall be chosen to represent the other founders before the committee under a power of attorney in order to follow up on the registration procedures, deliver documents and information to the committee and receive information and notifications on behalf of the founders for the duration of the party establishment process and until the founding of the party and the full composition of its bodies are announced."

630) Article 14 explains that "(a) if a party establishment request meets the requirements set forth in this law, the committee shall announce the establishment of the party during a period not exceeding seven days after 60 days have elapsed since the date of notification of the receipt of the establishment request or 30 days have passed since the date of notification of the receipt of the documents and information indicated in Article 12 of this law. (b) If the committee refuses to announce the establishment of the party during the period specified in paragraph (a) of this article, it shall cause this decision and notify the founding members' representative of it according to the provisions of this law. The committee may never give any further reasons for refusal before the competent court. (c) Decisions to announce the party's establishment are published in the Official Gazette and in two local daily newspapers in accordance with the provisions of this article. (d) If the committee does not issue a decision regarding registration of the party or denies it registration during the period stipulated in paragraphs (a) or (b) of this article, the party is considered registered in accordance with the provisions of this law.

The law obliges the committee to make reasons for rejection and no reasons other than those stated in the rejection decision may be presented before the court. The law should have stipulated that the committee shall refer to judiciary to invalidate the establishment application, being the most capable to do so, in addition to the fact that the whole process will not require any fees, as it is represented by the civil attorney general. People resorting to court incur high cost in terms of attorney fee that would impede their desire to carry on exercising the right. ⁶³¹

The political party registration procedures are still shrouded in some administrative complexity, and periods and dates could be described as somehow lengthy and prolonged when compared to the applicable notice and placement procedure in exercising these rights. The Law legalizes at least five Jordanians wishing to establish a party to notify the committee chairperson of their desire; the notification should include their principles and ideas for undertaking their preparatory activity for their party.

They shall finalize and satisfy the political parties' formation conditions during one year. In case the aforementioned was not fulfilled, they may not apply for formation of the party unless three months have elapsed. This Article also constitutes an obstacle for individuals' rights. Accordingly, what is the purpose behind determining a time limit to conduct the preparatory activity when the issue of building and exchanging ideas is a continuously evolving and renewable process, and is a product of the society and its political, intellectual, and cultural elites? Such a process is an expression of a healthy condition in any society that may not be determined by a certain period of time in which people are restricted. The basic principle is to keep the period open, and to complete all application procedures upon completing all conditions. In the same context, what is the purpose of depriving the founders of three months after failing to establish their party within one year? This imposes administrative constraints that serves no valid purpose. ⁶³²

631) Any of the founders shall have the right to appeal the committee's decision to refuse to announce the establishment of the party before the Administrative Court within 60 days following the date that the founding members' representative is notified of the rejection. (b) If the court ruling annuls the committee's decision to reject the party's establishment, the party is registered from the date of the ruling. Moreover, this ruling shall be published in the Official Gazette and in two local daily newspapers.

632) (a) At least five Jordanians wishing to establish a political party have the right to notify the chairperson of their desire in writing, explaining the party's principles and initial ideas so they may exercise their preparatory political activities and promote the establishment of the party provided that they submit their establishment request after meeting the conditions specified in this law within a period of no more than one year from the date of notification. (b) If the conditions set forth in this law are not met within the period indicated in paragraph (a) of this article, those submitting the request shall cease their activities to found the party and may not submit a new request until three months have elapsed from the date of the order to desist.

Practice

To what extent do the financial resources available to political parties allow for effective political competition?

Score: 25/100

The law has developed many legal safeguards to protect the party's legal personality after its establishment is announced. The law provides that the political party may not be inspected, attacked or its correspondence or contacts censored without a warrant ⁶³³. According to the law, the political party may use the public cultural facilities to disseminate their ideas to the public with a prior consent of the concerned authorities ⁶³⁴. The political parties are exempt from taxes and fees. ⁶³⁵

As for the financial resources of the political parties, it should be noted that Jordanian legislator did not have a clear view towards the issue of direct and indirect financial support to the political parties. In terms of the indirect support, the law provides for the use of public and cultural facilities.

The provision is considered traditional and redundant. The law includes no provision referring to the use of the official public airwaves or the facilitation of private airwaves for political parties, and it does not provide any technical support, physical space, or rent premises within the State ownership at preferential rates, or exempt of the parties' supplies from customs duties and fees, etc., with the exception of the provision that provides for exemption of the parties' premises from immovable property fees.

633) According to Article 23, "the party's offices, documents, correspondence and means of contact may not be monitored, raided or confiscated except by judicial decision in accordance with the provisions of the law. (b) Except in cases of in flagrante delicto, no party office may be searched unless by order of the competent public prosecutor. Moreover, he or she and a party representative shall be present. If the party representative refuses to confirm his or her presence during the search, it is conducted in the presence of two witnesses. (c) Any consequent violation of the provisions of paragraph (b) of this article renders the search and its consequences invalid and imposes civil and criminal liability on the offender.

634) Article 24 states that "the party's use of cultural, social and public facilities and the premises of trade unions, associations and clubs are subject to the prior approval of those in charge of those facilities and centers under the provisions of the current legislation. (b) The use of the following is prohibited: 1. Houses of worship for any partisan activity. 2. Funds from any trade union, association, club or sports federation for the benefit of any party.

635) Article 27 stipulates that "party offices are exempt from all government taxes and fees resulting from immovable property."

It should be noted that the political party under the law may receive donations only from the Jordanian citizens, but not from non-Jordanians. The law authorizes political parties to develop sources of income by investing their funds in areas defined by the law, including issuing publications, owning broadcasting channels, owning real estate and purchasing treasury bonds; a bylaw should be issued accordingly to address the aforementioned.⁶³⁶

As for the direct support, the law binds the State budget to provide financial support to the political parties within certain controls and conditions to be determined under a bylaw ⁶³⁷. The Bylaw of contributing in financing political parties, No. 89” 361 was issued in the year 2008, and was revoked by virtue of the contribution bylaw No. 62 of 2013, which approved the provision of direct financial support to the political parties from the public treasury. The amount of the contribution is be JD 50,000.⁶³⁸

The regulation lays down some general rules for the party entitlement to the financial contribution, namely: one year has passed as of the party establishment, and that members are no less than 500. The contribution should be used to pay the premises allowance, operating expenses and remuneration of the workers.⁶³⁹

636) For further reading, see Article 26 of the Political Parties Law.

637) Article 28 provides that “an item in the general budget is allocated to contribute to supporting political parties. The amounts, conditions and disbursement procedures are to be specified according to a system that will be issued for this purpose.”

638) Published in Official Gazette no. 4932, page 4580 on the political party funding system.

639) Article 4 specifies that “(a) a financial contribution of JD 50,000 is made to the party each year, payable in two equal installments: the first in June and the second in December. (b) Notwithstanding the provisions of paragraph (a) of this article, in the first year the amount of the contribution to which the party is entitled is calculated by the number of days between the starting date of the party’s entitlement to the contribution and the period of remaining for the first or second installment, as the case may be.”

The regulation lays down some general rules for the party entitlement to the financial contribution, namely: one year has passed as of the party establishment, and that members are no less than 500. The contribution should be used to pay the premises allowance, operating expenses and remuneration of the workers.⁶⁴⁰

However, the following is noted about the mechanisms for providing financial support to the political parties in Jordan:

a-The legislator failed to include the general controls in the law in terms of standards for providing the financial support to the political parties. Instead, the law refers to a regulation to be issued to this end to set out and determine such standards. The remarkable problem is that the Legislative Authority will extend its control and constitutional jurisdiction to the mentioned standards. This is coupled with a frequent question about the constitutionality of the regulation and whether it brings about objective provisions that the law failed to provide for.⁶⁴¹

b-The above contribution system for financing political parties was passed and amended before the law 2015 came into force. This confirms that the institutional will is not unified and lacks a clear national view towards the financial support, and the institutional activity is unilateral. The support standards should have been developed simultaneously with the adoption of the Political Parties Law, the Elections Law and the Electoral system form.⁶⁴²

c-According to the system, the political parties' supervisory committee shall be entitled to prevent the provision of financial support to any party violating the law or the system. The foregoing constitutes an explicit violation to the philosophy and the purpose behind the provision of the financial support. This should not form any kind of threat and pressure on the political parties. The whole point of the financial support is to enable the political parties to achieve their objectives and mission, and help in the development of their institutional frameworks and personnel, to address the public and help them overcome the high cost to carry out some of the programs and integration into the general national activity.

640) Article 3 states that "The party is entitled to the financial contribution in the following cases: (a) One year has passed from the date of announcement of the establishment of the party according to the provisions of Articles 14 and 15 of the law. (b) The party has at least 500 members when it is entitled to the contribution. (c) The contribution may be spent in the following ways: 1. As reimbursement for renting the party's main headquarters or branch offices. 2. On party operating expenses like water, electricity and furniture. 3. On employee salaries and wages for party users, limited to 15,000 dinars per year. (d) The party's statutes establish that no fewer than three members combined are authorized to sign cheques and exchange orders on behalf of the party. (e) Compliance with the provisions of the law and this regulation.

641) For further reading, see the article by Dr Layth Nasraween entitled "Funding of Political Parties in Jordan"

(link: <http://ar.ammannet.net/news/179402>).

642) For further reading, see the article by lawyer Saddam Abu Azzam entitled "Is the Political Parties Draft Law a Legislative Priority?" (link: <http://www.ammonnews.net/article.aspx?articulo=213367>).

d- Neither the law nor the bylaw included the legal or political link between the parliamentary blocs and the political parties in terms of provision of support and facilities to the parliamentary blocs for the development of their activities towards the creation of a partisan core, or towards the integration with the political parties as parliamentary working groups.

e- The lump sum support being provided on annual periods would jeopardize the intellectual structure of the parties. It gives rise to creating a large number of parties lacking mass influence or turnout, but results in redundancy of institutions on the account of quality. It would also lead to consider the key performance indicators in the law as establishing requirements and thus leads to restrict the right to establish parties and affiliation thereto.

f- The generally accepted international standards, as well as in most of the legal systems authorizing the provision of the financial support to the political parties, confirm that the standards build on: first level, party's popular support that can be measured by number of votes obtained by the party during the elections; second level: represented in the results achieved by the party in the elections and can be measured by the seats won by the party in the Parliament.

g- Therefore, certain grounds and considerations should be observed, such as participation in elections, where an amount of money shall be allocated per vote won by the party, an amount per seat won by the party, and an amount to support the campaigning on two forms; an amount equally allocated to the parties per vote recorded in the general lists, or lump sum provided to cover the electoral campaigning. These considerations also include allocating money to the parties through certain standards like some cash upfront paid before the elections, and the balance post the elections in light of the votes won by each party, number of seats won by each party, and real cost of the electoral campaigning. Spain and Italy adopted this system. Certain legal systems stipulated certain proportion of votes for example 1% or certain proportion of the seats. The proportional approach has been adopted by Germany, Turnkey, Austria, Sweden, Macedonia, Mozambique and Nepal.

h- Some legal systems have developed these standards as a result of accumulation of experiences. The support was provided to the parties failing the elections but obtained certain proportion of votes. For the winning parties, certain amount of money has been equally allocated by proportion of seats obtained by each. Benin, Croatia, South Africa, Macedonia and Malawi have adopted this model.

Other legal systems combined both models, the first is provided in accordance with the institutional indicators "operating support" i.e. an amount of money is provided upon establishment of the party and another amount is provided for the party adhering to good governance indicators, and an amount is provided for the general popularity of the party, such as the availability of a newspaper to the party, or popular campaigning, etc.

The second form is the support "political participation" provided based on participation in the elections and winning certain proportion of votes in case of failing to win seats or failing to form parliamentary coalition "parliamentary group", and placement of minimum number of members in the parliamentary group should be attained, in order for the party to be entitled to the support. The support ceases with the loss of capacity or by resignation. Some legal systems appropriated amounts to be provided for woman and youth participation. An amount is allocated to the party winning a seat in the Parliament and such amount increases exponentially by the number of seats won. An amount is allocated to the party taking part in the elections under a list at the entire country level.⁶⁴³

Capacity: Independence

LAW: To what extent are there legal safeguards to prevent unjustified external interference in the activities of political parties?

Score: 75/100

The law indicated to the general set of principles that guarantee the right to establish and join political parties. Parties are founded on the basis of citizenship, equality, commitment to democracy and respect for political pluralism. No party may be established based on religion, sect or class, or gender or origin based discrimination⁶⁴⁴. The law confirms the right of parties to participate in various elections taking place in the country⁶⁴⁵. Article 19 of the same law proscribes that people⁶⁴⁶ may not be held accountable or his rights abused or prosecuted based on his/her partisan affiliation.

Regarding the organization and internal structure of political parties, the law provides that the party shall develop its own bylaws, including its aims, objectives and mechanisms of internal organization.

643) For further reading, see the article by lawyer Saddam Abu Azzam entitled "Standards for Providing Political Party Support" in Al Ra'i (link: <http://www.alrai.com/article/670259.html>), the policy paper by Mohammed Hussainy published by the Friedrich Ebert Foundation (FES) (link: <http://www.identity-center.org/ar/node/166>), the Ila news site (link: <http://ilanews.net>) and the study by Dr Azmi Aarif Musa Hajarat entitled "The Role of Political Parties in Organizing Groups in State-Building and Representing Citizen Rights" (link: <http://www.jannews.net/2014/04>).

644) Article 5 of the law states that "(a) the party is founded on the basis of citizenship and equality among Jordanians, commitment to democracy and respect for political pluralism. (b) No party may be established on the basis of religious, sectarian, ethnic or class-based reasons, or based on discrimination due to race or origin."

645) Article 4, paragraph (b) stipulates that "the party has the right to participate in various elections in Jordan in accordance with the provisions of the law."

646) Article 19 provides that "no citizen may be held accountable or his/her constitutional or legal rights abused for partisan affiliation"

Article 8 states the general content that the party's bylaws should include⁶⁴⁷. The law indicates a set of general rules on internal management required for the party to abide by, including its commitment to preserve the law and the constitution, country's independence and non-discrimination, renounce violence and extremism, respect the rules and principles of pluralism and participation, and refusal of foreign financial aids.

In the same context, the law binds the political parties to keep the financial and administrative records and documentation necessary for their institutional activity.⁶⁴⁸ However, the law included restrictions over the parties' rights to merge, dissolve, or make any change to their leadership. Under the law, the political parties shall notify the committee within 10 days of their decision to amend their bylaws or of the party's integration. In this case, making the party's institutional decisions contingent on committee approval is considered an infringement of the party's legal personality.⁶⁴⁹

647) Article 8 stipulates that "the statutes of each political party shall include the following: (a) The party name and logo, which are unlike the name or logo of any other Jordanian party. (b) The party's principles, the aims it seeks and the means to achieve them. (c) The conditions of party membership and affiliation procedures in accordance with the constitution and the law. (d) The party's procedures to compose its bodies and choose its leadership, including the secretary, the organization of its relationship with its members and the procedures for conducting its activities and determining the political, organizational, financial and administrative functions for each of the bodies, provided that the leadership and members of the bodies at all levels are selected through a periodic democratic electoral process. (e) Commitment to the principles and rules set forth in the constitution and the law. (f) Definition of the party's financial resources and provisions for regulating its financial affairs and preparing the annual budget, in addition to its procedures for keeping accounts, including aspects of financial expenditure, spending procedures and the preparation of closing financial statements for all previous years. (g) Procedures to approve the party's annual budget and closing financial statements for all previous years from the highest elected party body. (h) The commitment to hold one periodic public convention each year, as according to the party's statutes. (i) Identification of the competent party authority for issuing final decisions on: 1. Party member violations. 2. Disputes between party members and bodies. 3. Party affiliation requests. (j) Procedures for incorporating the party into another. (k) Procedures for dissolving the party voluntarily and rules for liquidating its assets provided that they come from the political parties' item in the State budget."

648) Article 22 provides that "the party shall keep the following records and data at its headquarters: (a) The party's Articles of Association. (b) The names, addresses, places of residence and personal details of the party leaders and founding and associate members. (c) A record of the party's decisions. (d) Detailed record of party revenue and expenditure in accordance with the provisions of the law.

649) Article 30 specifies that "(a) The political party may amend its Articles of Association or integrate in another party in accordance with the provisions of the Constitution and the law and shall inform the committee of the same. (b) The secretary shall notify the committee secretary in writing against notice of reception of any decision taken by the party to dissolve, merge or make any change in its leadership within 10 days of the issuance of the decision, change or amendment. 2. The committee shall approve or reject the party's request to amend its Articles of Association or merger with another party within two weeks from the date of notification. (c) If two or more parties merge to form a single party, the new party enjoys the legal personality and all the rights of the merged parties shall be forfeited to the new party. It also assumes all their obligations."

Under Article 23, the law safeguards the party's headquarters, documents, correspondence and means of communication against intervention, surveillance, or raid, unless by a judicial decision. The law does not permit inspection of the party headquarters without a decision of the competent Public Prosecutor. Moreover, such inspection may be undertaken with the presence of the Public Prosecutor and the respective party representative with the exception of crimes in flagrante. The law also includes a new procedural penalty for not abiding by the inspection procedures in this case the procedures shall render null and void. ⁶⁵⁰

Practice

To what extent are political parties free from undue interference in their activities?

Score: 25/100

2014 witnessed several government practices intended to activate the role of political parties. The Ministry of Political Development conducted consultative visits to the political parties' headquarters to observe the impediments faced by them and to examine their views for the political life development in Jordan. Workshops and conferences were held on the political parties' activities. The draft law on political parties was discussed in 2014 in conjunction with the parties and civil society organizations. Many parties released statements sharing their views on the electoral law and the draft law on political parties. ⁶⁵¹

Jordan has witnessed many initiatives and general trends from higher levels for promotion of the party activities in Jordan. King Abdullah has recently proposed a number of royal discussion papers, most recently the fifth paper⁶⁵², entitled "Deepening democratic transition, goals, achievements, and political attitudes. This paper underlined the importance of transition towards a parliamentary government that requires national political parties to succeed, by forming governments based on a partisan parliamentary majority.

650) Article 23 of the Political Parties Law of 2015

651) Jordan News Agency (Petra) - 18 November 2014 and Al Ra'i Newspaper - 11 January 2014.

652) Brought before public opinion dated September 13, 2014 as published on King Abdullah's website
(link: <http://kingabdullah.jo/>).

On the other hand, the partisan political activity is still encountered by some obstacles, most notably is that the Islamic Action Front is prohibited to hold its general assembly at the Royal Cultural Centre, arguing that the place was already engaged with certain activity at that date. Moreover, the party leader also declared that the authorities had instigated other civilian groups to refuse to host the conference.⁶⁵³

The report of the government's human rights coordinator for political party activity in Jordan in 2014 refers to the text of Article 19 of the 2012 Political Parties Law, which includes that "no citizen shall be offended or held accountable, or his/her constitutional or legal rights compromised or abused for partisan affiliation. Violators of the foregoing shall be punished". The text underlines that no restrictions should be imposed on any political party members. The individual cases fall short of systematic act. The government's response added that the belief of existing prosecution is attributed to the prevailing cultural heritage among people of infeasible affiliation to the political parties, who fear prosecution by the security services due to such affiliation on one hand. On another hand, the prospect of political parties launching political, social, and economic programs that help convince the public of the benefit of joining them remains elusive. Awareness programs will be necessary to clarify the parties' role and importance in the political life.⁶⁵⁴

Governance: Transparency

LAW: To what extent are there regulations in place that require parties to make their financial information publicly available?

Score: 75/100

The law is devoid of provisions referring to or binding the political parties to publish their annual financial reports, follow the best good governance practices or ensure integrity and transparency in the course of their activities.

However, Article 29 of the law requires the party to appoint an auditor and deliver a copy of the party's annual budget and assets statement to the committee.

653) Report on the human rights situation issued by the National Centre for Human Rights, 2014
(link: <http://www.nchr.org.jo/>).

654) Response of the government human rights coordinator to a 2014 report (link: <http://pm.gov.jo>)

Yet, the law violates a main principle that has long been underlined and is considered a transgression against the party's activity and interference in its affairs, by permitting anyone authorized by the committee chairperson to identify and audit its accounts and submit a report about them without any judicial controls or permission.⁶⁵⁵

The law contains a new provision referring to the parties' authority to form tribunals and internal bodies to adjudicate disputes among their members and internal structures. It also discusses the viability of appealing these decisions before the Court of First Instance.⁶⁵⁶

The law contains provisions referring to the need for the entire reliance of the party on Jordanian funding from known and declared sources for its financial resources. In the same context, the law allows the political parties to accept known and defined gifts and donations from known and declared natural and legal Jordanian persons. It also prevents political parties from receiving support, gifts or donations from non-Jordanian sources or from an anonymous source.⁶⁵⁷

655) Article 29 states that "(a) the party shall appoint a certified public accountant to audit its accounts and financial statements. (b) The party shall send the following materials to the committee annually three months after the financial year end: 1. A copy of the annual budget and financial statements approved for the previous year in accordance with its statutes. 2. A detailed statement of the party's assets, signed by the secretary. (c) The chairperson or his or her authorized representative has the right by law to examine the party's accounts, audit its financial records and send a corresponding report to the committee copied to the secretary. (d) The chairperson's authorized representative may be a certified public accountant or a delegate from the Audit Bureau.

656) Article 32 provides that "appeals are made before the competent Court of First Instance against the party's final decisions issued to adjudicate the violations and dispute arising between its members and bodies in accordance with the provisions of its Articles of Association. (b) The ruling of the Court of First Instance issued in accordance with the provisions of paragraph (a) of this Article may be challenged before the Competent Court of Appeals. Its decision shall be final.

657) Article 24 of the Political Parties Law.

Practice

To what extent can the public obtain relevant financial information from political parties?

Score: 25/100

Political life scene in Jordan is currently characterized by complexity. By the time the quantitative presence of the political parties actually increased (over 34); the qualitative presence is still missing. Political parties have failed to access the power of the "formation of a government" in accordance with the Jordanian Statute. Efforts have been exerted towards the fulfillment of a parliamentary form of government under the Jordanian Constitution.⁶⁵⁸

Governance: Accountability

LAW: To what extent are the legal provisions in place governing financial oversight of political parties by a competent authority in Jordan?

Score: 50/100

The law has not identified a point of reference, such as the audit bureau, to oversee the political party expenses, even though the funds of political parties are considered public funds.

The law only required that the political party selects an auditor and provides the Ministry with the party's budget and spending mechanisms. The law defines a set of controls that limit party spending to the lawful purposes and goals set forth in its statutes. Political parties shall also deposit their money in Jordanian banks.⁶⁵⁹

658) Article 1 of the Jordanian Constitution states that: "the Hashemite Kingdom of Jordan is an independent sovereign Arab State. It is indivisible and inalienable and no part of it may be ceded. The people of Jordan form a part of the Arab Nation, and its regime is parliamentary, hereditary and monarchy."

659) Article 26 of the Political Parties Law.

Furthermore, the law allows parties to invest their money and resources within the country in a known and declared way within a number of controls, including: the release of periodic publications, the party literatures and any other publications; the possession and use of any available media to express its views, principles, and positions, or for any other media-related purpose in accordance with regulations in force; the possession of property to serve as the party's main or branch office; the use of any parts of its premises to hold celebrations or public or private with consideration in conformity with the regulations in force; deposit funds or shares bearing interest in Jordanian banks, and purchasing treasury bonds according to current legislation.⁶⁶⁰

The law does not include any sanctions or penalties for the party violating the financial obligations under the law, except for the provision that addresses penalties against each member of the party who received or agreed to receive money for the party from any foreign country or agency.

The penalty is no less than one year of imprisonment, and imprisonment for a period of no less than three months and not exceeding one year, or a fine of JD 500 at most, or both penalties for each party member who receives money from any public or private person or from any anonymous source.⁶⁶¹

Under Article 33 of the law, the parties' funds and properties may be confiscated in case of violating the provisions of the law. The sanctions shall be intensified in case of recurrence. The unified provisions are neither available nor agreed upon about the standard content of the political party's financial reports.

660) Article 26 of the Political Parties Law, paragraphs (b) and (c)

661) Article 33 of the Political Parties Law.

Practice

To what extent is the effective financial oversight of political parties available in practice?

Score: 25/100

Through the close follow up of the political parties' activities on the Jordanian arena, it is apparent that the parties never sought enhancement of the local democracy, adherence of the best practices of transparency and deliberation of the party management, distribution of authorities within the various departments of the party, promotion of the culture of transparency and disclosure, boosting the participation of woman and youth in particular as leading staff or development of any institutional structures like litigation or financial or administrative systems and others, or adoption of national projects intended to disseminate community outreach at the universities, schools and media about importance and role of parties in the political development, decision-making and promotion of individuals to get involved in the partisan work.

Parties keep all records at their headquarters as required by law. No breaches or referrals to courts resulting from financial imbalances in political party activity have been observed.

The committee in the Ministry of Political and Parliamentary Affairs receives reports and budgets. Under the law, the chairman of the committee or his/her delegate shall be entitled to examine the party's accounts, audit its accounting entries, and submit a report about them to the committee, and a copy of same to the secretary.

The law permits the individual authorized by the chairperson to be a certified public accountant or delegate from the Audit Bureau⁶⁶².

However, no formation of any committee or delegation of an officer to examine the party's accounts or audit its accounting entries has been observed. The supervising Ministry does not disclose such information.

662) article 29 of the Political Parties Law

Governance: Integrity

LAW: To what extent are the organizational regulations available regarding the internal democratic governance of the main political parties?

Score: 25/100

- **The Jordanian Communist Party:** Foundation date was January 17, 1993. The party has regularized its status in accordance with the requirements of Article 27 of Political Parties Law No. 19 of 2007. The Party raised the total number of its members to 525.

The Party held its sixth convention on 14-15 May 2015, where it elected the politburo, the Central Commission, and the Oversight Committee. The party's most important principles are: adherence to the democratic choice, political pluralism, building civil society organizations, promoting and developing national culture and highlighting national heritage, combating sectarianism, intolerance, dispel regional prejudices and all forms of discrimination, defend Palestinian identity, the right of return, and the establishment of an independent Palestinian state. The party is working towards the establishment of a global economic system based on equality and respect for mutual interests, and also opposes the monopoly and imperial plans and policies of Israel. It was granted a license to issue a printed weekly political newspaper under the name of Jamahir ("The Masses") in Amman in Arabic language.

This newspaper was first published in Arabic in Amman on 9 June 1993 after the issuance of a royal decree approving the cabinet's decision to grant the party a printed press license. The party has a continuously updated website that publishes a summary of its positions on national and Arab issues and its bylaws. It also publishes the party's official reports, news and activities on an ongoing basis and includes the possibility of electing the secretary general for no more than two consecutive terms.⁶⁶³

⁶⁶³) see the website of the Party: <http://www.cpjo.org>

- **Islamist Al Wasat Party** was founded on 19 December 2001. The party has regularized its status in accordance with the requirements of Article 27 of Political Parties Law No. 19 of 2007.

The party has raised the total number of its members to 508. The party's Shura council held an extraordinary session on Saturday, 6 June 2015. The party's most important principles are: Islam is a belief and way of life, and believes in the need to transform the general principles into Islam.

The Shura is the primary logic of the party. It believes in participating in every worthy effort and in political life, in addition to the conventions of executive political offices. The party believes in narrowing areas of disagreement and expanding areas of agreement. The party gives priority to Jordanian concerns in its executive and political programs, and respects the laws and constitution, while seeking to modify them whenever possible. It values national unity and defends the freedom of the press and the expression of responsible speech. It asserts that the Palestinian issue is the main theme of the Arab and Muslim community. The party runs a political office composed of 16 members.⁶⁶⁴

- **The Islamic Action Front** was founded in December 1992. The party has regularized its status in accordance with the requirements of Article 27 of Political Parties Law No. 19 of 2007. It has raised the total number of its founding members to 798.

The tenth executive office was elected on August 16, 2014. The party's most important principles are: the call to obeying God, the promotion of virtue, and the prevention of vice, the call of Islam to stand in the face of the colonialist challenge, provide full instruction of the Muslim community in jihad, the application of Sharia in all areas, contribution to the survival of the Muslim community while striving to achieve its unity, the consolidation of national unity and a democratic shura approach, the importance of people's life issues, the construction of Jordanian society, and the implementation of the principle of freedom and responsibility for all.

The party also defends political pluralism and human rights. The Islamic Action Front underwent a structural split three years ago following accusations among party members when it was considered one of the most prevalent parties. Some of its leaders then founded a new party named the Islamic Action Front on the grounds that the previous party was not licensed and had not corrected its status. This new party was then established as a branch of the Muslim Brotherhood in Egypt, issuing a statement from its legal interpretation office to that effect. The party has experienced further splintering such as the Zamzam Initiative, the Initiative to Save the Front, and others.

664) see the website of the Party: <http://wasatparty.org>

- **The Jordanian United Front** was founded on 30 September 2007 with 541 founding members. The party's national assembly convened on 16 August 2014. The party's most important principles include: the Jordanian Constitution is a fundamental national constant, impermissible, and no one may break with it; the national security is part of the people's security, promotion of it is through strengthening and deepening and enhancing national affiliation, social solidarity for all segments of society. This can come through the development of the basic social, economic, and security-related pillars of society so they can meet the community's basic needs in terms of job security, livelihood, and psychological security.

The party's views about economic and social security do not mean a private-sector state; they mean that the state and the private sector share responsibility for economic and social security - a joint, mutually supportive and cooperative responsibility to prevent imbalances in the structure of the national economy caused by policies focused on investment for the sake of stability, which the party calls for rectifying through various measures.

The party is also interested in social, women, and youth issues, and in providing a decent life for children. It places importance on the subject of educational security by conceptualizing the subject of education, as well as on cultural security and Arab identity to confront all challenges aimed at erasing Arab identity from the minds of the people, controlling their culture and replacing it with a single type of thought and culture. The party is also interested in educational and political matters related to Palestinian and Iraqi issues. It also pays attention to Arab and international relations and work to strengthen them.

- **The National Movement Party.** It was founded on August 31, 2009. The party held its general convention on May 30, 2015, when it elected the party leader and deputy leader. On 6 April 2015, the central council of the party elected and the secretary general of the party and the leader and deputy leader of the central council. The party's most important principles include commitments to the provisions of the constitution and respect for the rule of law, to the principle of political pluralism in thought, opinion, and association, to maintaining the country's independence and security, and safeguarding national unity, to rejecting all forms of violence and non-discrimination among citizens, and to achieving equal opportunities for citizens in terms of participation and responsibility.

The party pledges not to establish any institutional or financial link with any non-Jordanian party or to carry out partisan activity on the orders or directives of any foreign country. Similarly, it promises not to interfere in other countries' affairs or harm Jordan's political relations with any other country. The party is also committed to upholding the neutrality of public institutions in the performance of their tasks.

Practice

To what extent is the effective internal democratic governance available in the political parties in practice?

Score: 25/100

It is worth stating that the attempts to adopt a unified national approach to promoting the political partisan activity failed. Certain conservative forces in Jordanian society still fear reinforcing the ideological and institutional structure of the political parties under various pretenses, especially the demographic composition of the country and the expanding general tribal nature of the society, as practicing certain political roles. The issue requires awareness programs, educational curricula, national planning and a general review of political, institutional and security-related practices to wards political action.

In relationship to the Executive Authority, no progress has been seen towards the seriousness of governments in including the political parties into the State's public activity and recognizing them as an essential ingredient to the progress of human societies. The official government approach has been marked by a general tactical discourse that political parties are unprepared and that these political parties are a fundamental partner in the general reform process in Jordan.⁶⁶⁵

Licensed political parties still suffer from problems in attracting and assembling the people. Certain studies suggest that 1% of the population belong to the political parties⁶⁶⁶; their programs are still conventional while other people believe that the local affair is never a priority. It is remarkable that over the last two years (2013-2014), a structural change has taken place to the Islamic Action Front, which was categorized as one of the most prevalent parties, when experienced a deep split between its top-ranking leaders that led to the formation of the Muslim Brotherhood, and thus a new institutional body has been licensed. The Zamzam Initiative also emerged during the formation process yet its institutional body continues to split. The ideological scene of these parties is no different than other intellectual divisions of the political parties in terms of right, left and medial.

665) See statements of the Prime Minister on: <http://www.addustour.com/1769>

666) A study conducted by Al Hayat Centre for Local Community Development indicated that 70,6% of Jordanians are not familiar with the political parties and 75,1% don't know the parties for lack of interest in them. For more kindly visit the link: <http://www.alrai.com/article/559004.html>. According to statistics of the Ministry of Interior indicated that the officially affiliated members to the parties are no more than 2% of the Jordanian population.

Role: Interest Aggregation And Representation

Score: 25/100

In a striking development, a movement began within the Legislative Authority to form parliamentary blocs in 2013. In light of that, the internal regulation of the House of Representatives was amended to expressly provide for the organization of the parliamentary blocs in chapter 5 of the internal regulation.⁶⁶⁷

Nevertheless, what brings these blocs together is the close personal ties and not attributed to any ideological activity or political program that they strive to implement. In addition, the regulatory frameworks of those blocs are described as poor in their institutional building in a manner that ensures permanence, stability and continuity. They are prone to amendment and modification in each parliamentary session.

Despite the legislative progress in the framework regulating political parties' activity, these efforts have been unsuccessful in promoting the Jordanian society forward to carry on partisan activity and to engage therein, notwithstanding the emergency of the partisan work in Jordan, with the existence of the Emirate of Transjordan. The partisan work continued in a balanced manner along with the growth and development of the State. Jordan has come to know the partisan work at an early stage. Since the establishment of the Emirate of Transjordan in 1921, political activity with the partisan character existed, and constituted the institutional core in 1927 with the establishment of the Jordanian People's Party.

On the other hand, the year 2014 witnessed a significant decline in the number of sit-ins, popular demonstrations, and marches demanding reform and combating against corruption, and condemning the high prices compared to previous years. The year was also not as violent as the previous years'⁶⁶⁸, when the general majority tended to hold peaceful demonstrations, where law enforcement agencies were not compelled to break these demonstrations. The political parties still proceed in carrying out their activities under the Assembly Law of 2011 according to the latest amendments. Despite the progress made on this issue of notification, this law requires more reform for the broad powers granted to the chief administrator to break up sit-ins or marches and for being devoid of definition of the public assembly. In addition, it refers to the regulations and directions of the public meetings organization and for not excluding the political parties from the framework of this law, considering that the Political Parties Law governs and regulates their activities.

667) For more, kindly examine the internal regulation of the House of Representatives, chapter 5, Articles 25- 35

668) See Amnesty International report for 2014, page 52 states "the police forces crackdown peaceful demonstrations using excessive force on a number of events over the year.

The parliamentary blocs and coalitions: the bylaws give members of the House of Representatives the right to form parliamentary blocs provided that the members of the bloc occupy at least 10% of the seats in the House. Two or more blocs are allowed to form a parliamentary coalition and each bloc or coalition sets up its own bylaw organizing its activity; the bylaw is kept with the secretariat general.

It elects a chairperson, deputy chairperson, rapporteur, and media spokesperson. The formed bloc notifies the Speaker of the House of its formation, its name and the names of the members, chairperson, deputy chairperson, rapporteur, and media spokesperson, and its bylaws, as well as any increase or decrease in the number of members of the bloc and any changes to the positions and its own bylaws.

All members of Parliament have the right to join only one parliamentary bloc and not to join any other until after the regular session has ended. Any Member of Parliament who has resigned or dismissed from the bloc shall lose the right to participate in the parliamentary delegations and the right to the position he/she held as bloc representative to the various committees and the executive office.

The bloc has the right to replace him/her with another of its members. Furthermore, resignation or dismissal of any member of the bloc may not affect the bloc's quorum up to the end of the ordinary session, unless the bloc loses more than half of its members. In that case it shall be considered as if it did not exist.⁶⁶⁹

These blocs include the Parliamentary Reconciliation Bloc, the Reform Bloc, the Parliamentary Initiative Bloc, the Watan Bloc, the Parliamentary Islamic Centre Bloc, and the Democratic Renaissance Assembly Bloc.

Accordingly, the landscape of political life in Jordan is twofold in terms of political components. Political parties, parliamentary blocs, and coalitions are involved in the House of Representatives at the national arena. This will make it necessary in the years to come to create a national vision of the political work, in order to form a parliamentary majority, followed by being consulted by the King. The first consultation has taken place for the first time during 2012 to form the current government with the parliamentary blocs.⁶⁷⁰

669) website of the Jordanian House of Representative about the parliamentary blocs: <http://www.representatives.jo/>.

670) to identify names of the bloc representatives, please visit the official website of the Jordan House of Representatives: <http://www.representatives.jo>

Role: Anti-Corruption Commitment

Score: 25/100

The fight against corruption is generally a priority for Jordanian political parties in their general discourse addressed to the people. The public speech, together with those in charge, expresses compliance with the standards and principles of transparency, integrity and anti-corruption, and to express their point of view on some of the public national matters by issuing statements.

Yet, the political parties have not staked clear positions about some of the financial and major corruption issues that have affected and disrupted some large national projects. This stems from the fact that the political parties do not work through clear economic, political, and cultural programs, and do not closely oversee everything that concerns the people continuously. The parties did not discuss high prices as required. Certain political parties have expressed general disapproval of the rising prices. Political parties have also not expressed positions on indebtedness, foreign debt service, and other national issues.

Over eight opposition parties have formed a joint partisan coordinating body that has voiced rejection of some official policies enacted by the government ⁶⁷¹ and other public positions.

On the other hand, the law includes a range of severe penalties, as well as the provision of the phrase “subject to any other severer penalty in any other law” at the outset of Article 33 ⁶⁷², which underlines that the intention of the legislator is oriented towards placing emphasis on the punitive approach against the political parties, but not towards the development of a sensitive punitive approach for the political parties’ development.

671) see the situation of the Coordinative about the Government: www.jordanzad

672) Article 33 provides that “subject to any other severer penalty provided in any other law: a- any member of any party who received or agreed to receive money in favor of the party from any foreign country or body shall be punished by imprisonment of no less than one year, b- any member of the party who received money from any legal person whether public or private or from any unanimous source shall be punished by imprisonment of no less than three months and no more than one year of a fine of no more than JD 500 or by both penalties, c- whoever commits a violation to the provisions of this law and there is no provision providing for a relative penalty shall be punished by imprisonment of no more than three months or a fine of no more than JD 200; in case of recurrence both penalties are combined, d- funds collected as a result of committing any act provided in the clauses a and b of this Article shall be confiscated and forfeited to the parties item in the general budget.

Recommendations

• In terms of legislation

- 1- Review and amend the political parties law in a manner that ensures facilitating and expediting the process of parties' registration and licensing. The current law includes prolonged procedures that administratively complex, and excludes the will of individuals to proceed with political parties' licensing.
- 2- Review the legal framework governing financing political parties, and use international guidelines, such as the ones for announcing establishment, participating in elections, as well as the number of votes acquired by the party, and the number of seats won by the party, in addition to women representation, number of party members, and number of party locations in all governorates.
- 3- Explicitly provide for the right of the parties, institutions and legal persons to undertake all actions related to their domestic affairs without the need for any approval to that effect, such as modifying their bylaws.
- 4- Repeal penalties that are severe and inconsistent with the official public discourse towards strengthening partisan life.
- 5- The law should include the independence of the party's legal personality; party's shall be granted no interference in their internal affairs, except through clear judicial proceedings. No group or individual may examine a party's accounts, documents or records unless judicially authorized to do so.
- 6- To amend the Public Assembly Law to allow legal personalities to provide written notification to convene their public meeting or to sign it with the natural persons. To eliminate the broad powers of the Minister of the Interior under the Public Assembly Law represented in the authority to rule out certain meetings from the provisions of the said law and in the issuance of the instructions necessary to apply the provisions of the law at any time.

• In practice

- 1- To cease any practices that would affect accession to the political parties or engagement in their activities.
- 2- To review and update school and university curricula on civic and political education; removal of any material inconsistent with the freedom of opinion and expression, political pluralism and the right to form and join political parties.
- 3- To involve political parties in growth plans and community programs without prejudice to the right of the parties to address public opinion, including youth.

- 4- Political parties should seek to develop their internal systems and organizational structures on the basis of transparency and good governance.
- 5- The political parties should develop national plans and programs to satisfy the needs of society individuals to come up with solutions and perceptions about the troubles suffered by Jordan.
- 6- Political parties should follow all means and methods towards the financial disclosure, financial and administrative transparency; to dedicate the best political practices in the public work.⁶⁷³

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Media

Summary

The Jordanian media today is very dynamic compared to the past years, because it was able to play an important role during the period termed 'the Arab Spring'. It had broadened the margin of freedom, participated in highlighting a considerable number of cases of corruption, in addition to raising the ceiling for the freedom in which it operates.

The humble assessment of the role of media is associated with poor independence, especially as the majority of the media institutions are still owned by the public sector, either directly like the Radio & Television Corporation, or through the ownership of the Social Security Corporation of a number of the newspapers.

Furthermore, the Jordanian media also suffers from weak laws on accountability, transparency and integrity. Despite the legal independence of the Jordanian media, yet the methods of indirect influence still exist in the public sector. The situation is not very different in the private sector; it is also characterized by weakness, and suffers from weak governance and transparency. However, the public sector is starting to compete in some areas.

Notwithstanding the foregoing, the Jordanian media plays a positive role in raising awareness on general issues, although media legislation still needs amending and reforming in regard to access to information and non-intervention in press and media business, as well as strengthening the values of integrity and transparency. The Press Association needs to play a greater role in regulating and institutionalizing the profession.

The following table summarizes the total media score in Jordan in accordance with capacities, governance and role, in terms of laws and practice:

Overall Score: 35 / 100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 50/100	Resources	50	25
	Independence	50	75
Governance 38/100	Transparency	50	25
	Accountability	50	25
	Integrity	25	25
Role 25/100	To what degree is the media considered active and successful in investigating and exposing cases of corruption?	50	
	To what degree is the media considered active and successful in informing the public about corruption and its impact on the country?	25	
	To what extent is the media active and successful in introducing people to the governance cases?	25	

Structure and Organization

Visual media (television) is the most prevalent and influential among the rest of the media institutions in Jordan. There are two main channels providing media coverage nationwide.

The first is Jordanian Television, a government corporation covering all the political, economic, and social areas, which is considered the State's media arm; the other channel is 'Roya', a privately owned channel, which also provides overarching coverage. In addition, there are numerous private television channels which offer numerous programs and news, in addition to a television channel that belongs to the Islamic Action Front party.

There is a large number of broadcast channels, the majority of which are owned by the private sector, and another that is publicly owned. There are four main daily newspapers: Al Rai, which has the largest circulation and most of its shares are government owned through the Social Security Corporation; Al Dustour, which also has a mixed public/private ownership.

There are two daily newspapers under private ownership: Al Ghad newspaper, which has the largest circulation; and Al Arab Al Yawm newspaper which is under private ownership and also is considered of lower circulation. There is also a number of magazines and a large number of websites which have influence in the Kingdom.

The Audio-visual Media Commission oversees the television channels, cinemas, websites, radio broadcasting channels and production companies. Following the revocation of the Press and Publications Department, licenses were granted to the institutions concerned with issuing studies and reports and oversight over satellite broadcasting in Jordan.

The Press Association oversees the journalists and follows up on an ongoing basis their issues relating to matters of the profession. It also issues the annual report on the status of freedom of opinion and expression in Jordan under the Press Association Law.

Capacities: Resources

The Law: To what extent does the legal framework provide the appropriate environment for a diverse, independent media?

Score: 50/100

Article 15 of the Constitution secures freedom of opinion and expression and freedom of press and media. Article 15 provides that the State secures freedom of opinion for all Jordanians who may express freely their opinions in writing, verbally, portraying, and all other expression means provided the limits of laws are observed. The freedom of scientific research and literary and artistic, cultural and athletic freedom are also secured without prejudice to the provisions of the law or public order and morals. The State secures freedom of press, printing, publication, and media within the law limits. No newspapers and media may be derailed and licenses abolished without a court order in accordance with the law provisions.

The Media Commission was established in 2014 being the legal successor of the Department of Press & Publication and the audio-Visual Media Commission. Thus, the Commission is concerned with the implementation of the Printing and Publishing law and the Audio-Visual Law; it undertakes the following functions:

- 1- Development and regulation of the print, audio-visual media sector in the Kingdom, and creating an investment environment therein.
- 2- Receive licensing applications of newspapers, magazines, news and specialized websites, radio and TV stations, studies and research centers, public opinion study centers, houses of publication, distribution, translation, advertisement, and publicity, as well as printing press and libraries.
- 3- Development of licensing standards.
- 4- Monitor the compliance of the licensed institutions with the law.
- 5- Approve the classified publications, and grant licenses for production and circulation locations in accordance with the provisions of the law.
- 6- Approve radio and television stations reporters' offices.
- 7- License the technical equipment and the means used for radio and television relay in coordination with the Telecommunication Regulatory Commission.
- 8- Implement public media policy approved by the government
- 9- Prepare the national orientation plans and circulation of same to the licensees.
- 10- Organize media activities to upgrade the level of media profession and qualifications of media personnel, and conduct training, studies, and research, as well as holding conferences and symposiums and festivals.
- 11- Formation of a committee composed of competent personnel to handle the complaints filed by the public or any other party in connection with the media content, relayed material, or registered materials for presentation or public deliberation, or filed by a licensee against another licensee.

The media regulatory legal framework in Jordan is divergent and holds many variations, and is subject to numerous continuous amendments. This causes variation in terms of compliance from one time to another. This is subject to the situation prevailing in the country, the nature of the Executive Authority, and how far holders of authority are enjoying more freedom and acceptance of criticism. In regard to the practice of the journalistic profession, the Press Association law, as amended, does not recognize any media professionals and journalists who are not registered as members with the Press Association. This restriction has raised several aspects of criticism between the remaining operating parties in the other media fields.

This problem is termed 'the mandatory membership'. The Press Association Law prohibits anyone who is not registered in the Association's records of practitioners or trainees from working in journalism. It also prohibits those who are not members of the Association from corresponding with any foreign newspapers outside of Jordan.⁶⁷⁴

The Press Association Law prohibits any Jordanian press institutions within the Kingdom from employing any person in any journalistic employment if their name is not listed in the register of practicing journalists. However, the law allows these institutions to accept a trainee of journalism on the condition that they are registered in the Association's list of trainees, according to directives for this purpose, with the consent of the minister.⁶⁷⁵

This ban is reflected in the Press and Publication Law which states that "It is not permissible for a non-journalist to practice the profession of journalism in any of its forms including corresponding with periodical publications and foreign media, or introducing himself as a journalist; this does not include someone whose work is restricted to writing articles."⁶⁷⁶

674) Article 18 (a) of the Press Association Law states that "Non-practising Journalists or those provided in Article (9) of this law are banned from communicating with foreign newspapers and introducing themselves as journalists or any other similar capacity. Furthermore, the offices of advertising, publicity, publication and distribution shall be banned from adding any phrase or word to its address or publications or advertisements importing the same unless licensed to release press publications" – Ibid

675) Article 16 of the Press Association Law – ibid

676) Article 10 of the Press and Publication Law 1998, as amended

The Press Association Law stipulates that journalists registered with the Association shall be Jordanian, with legal capacity and holder of a certificate in media and trained for no less than 6 months.⁶⁷⁷

The Press and Publication Law regulates the mechanisms for granting press license; licenses are considered a prerequisite for issuing publications. Thus, the Provisional Law of the Audio-visual Commission included ⁶⁷⁸. The Press and Publication Law gave the right to any Jordanian and any company owned by Jordanians to issue a press publication. It also granted all licensed Jordanian political parties the right to issue their press.⁶⁷⁹

Applications for a license to issue a journalistic publication or a specialist journal are made to the Minister ⁶⁸⁰. To grant the publishing license, the press publication or the specialized journal should be registered as a company in accordance with the provisions of the Companies Law in force⁶⁸¹ with the exception of the specialized publications issued by the ministries, departments and official public institutions, as well as universities and private institutions for the public good, along with journalistic publications issued by any political party, based on the Minister's recommendation.⁶⁸²

It is noticeable that the Press and Publications Law does not state that the applicant for a newspaper license has the right to take any legal action if their application is rejected.

677) Article 5 of the Press Association Law.

678) Article 15 of the Provisional Law of Audio and Visual Media, as provided on the official website of the organisation at: <http://www.jmm.jo/%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D8%A7%D8%AA->

679) Article 11 of the Press and Publication Law, as amended

680) Article 12 of the Press and Publication Law – ibid.

681) Article 13 of the Press and Publication Law – ibid.

682) Article 14 of the Press and Publication Law – ibid.

Practice

To what extent do the independent media provide conflicting opinions?

Score: 25/100

The Jordanian media institutions cannot be considered a homogenous group. There is the official media (the public sector) which is supported financially by the government and there is the private sector media, the audio-visual media, and the electronic media. When considering the media we cannot give an identical portrayal of each of the media institutions. Some of them are suffering in this aspect but some of the institutions have trained and qualified personnel that have proven their ability in their jobs alongside the existence of qualified technical staff who excel in their fields. Therefore, we cannot put them all in one basket.

The financial condition of some of these institutions has been excellent over the years and some of them have distributed dividends to shareholders. However, some of these institutions, especially the newspapers, are now suffering from difficult financial circumstances, as most of them are likely to stop operating due to the financial crises they are suffering from.⁶⁸³

The media professionals in both official and private Jordanian media institutions are suffering from being underpaid. The salaries of media professionals are considered so low comparably, according to a report on this, that there are media professionals who are leaving for the private sectors or who are forced to work for more than one organization in order to improve their financial circumstances.⁶⁸⁴

Despite the fact that the salaries of media professionals working in the government media have been increased over the last three years after the restructuring of the Radio and Television Corporation and the Jordan News Agency (PETRA), salaries in the media are still not enough to build independent media.⁶⁸⁵

The lack of financial resources for some employees of these newspapers forced them to organize ongoing protests and sit-ins to improve their financial resources.

683) the main journals experienced many sit-ins and demonstrations due to deteriorated financial conditions of the personnel, for more please see the link: Al Rai newspaper:

<http://www.alghad.com/articles/859620>• <http://watananews.net/jonews/mejhar-news/108882.html#.VwoolPkrLIU>

684) for more info., please visit the link: <http://7iber.com/2013/09/newspaper-employment>

685) for more information, please visit the link: <http://www.alrainews.net/more-53837-24>

The technological infrastructure and equipment in the public sector institutions, especially Jordanian television, are still weak and old and have not been updated for years and decades due to the chronic financial crisis. Therefore, the level and structure of the organization is deteriorating and it is not capable of competing regionally and locally. New media institutions and channels have emerged, which can surpass the Radio and Television Corporation with its reduced financial capabilities.

In regard to the training of media professionals, there is more than one institution in charge of providing training services. This includes the Press Association which, under the Press Association Law, has founded the first journalists' training center, with an available training team⁶⁸⁶. This is in addition to the Jordan Media Institute, which runs courses that focus on developing the professional aspect, and awards Master Degrees in Media.

There are numerous problems with the professionalism of those employed in media institutions. Despite the availability of academic institutions offering qualifications in the media sector, the deficiency of professionalism is clear in some public media institutions, especially Jordanian Television. Also, despite the existence of many training programs, journalists do not assign enough importance to issues of personal professional development. Without the availability of a trained professional workforce with a professional attitude, all parts of the media will be negatively impacted in all areas, such as independence, transparency, and integrity.⁶⁸⁷

The capability to present differing views depends on the nature of the media body. If it is government owned or the government is a shareholder in it, then commonly the news covers and markets the governmental and official decisions. However, this has not prevented the emergence of electronic media, which has had great success in attracting followers and covering all the news and presenting all the conflicting opinions professionally.⁶⁸⁸

686) A report measuring journalistic and media freedoms in Jordan issued by the Press Association in 2014 recommended the importance of training journalists and media professionals and developing the legal culture for them, especially in the light of the developments in the media sector. According to representative of the Press Association, Tareq Momani, a part of the plan of the Training Centre is for the Press Association, in agreement with the legal consultant, to create a series of courses in this regard. In the near future there will be specialist courses on legal protection and knowledge of the legislation. "This is a very important aspect. We are pushing towards there being a legal expert in media organizations, so that before laws are issued, the clauses of these laws can be researched and we can find out how they apply to the work of the journalist."

687) "Akeed" Observatory belonging to the Jordan Media Institute was established to publish periodic reports about the professionalism and credibility of the news deliberated as a self-regulatory instrument for the media. To identify conclusions and outcomes of the captioned reports, kindly visit the Akeed website: <http://akeed.jo>

688) National Centre for Human Rights' report for 2014 and the Centre for Defending Freedom of Journalists report for 2014

Capacity: Independence

The Law: to what extent do Jordanian media institutions have independence in the law?

Score: 50/100

The Jordanian Constitution states that “the State protects freedom of opinion and that every Jordanian is entitled to freely express his opinion by speech, in writing, or by means of photographic representation and other forms of expression within the limits of law.”⁶⁸⁹

“The State protects the freedom of the press and publications and media within the limits of the law.”⁶⁹⁰ “Newspapers and media shall not be suspended from publication nor shall their licensees be revoked without a court order in accordance with the provisions of the law.”⁶⁹¹

However, the Press and Publication Law, the principal regulator for media work in Jordan, does not clearly provide for the independence of the media. Instead it relies on Article 15 of the Jordanian Constitution by confirming in its Article 3 that “The press and printing are free and freedom of opinion is guaranteed to every Jordanian. Jordanians have the right to express their opinion freely through speech, writing, photography, drawing, and all other means of expression and information.”⁶⁹²

2014 witnessed amendments of the Journalist Association Law, which included several changes and amendments.⁶⁹³

689) Article 15 (i) of the Constitution of Jordan.

690) Article 15 (iii) of the Constitution.

691) Article 15 (iii) of the Constitution

692) Article 3 of the Press and Publication Law no. 8 of 1998, as amended – the law is available on the official website of the Jordanian Press Association at: <http://www.jpa.jo>

693) the most salient amendments to the law: a) definition of the journalist contained in Article 2 of the law, the word “practicing” was added after the phrase “register of journalists” and thus the definition reads as follows: “the journalist: member of the Association registered on the practicing journalist register and his journalism is his profession”. Therefore, the new definition has narrowed the press conception to be limited to those registered in the practicing journalist register ruling out others like the Association non-affiliated journalists. The restriction breaches the right to freedom of selection and accession to the associations and unions; b) new addition to the second Article relating to the definition of the media institution as follows “the natural or legal person who founds a news agency or radio or TV within the Kingdom similar in nature to the press activity in media fields, including: news and editorial departments. In principle, in return, the membership conception in the Association is broadened to include technical and administrative personnel who are not journalists in profession. This definition is in line with the new directions to expand the Association membership to include workers in the sector, c) broadening the membership cycle of the Association associates members by allowing the space, radio, electronic media sector workers in addition to the accredited foreign media correspondents to accede to the Association membership under Article 8, and this is one of the positive amendments contained in the law, d) to amend the conditions to be satisfied by any person enrolling in the Press Association through the revocation of clauses (6, 7) of paragraph (d) of Article 5. The two clauses provided previously for the scientific qualifications acceptable to be registered in the Association; in addition to the amendment relating to the mechanism for electing the President to be directly elected by the general assembly.

In connection with the e-media, the Printing Law has been amended to bind the news websites to proceed with the registration. Several requirements were developed to this end, most notably, readers' comments are considered as a part of journalistic material. Therefore, the editor-in-chief takes responsibility for these, which could lead to the practicing of a kind of censorship of readers' comments by the editors of some websites, whilst some others could refuse to publish comments in principle. On another point, the percentage of complaints in respect to these websites relating to respect for individual rights and the freedom of others has retreated.

It should be mentioned in this context that some news websites, with the aim of fulfilling the licensing conditions, especially the condition that the editor-in-chief must be a member of the Press Association ⁶⁹⁴ have resorted to putting down names of association members and using them as figureheads in license applications. This has resulted in some editors-in-chief working in reality in other media institutions.

The goals of the Association include guaranteeing media independence and freedom, empowering journalists to perform their journalistic mission, and granting the freedom necessary to do this in accordance with the provisions of the law, and within a framework of ethical, national, and ethnic responsibility. The goals also include maintaining the code of ethics and the principles and traditions of the profession, regulating professional practice and work to raise the standards of the profession, and contributing to developing the profession and training journalists. The Association shall also participate with current media institutions and agencies to spread humanitarian culture and knowledge in all its different forms and to deepen awareness of citizens' responsibilities, and work to kindle national, ethnic, and Islamic pride, and spread virtue and the sublime humanitarian values derived from the Arab-Muslim cultural identity. The Association also aims to reinforce bonds and cooperation between Jordanian journalists in order to enhance the profession and to act to settle their professional disputes. ⁶⁹⁵

The press practices its profession freely by providing news, information and comments. It contributes to spreading ideas, culture, and knowledge within the limits of the law, and within the context of maintaining public freedom, rights, and duties, as well as respecting the freedom and sanctity of the private life of individuals. ⁶⁹⁶

694) The Press and Publication Law require the editor-in-chief to be a Jordanian national and actually resident in the Kingdom. He should attach a certificate of membership from the Press Association that the editor-in-chief has been a member for at least four years. He must not have been prone to a penalty banning him from exercising the journalism in addition to consent and undertaking to give up the work in the press.

695) Article 4 of the Press Association Law.

696) Articles 3-4 of the Printing and Publication Law

Practice

To what extent do media institution(s) have independence in practice?

Score: 25/100

In regard to the applications of the principle of transparency in practice, the freedom to publish and secure the flow of information to the public is still subject to the standards of the media stakeholders. The editor-in-chief can prevent the publication of information which he believes would be harmful to him and to his institution.

The government or the most influential agencies may intervene in the media to stop the publication of information. Society per se may prevent journalists from publishing information according to personal view, such as measuring society harm that might happen due to publishing such information. In some cases the government issues decisions and circulars whereby it prevents the publication of information on specific cases. Moreover, the judiciary sometimes issues rulings preventing the publication of information on cases under hearing. In some cases, official authorities address the Press Association to ask it to speak to the media to prevent the publication of specific issues. The Press and Publications Department was responsible in most cases for addressing the media to prevent publication on the basis of an official government request or at the request of the judiciary or the Security.

Neither the official nor the private Jordanian media institutions have full independence in practice. The public sector institutions, namely the Jordanian Television and the News Agency are not independent media institutions. After the boards of directors in these two institutions were independent, the Minister for Media became the chairman of the board, which impaired the independence.

Moreover, the degree of independence in the private sector institutions varies according to the form of ownership and the relationship of the capital with the authority as well as with the economic interests. The print newspapers sector has not yet broken free from the government. The Social Security Corporation owns/ is a shareholder in both Al Rai and Al Dustour newspapers. The new newspapers enjoy a certain amount of independence. We notice some pawns of the state or the private sector in their editorial line which impacts on their ability to discuss some of the economic problems objectively and from a neutral standpoint. ⁶⁹⁷

697) Crisis of the print media in Jordan: independence and efficiency of the management in the background of scene, for more kindly see: <http://alhashmiahnews.com/print.php?nid=22200>

Perhaps the most prominent issues facing the independence of the Jordanian media administratively and financially is the government's authorities to appoint the boards of directors of the official government media institutions, Jordan Radio & Television, PETRA and the Audio-visual Commission.

The government is in charge of appointing their boards of directors, as well as funding them from the state budget. Alongside this, the government is also in charge of appointing the members of the board by virtue of the size of shareholding, byway of the Social Security [Corporation] shareholdings in the two newspapers of Al Rai and Al Dustour. This leaves these two institutions under government control, at least on the management side.

The practice of independence does not seem to be linked only to these two aspects; there are other interferences in the media which have a negative impact on the independence of the Jordanian media. In recent opinion polls, the government through its various institutions is ranked first in intervention in the media, followed by businessmen, politicians, and advertising companies.

There is another phenomenon impacting the independence of the media and restricting the independence of journalists and media professionals which is known as 'soft containment' of journalists and media institutions. This is alongside an increase in the level of self-censorship practiced by media professionals whilst they are practicing their daily work activities.

This means that the concept of independence in practice is not fulfilled completely.

In another context, the Audio-visual Media Commission put out a circular to licensed satellite and broadcasting channels, as well as the approved satellite and broadcasting channels and websites, that no news or information relating to matters of public security and public security employees could be disseminated and discussed except through a clear and direct request from the responsible sources at the Directorate of Public Security. Also, no articles and comments can be accepted or published except those within the scope of legitimate published information and news which does not relate to or deal with the public security and its employees in any way, either directly or indirectly.

This is based on the provisions of Article 20/L,N of the Audio-visual Media Commission Law no. 71 of 2002, and Article 5 of the Press and Publication Law no. 8 of 1998, as amended, under penalty of perjury.⁶⁹⁸

One can only conclude that this circular confirms the concept of self- censorship amongst writers, journalists, media professionals and those making readers' comments, which in the end limits freedom of opinion and expression.

698) Letter No. Mn/17/20707 dated December 9, 2014 issued by the Media Commission

In regard to the 2014 report on the level of press and media freedom in Jordan, the heading 'press freedoms' was labeled as 'relatively free' for the third year in a row, despite a 3.5 point rise in the percentage of freedom compared to 2013 when the percentage of freedom was 47.61%. Therefore, media freedom remains within the range of 'relatively free' between 39.5% and 59.6%. The value for the general media freedoms indices (journalists and media professionals) was 47.61% for the overall index, whereas the value for the audio-visual group freedom indices was 50.4%, which falls within the range of 'relatively free'. The indices for the printed newspapers freedoms also came within the range of 'relatively free' with 46.9%. Electronic journalism also came within the group 'relatively free' with 55.7%, which was an excellent improvement compared to the previous year. ⁶⁹⁹

In connection with the international reports, Jordan experienced a decline in the press freedom index for 2014 by seven points compared to 2013 according to the latest report issued by 'Reporters without Borders'. Jordan was placed 141 in 2014 compared to 131 in 2013 in the survey covering 180 countries. ⁷⁰⁰

Governance: Transparency

(The Law): To what extent do media institutions have regulations to ensure that the public has access to the information on their activities and decision making processes?

Score: 50/100

The Jordanian Constitution permits the law to impose limited censorship on newspapers, publications, books and the media, and communications in matters affecting public safety and national defense in the event of the declaration of martial law or a state of emergency only. ⁷⁰¹

The Press and Publication Law provides that "The press shall freely exercise its task of presenting news, information, and commentaries and shall contribute to the dissemination of thought, culture, and science within the limits of the law and within the framework of preserving public liberties, rights and duties as well as respecting the private life of others." ⁷⁰²

699) This is in accordance with the findings of the 2014 report on journalism and media freedoms in Jordan prepared by the Press Association. The report is on the Association's website and at: <http://www.addustour.com>.

700) Report from Reporters without Borders. The media coverage of the report summary is at <http://www.gerasanews.com>.

701) Article 15 (5) of the Constitution of Jordan.

702) Article 4 of the Press and Publication Law of 1998, as amended

Under the Law, "‘press freedom’ includes the following:

- a- Introducing people to the events, ideas, and information in all fields.
- b- Allowing people, parties, associations, and cultural, social and economic institutions to express their thoughts, opinions, and accomplishments.
- c- The right of access to information, news, and statistics of concern to citizens, from the various sources, and analyzing, circulating, publishing, and commenting on them.
- d- The right of the periodical publication and the journalist to keep confidentiality of sources of information and news obtained.⁷⁰³

The Code of Ethics of Journalists comprises numerous obligations and principles the journalists should abide by to be complied in their professional practice. These include for example: media professionals shall ensure introducing accurate reliable information to the public, verified prior to dissemination. Media professionals must not interfere with the content of media material, voices, or pictures, in order to change facts. Media professionals shall phrase and disseminate news professionally.

Media professionals should not hesitate to admit a professional mistake which affects the truth. They must give a statement of the reasons for this mistake, correct any mistakes and give the right of reply to anyone whose rights may have been affected by this mistake. Information must be obtained legally. Media professionals must not agree to use illegal methods except for the exigencies of the public interest, on the condition that they do not use extortion, any form of aggression, or carry out any action which could harm others. Information sources must be referenced in order to maintain credibility whilst media professionals retain the right to keep sources confidential, especially if the source wishes to remain anonymous.

The problem faced by the public institutions is represented by lack of information and information systems, as well as the poor classifying and sorting of information. The Legislation Bureau nowadays has a draft law for national integrity that requires all institutions to have their own information systems. Those systems should be annually updated. They should adopt technology that is made available to the public. The law promotes the right of knowledge for all through public national information sector".⁷⁰⁴

As for the budgets of the government-owned institutions, they are subject to the general budget and law and procedures. The remaining press institutions are not under any law binding them to disclose their budgets, and in practice they don't publish them to the public, noting the Illicit Enrichment Law does not bind these institutions to present their financial disclosure statements.

⁷⁰³) Article 6 of the Press and Publication Law, as amended.

⁷⁰⁴) Dr. Bassim Twaisi – Ibid

Practice

To what extent is transparency practiced in media in terms of practice?

Score: 25/100

For the official institutions, transparency in decision-making process is never published at all times. The private sector is composed of for-profit institutions, and thus not bound to publish any decisions.

Governance: Accountability

The Law: To what extent are there legal provisions available to ensure that media institutions are accountable for their work?

Score: 50/100

In general, there are no directives or laws in Jordanian media institutions that require them to submit reports on their business. With the exception of Al Rai and Al Dustour newspapers, that do publish their general budgets as they are public shareholding companies, the rest of the newspapers do not publish their budgets as they are private sector media and not public shareholding companies. Moreover, the rest of the Jordanian media from broadcasters to satellite channels and websites, do not publish any of this information for the public.

In regard to accountability, the Press and Publication Law, as amended, holds media accountable and develops conditions and regulations for anyone contravening the law. It does not state that the media is obliged to publish its budgets and media policies, except for the requirements imposed on the owner of a press publication to provide the Minister with a copy of its annual budget within the first four months of the following year. Accordingly, it is for the Minister or his designate to view the sources of funding.”⁷⁰⁵

The law also requires satellite and broadcast transmitters to provide the Audio-visual Commission, “within two months as of the end of the fiscal year, with a duly audited copy of the final financial statements of the licensee audited by a certified public accountant.” ⁷⁰⁶

705) Article 20 (b) of the Press and Publication Law, as amended. The law is available on the official website of the Jordanian Press Association at: <http://www.jpa.jo/Inner.aspx?lng=2&pa=Details&Type=12&ID=245>

706) Article 21 of the provisional law of audio-visual commission, available on: <http://www.jmm.jo/%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D8%A7%D8%AA->

But the concept of accountability is expanded more broadly in the Press and Publication Law when the issue relates to the encroachment by the press on the rights of others by libel, slander, and defamation. Accountability thereof becomes the responsibility of the judiciary and a personal right of the claimant and the affected party.

The law holds journalistic publications accountable when it is proven that it receives funding or any financial support from any non-Jordanian State or authority.⁷⁰⁷

The conception of the legal accountability within media institutions is still unclear under the lack of internal codes of conduct or codes of honor. However, the concept of accountability becomes broader outside of the media institutions, which are governed by numerous laws, namely: the Press and Publication Law, the Law on the State Security Court, the Press Association Law, the Penal Code, the Audio-visual Commission Law, the Contempt of Court Law, the Jordanian Journalists Code of Honor, etc.

“The laws ensure the principle of accountability and appeal to the judiciary. There are 26 laws relating to the work of the media, which sometimes is the cause of confusion in media work” In the same context, the Press and Publication Law and the Media Commission Law permit the blocking of websites where there is any infringement.

However, the Press and Publication Law includes a section on crimes committed by the press and other legal issues, which defines the responsibility of each of the editor-in-chief, the editor, and the writer. It should be mentioned that Jordan has made important steps in this context by preventing arresting journalists and enabling the injured party to appeal to the courts to bring a case of defamation, slander, or libel. However, the multiple legal references, between the Press and Publications Law, the State Security Court Law, and the Law on Online Crimes, made the overall view on crimes committed by journalists unclear. After the Online Crimes Law came in force, under Article 11 and based on a legal opinion from the Law Interpretation Bureau, it has become permissible to arrest journalists and other citizen journalists.⁷⁰⁸

707) Article 20 (a) of the Press and Publication Law – ibid

708) Based on formal legal opinion by the Laws Interpretation Bureau providing for possible detention of journalists and other journalist people

The Press and Publication Law allocated court chambers, one in each court of first instance, as court rooms specifically for cases of press and publication. These chambers address following cases: crimes committed in violation of the provisions of this law, crimes committed by the publications or licensed audio-visual media in violation of the provisions of any other law, civil cases filed by any affected party to claim compensation under the provisions of the Civil Code and the provisions of this law if the harm arose from any action committed by any publication or audio-visual media.

The press and publications cases chamber at the Court of First Instance in Amman has competence to hear the following cases: “the civil and penal cases referred to in paragraph (a) of this Article, if falling within the jurisdiction of the courts located in the governorate of the capital; crimes which are within the realm of the internal or external security of the state as provided for under the Penal Code in force, if committed by licensed publications or audio-visual media.

The criminal cases referred to under item (1) of clauses (a) or (b) of this Article shall take the motion of summary judgment. Sessions of the criminal cases are held at least twice a week, provided they are resolved within four months as of the date of receipt at the court clerk.⁷⁰⁹

When broadcasting any pictures or voices of victims, media professionals must ensure that there is nothing offensive unless a prior warning has been given, and that it is for the purposes of serving the story. They must also take into consideration that it does not have a negative impact on the personal feelings of the victims or the audience in general. Media professionals must understand that their duty is to give all sides in any issue equal opportunity to state their position, regardless of whether the transmission of the media material is recorded or live.⁷¹⁰

Workers in the government-owned institutions are treated as public employees and subject to the civil service regulations and the administrative directives in force in their institutions. The Press Association practices a disciplinary role through its committees towards any member of the Association who violates the law or the principles and ethics of journalistic work.

709) Article 43 of the Press & Publication Law

710) Clause 3 of the Professional Honor Code of workers in the audio-visual media sector.

Practice

To what extent is the media subject to accountability?

Score: 25/100

The values of accountability are available within the media at large through tens of laws which directly address the publications, the press, and the media. Under the laws of the Press Association, there is a disciplinary board in charge of investigating and hearing cases filed against journalists who are Association members, whether by journalists, or by citizens.

It is known as ‘the disciplinary board’⁷¹¹ and is composed of three members. It is responsible for taking disciplinary proceedings against members and trainee journalists referred to board, and imposing disciplinary sanctions on them.⁷¹²

“The Minister, the director, any journalist, or any other person has the right to file a disciplinary case to the Board in writing. The complaint shall be brought before the President of the Association. The President may ask the defendant journalist or trainee journalist to respond to the complaint within fifteen days. By a decision from the Association’s Board, the President is responsible after that for announcing, if there are grounds, that the complaint will be followed up by the Disciplinary Board for investigation. The Board is responsible for referring one of the journalists or trainees to the disciplinary board if he is charged with a behavior that contravenes the duties of the journalist.”⁷¹³

There is clear dialogue now for founding a complaints panel with wider powers and more binding decisions. It would be an independent panel in accordance with international standards. This was stated in the Media Strategy 2011-2015. The dialogue is still ongoing between the Media Commission, the government’s representative, and the Press Association on the mechanisms for founding the panel and whether this would be through a law or by self-regulation, as well as whether it would belong to the Media Commission or the Press Association.⁷¹⁴

711) The Jordanian Press Association Law, as amended – available at the official website of the Jordanian Press Association at: <http://www.jpa.jo/Inner.aspx?Ing=2&pa=Details&Type=12&ID=247>

712) According to Article 33 of the Jordanian Press Association Law – ibid.

713) Article 47 of the Press Association Law. The law provides the investigative mechanisms and procedures as well as the imposition of legal penalties which the disciplinary panel can take in respect of the journalist against whom the complaint has been made – ibid.

714) Walid Husni Zahra “under scrutiny” – diagnosis of reality of media in Jordan – separation of “complaint board”, pp 603-636 – publications of the Centre for Defending Freedom of Journalists – Amman- first edition 2015

The Department of Press and Publications blocked 31 news websites which were not registered with the Department of Press and Publications based on Article 49(f) of the Press and Publication Law no. 32 of 2012 as amended, which states that the online press publication should be registered and licensed with the Department of Press and Publications. Note that the number of websites registered in that same year was 22. On December 28th 2014, the Audio-visual Media Commission blocked a news website for a period of time, for its publication of news on the safety of the captive pilot at the time, Moath al-Kasasbeh, by ISIS "Daesh".⁷¹⁵

Governance: Integrity

(The Law): To what extent does the law ensure the integrity of media employees?

Score: 25/100

The media regulatory laws state the values of integrity. Journalists and media professionals are compelled to abide by the principles, values, and ethics of the profession, being an integral part of the professional ethics which achieve the integrity of media professionals.

The Press and Publication Law compels the journalist to respect the general liberties of others, safeguard their rights, and refrain from encroaching on their private life. The Law also compels journalists to consider freedom of thought, opinion, expression, and access to information an equal right for journalists and citizens; to achieve balance, objectivity, and integrity in presenting journalistic material; to refrain from publishing anything that would, in any form, form incitement to violence or call for dissension amongst citizens; to refrain from attracting or obtaining advertisements; to comply with the provisions and principles of the Journalists Code of Ethics issued by the Association.⁷¹⁶

In order to achieve press integrity and neutrality, the Press Association Law prohibits all journalists from practicing any work other than journalism, including commercial business and representing companies or industrial business. It also forbids journalist from: being a member of the Association and any other association at the same time, practicing journalism in a manner which contravenes the applicable laws and the Journalists Code of Ethics; behaving in a way which contravenes the dignity of the profession or harms the Association or its members; violating the courtesy and traditions of the profession when dealing with colleagues or others; accepting any gifts or donations, both financial and in-kind, and any other aid irrespective of its form or type.⁷¹⁷

⁷¹⁵) Report on human rights situations in Jordan for 2014

⁷¹⁶) Article 7 of the Press & Publications Law

⁷¹⁷) Article 42 of Press Association Law, ibid

The Press Association Law emphasizes the importance of disseminating humanitarian knowledge and culture in all forms, and deepening awareness of citizens of their responsibilities, and accordingly spreading and making available information to the public, taking into account that the public's right to know is part of the human rights system.⁷¹⁸

The Press Association Law requires journalists to maintain confidentiality of their information sources. It also requires them to verify accuracy of the information and news before publishing 442. The Law also states that "The journalist shall be granted all proper facilities by the parties he works with or through or he is dealing with. He may not be detained or tracked for fulfilling his/her duties unless his/her performance involves a criminal act" ⁷¹⁹

Within the scope of the ethical regulation of how to access to information and how to deal with it, the Journalist Code of Ethics provides for not accessing or disseminating information through illegal methods. Journalists may not impersonate any character to access information unless the matter is so pressing for public interest only, or the journalistic material may not be obtained in any other way but impersonation. No payment or offer of payment may be made to information sources, regardless of the kind, whether directly or through brokers. The embargo includes also payment to any witness summoned to make evidence before the courts or the judicial authorities".⁷²⁰

The Law compels satellite broadcasting transmission licensees not to "broadcast or re-broadcast anything that would fan sectarian and racial sentiments or would disrupt national unity or induce terrorism, racism, and religious discrimination, or abuse the Kingdom relations with the other countries. The law also obliges for not broadcasting any economic topic or comments which could affect the integrity of the national economy and monetary system."⁷²¹

Licensees are also required to respect the literary, technical and intellectual rights of others, and to respect the human personality, freedom, and rights of others, the pluralistic nature of expression of opinions and ideas and the objectivity of news and events broadcasting, as well as maintenance of public order, the needs of national security, and the requirements of public interest.⁷²²

718) Clause "c" of Article 4 of the Jordanian Press Association Law

719) Article 43 of Jordanian Press Association Law

720) Article 44 of Jordanian Press Association Law

721) Article 12 of Jordanian Journalist Code of Honor, ibid

722) Article 20 of the Provisional Audio-visual Law, ibid.

The Jordanian Journalists Code of Honor requires journalists to comply with the ethical standards of publication and intellectual property and to recognize third party rights; not to quote works of others and colleagues without reference to the source.⁷²³

Not to publish information obtained as off record; the latter can used indirectly through surveying and investigating its seriousness and credibility, or by publishing its content without referencing the source. The journalists shall honor deadlines of data broadcasting and timely publishing subject to the instructions of the source or colleagues.⁷²⁴

The Code calls for accuracy and objectivity in publishing information; it requires not publishing unconfirmed, misleading, or distorted information, or any information with propaganda purposes, including portrays, articles, and comments. A clear distinction must be made between fact and comment or between opinion and piece of news 449. The code also states that information or pictures may not be accessed through intimidation, harassment, or tracking. Journalists may not publish journalistic material from other sources that don't comply with the foregoing requirements.⁷²⁵

The Code prohibits confusing advertising with editorial material. The distinction between opinion and advertising should be obvious. No political or advertising opinions and ideas may be lurked to the reader in the form of editorial material. It is clear from the previous legal examples that all the Jordanian laws regulating media work emphasize the values of integrity and objectivity, as well as an integrated professional ethical system to be complied with, in order to reach an advanced level of integrity in the media.

Integrity (Practice)

To what extent is the integrity of media institution employees ensured in practice?

Score: 25/100

Compliance of journalists with the values of integrity in practice is still relative, and yet achieved in full. Poor accountability within the media institutions is an integral part of the irregularities in the values of integrity and its professional functional entitlements.

723) Article 6 of the Jordanian Journalists Code of Honor – official website of the Jordanian Press Association at: <http://www.jpa.jo/List.aspx?lng=2&Pa=Page&ID=4>

724) Article 8 of the Jordanian Journalist Code of Honor - ibid

725) Article 9 of the Code – ibid.

Practicing integrity involves several problems due to the environment in which Jordanian media professionals operate, in both the private and public sectors. There are vulnerabilities prompting institutions and journalists to go beyond integrity standards. The official interference gives rise to drifting certain people to indirectly work with other institutions for political or economic interests. The low wages and salaries of journalists constitute a major reason to these irregularity. Most of journalists in Jordan work simultaneously for several media institutions, and therefore integrity will be affected through conflicts of interests. There is the phenomenon of soft containment of journalists practiced by multiple parties, whether government, private sector institutions, or even some non-Jordanian entities, which impacts negatively on the integrity of journalists.⁷²⁶

The Jordan Media Institute has developed a program called 'Akeed, which is a group of qualitative and quantitative measurable standards to trace and monitor the status of credibility of the Jordanian media. Actually, through the program, efforts started to select specific investigations or certain news, and credibility and objectivity are being investigated thereof. The program will surely have a positive impact on professionalism and integrity of journalistic work.

In general, there is a variance in the level of compliance with the standards of integrity from one organization to another, but there are significant efforts being made in the media arena to deepen integrity in the media.

Role: The practice of investigating and exposing cases of corruption

To what extent is the media active and successful in exposing corruption?

Score: 50/100

The social, ethical, and legal liability of the journalism is considered part of the control system over all authorities in the country and over the society; the latter plays a regulatory role over press and media within the scope of a mutually beneficial function between the public and the media. It is obvious that the duty of the press to expose cases of corruption is an integral part of the diverse duties of the press and the media.

⁷²⁶) Article 11 (b) of the Code – ibid.

The Jordanian Journalists Code of Honor states that “Journalists shall commit to supporting the justice of the judiciary, and reaffirming the rule of the law, as well as not taking one side against the other, or a case against another where no decision was issued”⁷²⁷ On this aspect, journalists should not publish information received from illegal sources and prohibited by judicial authorities in writing from being published. The prohibition does not include dissemination of the journalistic material if it highlights the corrupt procedures prior trial: a text that does not prohibit publication of any journalistic material highlighting and exposing corruption.⁷²⁸

The Code of Conduct for media professionals of the Audio-visual Commission provides for the monitoring role of media professionals and their right to undertake the role of an observer on the people of influence and political authority and hold them accountable for their performance in their jobs.⁷²⁹

All the laws regulating the media grant freedom to obtain and publish information and make it available to the public, including information relating to cases of corruption. The publication processes are not restricted by the laws except where this affects the investigation or where the judge or the public prosecutor determines otherwise.

It is remarkable now that over the past five years, the electronic media through the social media contributed significantly to covering and exposing numerous cases of corruption, and stimulating some official authorities to investigate information relating to corruption crimes.

However, the main obstacle to this is that the Access to Information Law does not include the principle of self-disclosure of information by governmental and public departments and institutions. It is noticeable that the majority of websites of public institutions do not update their information and are satisfied with the presentation of the institution activities or publishing employment advertisements, etc, while the information, including numbers and statistics, relating to the work of these institutions is absent from their website pages.

On another level, the Jordanian government’s trend is oriented towards what is known as ‘the e-government; which forms a factor that would enforce the right to access information and the self-disclosure process by the government. However, this project faces many challenges including financial and other administrative and organizational challenges.

727) Bassim Twaisi, personal interview, ibid

728) Article 3 of the Journalist Code of Honour- ibid

729) Code of Conduct for employees in audio-visual media institutions – available on the Commission’s website at:
<http://www.avc.gov.jo/EchoBusV3.0/SystemAssets/Audios/AVC.pdf>

The 'e-government' program launched under the name 'Ask the government' is one of the positive programs that would provide citizens and others with information beyond the bureaucratic government procedures. Yet, this program has faced numerous difficulties, most notably: the length of time it takes to respond to some of the questions given, and the fact that the staff may need relatively more time to obtain the information from the original and/or authorized sources.

It should be mentioned that the absence of information and transparency in the argument, and the lack of timely provision of information relating to some events directly and transparently has often given rise to circulation of rumors amongst the public, and causing confusion at other times, and accordingly resulting in deepening the lack of confidence of people in the government. The most prominent example of this situation is the case of 'the Gold of Ajloun', when three conflicting government stories were presented to Jordanians, leading to citizens' disbelief in the three stories. In fact, the three different stories infuriated and heckled people, and enhanced the feeling of resentment that the government always resorts to blackout concealing the truth from its citizens.⁷³⁰

Role: Introduce the public to corruption and its impact

To what extent is the media active and successful in informing the public on corruption and its impacts on the country?

Score: 25/100

Despite the excellent role of the media in exposing and triggering cases of corruption and its impact, especially in an era of political movement, this role has started to diminish in the last two years, with the exception of certain efforts by individual journalists and institutions that continue to succeed in uncovering cases of corruption and communicating them to the Anti-corruption Commission and the judiciary.

It is clear that the deterioration of media role in uncovering and following up cases of corruption is attributed to legal reasons that prompted possessors of information to refrain from providing media therewith. However, the media is still concerned with covering cases raised by the House of Representatives relating to corruption and interestingly and widely publishes them. Reports issued by the Anti-corruption Commission or the press conferences held by the President of the Commission are of priority concern amongst the media.

⁷³⁰) 2014 Report on the Status of Human Rights.

The problem of the lack of information, and the fear of whistle-blowers and those who possess the information and documents of prosecution and accountability, has given rise to retreat of media in stopping publishing corruption cases prior to their arrival to courts, notwithstanding the fact that the laws does not ban journalists from the aforementioned practices.

The role of the media is a monitoring role being the observer to uncover truth. So many media tools exercise this role and uncover many corruption acts in the public sector, such as selling the sector institutions, uncover practices, and survey and investigate negative practices in the different institutions. A lot of the media does practice this role and help the State uncover them.⁷³¹

It is worth mentioning that the Arab Reporters for Investigative Journalism "ARIJ program" trains journalists on investigative reporting and makes public conclusions in the media. It has contributed to the exposure of a number of suspect corruptions and published them in various media.⁷³²

On another aspect, no coverage or national media campaigns are designated for raising public awareness on cases of corruption, governance, and transparency, apart from some activities connected to the work of relevant institutions such as the Anti-Corruption Commission, and Rasheed - Transparency International.

The Role:

To what extent is media active and successful in introducing public to governance issues?

Score: 25/100

Media failed to play any role at the public and private level in introducing the public to the governance issues, but its role was often limited to investigate issues and how to access and publish them to the public, and cover the official activities and public events. In connection with the private sector, media role was limited to the paid advertisements and certain public activities. No media has adopted programs related to governance or public awareness on issues of transparency and integrity.

The media strategy 2011 – 2015 was devoid of any chapter talking of role of media in introducing the society to the role of the government.⁷³³

731) President of the Press Association, Tareq Momani – personal interview, previous source.

732) Kingly see the website of areeg: www.areeg.org/

733) For more, kindly see the media strategy 2011-2015 on the website: www.pm.gov.jo

Recommendations:

- 1- Revisit the right to access to information to ensure continued self-disclosure and classification based on objective grounds.
- 2- Revisit Prevention of Terrorism Act to ensure no prejudice to freedom of opinion and expression and non-trial of journalists before the State Security Court
- 3- Review Electronic Crimes Law and ensure journalists are not detained; review prolonged litigation in conformity with the Press & Publication Act.
- 4- Revisit the Press & Publication Act to ensure regulation of e-communications, but not registration for restriction, and not resorting to withholding
- 5- Review Audio-Visual Media Commission Law and guarantee reasoned decisions made for licensing broadcasting.
- 6- Redefinition of "journalist" in line with the international standards and best practices and open up membership in the Press Association for all journalists operating in any media.
- 7- Adoption of a national action plan to classify all information of institutions in accordance with a methodology of clear standards.

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Civil Society

Summary

Efforts aimed at developing legislation, policies and practices for Jordanian civil society organizations (hereinafter: CSOs) can be described as modest and weak, despite the numerous attempts at improvement. This has resulted in an obscure vision for society practices and roles, in addition to a desire to restrict their full freedom in practice.

Notwithstanding the legislative challenges surrounding CSOs, as well as the multiple points of institutional references, and the weak official support for the establishment of CSOs, they were able to achieve growth in an environment that is not prepared or adequate. These organizations have been able to secure support from international organizations that provide experts, projects, and financial assistance, and to enter in short-term and medium-term partnerships. These partnerships enable CSOs to achieve sustainability and cover operating expenses.

Prevailing legislative upheaval affected the structure of CSOs and their regulatory frameworks, giving way to cases of hybrid institutional structures. This has isolated them from collaborations with external parties which are essential for continuity, stability and, sustainability. The organizations become the base for formulating the desired characteristics of a stable and ambitious civil society, and lead to positive and stable practices, policies, and legislations.

The opportunity is still available for all sectors to engage in creating prospects on the best alternatives to overcome challenges and obstacles.

Public discourse in Jordan towards civil society is characterized by fluctuations and instability. At a time when governments and international institutions express their continuing support to civil society, executive institutions set hurdles and obstacles before the aspirations and efforts of the civil society.

Meanwhile, the vast majority of CSOs do not comply with transparency and integrity standards for the implementation of projects and activities. Additionally, they neither follow best practices in financial disclosure or administrative procedures, nor develop sustainable internal sources of income that ensure institutional continuity.

The table below summarizes total score of the civil society in Jordan in accordance with the capacities, governance and role in law and practice:

Overall Score: 38 /100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity 50/100	Resources	25	25
	Independence	25	25
Governance 38/100	Transparency	-	50
	Accountability	-	25
	Integrity	-	-
Role 25/100	Government accountability	50	
	Policy reform	50	

Structure and organization

As for the Law on Societies, which is the key regulation for the right to establishing associations and CSOs, it permits licensing more than one form of organizations, according to the following:

- Ordinary Society⁷³⁴ : Any legal person consisting of a group of no less than seven individuals. These are registered under provisions of this law to provide services or undertake activities on a voluntary basis without seeking profit or profit distribution. It is also prohibited for any member or specific person to derive any material gains, or for the society to have any political objectives that are within the scope of political party activities and practices, under the prevailing laws and regulations.
- Private Society: an organization with a limited number of members that is no less than three but no more than twenty.
- Closed Society: an organization of one or more individuals. Its financial resources are restricted to contributions from any founding member for the purpose of achieving its objectives.
- Foreign Society: Operating branches of foreign societies can be registered in Jordan to provide their services, on the condition that the head office or any of its branches are prohibited from seeking profit or providing any material gains to any of its members or other individuals. The society is also prohibited from engaging in any activities with political or religious objectives⁷³⁵.

⁷³⁴) Law on Societies, Article 3

⁷³⁵) Law on Societies, Article 9

Civil society activities have been notably increasing in Jordan for the past ten years, spanning social, economic, legislative, relief and charitable aspects of life. In 2011, the number of societies that have been established and operated under the provisions of the Societies Law reached a total of 2,846. They are distributed among the different regulating government agencies as follows 459: 1944 organizations under the Ministry of Social Development; 307 organizations under the Ministry of Interior⁷³⁶; 39 organizations under the Ministry of Political Development; 477 organizations under the Ministry of Culture; 18 organizations under the Ministry of Health; 9 organizations under the Ministry of Industry and Trade; three organizations under the Ministry of Agriculture; 29 organizations under the Ministry of Environment; two organizations under the Ministry of Awqaf and Islamic Affairs; two organizations under the Ministry of Information and Communications Technology; 15 organizations under the Ministry of Tourism; and one organization under the Ministry of Justice. Moreover, there are 49 registered foreign organizations.

The number of societies that were established in 2012 under the provisions of the Law on Societies reached a total of 3,486. They are distributed among the different regulating government agencies as follows ⁷³⁷: 2,276 organizations under the Ministry of Social Development; 470 organizations under the Ministry of Interior; 78 organizations under the Ministry of Political Development; 534 organizations under the Ministry of Culture; 28 organizations under the Ministry of Health; 10 organizations under the Ministry of Industry and Trade; five organizations under the Ministry of Agriculture; 50 organizations under the Ministry of Environment; six organizations under the Ministry of Awqaf and Islamic Affairs; two organizations under the Ministry of Information and Communications Technology; 22 organizations under the Ministry of Tourism & Antiquities; and three organization under the Ministry of Justice.

The geographic distribution of society activities by governorate in 2012 was as follows: 1,576 in Amman, 172 in Al Balqa, 260 in Al Zarqa, 170 in Madaba, 396 in Irbid, 248 in Al Mafraq, 80 in Jarash, 124 in Ajloun, 189 in Al Karak, 85 in Al Tafileh, 113 in Maan, and 72 in Al Aqaba.

Statistics released by the board the Registry of Societies at the Ministry of Social Development show that 553 organizations were registered in 2013, compared to 568 organizations in 2012. Accordingly, the number of registered organizations operating in Jordan in 2013 reached 3,924 ⁷³⁸. The number of licensed organizations operating in Jordan reached 4,474 organizations in 2014. The total number of societies registered and operating in the Kingdom up to December 31, 2015 reached (4862) society. ⁷³⁹

736) The National Centre for Human Rights report of 2011

737) National Centre for Human Rights report "Right to Assembly and Association"

738) Link to the Registry of Societies webpage: <http://www.mosd.gov.jo>

739) Website of the Registry of Societies: <http://www.mosd.gov.jo>

Capacities: Resources

Legal Context: To which extent does the legal framework provide an adequate environment for civil society?

Score: 25

Jordan's Constitution⁷⁴⁰ guarantees the right to set up and join CSOs as one of the fundamental rights under international conventions ratified by Jordan⁷⁴¹. The Constitution designated to the law the task of regulating the process of establishing societies and monitoring their financial resources, while upholding their rights. Article 128⁷⁴² of the Constitution provides for no law that contravenes the core principles of these rights shall be enforced.

In general, the Jordanian Laws allow for establishing societies. The National Legislations governing the societies vary along with the methods of registration and licensing⁷⁴³. Registration and licensing may sometimes require approval from multiple regulating government institutions throughout the process; this is stipulated in the Societies Law through its provisions, under the umbrella of the Ministry of Development and the Society's board of directors. The Companies' Law, based on a special bylaw at the Companies Control Department, allowed licensing non-profit organizations, licensing branches of foreign organizations through registration at the Ministry of Foreign Affairs; as well as permitting operations through memoranda of understanding with the Ministry of Planning.

Legislation on societies emerged in Jordan with the first Law on Societies in 1936 (Law No. 102 of 1936) that replaced the Ottoman Law on Societies of 1909 that remained in force up to 1936. The Law was subsequently amended by the Charities Law No. 12 of 1956 and remained in force until the Law on Societies No. 7 of 1965. Law No. 33 was enacted in 1966 and underwent several amendments, the last of which was under provisional law No. 2 of 1995. The Law on Societies No. 51 of 2008 was enacted, and was amended by the Amended Law on Societies, No. 22 of 2009.

740) Article 16 of the Constitution states: "(i) Jordanians shall have the right to hold meetings within the limits of the law. (ii) Jordanians are entitled to establish societies and political parties provided that the objects of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution. (iii) The establishment of societies and political parties and the control of their resources shall be regulated by law.

741) Jordan ratified the international covenant on civil and political rights which was published in the official gazette dated 15 June 2006, issue number 4764. Text of article 1/22 states: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests". Text of article 5/24 of the Arab Treaty on Human Rights which was ratified then published in issue 4675 of the official gazette dated 16 September 2004, states: "the right to freedom of association with others".

742) Paragraph 1 of article 128 states: "laws issued under this constitution for the purpose of regulating rights and freedoms are not to contravene the core principles of these rights".

743) It is permitted under guidelines of the Ministry of Social Development to establish and license non-profit kindergartens; disability services centers, nursing homes and rehabilitation centers. Youth organizations are permitted to be licensed by the Higher Council of Youth, and regional and international organizations are permitted to open branches through the Ministry of Foreign Affairs or through memoranda of understanding with the ministry or the Council of Ministers.

The law governing registration requires navigating several administrative procedures and preparations in order to be granted legal status. Article 5 of the law outlines the responsibilities of the Board of Societies (hereinafter, the board) in approving society licenses and determining the relevant ministry for each society ⁷⁴⁴. Simultaneously, it mandates forming the board under article 4 with 11 members ⁷⁴⁵ seven of whom are representatives of ministries and four from the civil society sector whom are appointed by the council of ministers.

Furthermore, this article grants the council of ministers the privilege to appoint an additional member from any other official institution. A consequence of this privilege is an imbalanced representation within the council of ministers as well as a skewed overall representation of the civil society.

744) Article 5 stipulates: “the board assumes the following responsibilities and privileges: 1. registering societies and determining the relevant ministry pursuant to the guidelines. 2. Evaluating the performance and activities of societies, in collaboration with the relevant ministry, in addition to publishing an annual report on the status of societies in the kingdom. 3. Issuing plans and programs for strengthening their social roles and assisting in attaining objectives, 4. Managing and supervising of funds”; 5. Forming one or more committees for resolving disputes between societies; 6. Issuing necessary guidelines for regulating the registry and the relationship between the officer of the relevant ministry according to provisions of this law. The council convenes at least once every month, and as necessary, by request from its chair. The council is legally acknowledged when no less than two-thirds of the members, including at least the chair or their deputy, are among the attendees. Decisions are made by a majority vote of the members attending. The chairman of the meeting breaks any tie in votes, tipping the vote in their favour. The registry officer is appointed through a council of ministers’ decree on recommendation from a minister which is then required to be ratified by a royal decree.

745) Article 4 stipulates: “The ministry is to create a registry called “Registry of Societies” that is administered by a council called “Board of Registry of Societies” headed by the council of ministers and including members as follows: 1. Registry Officer as deputy chair, 2. Representative from the Ministry of Interior, 3. Representative from the Ministry of Culture, 4. Representative from the Ministry of Tourism, 5. Representative from the Ministry of Environment, 6. Representative from the Ministry of Political Development, 7. 4 experts in the area of philanthropy or volunteering appointed by the council of ministers upon ministerial nomination. Their appointment is valid for two years, subject to renewal and can be rescinded by the same procedure. The council, on recommendation from the minister, is allowed to appoint a representative of any other relevant ministry as an additional member of the board. The relevant minister can name the ministry’s representative within any of items 2, 3, 4, 5 and 6 of Paragraph A and B of this article. The representative will be chosen from among the first tier of their staff but no less than a second tier staff. The deputy will assume their superior’s role when they are absent. Subject to approval from the council, the board sets the guiding principles for determining which is the relevant ministry for each society.

Nonetheless, Jordanian societies continue to face numerous legal challenges and obstacles within the current legal environment. These difficulties give a strong insight into the societies' regulatory framework. They are as follows:

1. An excessive number of authorities that oversee society activities in Jordan. Law No. 51 of 2008 gave different ministries responsibility for supervision, depending on the organization's objectives and vision. A muddled situation and duplication of specializations were the result, in addition to lack of consistency in ministerial supervisory roles ⁷⁴⁶.
2. The law contained provisions and procedures addressing the right of administration to refuse authorization of any society without providing any reason ⁷⁴⁷ and the plaintiff will have to appeal against the decision in court.

However, the law should provide the right of individuals to directly register the society, and in the event of any violations or inconsistencies between an organization's activities and the stated objectives, the relevant administration can refer to court to have the organization closed down, as referring to the law does not require any financial costs that might impede individuals from exercising their legal rights, as these are assumed by that relevant authority.

Moreover, not being obliged to provide a reason for refusing to authorize an organization obstructs the court's ability to look into administrative decisions. ⁷⁴⁸

746) Article 11 of the law determines the supervising and regulating ministry for each society. Paragraph 5 of article 11 stipulates: "the Registry Secretary is mandated to issue a licensing certificate showing the society's name, its headquarters, the relevant ministry, the geographic scope of its activities and its address. Guideline No. 147 of the year 2010 for relevant ministries was issued. In addition, non-profit organizations may register with the Ministry of Industry and Trade and under the Companies law, especially under the non-profit clauses."

747) Paragraph A of Article 11 stipulates: "the board must issue its decision on license applications within 60 days as of the date the officer receives a complete application that fulfills all requirements. The decision may be appealed against before the Supreme Court, pursuant to the prevailing legislation."

748) See: Fayez Al Shakhatah, Assembly Rights in Jordanian Law, Amman: National Centre for Human Rights, 2008, p40.

3. The law places severe restrictions on an organization's administrative freedoms as in many cases it calls for the approval of the competent minister, as stipulated in Articles 14 and 16. This constitutes a clear restriction on the freedom of organizations to manage their own affairs and conduct their activities in the most efficient way to achieve their goals.⁷⁴⁹

The minister shall be notified of the time of the general assembly, its agenda and location, two weeks in advance and in writing. Failure to meet this requirement renders the meeting illegal. The law also takes this further by stipulating in article 14.C.2 that decisions by the assembly are invalid until approved by the board within 60 days of submission. No response by the board means decision have been automatically approved. It would be preferable if minutes of the meeting or the decisions were sufficient for approval.

749) Article 14 stipulates: "An organization must comply with all provisions of this law and the regulations and instructions pursuant thereto, and comply with the following: 1. Conduct its activities within the provisions of its bylaw, 2. Accept as members all those who fulfill membership conditions under the bylaw, 3. Inform the minister and their deputy of the date of their governing board and its agenda at least two weeks beforehand, 4. Keep minutes from meetings of its governing board and its board of managers, as well as maintaining a chronological record of any decisions taken at its headquarters, 5. Maintain financial records, 6. Maintain inventory and resources documents according to its statutes, B. 1. When the organization fails to inform the minister and their deputy of their upcoming governing board and its agenda at least two weeks in advance, the said meeting is considered illegitimate, 2. Both the relevant minister and their deputy can appoint a representative on their behalf to attend the general assembly, C. 1. The organization is required to submit a copy of the decisions taken during the governing board within 15 days of their publication, 2. In the event of a conflicting clause, amendments by the governing board are invalid until approved by the board within 60 days of submission. No board response indicates approval. As for article 16, it stipulates: "A. the board of managers of the society must submit the following to the relevant ministry: 1. An annual work plan, 2. An annual report that records society achievements, activities, sources of revenue and expenditures. In addition to any data as required by this law, 3. Audited annual budget completed by a chartered accountant elected by the assembly. The relevant minister may exempt the society from the requirement an audit if its budget is less than 2,000 Jordanian Dinars, alternatively that audit will be carried out by the relevant ministry.

B. The assembly must maintain and store membership documents that include all members' contact and personal information, as well as date of joining as indicated by receipts.

Practice: To what extent do civil societies have adequate human and financial resources to operate?

Score: 25/100

The law does not provide a clear vision for securing financial resources for organizations. Despite having established an Organization Support Fund for financial support and oversight, the law does not allow CSOs to receive foreign funding or from international organizations; article 17 requires the approval of the council of ministers ⁷⁵⁰ for any funding granted to organizations.

There are no general strategies that outline priorities and could constitute a frame of reference for the activities and operations of local and foreign organizations. Moreover, the tasks of monitoring and updating the strategies should be designated to a national agency that includes all active organizations, activists, partners, and academics; In the past, a situation prevailed where organizations working in the field of human rights and women's rights had their allegiances questioned, faced accusations of spying for foreign powers and were reported on to the authorities ⁷⁵¹ This confirms the importance of agreeing on work priorities and stages through developing plans, strategies, and sectoral policies for civil society.

Nonetheless, civil societies have markedly increased both in number and quality during the past 20 years, such that they have dominated the institutional frameworks present in Jordan, not to mention the various coalitions, forums, cultural centers, and others. There were more than 20 different types of societies in 2010 that comprised more than 5,718 societies with more than 1.5 million members. This meant that 25% of Jordanian citizens (6 m) belonged to societies working with charities, sports, cultural affairs, youth centers, family connections, women's affairs, development, labor unions, student unions, human rights and environment and others. ⁷⁵²

750) Article 17 stipulates: "A. 1. If the society seeks assistance or donations from a non-Jordanian, it is legally required to notify the council of ministers, specifying the source, amount, financial transfer means, allocation and any specific provisions. If no response is given within 30 days of notification, it is considered legally approved. 2. If the council rejects this donation or financial assistance within the timeframe given by A.1. above, the society is not permitted to accept it and has the right to appeal against the decision before the supreme court, according to the prevailing laws. In the case where the society accepts donations or financial assistance without approval, these funds are to be transferred to the Society Support Fund, unless the contributing party objects. Moreover, sanctions or other measures may apply. Societies must deposit all their financial resources at banks operating in Jordan. Their accounts must be transparent in responding to any requests for information by the supervising minister or their deputy, overruling any laws to the contrary.

751) Many statements were given by Jordanian officials regarding societies: Prime minister statements: <http://www.alwakeelnews.com/print.php?id=156977>, <http://www.assabeel.net/> and <http://www.nesannews.com/news?c=13&view=23763>

752) Hani Al Hourani and others, The Contemporary Jordanian Civil Society: Characteristics , Challenges and Tasks. Amman: Al Urdun Al Jadid Research Centre, 2010, p.43

Studies have shown that there are imbalances in the expenditure structure of Jordanian CSOs in terms of Jordanian sustainability parameters. The survey showed that a sizeable proportion of an organization's budget is allocated for its running costs. The survey showed the following expenditure distribution: 56% for projects and activities, 30% on running costs that include salaries, utilities, rent, and maintenance, and 14% on training and procurement.⁷⁵³

Consequently, civil societies face many obstacles when seeking foreign funding,⁷⁵⁴ in addition to the complicated administrative procedures, and the prolonged duration for obtaining approvals or sending letters from the Ministry of Industry and Trade or the Ministry of Social Development, where according to article 17, the cabinet can be notified of the desired funding.

The ministry has introduced administrative procedures that have complicated receiving funds. Organizations are required to submit an application to the board of the Registry of Societies, which in turn evaluates the ministerial funding request, and finally notifies the council of ministers. This procedure can take up to 90 days, or more in some cases. In most cases, no replies from the council of ministers were being received within the 30-day limit, thereby implying a de jure approval (for CSOs).

Currently, the situation has become more complicated as the Ministry of Industry and Trade informs the stakeholders of the ministry's opinion prior to informing the council of ministers. This also requires a long period of time which in turn can make it harder to secure funding, and hinder CSOs activities⁷⁵⁵

753) "Aspects of Financing CSOs in Jordan" prepared by Hussein Abu Rumman and Lamis Nasser. The survey included 121 civil society institutions. Review of a study entitled: "Analysis: 16% of civil society institutions obtain foreign assistance" which can be found: <http://www.jordanzad.com/print.php?id=27840>

754) See Amnesty International reports for 2012, 2013 and 2014.

755) Human Rights Watch has published a report strongly condemning a refusal to license a civil society. Details can be found at: <http://www.rumonline.net/print.php?id=81266>

Capacities: Independence

The law: to what extent are there legal safeguards to protect CSOs from unwarranted external interference?

Score: 25/100

Article 17/E of the law ⁷⁵⁶ contains a provision that is inconsistent with the due process of law and assumes no banking privacy, and thereby detracting from the organization's legal personality of the society and undermines stability of the legal centers of CSOs and their right in privacy as recognized by the constitution and international law.

In 2013 the Board of the Registry of societies published "Guidelines for Society Classifications" No. 1 of 2013 ⁷⁵⁷ whereby the societies were classified by main specialty, activities, scope of work, and target groups. To this end, a form was created ⁷⁵⁸ and the societies were compelled to fill it in and complete all technical, administrative, and financial data, in addition to a list of their employees. The guidelines included provisions that require the organizations to regularize their situations within a given timeframe determined by the relevant ministry. Failing to comply accordingly would be in breach thereof.

Yet these requirements place restrictions on the organization's freedom to carry out their activities. The report requires them to specify details about their activities, scope of work, administrative and financial activities, financial transactions and expenditure details, and other information that infringe their private internal affairs. It should be noted that the Law on Societies, requires organizations to annually provide financial and administrative reports to the general assembly in the presence of a representative from the relevant ministry, as well as to the Registry officer.

756) The Article provides: "Societies must deposit all their financial resources with banks operating in Jordan. Their accounts are not confidential and should be open for any inquiry by the supervising minister or the registry secretary despite any provisions in other laws."

757) Issue 5223 of the Official Gazette dated June 2, 2013, p.2496

758) To view the Associations Classifications Booklet and the Annual Report, go to:

<http://www.societies.gov.jo/SitePage.aspx?PageId=108>

Besides infringing on their internal affairs, this requirement forms duplication in terms of reports submitted, since each society presents a report to the general assembly in the presence of the ministry representatives and the registry management, and in compliance with the provisions of the law ⁷⁵⁹

Article 19 of the law ⁷⁶⁰ granted absolute privileges to the minister to appoint an interim board of directors to the society to perform the tasks of the administrative commission; this forms a great risk and depriving the right of its meaningful content, taking into account the law is devoid of provisions to be complied with by the general assembly.

The law also is devoid of provisions providing for the general assembly a reference to their work. Furthermore, the term of the interim board is indefinite and can be renewed and extended by the Minister. Article 20 of the law ⁷⁶¹ includes broad privileges in the event the organization is dissolved de jure if inactive for one year. Article 20/b of the law ⁷⁶² grants the board through recommendation of the minister the authority dissolve the society.

759) Article 16, stipulates: "A. the board of managers of the organisation must submit the following to the relevant ministry: 1. An annual work plan, 2. An annual report that contains society achievements, activities, sources of revenue and expenditures. In addition to any data as required by this law, 3. Annual budgets audited by a certified public accountant elected by the governing board of the organisation. The relevant minister has the right to exempt the society from the requirement to carry out an audit if its budget is less than 2,000 Jordanian Dinars and in that case the audit is carried out by the relevant ministry".

760) Article 19 stipulates: "A. The relevant minister may appoint an interim board of directors as an acting board of directors for the organization, where at least one director is also a member of the organization's general assembly, in any of the following cases: 1. If it is hard to convene its meetings for incomplete quorum due to resignation or death or the like, 2. If the society breaches any provisions or regulations of this law or its statutes and failed to remedy the breach within 2 months from notification date in writing, 3. Violation of paragraph C of Article 18 of this law, 4. If the society accepted funds or donations from any source whatsoever without disclosing it and posting it in its financial reports and records, B. 1. The interim board of directors shall make convocation to the general assembly within 60 days at most to elect a new board of directors in accordance with the provisions of this law and the regulations and directions issued thereunder. 2. If the provisions of subsection 1 of this paragraph cannot be met, the interim board of directors can be granted a similar extension by ministerial decision.

761) "The society shall be deemed to be dissolved de jure in any of the following two cases: 1- if fails to commence activities or suspended exercising them for one year, 2- if failed to regularize its status in accordance with the provisions of Article 28 of this law".

762) "Upon submissions of the competent minister, the Board may issue a reasoned decision to dissolve the society in any of the following cases provided a copy should be sent to the register secretary: 1- If failed to elect a board of directors according to its articles of association and provisions of this law and the regulations and directions issued thereunder having the minister satisfied procedures contained in Article 19 of this law. 2- If the society maintained or used a donation or funding from non-Jordanians contrary to the provisions of paragraph C of Article 17 of this law. 3- In case of recurrence of the violation for which it was notified in accordance with clause 2 of paragraph A of Article 19 and failed to remove reasons of the breach within a couple of months from the date of the written notification. 4- If two thirds of the members of the general assembly agreed to dissolve the society in an extraordinary meeting in accordance with the provisions of its Articles of Association, c- the Board's decision to dissolve the society may be appealed with Supreme Court of Justice

The law contains many provisions that restrict activities of the societies and interfere with their legal personality. As an example, the relevant minister has the power to appoint an interim board of directors as and acting board instead of the elected one. The law has failed to decide clearly and explicitly terms of boards and their legal duties vested in them. Under Article 19/a/2, once the organization breaches the law or the regulations or the Articles of Association, the minister may appoint a provisional board of managers without paving the way for such appointment. Law has granted the board of organizations registry administration, upon submissions made by the competent minister, the right to dissolve the society without resorting to courts just for minor offences even if for the first time.⁷⁶³

Instructions on associations' expenditure and support from the Societies Support Fund⁷⁶⁴ were issued in 2011 in implementation of Article 22 of the Societies Law.⁷⁶⁵

Under the foregoing instructions, methods for supporting societies from the Societies Fund were determined for programs and projects falling within the societies' objectives, as well as the programs paving the way for societies to grow and develop and to build their capacities, whether institutional or technical, the projects aiming to increase and improve level of voluntary activity, those contributing to improving quality of life to the communities, implementation of national programs and support of social initiatives.

763) Article 19 stipulates: "A. The relevant minister may appoint an interim board of managers as an acting board of managers for the organization, where at least one manager is also a member of the organization's general assembly, in any of the following cases: 1. If it is hard to convene its meetings for incomplete quorum due to resignation or death or the like, 2. If the society breaches any provisions or regulations of this law or its statutes and failed to remedy the breach within 2 months from notification date in writing, 3. Violation of paragraph C of Article 18 of this law, 4. If the society accepted funds or donations from any source whatsoever without disclosing it and posting it in its financial reports and records, B. 1. The interim board of directors shall make convocation to the general assembly within 60 days at most to elect a new board of directors in accordance with the provisions of this law and the regulations and directions issued thereunder, 2. If the provisions of subsection 1 of this paragraph cannot be met, the interim board of directors can be granted a similar extension by ministerial decision.

764) Published in the Official Gazette on page 571, volume No. 5077 dated February 1, 2011 under paragraph C of Article 22 of the Societies Law, as amended No. 51 of 2008

765) "Within the Ministry, a fund called (Societies Support Fund) is established with a view to support societies. The fund shall have a legal personality and financial and administrative independence. It may possess moveable and immovable and investment them as it may find fit. It should be represented by the General Counsel. B- the Fund's financial resources are composed of the following 1- Funds budgeted in the general budget, 2- Any donations or grants with the consent of the Cabinet in case received from non-Jordanian source, 3- Proceeds from charity raffle organized for the fund in accordance with a special regulation issued to this end, 4- Any amounts decided by the Cabinet upon submissions of the Board to be allocated to the Fund from the net revenues of any other Fund targeting support of societies, 5- Funds of societies and unions whose legal personality expires without having any other party to whom the funds will be forfeited in accordance with the provisions of this law, 6- Any amounts or donations collected already from the societies and unions received or collected in contravention of the provisions of this law and regulations and directions issued thereunder, 7- Proceeds of Fund investment money, 8- Any other sources approved by the Cabinet upon submissions of the Board, c- Expenditures and society support are determined from the Fund's money based on conditions determined by the Cabinet in accordance with instructions issued to this end. The Board is responsible for disbursement under such directions, d- Fund's money and accounts are subject to control of the Audit Bureau".

The said instructions clearly stated the methods and procedures for providing the support.⁷⁶⁶ However, the instructions are subject to the following observations:

- Determination of expenditures and societies' support under instructions constitutes a legal violation giving rise to instability of the support foundations, especially that the instructions are prone to change and modification at any time. Therefore, the law should have contained determination of such foundations and standards
- The instructions contain several delegation provisions that provide broad authorities to the Board of directors of the Registry, in terms of determining support needed.⁷⁶⁷
- The instructions are contrary to the international standards relating to the right to set up societies. They obstruct societies in terms of free access to financial support for the purposes of exercising their activities.

Practice: to what extent is the civil organization able to function without unwarranted external interference?

Score: 25/100

Practice continues to reveal various difficulties caused by the high number of institutions in charge of supervising societies, creating issues for non-profit companies registered with the Ministry of Industry and Trade, which account for more than 800 society and institution, in addition to creating a state of uncertainty that appeared while efforts were made to align organization procedures with the provisions of the 2008 law.

The law frequently transfers to the executive bodies fundamental matters related to creating societies, whereas a better way would be to include these matters in the law itself to clearly address these issues in compliance with the provisions of article 16 of the constitution ⁷⁶⁸, according to objective principles and specific controls, while referring to executive frameworks rather than to delegating frameworks.

766) Human Rights watch issued a letter to the Prime Minister detailing criticisms on the Law on Societies. For reference, see: <https://www.hrw.org/ar>

767) according to Article 5 paragraph 6, and Article 4 paragraph 8

768) See Dr. Mohammed Hamouri, rights and liberties

This includes that the board of the registry sets special instructions, after the approval of the the cabinet, where these instructions include the principles for determining the competent ministry in charge of which organizations (Article 4, paragraph E)⁷⁶⁹, as well as issuing instructions for regulating he operations of the registry, and coordinate the efforts between its secretary and the competent ministries, according to the provisions of this law and regulations issued thereunder (Article 5, paragraph 6)⁷⁷⁰ Moreover, provisions to be included in the bylaw of the society should be determined by virtue of a special bylaw issued for this purpose (Article 7, paragraph B)⁷⁷¹.

It is worth noting that the practical implementation of this law has raised many legal issues emphasizing that practice needs review. The Registry board of directors decided to stop registering private societies 495 as stipulated in Article 3 of the law⁷⁷² due to the fact that it is no different than an ordinary society, and so the purpose of the provision in the law is no longer valid. The Private Societies Bylaw⁷⁷³ number 32 of 2010 was issued, stating that the initial capital for a private society should not be less than 500 Jordanian Dinars (an equivalent of 714 USD). Yet it did not include any provisions to differentiate between ordinary and private societies. This regulation has become inactive due to the board's decision to stop issuing licenses to private societies.

Moreover, on 13 September 2014, the fifth discussion paper of the King was published, entitled: "Goals, achievements and political conventions: Pillars for deepening our democratic transition". In its third Article, emphasis was made on the prospects of CSOs to continue building their capacities, increase efficiencies, and serve the matters and concerns of citizens, as well as creating policies and provide supervision. Over the last five years, CSOs have doubled in number, reaching over 6,000 active organizations.⁷⁷⁴

769) Provided for "the Board, with the consent of the Cabinet, develops instructions including determination of competent ministry per society"

770) Provided that "The board shall assume the following duties and authorities: issuance of instructions to regulate the registry and coordinate relationship between the registry secretary and competent ministries in accordance with the provisions of this law and the regulations issued thereunder.

771) Provided for "b- the provisions to be included in the Articles of Association of the society shall be determined under a special regulation issued to this end so that the Articles of Association shall include: 1- name of society, 2- headquarter and geographic scope, 3- objectives and purposes, 4- membership conditions and losing it, 5- affiliation fee and amount of annual subscriptions, 6- general and extraordinary general assemblies, validity and quorum and decision-making mechanism, 7- number of members of board of managers and election method, authorities, quorum for their meetings and decision-making mechanism, 8- sources of funding and financial affairs administration, control and auditing, 9- rules of good governance and transparency, 10- methods of society dissolution and forfeiture of its funds.

772) Kindly see: <http://www.societies.gov.jo/SitePage.aspx?PagelId=118>

773) Provided for "for purposes of this law 1- the phrase "society" means any legal person composed of a group of no less than seven registered in accordance with the provisions of this law to render services or undertake activities voluntarily but not for profit or to gain any benefit to any of its members or certain person or to achieve any political goals falling within the activities of the political parties in accordance with the provisions and laws in force, 2- phrase (private society) means the society where membership is limited to a group of people of no less than three and no more than 20.

774) To identify content of the paper kindly see: <http://rhcjo.com/>

To the dismay of several societies concerned about further restrictions on funding, on 18 October 2015, the council of ministers⁷⁷⁵ issued a decree regulating society financial support mechanisms.

The decree strengthened the role of the Ministry of Planning and International Cooperation and the coordinating committee for humanitarian aid affairs as the relevant authorities of reference to be consulted over any request for external funding.

During 2015, tension aggravated between the Bar Association and CSOs providing legal assistance services (free of charge) around the legality of providing free legal assistance by the CSOs, which prompted the Bar to address the Cabinet to ban free legal service by the organizations in order to preserve the rights of its members. In return, the organizations have condemned this action by describing the provision of free legal services as an unassailable human right.

Although the 2014 amendment of the Bar Association law required the Bar to issue regulations for legal aid, however, the regulation and exerted efforts failed to eliminate tensions and problems.

There is still until this day no national approach pushing towards the provision of free legal services.

One of the remarkable cases was the one called the Muslim Brotherhood case, which faced licensing issues and internal divisions during 2015 among its members. The Muslim Brotherhood was licensed on 3 March 2015, noting that it was historically known and operating in Jordan since 1946. Based on a resolution issued by the Laws Interpretation Bureau, the society failed to regularize its situation in accordance with the applicable laws and thus it has been unlicensed. Therefore, it has lost the right to the legal personality.⁷⁷⁶

775) For more information please visit the link: <http://www.ammonnews.net/article.aspx?articleno=246301>

776) TV episode on Roya channel, Nabd Al Balad program, Dr. Dokan Ajarmeh and Eng. Ali Abu Al Sukkar talking of the Muslim Brotherhood properties: legal opinion of the legislation and opinion bureau, for more: www.youtube.com/watch?v=nJKrSkFBIU8

Governance: Transparency

Practice: to what extent are CSOs transparent?

Score: 50/100

When reviewing the historical context in which laws governing the right to assembly and association in Jordan were drafted, it is clear that these have been closely tied to developments in the democratic process and political events in the region. The relationship between the government and CSOs was often negative and marred by government efforts to restrict CSO activity, in spite of efforts by successive governments to strike a balance with their international commitments and local demands for promoting freedoms and improving standards of living and social wellbeing. Societies provided a political outlet⁷⁷⁷ for the various political and social parties, most notably while martial law was still in effect. During this period, political parties were banned and only CSOs kept functioning.

Nevertheless, the dominant feature of the civil society in Jordan can be described as mysterious, lacking clarity, in addition to the absence of coordination or accord on the national action plans and priorities and continuous uncertainty, doubt and mistrust between the Jordanian government and CSOs due to uncertain mechanism of dealing among them, lack of clear action plans and strategies among all, and absence of real participation in the field, lack of information flow institutionally and officially to pave the way for societies and voluntary sector to contribute to drafting and presenting solutions and options to the national institutions to get out of certain field troubles and obstacles.

The Department of Statistics shows that Jordanian civil society, as private non-profit service sector organizations, contributed between 50.4 and 61 million JD (USD 711.34 – 860.09) to GDP every year between 2007 and 2009. This places the sector directly behind the hospitality sector which contributed between JD 104 and 107 million to GDP every year during the same period.⁷⁷⁸

777) For more information on developments of CSOs see: Yacoub M., Abu Azzam, et al. "evaluation of Jordanian human rights concerned CSOs in Jordan: field study", Amman- Adalah for human rights, 2010, p. 39-47; Sad Al Din Ibrahim, S., "society and State in Arab Countries". Centre for Arab Unity Studies, Beirut, 1996; and: Qandeel, "Developing Human resources and Administrative Capacities of Arab CSOs: Current and future for training societies in the Arab World". Arab Future Centre, Cairo, 1997.

778) See: http://www.dos.gov.jo/dos_home_a/main/index.htm

CSOs can generally be described as family affairs despite provisions in the Law on Societies and regulations set forth by the board. It has become customary for a family or several families to run CSOs where they often do not take a positive view of the authorities and tend to restrict membership to a small group of people. Moreover, CSOs do not follow good transparency and integrity practices in their financial and administrative operations; they do not report on decisions related to tendering or their finances or actively seek to develop their financial and managerial decision making mechanisms.

Governance: Accountability

Practice: To what extent are CSOs accountable to their beneficiaries and supporters?

Score: 25/100

For the most part, the social society organizations lack a clear distinction between members of the board of directors, and those of the constituent committees together with the teams working for the organization.

To achieve their goals, they rely on external and internal funding. Usually the members of the board of directors are the founders, and the general assembly of the society is from the board of directors or from persons running the society, and therefore clearly affects the governance and accountability systems on the part of the public of the general assembly and leads to mingled roles at all institutional levels, and in turn conflict of interest. It also affects the society's institutional capacity and development in contravention of the standards of integrity, transparency and anti-corruption. These standards lack control by the general assembly.

Among the reasons that contributed to creating these conflicts is the mysterious nature of the laws when it comes to the establishment of societies. Recently, many voices raised calling for increasing the number of founding members for the society, which prompted the government to develop a draft law whereby the number of founders has been amended. ⁷⁷⁹

⁷⁷⁹) For more details, kindly visit the Opinion and Legislation Bureau: www.lob.jo

The Role: Government Accountability

To what extent is the civil society active and successful in terms of government accountability?

Score: 50/100

It is worth mentioning that there is no real partnership between the executive authorities and civil organizations but to the minimum limit, and only in services and relief sectors. The funding mechanisms applicable in the Societies Support Fund in the Ministry of Social Development are traditional. No national plan or a clear official policy was created to support and build societies' capacities. No true partnership exists for hearing and consider viewpoints towards the mutual national issues. Figures refer to the Ministry of Social Development's support to 154 societies in accordance with its prevailing regulations and procedures.

No participatory approach is followed to overcome some problems and the weakness in societies' institutional capacities; the Law on Societies allows the ministry to form inspection teams to investigate any contraventions or irregularities, with authority to search an organization's headquarters and access their records and files, at any time and without a warrant. In 2015, 129 inspections were carried out. As a result, 94 organizations were closed down, 91 interim administrative assemblies were appointed and 71 warnings were served.⁷⁸⁰

Despite these many limitations, civil society has managed to have an influence on general legislation, official policy and practice. Organizations working in women's rights achieved several of their objectives. These were made possible through lobbying and gaining community support for promoting legislation, policy and procedures concerning the civil status law⁷⁸¹, labor law, and elections, among other areas. Furthermore, some organizations in the media have managed to hold extensive dialogues with the government and regulatory institutions. They have influenced laws regulating freedom of speech and expression, especially concerning trials, prohibiting unjustified detention of journalists, and freedom of information exchange. The Center for Defending Journalists managed to form a legal assistance unit to defend journalists committed to trial and issued an annual report about freedom of press being published to the public in addition to providing services of counseling and advice to the government about the best legislative practices and claiming amendment of laws violating the opinion and expression freedom.⁷⁸²

780) For more details, kindly visit <http://www.ammonnews.net/article.aspx?articleno=250321>

781) For more details, kindly see the website of the National Commission for Woman: www.women.jo

782) See the website of Center for Defending Journalists, the annual report and activities of the national campaign entitled "talk is not a crime" and media complaint system initiative in addition to contributions of the Center in discussing the legislation relating to the freedom of opinion and expression through the link: cdfj.org

In the same way, the organizations concerned with anti-corruption, governance, and transparency have generally been able to influence and improve the functioning of relevant regulatory institutions. Moreover, they have engaged in extensive dialogues over the challenges that face the fight against corruption.

For example, the activities undertaken by Rasheed coalition, and their viewpoints about laws relating to anti-corruption are heard. The coalition managed to draw the attention of the institutions and government during the past three years to the importance of the corruption perception index(CPI) and thus the official institutions were involved in meetings and symposiums held.

Role: Policy Reform

To what extent is civil society actively engaged in anti-corruption policy reform?

Score: 50/100

CSOs have recently become specialized. The areas of specialty include: women's rights, children's rights, prisoners' rights, the fight against corruption and other areas.

Interestingly, Transparency International report on corruption perceptions since its adoption by Rasheed Coalition for Integrity and Transparency had taken a broad space of national discussions and participation in anti-corruption dialogues, and the national government and institutions try to identify outputs of the report. This has created an official unprecedented interest.

The report resulted in creating a number of partnerships with the concerned institutions and CSOs, in an attempt to overcome obstacles and improve the ranking Jordan among more advanced countries on the issue of anti-corruption.

Recommendations

The prevailing legal framework on establishing CSOs therefore should be aligned with the following principles ⁷⁸³:

- A) Freedom to set up and register societies through notifications only, where the executive authority in case of objection to the establishment shall have the right to appeal to judiciary.
- B) Every society should enjoy the right to formulate its own bylaw, and every governing board should enjoy the right to manage its own affairs without government interference
- C) Every general assembly of each society should be entitled to elect its own board of directors and have its election results respected by the government. Moreover, the government should not have the right to protest or influence the membership or appointment of directors unless through appealing to the competent administrative judiciary.
- D) The right of the executive authority to supervise the work of societies. The government handles irregularities by following legal actions through the relevant courts, as the courts represent the highest form of authority on the matter.
- E) Every society is entitled to receive funding from both national and foreign sources, provided the amounts, sources, and a detailed account of its use are declared and fully documented. The society should also commit to publishing its annual budgets.
- F) An organization can only be shut down through a decision by the board of directors or by court order. Moreover, CSOs activities cannot be suspended without a court order.
- G) An interim administrative assembly can only stay in place for a maximum of 60 days. During this period a governing board should be convened to elect a new administrative assembly. This period can only be extended once for the purposes of achieving the preset objectives.

783) These guidelines are established in all international and regional legal theories and agreements that guaranteed the right to establish societies in addition to comments by UN committees, see Article 20 of the Universal Declaration of Human Rights, Article 22 of the International Covenant on Civil and Political Rights, convention No. 87 concerning freedom of association and protection of the right to organize; Article 8 of the international covenant on economic, social and cultural rights, Article 11 of the European Convention on Human Rights, Article 10 of the African Charter on Human and People rights and Article 24 of the Arab Charter on Human Rights

- **Internal procedures of societies**

Organizations are invited to adopt all institutional means to gain public trust while achieving their goals. They are also encouraged to adopt all procedures and course of actions necessary to enhance transparency, integrity, and good governance. In addition, internal democracy should be seen as the natural means for responsibility and authority transfer among CSO members. These methods include:

- A) Participation: Participation of all members regardless of age or sex, in organization activities, either directly or indirectly
- B) Networking and Coordination: Organizations are encouraged to coordinate and network while aiming towards formulating strategies that are based on mutual objectives, public service, and appropriate use of efforts and resources.
- C) Transparency: Providing information about the organization's activities and its overall operations, while guaranteeing access to that information by its beneficiaries, the public, relevant authorities and donors.
- D) Accountability: reporting on how resources are used; holding decision makers or whomever is proven to have misused resources accountable
- E) Equality and inclusion: equal opportunities based on qualifications no discrimination
- F) Good governance: organizations are encouraged to follow all guidelines of good governance and their administrative and financial specifications. They should also abide by the prevailing laws as they work towards their objectives as stated in their bylaws
- G) Democratic Succession of Power One of the main predicaments facing societies is the concentration of authority in the hands of a few who exert their control over the society's operations and activities. This is generally due to a lack of regulations that set a time limit for occupying a leadership position.

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The Private Sector

Summary

The private sector in Jordan still operates unilaterally and suffers from all the problems just like the private sectors in the region in terms of poor legislation, complicated official procedures to obtain licenses and approvals, and the bureaucratic administration; the latter is one of the most significant obstacles affecting the Jordanian private sector.

Up to this point, the relationship between the public sector and the private sector is still blurred and unclear; a real partnership between the two sectors has not yet materialized. Although the Law for Public-Private Partnership was issued before more than one year, the executive measures of the law are not yet in force, and the law did not change reality and the nature of work between both sectors on real grounds. There has been no change in the nature of operations between the public and private sectors to enable them to better serve the local community, and accordingly create stability in the investments attracted by the Jordan, due to political, geographic, and climatic factors the government is not responsible for.

Notwithstanding the existence of a legal framework for the operations of the private sector, there are still complaints about business-related procedures, whether related to establishing businesses and other procedures. Although government procedures and decisions can be appealed before the judiciary, litigation is normally prolonged.

Furthermore, the infrastructure related to transparency and integrity is generally varying and vague, with the exception of some major sectors such as the banking sector, and companies listed in the stock market. Transparency and integrity infrastructure in the other sectors however is less in other sectors.

Recent popular movements and protests have shed a light on corruption issues in the public and private sectors. A number of major corruption cases have been referred to the courts, giving official and popular momentum to anti-corruption efforts. The role of the private sector and its institutions in fighting corruption remains limited, as is the sector's collaboration with civil society organizations (CSOs). However interest in combating corruption is growing and this has confirmed the need for real initiatives between the private sector and CSOs.

The table below summarizes the total grade of the private sector in Jordan according to capacities, governance and role in terms of practice and law:

Overall Score: 43 /100			
Category	Indicator	Law/ Score 100	Practice/ Score 100
Capacity	Resources	75	50
	Independence	75	50
Governance	Transparency	50	25
	Accountability	50	50
	Integrity	50	25
Role	Engagement in anti-corruption policies	25	
	Support for civil society organizations	25	

Structure and Organization

Institutional tracks have developed in all economic, social, political and cultural sectors in line with their nature, as well as external and internal determinants. These tracks have generally been gradual; for instance political and democratic empowerment through increasing the public participation of all segments of the society formed a priority on the political level. Attracting investment and developing national sources of income formed a priority on the economic level, whilst elimination of illiteracy, investing in human capital, eradicating communal violence and intolerance, and keeping up with international scientific developments, all formed priorities on the social and cultural level.

Jordan's political and social stability has been reflected in the nature of the private sector for some period of time, and may have been a factor in attracting regional and international capital. The political approach adopted by King Abdullah II over the last ten years, which is based on the reform approach of his father the Late King Hussein, is characterized by leading the country into merging with the global economy, through privatization programs, free trade, comprehensive economic development, as well as amending laws and legislations, and simplifying procedures to become more transparent.

This resulted in attracting many international investments, and opened channels for international cooperation for investments in Jordan. King Abdullah II organized frequent visits to countries around the world, and worked on promoting Jordan internationally, as well as explaining the pillars of investment in Jordan, and all facilities Jordan provides for capital inflow.

Geographical location of Jordan also plays a vital role in the stability of the private sector. Jordan is located at the junction of Europe, Asia, and Africa, and has an area of 89.3 thousand square kilometers, with a varied topography; the center of Jordan consists of hills and mountains, the north of badia hills which extend eastward Iraq and Saudi Arabia, whilst Jordan River which flows in the Jordan Valley constitutes Jordan's western border. Jordan River flows into the Dead Sea, which is considered the lowest point on earth with depths reaching 400m below sea level. To the south is the port of Aqaba, which provides Jordan with an outlet to the Red Sea.

In terms of the private sector's legal environment, most private businesses close for the weekend on Fridays, whilst banks and government offices are closed on Fridays and Saturdays. The Jordanian Labor Law limits the number of weekly working hours to 48, except for workers in hotels, restaurants and cinemas who can work 54 hours. Workers receive 14 paid holidays a year, or 21 if they have worked for the same employer for more than five years.

Entry to Jordan requires a visa. Fees and length of stay vary depending on the visitor's nationality. For some nationalities it is possible to obtain entry visas either from a Jordanian diplomatic mission or at the point of entry. Work permits are issued by the Ministry of Labor and are valid for one year.

The Jordanian government has launched the privatization program in order to liberate the national economy, increase foreign capital inflow, and stimulate the role and efficiency of investors in the private sector within the kingdom's long-term development plans. Numerous sectors were privatized in the year 1996, including communications, electricity, cement, and phosphates.

The structural instability of the administrative process, the nature of the national economy, the country's growing indebtedness, as well as other factors, perhaps did not lead into a proper evaluation of this economic program. Instead, a real crisis resulted, with a number of boards of directors and their members being referred to the courts on financial corruption charges.

On another perspective, the economy of the market is the prevailing model in Jordan, and so the business sector plays an important and growing role in the Jordanian economy. The service sector contribution accounts for 76% of the national income, and the industrial sector around 5% of the national income. Most business institutions are small or medium sized; not more than 3% of institutions have more than 100 employees. The business sector in Jordan has been suffering for years from the effects of regional wars and conflicts, as well as the fluctuations in power and production, due to closing all the borders with Syria, Iraq, and Saudi Arabia at some point, which affected its performance in all areas.

The private sector organizes several legislations, regulations, and instructions, most importantly the Companies Law, Securities Law, Jordanian Banking Law, Central Bank Law, Anti-money laundering and terrorist financing Law, Insurance Regulatory Commission Law, Telecommunication Regulatory Commission Law, and the regulations relating to tenders, works, and supplies.

Many institutional forms are involved in the private sector, such as individuals, and individual institutions. Companies are divided into companies of persons, namely partnership, limited liability, and limited partnership. The capital association is private joint stock company and public joint stock company and partnership limited by shares.

Official statistics issued by the Companies Control Department demonstrated an increase in the capital of companies registered in the Department by the end of 2015, by 21.9%, despite the decline in the number of registered companies by 18.7%. The companies registered by the end of last year amounted to 6337 with capitals of JD 158.9 million, against 7522 companies registered in 2014. Their capitals reached JD 124.1 million.

The limited liability companies ranked the top when 3459 companies were registered with a capital of JD 79.9 million, 60 private joint stock companies were registered with a capital of JD 45.9 million, 2038 partnership companies with a capital of JD 23.2 million, 431 limited partnership companies with JD 6.2 million, and 60 exempted (non-taxable) companies with a capital of JD 2.6 million. The statistics demonstrated registration of 141 non-profit companies with a capital of JD 517 thousand, and 38 civic companies with a capital of JD 214 thousand.⁷⁸⁴

784) Statistical report issued by the Companies Control Department, published on Alrai website, for more:
<http://www.alrai.com/article/775055.html>

Capacities: Resources

To what extent does the legal framework provide an enabling environment for the formation and operations of businesses?

Score: 75/100

The legal framework governing the process of registering and starting companies and businesses is generally considered to be good. According to a 2015 World Bank report, Jordan scored 85.61 for businesses, but the same report ranked Jordan as the 86th in the world. This means that the legal framework is insufficiently flexible compared to other countries.⁷⁸⁵ However, Jordan ranked well compared to other countries in the region (80.80%), and Kuwait was ranked at (70.3%), yet it still occupies a lower rank compared to Turkey or Egypt (86.36% and 88.04% respectively). However the number of processes necessary to set up a business was seven processes, which is considered good in the global comparison.

Jordan has made good strides in modifying its laws and regulations, and creating a better environment for attracting investments. Investment-related legislation is constantly reviewed and developed in order to create a stimulating investment environment and to increase efficiency and transparency.

This package of legislation includes the following: the Customs Law, the Companies Law, the Income Tax Law, the Sales Tax Law, the Investment Promotion Law, the Securities Law, the Insurance Law, the Secured Finance Leases Law, the Credit Fund and Joint Investment Law, the Competition and Intellectual Property Protection Law, the National Production Protection and Anti-Dumping Law, and the Consumer Protection Law.

The inherent challenge of ongoing modification to the legislation is the lack of legislative stability and the resultant negative impact on the investment environment. The role which governments can play in this sector is perhaps the greatest and most important, since the role of governments has become necessary, if not the most important, in order for the country to achieve a competitive advantage.

Modern economic thought confirms that the current role of the state is to transition and adopt policies that improve and develop the environment in which all businesses operate, through removing all barriers to trade and investment, and making government legislation more effective. This is done through reviewing legislations, as well as collaborating with the private sector.

⁷⁸⁵) DOING BUSINESE 2015, The world bank, 2015

Eliminating government monopolies (giving greater freedom to the private sector) in certain sectors is done in order to encourage competition, through the reformation and redrafting of legislations, and ensuring fiscal stability, as well as controlling and regulating the public budget, and seeking to reduce budgetary deficits, conducting tax reforms, etc.

The government should seek to provide a suitable political and legislative framework and commit to meeting the requirements of the private sector if it really wants to make it the engine of economic growth.

In relation to closing down a business or company, Jordan scores very low (30.17%), and ranks 145th in the world, which is much higher compared to the rank of start-ups as per the same report. Jordan status is better in terms of paying taxes, where Jordan scores 81.19% and is ranked 45th in the world; this reflects a deterioration of three places compared to 2014 when it was ranked 42nd.

Investors carry out their business in accordance with the Investment Law and the Companies Law, which allows for different types of companies to be registered according to the types stipulated in the Law, including joint stock companies, limited liability companies, partnerships etc.

The Investment Law includes numerous advantages for investors, including exemptions from customs duties and general taxes on sales and production inputs for industrial and craft projects, tax reductions of at least 30% in some governorates according to regional classifications, exemptions on production supplies and fixed assets of dual use, and a 5% rate of income tax for institutions with activities within the development zone including industrial projects, as well as a 0% general sales tax on commodities and services purchased by registered institutions for the purposes of activities within the development zone.

Numerous sectors benefit from the provisions of the Investment Law, including industry and crafts, agriculture and livestock, private hospitals and medical centers, hotels and tourism establishments, entertainment and tourist recreation parks, communication centers, scientific research centers and scientific laboratories, art and media production, conference and exhibition centers, transportation, distribution, and/or extraction of water, gas, and oil derivatives.

Practice

To what extent are individual businesses able to exist and operate effectively ?

Score: 50/100

Economists⁷⁸⁶ believe that the increase in living standards in Jordan, coupled with generally stagnant income levels, have created a major gap between citizens' ability to live a dignified life, and keep up with living costs.

They say that Amman is one of the most expensive cities in the Middle East and Africa for numerous reasons, chiefly the taxes and fees imposed on numerous basic commodities, especially sales taxes. The Economist magazine classifies Amman as the most expensive city in the Middle East and Africa, and the 48th most expensive city in the world.⁷⁸⁷

The increase in operation and input of production costs in Jordan, as well as the taxes and fees, especially sales taxes, have put Amman on the list of the most expensive cities in the world. The increase in apartment and land prices, alongside the increase in the prices of other essential goods, has created a major gap between living costs and citizens' ability to keep up with these costs, which has had negative repercussions on the economic level.

One additional factor is the recent increase in the cost of energy and fuel, which has led to deterioration in the condition of various economic sectors, particularly the industrial and production sector; these sectors have the ability to assimilate the greatest possible number of workforce.

This has led to a decrease in Jordan's competitiveness in attracting investments. Amman made progress by four places in its ranking compared to the past year, obtaining a total of 85 points in The Economist's index, as a result of various factors including the fact that the government is no longer subsidizing fuel prices, as well as the increase in the price of electricity, and the increase in the exchange rate for the dollar against major world currencies.

Amman was ranked the most expensive city in the Middle East and North Africa followed by Nairobi, Abu Dhabi, Dubai, Casablanca, Abidjan, Dhakar, Manama, Cairo, and Doha.⁷⁸⁸

786) A public opinion poll conducted by the Strategic Studies Centre, Jordan University, kindly visit the following link:
<http://www.alrai.com/article/614452.html>

787) A study published recently by the Arab Investment and Export Credit Guarantee Corporation.: that the average per capita in Jordan recorded USD 4852 for the current year compared with 4,542 dollars last year. For more information see
<http://www.ammonnews.net/article.aspx?articleno=126635>

788) Website of the Jordanian newspaper Al Ghad, <http://www.alghad.com/>

Official institutions normally adhere to the laws and legal procedures. According to the World Bank report ⁷⁸⁹, it takes a maximum of twelve days to register a company or any kind of business, but in practice it can be quicker according to Dr Maher Mahrouq/ Director of the Jordan Chamber of Industry ⁷⁹⁰

The process depends on the type and size of the company or business; it is easier and faster for small businesses and some sectors than for large companies and other sectors.

Dr. Maher Mahrouq/Director of the Jordan Chamber of Industry, confirms these results and says that the legislation is not straightforward and there are no incentives to start a business, especially in the industrial sector ⁷⁹¹. According to the aforementioned World Bank report, Jordan scores 54.14 and is ranked 114th in the world for implementing or upholding contracts, which is a worse ranking than that for establishing a business.

In conclusion, the legal or legislative framework does not seem to provide a suitable or easy environment for starting a business and further efforts are needed to simplify the procedures and provide a suitable environment for establishing and operating a business. Perhaps the most significant obstacle is the inflexible bureaucratic nature of the government towards the private sector. Despite the government's efforts to unify institutional resources for investments, and to move towards electronic governance, the procedures were ineffective and investors still suffer from procedural and institutional problems, in addition to the increases in prices, taxes, and fees; Jordan is considered one of the most expensive countries, according to international reports.

In addition to the practical aspect, experts say the basis for creating employment opportunities and solving the problem of unemployment is to “prepare an investment strategy” and draw up a road map and future vision for the national economy. Jordan's ability to attract investment “has been declining in recent years compared to international standards”, with reference to the legislation enacted by the government, including the Law of Public-Private Partnership, the Income Tax Law, and the Investment Law. The Investment Law does include “promoting investment”, despite the significance of this aspect and the importance of including it in the law.

Some public and independent institutions operating in the investment field should be restructured, through forming a new administration responsible for integrating local, Arab, and international investments. ⁷⁹²

789) Ibid., World Bank report.

790) Ibid., Dr Maher Mahrouq.

791) Dr. Maher Mahrouq, general director of the Jordan Chamber of Industry, personal interview.

792) Conclusions of a tax and investment legislation workshop at the Al Rai Centre, <http://www.alrai.com>

Capacities: Independence

Law: To what extent are there legal safeguards to prevent unjustified external interventions in the activities of the private sector?

Score: 75/100

The legal framework does not include any clauses or procedures that allow excessive intervention in the activities of the private sector. The private sector and its activities are governed by a legislative framework that ensures its independence. However this independence is subject to some complexities, especially because of the number of agencies overseeing the private sector's operations.⁷⁹³

Jordanian laws provide opportunities to appeal in case of unfair or illegal proceedings. The Companies Law provides a legal framework which allows individuals and companies to object to situations in which their rights have been infringed, whether in relation to registration or licensing procedures, or any procedures related to the behavior of public employees towards company owners.

In the event an official agency or public employee illegally interferes in the interests of companies or cause any disruption, it is for the company/individual to refer to judiciary and courts to recover their rights. . The laws specify the circumstances and conditions in which the government can take possession of land for the purposes of public benefit, on the condition of compensating the landowners, and giving them the right to contest the value of the compensation and to resort to the judiciary for a resolution.

An investment window has been established under the Investment Law with the aim of providing the "one-stop service" for licensing economic activities in the kingdom, and reviewing and simplifying licensing procedures. The commission has set up a system that allows services to be offered and investors' inquiries to be responded to electronically.

The law obliges the Investment Commission to prepare a licensing guide covering the conditions, procedures, requirements, and legal timeframes for issuing a license, according to the legislations in force, implemented by the official bodies. The guide shall be prepared under the model adopted by the Commission for this purpose, and shall be published on the Commission's website.

⁷⁹³) Dr. Maher Mahrouq, personal interview

The law covers a range of measures which must be followed to issue a license requested by an investor, as follows:

- The delegated official must issue a decision on the license, in accordance with the necessary requirements, conditions, and procedures, within the timeframe set by the licensing guide. If the guide does not specify a timeframe for issuing a licensing decision, the decision must be issued within no more than 30 working days from the date of submitting all legal requirements set out in the licensing guide.
- In cases where issuing a license requires a referral to any committee or body to conduct any inspection or undertake any other procedure, and where the relevant legislation does not specify a timeframe in which this committee or body must issue a decision or recommendation, such decision or recommendation must be issued within thirty days.
- If the delegated official refuses to grant a license, their decision must be issued in writing and must along with a justification. They must inform the license applicant of the decision within no more than three working days as of issuing the decision.
- If the delegated official refuses to grant a license, or in the event a decision was not issued within the timeframe stipulated in paragraph (a) of this article, the license applicant may object to the president within sixty days. In the event the objection cannot be resolved within fifteen days, the president shall refer it to the governmental committee.
- The governmental committee shall issue its decision within 30 days as of the objection being referred. This decision shall be appealable before the Supreme Court of Justice.
- The cabinet shall set up a standing government committee to consider objections to licensing, in accordance with the provisions of this law under the regulations issued to this end.

In any case, Jordan has procedures offering legal protection to prevent illegal and undesired external interventions in the operations and activities of the private sector. However there are difficulties and even impossibilities in implementing the Law of Partnership between the Public and Private Sectors.

Moreover, constructing a shared comprehensive national vision between the public and private sector could in some cases lead to interventions, or to the private sector participating in certain public activities without the possibility of such activities being monitoring.

This demonstrates the need to promptly establish a comprehensive national vision of cooperation between the public and private sectors.

Practice:

To what extent is the private sector free from illegal (external) intervention in its activities in practice?

Score: 50/100

In the past years, and whilst the government was pursuing the approach of privatization, there were frequent news and information about certain leaders in the management, or some influential politicians, being involved in activities relating to private companies, or entering into partnerships with these companies as subcontractors. These situations resulted in breaches of the law, violations, and the offering of bribes. A number of these cases and companies and the directors of some public institutions were referred to the courts on a number of charges.

As part of the government's attempts to eliminate such practices, it adopted a national strategy for administrative reform of the public sector, prepared by the Advisory Economic Council. This strategy aims to create a more effective and efficient government body which is able to use information technology and keep up with essential developments provided to citizens in an efficient and cost effective manner. It also aims to increase government efficiency in regulating, monitoring, and supporting competition, and enable a competent administrative structure.⁷⁹⁴

The plan highlighted a number of problems encountering the government administrative body with varying degrees, which prevent the achievement of better performance rates. These problems include interference and duplication of the tasks and responsibilities of a number of government agencies, as well as the poor coordination between them, poor adherence to the concept of public service, low levels of interest in employee training, and certain other problems represented by an increase in the number of government institutions of various types, failure to benefit significantly from modern administrative technology, unclear working procedures which weaken accountability, and increase spending in certain areas, and a failure to link costs and revenues.

To attempt to resolve these problems, the strategy consists of five pillars that cover restructuring the government apparatus, training government employees, improving the quality of government services, strengthening institutional work and accountability in government administration, and developing the use of information technology and electronic governance. Each pillar consists of a priority program for achieving reform.

794) For more details, kindly visit the link: kingabdullah.jo/index.php/ar_JO/news/view/id/568/.../1.html

The goals of this strategy include restructuring and updating the administration, eliminating bureaucracy, and updating and simplifying procedures, as well as working using institutional methods to encourage a unified team spirit, and opening the way for meetings and affiliated administrative leaders capable of outstanding innovation and performance.

It is difficult to determine the level of independence enjoyed by the private sector in practice, due to the lack of information and data on abuses of position and other types of administrative and financial corruption in the private sector. In this context, Jordan needs to strengthen the Anti-Corruption Department's control over the private sector.

Governance: Transparency

Law: To what extent are there criteria to ensure transparency in the activities of the business sector?

Score: 50/100

The laws governing companies, especially the Companies Law, ensure transparency in the business sector ⁷⁹⁵ according to the law. All corporate registration information is public and can be obtained by interested parties from the Companies Control Department.

The law stipulates that all public companies must submit regular annual reports, which must contain a financial report and an administrative report.

The financial report must contain a detailed annual budget, a profit and loss statement, and details of changes to the company's property and assets. The administrative report must contain information on the company's development, financial position, non-financial indicators, and a report on the risks the company faces.

Public joint stock companies listed on the Jordanian stock exchange must submit an annual report based on the report of an external auditor working independently from the board of directors or direct management.

795) Companies Law of 1996, as amended

In the banking sector, under the Banking Law ⁷⁹⁶ and the 2007 Corporate Governance Guide for Banks in Jordan ⁷⁹⁷, the Central Bank is authorized to directly oversee the banking sector and to conduct investigations and audits of procedures in banks and listed companies. ⁷⁹⁸ Within the Central Bank, there is a financial monitoring unit for anti-money laundering and terrorist financing.

The banking sector in Jordan must submit annual reports audited by an external auditing firm. The banks also submit annual financial reports to the Central Bank, which must be published. The stock exchange and listed companies must also submit comprehensive annual financial reports to the Securities Commission.

These annual financial reports cover public and major companies and banks, but they do not cover small and medium-sized companies. In conclusion, the criteria for transparency in the business sector comply with global standards, especially European standards. However there is almost no real partnership between the public and private sectors, and if exists, the criteria are unclear.

On the other hand, there is no code of conduct for tackling corruption in the private sector, and anti-corruption measures in the private sector in practice are extremely weak. In addition, no standards of integrity and transparency are implemented when carrying out major projects. ⁷⁹⁹ The types of companies in Jordan differ, and so do the obligations imposed upon each type. ⁸⁰⁰

Under the Companies Law, there are many requirements that should be met, including the availability of the membership qualifying conditions for the board of directors, as provided in Article 134, in addition to not allowing any individual convicted by a competent court for the candidacy to the membership of the board of directors of the public joint stock company, nor shall a convicted individual be a member of the company's board of directors.

Under penalty of voidance, the public joint stock company may not provide cash loan of any kind to the chairman of the board of directors or to any member therein or to any of their relatives, offspring, or spouse, with the exception of the banks and financial institutions that may provide loans to the foregoing within their objectives at the conditions applicable to the other clients (m/139 companies).

796) Banking Law, Central Bank

797) Corporate Governance Guide for Banks in Jordan, 2007

798) Dr. Adli Fatouh, Integrity and Transparency in the Jordanian Banking Sector, Jordanian Banking Association, 2013.

799) The link: <http://www.addustour.com/>.

800) Jordanian Companies Act, Securities Commission Law, Central Bank Law, website of the Companies' Registration Department, website of the Al Ahli Bank.

Furthermore, the chairman and members of the board of directors of the public joint stock company, its general manager or any staff are prohibited from disclosing to any shareholder or others any confidential information or data relating to the company already obtained ex officio, or obtained through performing any work for or in the company, under the penalty of dismissal and claim for the damages inflicting the company. The information that may be published under the laws and regulations in force shall be ruled out. The consent of the general assembly to acquit the chairman and members of the board of directors may not preclude from holding them liable (m/158 corporate).

Furthermore, the chairman and members of the board of directors of the public joint stock company, together with the general manager and any other staff, are prohibited from trading in the company shares whether directly or indirectly based on information identified ex officio in the company. They may not transfer the information to any other person with the intention of bringing about influence on stock prices of the company or its subsidiaries, holding, or affiliate where he is a member or officer, or if such transfer would create such influence. Every dealing or transaction under the provisions of this Article shall render null and void. Any person who transmits information shall be held liable for the damages incurred by the company or its shareholders or third parties if a lawsuit has been instituted (m/166 corporate).

The chairman and board members of the public joint stock company and its general manager and its auditor shall notify the companies' Controller of the company's bad financial or administrative situations, or if the company underwent gross loss affecting the rights of the shareholders or creditors. The chairman and board members should also notify the Controller if came to their knowledge that the board of directors or any board member or the general manager has illegitimately exploited the granted authorities and position in any way for personal benefits or for benefit of others. This provision comes into force should any one of them refrain from performing duties provided for in the law, or in case of any act that involves manipulation, embezzlement, fraud, forgery, or misuse of trust, leading to abusing the company's rights, shareholders' rights, or the ones of a third party. Those required to notify shall face liability in tort had they failed to make the notification (m/168 corporate)

The board member of the public joint stock company or its general manager may not be member in board of directors of a company similar to the company where he holds member of its board of directors, or a company that is similar in objectives, or a competitor company that is in the same business. He also may not undertake any work competitive with its works.

The chairman or member of the board or the general manager or any staff is not allowed to have a direct or indirect interest in contracts, projects, or engagements contracted with the company or to the account of it.

The board member of the public joint stock company shall take into consideration the maximum allowable limit to assume membership in the public joint stock companies. Based on Article 146 of the Companies Law, a person is entitled to be a board member of no more than three joint stock companies in their personal capacity at the same time. They may also represent a legal person on the board of no more than three public joint stock companies.

A chairman or board member of a public joint stock company may not perform any work or take up any position in the company for any reward, compensation, or pay, except as stipulated for in this law. This excludes situations where the nature of the company's operations requires special considerations, which should be approved by the board of directors by a two thirds' majority, with the person concerned abstaining from the vote (Article 153 d, Companies Law).

The chairman and board members of the public joint stock company, its general manager, and line managers, shall provide the board of directors in the first meeting held following its election, with a written declaration of his/her properties, his spouse, and offsprings, in terms of stocks in the company, names of other companies in which the elected, the spouse, and offsprings hold shares or stocks if the company is a shareholder in those other companies. The aforementioned shall provide the board with any change made to the data within 15 days from occurrence of such change.

A joint stock company's board of directors must prepare the following accounts and information for presentation to the general assembly within no more than three months as of the end of the company's fiscal year:

1. The company's annual balance sheet, profit and loss statement, cash flow statement and notes thereof compared with the previous fiscal year, all approved by the company auditors.
2. Annual report of the board of directors on the company's operations during the past year and expectations for the coming year. They must provide the Company Controller with copies of the accounts and statements stipulated for above, at least twenty-one days before the date of the general assembly meeting (Article 140, Corporate).

A public joint stock company's board of directors shall announce the date set for the company's general assembly meeting in two local daily newspapers at least once, no more than fourteen days before the prescribed date. It shall also announce it once via audio or visual media no more than three days before the date prescribed for the general assembly's meeting (Article 145, Companies Law).

A public joint stock company's board of directors shall abide by the provisions of the Companies Law and heed the company's memorandum and articles of incorporation and prospectus, and implement the resolutions taken by the general assembly (Article 273, Companies Law).

Practice: To what extent is the business sector transparent in practice?

Score: 25/100

Information on companies registered with the Companies Control Department (responsible for registering Companies Law) is available electronically or can be provided upon request, not only from the Companies Control Department but also from the national chambers of commerce and industry and at the governorate level. However this does not apply to companies registered outside Jordan.

In terms of transparency in the private sector, Dr. Maher Mahrouq ⁸⁰¹ indicates that transparency is not applied to all private sector institutions. Public joint stock companies, banks, and listed companies, abide by the law and are transparent in their operations because they are obliged to disclose realistic and accurate information. However transparency decreases, and sometimes vanishes altogether the smaller the size of the company.

Conversely it increases for companies which deal with the government, because they are obliged to disclose their data and information. Dr. Mahrouq believes the private sector demonstrates a good degree of transparency, but the economist Dr. Youssef Mansour disagrees and says that transparency is poor, especially in relation to tax disclosure. He states that the private sector engages in major tax evasion, which negatively affects the level of transparency. ⁸⁰²

Most major public companies and banks publish their annual reports on their websites, which contain full financial and administrative information reflecting the company's activities for that year.

The disclosure of information on social responsibility needs more publicity and transparency, as it may represent a transparency gap for the business sector. Most companies have not adopted international principles in the area of social responsibility, with the exception of one or two banking institutions which publish reports on international social responsibility initiatives.

Other companies do not disclose such information, and in fact under the Banking Law the submission of social responsibility reports ⁸⁰³ to the Central Bank is a purely a matter of protocols **and formalities**.

801) Dr. Mahir Mahrouq, ibid

802) Dr. Youssef Mansour, personal interview

803) The Arab investment bank is the only banking institution accepted by the GRI

In practice the Jordanian economy has suffered from a number of economic problems which have inflicted massive losses on people and the government. Since 2009 onwards, the number of listed and financial investment companies⁸⁰⁴ proliferated, which resulted in millions of losses for Jordanians; the issue was referred to the economic courts and state security so the perpetrators could be investigated. In addition, some sectors contracted with foreign companies registered in Africa or the Comoros Islands; no information or data was available on these companies, which resulted in substantial financial losses for the economic sector.⁸⁰⁵

Governance: Accountability

Law: To what extent are there sufficient rules for overseeing the business sector and the governance of companies and corporate institutions?

Score: 50/100

The legislation governing corporate governance is advanced, notwithstanding some ongoing difficulties. Under the Companies Law, public joint stock companies and limited liability companies are held accountable to a significant degree before their general assemblies. The general assembly has the power to appoint and remove the board of directors, to ratify the annual report, and to appoint the company auditor. Companies are obliged to hold annual general assembly meetings for approving the budget and the annual report.

Every partner has the right to a copy of the company or bank's financial report. The board of directors is responsible for monitoring the performance of directors, the financial report, and the company's property. The same applies to the company's executive directors who must submit annual reports to the board of directors, which monitors the management's performance in executing the company's annual plan, if it has one. The Companies Control Department oversees companies' annual meetings and ensures the processes are correctly followed. It has the right to investigate violations and refer those involved to the public prosecutor. The same applies to the Central Bank of Jordan, which has the legal right to monitor and oversee banks' compliance with the law.

Under the law, there are a number of obligations which must be met by the general assembly or general director of a company depending on the type of company as outlined above.

Companies' contract of establishment and its bylaws must be official or signed and authenticated.

804) For more details, kindly see the link: [www.akhbar-jo.com/search/false exchanges](http://www.akhbar-jo.com/search/false%20exchanges)

805) For more details: <http://www.almadenahnews.com/article/print/132674>

Companies generally terminate for the following reasons: the conclusion of the purpose for which the company was established, the conclusion of the company's specified term, the loss of most of the company's capital (for any reason), bankruptcy in the case of partnerships, the merger of the company with another company, an agreement by the partners to liquidate the company, or the owner's desire to terminate its operations. The law defines a number of obligations which companies must meet to improve transparency. These include keeping books and records: procurement ledger, returns ledger, sales ledger, daybook journal, export ledger, inventory book, stores ledger, and a sales tax summary book.

Penalties can be imposed under the provisions of the Securities Law. According to the provisions of the Interim Securities Law No. 76 of 2002, public joint stock companies, which are the issuers of securities, are subject to the control and monitoring of the Securities Commission. The law permits the Commission to inspect these companies and audit their documents, records, and registers, through the relevant authority in the agency legally entrusted with this role.

The Commission, through the relevant authority, can perform any investigation, inspection or audit to determine if any person has committed a violation or taken any preparatory measures leading to a violation of any provision of the Commission Law, regulations, instructions, or decisions issued thereunder. It has the authority to investigate any information, conditions, or practices which it deems necessary and appropriate to implement the provisions of its law and the regulations, instructions, or decisions issued thereunder. This includes requesting the attendance of witnesses and hearing their testimony under oath, and receiving any documents or papers related to the subject of the investigation. It has the right to seek the help of experts and specialists in conducting the investigations, inspections, and audits referred to above. Some of the most significant violations which could be committed by public joint stock companies and their boards of directors are:

- The source issuing the prospectus including incorrect data relating to essential information or erasing such information
- The person who signs the prospectus including incorrect data relating to essential information or erasing such information
- A person not abiding by the requirements of the prospectus set by the Commission
- A person selling securities through a public offering without an effective prospectus

The Securities Commission Law sets out the duties and responsibilities of the Securities Commission and stipulates that every issuer of securities in the Kingdom of Jordan must submit a request to the Commission to register securities, in accordance with the instructions issued by the Cabinet.

The Commission must protect investors in securities and regulate and develop the capital market to ensure fairness, efficiency and transparency, and to protect the capital market from the risks to which it may be exposed. The Commission must regulate and monitor the issuing and trading of securities, and ensure full and precise disclosure by issuers of the necessary essential information for investors relating to the public issuance of securities. It shall also regulate and monitor disclosures including the regular reports prepared by issuers.

The Commission must regulate licensing and accreditation affairs, and monitor licensed and accredited actors in the capital market. It must regulate and monitor the market, the stock markets, and the Securities Depository Centre. The Commission must also regulate mutual funds and investment companies. The law prohibits the Commission from performing any commercial activities, participating in any commercial project, loaning funds, or owning or issuing securities.⁸⁰⁶

Practice: To what extent do the companies have effective governance in practice?

Score: 50/100

In general, there are no studies or periodic reports on the extent to which good governance is practiced in the private sector. However, an expert⁸⁰⁷ interviewed for the purposes of this study confirmed that progress has been made in this area, especially in relation to large joint stock companies and the banking sector.

According to a study on integrity in the Jordanian banking sector,⁸⁰⁸ Jordanian banks follow the governance codes set by the Central Bank with high accuracy. The study also shows that the foundations and pillars of good governance in this sector are advanced and largely in line with international standards.

According to a World Bank and International Monetary Fund report on the extent of Jordan's adherence to European governance principles, there is a large degree of adherence in relation to shareholders' rights, shareholders' ability to obtain necessary information on companies, and to participate effectively in general meetings. The report also indicates that Jordan adheres to transparency in companies' operations, and other governance-related areas.⁸⁰⁹

806) Article 7 of the Jordanian Securities Commission Law, published on the website of the Securities Commission, <http://www.jsc.gov.jo>

807) Dr. Yousef Mansour, personal interview

808) Dr Adli Fatouh, Integrity and Transparency in the Jordanian Banking Sector, Jordanian Banking Association, 2013

809) Corporate Governance Country Assessment, World Bank and International Monetary Fund, 2004

However in practice there are still a number of difficulties in this area. There are still not many accountability and transparency practices. As for the reports submitted to the competent authorities, whether the Companies Control Department, the Central Bank of Jordan, the Insurance Regulatory Commission, or the Telecommunications Regulatory Commission, are pro forma annual reports which the companies produce recurrently to no avail, with no accurate or credible information, especially in the areas of tax evasion; Jordan still suffers from a very high rate of tax evasion, and studies show the estimated volume of evasion from general sales taxes is around 2.4 times the volume of consumption, i.e. around 434 million dinars. The most income tax evading sectors are the wholesaler and retailers and the manufacturing industries.⁸¹⁰

Governance: Integrity

Law: To what extent are the mechanisms in place to ensure the integrity of people working in the private sector?

Score: 50/100

The national legislations and regulations are concerned with governance in general and integrity in particular, and are also concerned with corruption in the private sector. They define conflict of interests. This includes the governance guide for Jordanian banks issued by the Central Bank, the governance guide for joint stock companies listed on the Amman Stock Exchange issued by the Securities Commission, the institutional governance instructions for insurance companies issued by the Securities Commission, the institutional governance instructions for insurance companies issued by the Insurance Commission, as well as the governance guide for private companies issued by the Companies Control Department.

Bribery in the private sector is forbidden by the Jordanian Penal Code. The law has established rules for anti-money laundering and terrorism financing in the private sector, as well as in government tenders. The laws and regulations which address corporate governance clearly require boards of directors and managers to abide by regulations of integrity. The laws prohibit company directors from assuming positions in similar companies and prohibit officials and employees from directly or indirectly using information for the purpose of personal gain.

810) A study by the Jordan economic and social Council entitled «tax evasions in Jordan for 2014, for more information kindly see the link: www.esc.jo/download3.aspx?id=Report1

Integrity provisions must be implemented by banks and companies listed on the national stock exchange. For example, anyone practicing banking is required to swear an oath before the chairman, or before one of the members of the board of directors, stating they will abide by all the integrity provisions in their work, preserve confidentiality, as well as any other required terms.

In the banking and stock market sectors specifically, the use of modern technology has made it harder to avoid compliance to the strict integrity provisions for banks and listed companies. However, this does not apply to all sectors or to most companies, including small or medium sized companies, which make up the largest portion of the Jordanian economy.⁸¹¹

The Jordanian Penal Code No. 16 of 1960 addresses the crime of bribery in articles 170-173. In article 170 it makes it a criminal offence for officials to request or accept a bribe to perform their duties, and states perpetrators shall be sentenced to two to three years' imprisonment and a fine equal to the value of the bribe. The provisions cover all forms of bribery and define officials as any person entrusted with public service, whether elected or appointed, and any person charged with an official duty.

According to article 172 of the Penal Code, the person giving the bribe shall receive the same sentence as the person receiving the bribe. In article 173 the law criminalizes offering a bribe to gain approval to a person who is an official or whom the law considers to be an official, in the form of a gift, another benefit, or the promise of a benefit, in order for such person to perform an illegal action or to refrain from performing an action which they are obliged to perform. If the offer is not accepted, such actions shall be punishable by imprisonment for three months to three years and a fine of ten to two hundred dinars.

The legislator the briber and mediator the chance of plea if they disclose the bribe to the competent authority or confess before the case is referred to the court. According to Article 3/b of the Economic Crimes Law No. 18 of 1993 amended by Law No. 22 of 2004, the crime of bribery is an economic crime if it comprises elements of an economic crime. In this case, it shall be subject to the provisions regulating economic crimes. According to Article 265 of the Code of Criminal Procedure, the accused of bribery, even if rehabilitated, shall not be allowed to the membership of parliament, the judiciary, or any of the ministries.

A number of other laws also address this crime, such as the Protection of Public Funds Law, the Law of the Prosecution of Ministers, the Companies Law, the Public Electricity Law, and the Individuals and Officers in the Jordanian Armed Forces Service Law.

811) Dr. Adli Fatouh, Integrity and Transparency in the Jordanian Banking Sector, Jordanian Banking Association, 2013

The chairman, board members and employees of public joint stock companies can be held accountable for crimes of post exploitation (Article 175, Penal Code), embezzlement (Article 174, Penal Code), abuse of public funds, or offering or accepting bribes (Articles 170-173, Penal Code), or any crimes that constitute corruption in the legal sense, and may pose them to penalty of imprisonment or temporary hard labor. The penalties referred to above shall be applicable to people who instigate or participate in the aforementioned crimes.

Companies, chairmen, board members and managers shall also be subject to the penalties stipulated for in Article 279 of the Companies Law. This article stipulates that companies that violate the provisions of the Companies Law shall be subject to a fine of 1,000 up to 20,000 dinars, and must cease the violating action, at the discretion of the relevant court. The company director and auditor shall be subject to imprisonment for a period that varies from one month up to six months if the company does not keep formal organized accounts and records before its liquidation. Paragraph C of this article stipulates that "without prejudice to any sterner penalty stipulated for in any other law, anyone who deliberately fails to enable an auditor or person entrusted by the Minister or Controller to perform their duties specified under the Companies Law or to peruse their records and documents, or fails to present them with the necessary information and explanations, shall receive a fine of 1,000 up to 20,000 dinars." The provisions of Article 282 of the Companies Law can also be applied; they stipulate that "anyone who violates any of the provisions of the Companies Law or any regulation or order issued thereunder for which a particular penalty is not stipulated for in the law, shall receive a fine of JD 100 up to JD1,000."

Practice:

To what extent do individual/companies operating in the commercial business sector abide by integrity in practice?

Score: 25/100

There are no statistics or figures available on bribery in the private sector, due to the nature of the sector. Moreover, certain investors whose contributions exceed 50%, are responsible for managing the company's public utilities, which means the remaining shareholders are somehow not involved in the administrative and financial aspects, or are less able to oversee these aspects in an ideal manner. The involvement of the latter is restricted to annual general assembly meetings, which are normally bureaucratic and by nature and do not result in assuming model integrity-related roles.

In some major sectors that require licenses, privatization, or tendering, such as the sectors of insurance, telecommunication, phosphates, potash, hotels, airlines, and other vital sectors, it is not possible to obtain any information on the procedures and mechanisms for obtaining such licenses. However, some major sectors and major companies have started to put in place a number of controls.

The Jordan Strategy Forum, established by the private sector, is considered the first initiative which aims to spread economic and social awareness, encourage the private sector to play a role in stimulating a productive economy, prepare technical economic studies and surveys to assist the national economy and sustainable development, incorporate scientific and intellectual programs aimed at raising the level of social and economic awareness and achieving the best use of national resources, and training individuals and official and non-official institutions in Jordan on economic fields.

International and local indicators still confirm the poor integrity in the private sector, with Jordan ranking 57th out of 189 countries in the 2014 according to the “Doing Business Report” published by the World Bank in 2014, compared to 53rd according to the same report published in the 2013 report. Jordan’s indicator score in the 2014 report was “7 days”.

Regarding the dominance of certain companies, Jordan is ranked 40th out of 148 countries in the World Economic Forum’s Global Competitiveness Report for 2013/2014, compared to 46th in 2012/2013. This calls for a review of the legislations of the General Supplies Department to make it easier for small and medium sized local companies to participate in government projects.

Jordan was ranked 170th out of 189 countries in the 2014 “Doing Business” report published by the World Bank, compared to 167th in 2013.

Roles: Engagement in anti-corruption policies

Score: 25/100

The law specifies a number of procedures to be taken by the board of directors and managers of a company. For example, the board of directors of a public joint stock company shall publish the company's general budget, profit and loss statement, and an accurate summary of the board's annual report and the company auditor's report within no more than thirty days as of the date of the general assembly meeting (Article 141, Companies Law).

The board of directors of a public joint stock company shall prepare a semiannual report that includes the company's financial position, results of its operations, a profit and loss statement, list of cash flows, and notes relating to the financial data. The report should be authenticated by the company auditor. The Companies' Controller shall be provided with a copy of the report within sixty days as of the end of the period (Article 142, Companies Law).

At least three days before the company's general assembly meeting, the board of directors of a public joint stock company shall make available at the company's headquarters a detailed statement to be reviewed by the shareholders, including the following information: 1) All the amounts received by the chairman and board members as fees, wages, salaries, rewards, allowances, compensations, and all other details from the company during the financial year, 2) the benefits enjoyed by the chairman and board members supplied by the company such as free accommodation, vehicles etc., 3) the sums paid to the chairman and board members during the financial year as travel and transportation expenses inside and outside the country 4) details of donations paid by the company during the financial year and the parties to which they were paid, and 5) list of the names of the board members, number of shares each of them owns, and their membership tenure. The company's chairman and board members are responsible for implementing the provisions of this article and ensuring the accuracy of the information submitted hereunder for review by the shareholders.

The board of directors of a public joint stock company shall invite the shareholders to attend the general assembly. The invitation can be sent through regular post at least fourteen days in advance of the set date. The invitation to the shareholders may be delivered by hand against acknowledgment of receipt. The general assembly agenda shall be attached to the invitation, along with the report of the company's board of directors, its annual general budget, final accounts, auditor's report and notes (Article 144, Companies Law).

Under the law, the auditors have a number of duties and responsibilities, including the following: attendance of the general assembly meetings by person or proxy under liability. The company auditors shall collectively or individually oversee the company's operations and audit its accounts in accordance with the approved auditing rules, professional requirements, and scientific and technical standards, and shall examine the company's financial and administrative systems and the internal financial auditor's systems, in order to ensure they are consistent with the company's best interest, and for the purposes of protecting its funds.

The auditor shall also verify the company's assets and property, and ensure the legality and validity of the company's obligations. They shall review the decisions taken by the board of directors and the general assembly, any instructions issued by the company, and any information the auditors should obtain and verify, in addition to any other duties usually undertaken by the auditors under the Companies Act and the Law of the Auditing Profession and other relevant regulations. The auditor shall present a written report addressed to the general assembly to be read publically.

If the auditor is unable to perform the tasks and duties entrusted with him/her under the provisions of this law for any reason, he shall, before apology, make a written report to the Controller copied to the board of directors including the reasons hindering their work or preventing them from performing it.

Although the chambers of commerce and industry sometimes focus their attention on the need to combat corruption through the media or through holding workshops that support anti-corruption efforts in the public and private sectors ⁸¹², in practice there are no clear public efforts to participate or help combating corruption.

The private sector became in the spotlight during the political movements in Jordan, which uncovered and raised a number of major corruption cases in public and private joint stock companies, especially in the private sector's transitional phase.

During the inauguration of the Tenth Vocational Conference held in Amman in September 2013, the emphasis in the opening was on the important role of auditing in combating corruption, given its role in attracting foreign investments to Jordan.

In conclusion, it is clear that the private sector's awareness is increasing towards the need for conducting efforts for anti-corruption, given their importance and economic return, as well as the effect of anti-corruption on attracting investments. However it is difficult to say that the business sector and its constituent institutions are the driving force behind combating corruption in Jordan.

⁸¹² Jordan Times, "Conference stresses auditing to fight corruption"

Although the private sector sometimes participates in the anti-corruption activities of CSOs, there is no true participation by the private sector in supporting CSOs operating in the anti-corruption field. In fact, the private sector's participation in support of the CSOs in the anti-corruption field is so limited, with no documentation of any anti-corruption efforts

This partnership is still very small and does not reach the level desired. The Public-Private Partnership Law was expected to provide in a new state of collaboration on the level of social responsibility and other issues. Therefore, tangible efforts were made towards reinforcing the public-private partnerships, in order to encourage the private sector to increase its investments in all economic activities.

There are numerous motivations for strengthening collaboration between the public and private sectors in various parts of the world, especially in developing countries. These include the limited financial, human, and technological resources of the public sector, the shrinking financial resources allocated for social development programs, citizens' need for improved quality of services offered by government institutions, and rapid economic and technological developments which offer opportunities to lower the cost of implementing projects in the private sector, and for achieving a more effective performance.

Moreover, many governments want to improve public sector performance by utilizing innovative operating and maintenance methods through partnerships with the private sector, and working in order to lower the cost of providing services to citizens, and other detailed motives. In the last few years, many Arab countries have witnessed institutionalizing operations for the public-private partnerships, after decades of work between the two sectors on numerous different projects of varying types and sizes. At the time being, Morocco, Tunisia, Egypt, Lebanon, and Jordan are witnessing multi-level discussions to develop the laws and policies legislating public-private partnerships in various developmental and economic fields.

A balanced partnership between the public and private sectors is one of the tracks of Jordan's economic reform process. This is the first time a law governing the relationship between the two sectors has been proposed as part of the country's economic reform policy.

The relations between the two sectors are still founded on an arbitrary and random basis, and are based on the interests of the government representatives and their relations with the subject of the partnership or the project, as well as their professional abilities on one hand, and the interests of the companies and businessmen in the partnership process on the other hand.

Therefore, a great deal of the privatization processes which took place in Jordan in the last 25 years did not use generally accepted standards for privatization. They also failed to use standards for best practice derived from international experiences, and so they were interspersed with illegal actions which resulted in serious losses of public funds. There are therefore numerous comments on the Law of Cooperation between the Public and Private Sectors which we can summaries as follow.⁸¹³

First: The law includes a number of clauses showing the concept of partnership upon which the remaining clauses of the law are based. The law indicates that such partnerships are focused on the private sector performing a public function or providing a service or using public property on behalf of the contracting party, to design, establish, finance, operate, and/or maintain infrastructure or equipment. However, certain economic sectors were excluded. The exceptions comprise projects to exploit natural resources under the Organization of Natural Resource Affairs Law no. 12 of 1968, which covers all sources of metallic and non-metallic natural wealth found on the surface of the earth, underground or in regional waters, in addition to the activities falling under the jurisdiction of the State authorities under the provisions of the Constitution, including national defense, security, and the judiciary.

Second: Projects falling under special economic zones are excluded. Article 5 of the draft law permits the Cabinet to exclude any other sector, yet it has been noted that essential social services provided by the State to the public, such as health services, basic education, and power and water supplies, were not ruled out. This paves the way for partnerships to be formed in these sectors, which is contrary to the basic criteria that should be satisfied in any public-private partnerships. The draft law also clarifies that partnership is characterized by prolongation but indefinite in years. Therefore, the timeframe of the partnership term should have been determined.

Third: Regarding the selection of high priority suitable projects for society and the State, the draft law does not contain any articles referring to the partnership projects between the two sectors, and that it will focus on sectors and projects that are priorities for society and societal needs.

Fourth: The regulatory framework provided in the law is inadequate and does not express all partners in the public and private sectors. The law does not determine the powers or procedures to be adopted by such partnership councils.

813) Phoenix Centre for Economic Studies, paper on the Public-Private Partnership Law, <http://www.phoenixcenter.net>

Fifth: The law does not grant priority to the national companies to implement the partnership projects; there are no provisions addressing this point. The power to select a private sector partner is one of the authorities of the “partnership council” with consent of the Cabinet. Accordingly, it is necessary to add some legal provisions to award priority to the national private sector wherever it possesses the same administrative and technical abilities as the foreign private sector.

Sixth: The law does not contain any provisions requiring the private sector to respect recognized operating standards and conditions for preserving and protecting the environment during and after the execution of the partnership project. This is despite the fact that Article 17 contains a number of other standards relating to the value of the project, and a mention of the private sector’s ability to add value, and the presence of innovation in the design, development, and management of the project.

Seventh: The draft law does not contain any articles addressing the role of relevant CSOs at any stage of the partnership process. It is widely recognized that civil society in its broadest sense is considered a party interested in any partnership process, whether they are syndicates, environmental organizations, or consumer groups. Accordingly, the draft law was supposed to have included clear provisions to involve civil society in the various stages of the partnership process, in order to uphold the interests of workers, consumers and the environment.

Role:

Civil Society Support and Communication

Score: 25/100

The recent studies on the private sector and social responsibility indicated that there is a clear disparity in the market values of the commercial banks' shares. The difference may be attributed to the age of the banks, the size of operations, or the nature of the banking services rendered to the clients.

There is also a contrast in reporting between banks during the period; an indication that the banks have different intentions to realize maximum disclosure about dimensions of sustainability. Moreover, there are certain reporting items determined by the general framework of the Global Reporting Initiative (GRI) that do not clearly apply to the nature of the work of banks as financial institutions.

This is consistent with the fact that the average reporting rate for the economic aspect was the highest rate at a percentage of 82.17%, whilst the average reporting rate for environmental aspects was the lowest at 24.59%. This is because banks' essential processes and activities consist of financial activities, and the environmental aspect is limited to conserving the environmental resources used, such as recycling paper and waste or reducing water and energy consumption. Reporting on social aspects occupied second place with an average rate of 71.22%, which indicates banks' concern for issues of the society in which they operate, and for serving it by offering banking services that allow its members to undertake their functions, and developing society by combating unemployment and poverty, increasing its members' level of training by training workers in the bank, and performing activities to serve society on an ongoing basis. The market price of Jordanian commercial banks' shares is affected by the level of disclosure on sustainability aspects (economic, environmental, and social).⁸¹⁴

A balanced partnership between the public and private sectors is one of the paths of Jordan's economic reform process. This is the first time a law governing the relationship between the two sectors has been proposed as part of the country's economic reform policy.

The relations between the two sectors are still founded on an arbitrary and random basis, and are based on the interests of the parties representing the government, and their relations with the subject of partnership or the project, as well as their professional abilities on one hand, and the interests of the companies and businessmen in the partnership process on the other hand.⁸¹⁵

As mentioned earlier, the Public-Private Partnership Law was issued in Jordan in 2014. It states that the aims of partnership between the two sectors are to build, restore, operate and maintain public infrastructure, and to encourage the private sector to enter into joint investment projects with the government, to generate the necessary funding to support feasible government projects, and to benefit from modern technical and specialist expertise in setting up and running projects.⁸¹⁶

The draft law does not grant priority in executing partnership projects to national companies; there are no provisions which discuss this point. The power to select a private sector partner is one of the authorities of the "partnership council", and should be approved by the cabinet.

814) Effect of the level of disclosure of sustainability aspects on the market value of Jordanian commercial banks, Dr Rana Mustafa Ayrout, submitted to meet the requirements of a PhD in accounting at the World Islamic Sciences and Education University, 2014

715) Phoenix Centre for Economic Studies, paper on the Public-Private Partnership Law, <http://www.phoenixcenter.net>

716) Article 3, Public-Private Sector Partnership Law

The draft law also did not include any provisions related to private sector commitment to respecting work standards, or any provisions on environment preservation during and after executing the partnership projects, although there is a number of other standards in article 17 of the law that are related to projects' feasibility, ability of the private sector to provide and added value, as well as the availability of a creative feature in designing, developing, and managing projects.

In relation to conducting a detailed risk analysis and distributing the risks to serve the interests of the community, the draft law stipulates in Article 2 that a precise analysis of the details of a project and the risks arising from the partnership process should be undertaken, and the private party in the partnership must bear the key financial and/or technical and/or operational and/or environmental risks with respect to the performance of public functions or provision of services and/or use of public property, in accordance with the provisions of the partnership project contract. This is registered in the interests of the text of the draft law.

The draft law did not include any articles that talks about the roles of competent civil society organizations at any phase of the partnership. It is known that civil society is considered an interest wanted by all parts in any partnership process, whether labor unions , environmental organizations or organizations that represent consumers.

Therefore, the draft law should have included clear statements on civil society involvement in different partnership process phases to maintain the benefits of the workers, consumers and environment.⁸¹⁷

817) Phoenix Center for Economic Studies, reading on the Public-Private Partnership Law, published on the website: <http://www.alghad.com/>

Recommendations

- 1- Amending the necessary laws and regulations to grant prior licenses for low risk professions or investment project, and introducing the concept of subsequent monitoring and inspection. Adopting the principle of registering for permission to practice operations and obtaining a license thereafter, with the exception of heavy industries with harmful environmental impacts which require an environmental study to be conducted in accordance with the conditions specified in the guidance manual.⁸¹⁸
- 2- Determining a time period to respond to transactions, by privacy and risk nature of the activities, and complying to the rule that if there is no response within the specified period this shall be taken as acceptance.
- 3-Issuing professional licenses for longer periods of three or five years, and developing efficient and effective monitoring mechanisms
- 4-Reviewing the Investment Law so registration and licensing can take place at once through the single window on the same day
- 5-Appling electronic registration once the provisions of the Electronic Transactions Law have been amended to enable a recipient to apply for registration through the website, and once approval is granted, payment shall be through the website.
- 6-Requesting increased investor protection (especially for minorities) by taking a number of steps, including:
 - Requiring the immediate disclosure of transactions with relevant parties
 - Increasing the disclosure requirements for annual reports covering transactions by relevant parties
 - Permitting minority investors to litigate directors in the event of mismanagement
 - Specifying the duties of directors clearly in the law
 - Companies' books are accessible to inspection by shareholders
 - Lowering the minimum shareholding limit from 15% to 10% for requesting the government inspector to investigate.

818) Position paper entitled "Road map for improving Jordan's position in global indicators and environmental investments". This paper presents a roadmap for managing the development of the business and investment environment in Jordan and improving its position in international economic indicators and reports. The paper looks at Jordan's rank in all the axes covered by the World Bank Report on Doing Business in 2014 compared to its rank in 2013. The paper also specifies the bodies and legislation for each axis and suggests appropriate procedures for improving Jordan's position in each individual area. Prepared by the Jordan Strategic Forum

- 7- It is confirmed that best method for combating corruption is preventing it, through activation of the control role of the Companies Control Department and the Securities Commission.
- 8- Punitive articles of the Companies Law and Securities Law must be amended with a view to increase value of imposed penalties, in particular for violations of financial effect specifically the effect resulting from violating Article 148 of the Companies Law.
- 9- Emphasis on implementing the membership qualifying conditions, especially the requirement for a certificate of non-conviction
- 10- Enforcing the provisions of civil liability applicable to the chairmen and board members of public joint stock companies
- 11-Activating the criminal and civil authority of auditors
- 12-Intensification of imposed penalties in case of non-disclosure whether in terms of content or timing
- 13-Review the Public-Private Partnership Law and adopt a modern approach to regulating the relationship between the two sectors and specifying the regulatory and executive framework for this law to ensure its effectiveness, as well as coordinating opportunities of cooperation between the two sectors, in a manner that ensures supporting national economy.

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Conclusions and Recommendations

Recommendations:

The following recommendations clarify aspects of political reform at the level of each indicator. The implementation of these recommendations helps build a national integrity system, strong enough and able to prevent, uncover, and address corruption.

The Legislative Authority

- 1- Review and update the bylaw of the Council to ensure more effective institutionalization for the Council's committees, and develop development of the institutional structures in terms of executive office and the standing in a manner serving the regulatory legislative objectives.
- 2- Activate the code of conduct, set terms of reference for the attendance of the Council's activities, including the council's and committees' sessions, as well as organizing speeches, debate, and proposals, and ensuring the financial penalties are coupled with violations as in the comparative regulations without violating parliamentary immunity.
- 3- Revisit the parliamentary blocs organization, formation, and provide the logistic, technical, and financial support to ensure achieving of the preset goals.
- 4- Restructure the secretariat general and staff it with expertise and technical and administrative competencies in order to provide the technical support to the representatives
- 5- Upgrade the technical apparatus in all activities of the Council and committees, and publish sectoral and annual reports, as well as approving continued coverage of all such activities to the public.
- 6- Develop standardized rules and procedures to prevent conflict of interests among the representatives and the legislative regulatory activities.
- 7- Review and upgrade the procedures of laws discussion before the Council and committees, through creating rules and procedures regulating the activities of committees and departments, as well as the hearing procedures of the viewpoints of the stakeholders.
- 8- Encourage the collective parliamentary activity to complement elements of the parliamentary governmental elements, and form a political majority and shadow government through the minority and backing up the minority to be able to control the general performance of the government.
- 9- Review and upgrade parliamentary regulatory instruments to ensure real control over the executive activities.
- 10- Ensure effective review of the Audit Bureau Reports, and explicitly provide for the parliament authority to address the legislative power to prosecute perpetrators included in the reports.

Executive Authority

- 1- Complete Adoption of the principles of disclosure in the general budgets, in compliance with international standards.
- 2- Ensure effective control over the development projects
- 3- Introduce the public opinion and the National Assembly to the economic management and official procedures towards public debt, and learn lessons from privatization policies and procedures, and include them in the process of forming future economic and social policies, through plans and policies of financial economic reform and their implementation action plan.
- 4- Conduct a comprehensive review of the Illicit Enrichment Law to include provisions for activation through presentation of models, inclusion of greater segment and increase the regulatory powers in agreement with the principles and standards of transparency and disclosure.
- 5- Develop terms of references guide, including priorities of the legislative process
- 6- Reconsideration of the e-government methodology and philosophy and identification of the goals envisaged from automation of public services in accordance with the best international experiences.
- 7- Update and develop the civil service bureau system to keep up with the developments made to the public posts, and to integrate institutional references concerned with employment.
- 8- Conduct comprehensive review of the independent government units and their frameworks, and set objective standards for integration and restructuring
- 9- Consolidation of the financial systems, transportation and travel, incentives, and other expenses taken from the public funds under a consolidated system.
- 10- Reconsideration of the appointment regulation for leadership and supervisory posts in accordance with the standards of transparency, integrity, and ensure disclosure of the work and outputs of the committees.
- 11- Review all components of the educational system and identify possible development aspects for developing the facilities, curricula, and academic sector
- 12- Adopt national plans and programs that promote and enhance values of tolerance, rule of law and justice, transparency, integrity and good governance.
- 13- Prepare budgets based on results-oriented budget, and building estimates based on documents and foundations, in accordance with the national priorities

14- Adopt a unified purchase system for the supplies and works throughout all institutions spending from the public fund within controls, foundations, and clear financial ceilings, as well as developing mechanisms and procedures for accountability and liability.

15- Review procedures and mechanisms of rendering government services through automated programs and effective training to the human resources; development and rehabilitation of infrastructure.

Judicial Authority

- 1- Grant financial and administrative independence to the judicial council
- 2- Review regulations and instructions relating to the financial privileges of judges and link them at all times with the inflation rate
- 3- Continue the construction of Justice Palaces in all governorates and geographic regions
- 4- Staff the courts and judges with the human and technical resources adequate to facilitate and accelerate decision-making process
- 5- Adopt and develop an action plan for capacity building of the judicial staff on the contemporary updates, reduce monthly and daily judicial work load on judges.
- 6- Rehabilitation of the courts' infrastructure to achieve easy access in compliance with international standards.

Public Sector

- 1- Prepare a national action plan to resolve administrative staff inflation in the public sector
- 2- Activate the code of conduct, values of civil service, integrity and transparency in providing services
- 3- Rehabilitation of the infrastructure to preserve and archive data, and ensure access of people to the services away from obstacles.
- 4- Indexing and archiving information at all official institutions, and ensure timely flow of information readily and smoothly.
- 5- Oblige the public institutions to publish their annual and sectoral reports at all times, as well as publishing financial and administrative reports of public shareholding companies.
- 6- Circulate the use of automated programs and e-linking between all institutions all over the governorates.

- 7- Activate and restructure internal control units within the public institutions
- 8- Application of principles of transparency and equal opportunities in posts beyond the control of the civil service bureau
- 9- Allocation of financial resources to the services based on clear and objective foundations, subject to the local needs and national priorities.

Law Enforcement Agencies

- 1- Reinforce the independence of public prosecution and staff it with all equipment and technical supplies to perform charged tasks in prosecution and investigation
- 2- Upgrading the skills of personnel charged with investigating, monitoring, and work on capacity building at all times to keep pace with the latest technical and technological developments in investigation and data gathering.
- 3- Grant the right to grievance through complaint applications with the independent authorities against any violations and breaches against individuals, and guarantee fair, neutral, independent, and transparent trials.
- 4- Increase the number of public prosecutors to reduce investigation burdens of witnesses hearing performed by current public prosecutors.
- 5- Limit the exercise of investigation and detention to the public prosecution
- 6- Identify authorities of the judicial police and ensure the authorized personnel receive intensive training.
- 7- Reinforce the culture of rule of law among all security servants and ensure the individual rights are never infringed in any way.
- 8- Development of national programs and activation of arrest record with the Ministry of Justice for judicial records organization.
- 9- The profession of the public prosecutors shall be considered one of those requiring additional efforts and thus should be classified one of the dangerous professions psychologically and physically. This requires provision of financial and administrative, preparedness, and technical allocations to ensure proper implementation of the tasks vested in them.

Anti-Corruption Commission

- 1- Amend the Anti-Corruption Commission Law to include the criminalization of all corruption acts included in the United Nations Convention Against Corruption (UNCAC), close the gaps and deficiencies in the current law, and incorporate clear provisions on the Commissions preventative role, as well as its role in spreading awareness on the risks of corruption. Mechanisms should be prepared by virtue of the law, and in coordination between the Commission and the control agencies on the private sector, in order to detect corruption, and prevent it in the private sector.
- 2- Review the Commission's the organizational structure to ensure the achievement of duties and tasks assigned to it, and providing it with technical and administrative staffs adequate for the development of human manpower to keep abreast of all developments at the regional and international levels.
- 3- Coordinate efforts and establish a real partnership under the law with the civil society organisations and the media.
- 4- Create a mechanism to coordinate and unify the terms of reference for investigating corruption cases for the Commission, the public prosecutor before the courts, Financial Disclosure Department, Customs, the Audit Bureau, the Ombudsman Bureau, and the Anti-Money Laundering Unit of the Central Bank
- 5- Develop the Commission's infrastructure to ensure its self-sufficiency and institutional sufficiency, to enable it to complete all procedures required to investigate and uncover corruption cases, and provide it with all the necessary software, electronic connectivity, and technical equipment
- 6- Development of the Commission infrastructure in order to ensure institutional and self-sufficiently to undertake all investigation-related procedures on corruption cases, detection and provide it with the programs and e-linking in addition al all technical equipment.
- 7- Emphasize the importance of the preventative procedures, and set executive plans to increase citizens' awareness on the risks of corruption.

The Independent Election Commission

- 1- Reinforce complete financial and administrative independence of the Commission given the nature of the operations and roles undertaken by it.
- 2- Develop the Commission's organizational structure to ensure it performs its technical roles, especially education at all stages of the electoral process and not restricting its operations to election season.
- 3- Develop more effective mechanisms and procedures to regulate and monitor election campaigns and the associated financial disclosures.
- 4- Publish full information and all reports and decisions of the electoral process to the public.
- 5- Develop the Commission's law to ensure complete cooperation by state institutions during the electoral process and develop legal texts to encourage the role of law enforcement agencies in controlling the electoral crimes, including black money
- 6- Review the elections law to criminalize any actions that would negatively impact the principles and procedures of the elections, in a manner granting equality and justice among all candidates.
- 7- Develop clear mechanisms, tools and rules of reference for the work of the special committees and carry out sufficient training programmes in advance of the polling date.
- 8- The Commission should develop mechanisms to handle media during the electoral process, in particular the campaigning to ensure neutrality and independence.
- 9- Direct monitoring by the Commission and providing it with the necessary human and technical resources.

Ombudsman

- 1- Acceleration of ratifying the national law on governance and integrity and anti-corruption, under which the Ombudsman is integrated into the Anti-Corruption Commission, and coordination with the regulatory institutions will take place.
- 2- Identify the best international experiences in control and integrity institutions, and benefit from this expertise.
- 3- Grant actual financial, administrative, and technical independence to the control institutions to exercise their tasks and functions with full impartiality and integrity, and entrust these tasks to the House of Representatives and its special committees.

- 4- To expressly provide for publishing of the annual and sectoral and periodic reports for public view without any restrictions.
- 5- Restructure and reorganization to ensure the desired objectives of control agencies are achieved and enable them to perform their roles.
- 6- Develop a national database to constitute a reliable reference for all authorities to monitor and assess progress achieved.

Audit Bureau

- 1- The Audit Bureau must be granted full administrative, financial, and technical independence. The Head of the Bureau should report to the National Assembly.
- 2- The law should include a provision not to dismiss or disqualify the Head of the Audit Bureau during his term of six years, except in the cases of being convicted from committing crimes or severe violations.
- 3- The Bureau shall develop the accepted auditing instruments and methods in compliance with the best international practices in this field, and perform all forms of audit and control, especially performance audit and administrative audits. The tasks of the Audit Bureau should include reviewing and developing legislations to ensure coordination between control agencies. .
- 4- The law should include provisions to activate legal accountability regulations in accordance with the principles of transparency, integrity, and objectivity, as according to the best international standards and practices, so that the Audit Bureau's control is transformed into external control.
- 5- Develop manuals for the standards used in technical institutions such as universities and specialized technical companies.
- 6- Capacity building of the technical staff and providing the Bureau with specialized and professional personnel, as well as developing the Bureau's organizational and administrative structure to cater for the real need for it.
- 7- Writing the audit reports promptly upon errors are discovered or upon finalization of the audit process, to maintain effects resulting from the audit on time.
- 8- To exercise a greater role in auditing revenues equally as the expenditures, taking into consideration that expenditures are authorized by more than one person, whereas the revenues are received by one person only.

9- Enhance the use of automated accounting information systems used in the government institutions, as they lead to potential verification of validity of revenues and expenditure in the institutions. This enables the Bureau receive and review data at any time without pressures.

10- Fast execution of the pillars of the national integrity system, as it includes significant pillars that would positively reflect on the Bureau activity.

The control of the Audit Bureau shall include the institutions and companies where the government owns 25% of share capital or more.

Political Parties

First: At the legislation level:

1- Review and amend the political parties law in a manner that ensures facilitating and expediting the process of parties' registration and licensing. The current law includes prolonged procedures that administratively complex, and excludes the will of individuals to proceed with political parties' licensing.

2- Review the legal framework governing financing political parties, and use international guidelines, such as the ones for announcing establishment, participating in elections, as well as the number of votes acquired by the party, and the number of seats won by the party, in addition to women representation, number of party members, and number of party locations in all governorates.

3- Explicitly provide for the right of the parties, institutions and legal persons to undertake all actions relating to their domestic affairs without any approval to that effect, such as modifying their bylaws.

4- Repeal penalties that are severe and inconsistent with the official public discourse towards enhancing the partisan life.

5- The law should include the independence of the party's legal personality; parties shall be granted no interference in their internal affairs, except through clear judicial proceedings. No group or individual may examine a party's accounts, documents or records unless judicially authorized to do so.

6- Amendment of the Public Assembly Law to allow legal persons to provide written notification to convene their public meeting or to sign it with the natural persons, and to eliminate the broad powers of the Minister of Interior under the Public Assembly Law represented in authority to rule out certain meetings from the provisions of the said law, and in issuing instructions necessary to implement the provisions of the law at any time .

Second: At the Practice Level

- 1- Cease any practices that would affect the accession to the political parties or engagement in their activities.
- 2- To review and update school and university curricula on the civic and political education; removal of any courses in contravention of freedom of opinion and expression and political pluralism; the right to set up and accession to political parties.
- 3- To involve the political parties in growth and development planning, and social programs, without any prejudice or abuse of the right of parties to address public opinion, including the youth.
- 4- Political parties should seek to develop their bylaws and organizational structures based on transparency and good governance.
- 5- The political parties should develop national plans and programs to cater for needs of society members to come up with solutions and perceptions about the troubles faced by Jordan.
- 6- Political parties should follow all means and methods towards financial disclosure, administrative and financial transparency, and dedicate the best political practices in public work.

Media

- 1- Review the right to access to information paving the way for continued self-disclosure and classification according to objective grounds.
- 2- Review the Prevention of Terrorism Act to ensure no prejudice to freedom of opinion and expression, and non-trial of journalists before the State Security Court.
- 3- Review the Cyber Crimes Law and ensure journalists are not detained and litigation is not prolonged in conformity with the Press & Publishing Law.
- 4- Review Press & Publishing Law to ensure regulation of electronic communications, but not registration for restriction, and not resorting to withholding.
- 5- Review Audio-Visual Media Commission and guarantee reasoned decisions made for licensing broadcasting.
- 6- Redefinition of journalist in line with the international standards and best practices; keep membership open in the Journalists Association for every journalist working in any media.
- 7- Adoption of a national plan to classify all information in the institutions in accordance with a methodology of clear standards.

Civil Society

The legal framework regulating the right to form societies should be aligned with the following principles:

- a) Freedom to set up and register societies through notifications only, where the executive authority in case of objection to the establishment shall have the right to appeal to judiciary.
- b) Every society should enjoy the right to formulate its own bylaw, and every governing board should enjoy the right to manage its own affairs without government interference
- c) Every general assembly of each society should be entitled to elect its own board of directors and have its election results respected by the government. Moreover, the government should not have the right to protest or influence the membership or appointment of directors unless through appealing to the competent administrative judiciary.
- d) The right of the executive authority to supervise the work of societies. The government handles irregularities by following legal actions through the relevant courts, as the courts represent the highest form of authority on the matter.
- e) Every society is entitled to receive funding from both national and foreign sources, provided the amounts, sources, and a detailed account of its use are declared and fully documented. The society should also commit to publishing its annual budgets.
- f) No society may be dissolved without consent of the general assembly or court decision. No society may be suspended without a judicial order.
- g) Reiterating that term of the interim board of directors is 60 days during which the general assembly shall be convened to elect a new board. The above period may not be extended under no way but for once to this end.

At the Internal Procedures of Societies

The civil societies are invited to follow all means and institutional methods to gain public trust while achieving their goals. They are also encouraged to adopt all methods and procedures that would enhance transparency, integrity, and governance noting the internal democracy is the natural way for succession of authority between CSO members. These methods include:

- a- Participation: Participation of all members, irrespective of age or sex, in organization activities, either directly or indirectly.
- b- Networking and Coordination: Societies/CSOs are encouraged to coordinate and network while aiming towards formulating strategies that are based on mutual objectives in service of public interest, and the appropriate use of resources and efforts.
- c- Transparency: Provide information relating to the society activities and its overall operations, while guaranteeing access to that information by its beneficiaries, public, and relevant authorities and donors.
- d- Accountability: reporting on how resources are used; holding decision makers or whomever is proven to have misused resources accountable
- e- Equality and inclusion: equal opportunities based on qualifications with no discrimination.
- f- Good governance: Societies/CSOs encouraged to follow all guidelines of good governance and their administrative and financial specifications. They should also abide by the prevailing laws as they work towards their objectives as stated in their bylaws.
- g- Democratic Succession of Power One of the main predicaments facing societies is the concentration of authority in the hands of a few who exert their control over the society's operations and activities. This is generally due to a lack of regulations that set a time limit for occupying a leadership position.

Private Sector

- 1- Amending the necessary laws and regulations to grant prior licenses for low risk professions or investment project, and introducing the concept of subsequent monitoring and inspection. Adopting the principle of registering for permission to practice operations and obtaining a license thereafter, with the exception of heavy industries with harmful environmental impacts which require an environmental study to be conducted in accordance with the conditions specified in the guidance manual.
- 2- Determining a time period to respond to transactions, by privacy and risk nature of the activities, and complying with the rule that if there is no response within the specified period this shall be taken as acceptance.
- 3- Issuing professional licenses for longer periods of three or five years, and developing efficient and effective monitoring mechanisms
- 4- Reviewing the Investment Law so registration and licensing can take place at once through single window on the same day
- 5- Applying electronic registration once the provisions of the Electronic Transactions Law have been amended to enable a recipient who paid service value to apply for registration through the website, and once approval is granted, payment shall be through the website.
- 6- Requesting increased investor protection (especially for minorities) by taking a number of steps, including:
 - Requiring the immediate disclosure of transactions with relevant parties
 - Increasing the disclosure requirements for annual reports covering transactions by relevant parties
 - Permitting minority investors to litigate directors in the event of mismanagement
 - Specifying the duties of directors clearly in the law
 - Companies' books are accessible to inspection by shareholders
 - Lowering the minimum shareholding limit from 15% to 10% for requesting the government inspector to investigate.

- 7- It is confirmed that best method for combating corruption is preventing it through activation of the control role of the Companies Control Department and the Securities Commission.
- 8- Punitive articles of the Companies Law and Securities Law must be amended with a view to increase value of imposed penalties, in particular for violations of financial effect specifically the effect resulting from violating Article 148 of the Companies Law.
- 9- Emphasis on implementing the membership qualifying conditions, especially the requirement for a certificate of non-conviction
- 10- Enforcing the provisions of civil liability applicable to the chairmen and board members of public joint stock companies
- 11- Activating the criminal and civil authority of auditors
- 12- Intensification of imposed penalties in case of non-disclosure whether in terms of content or timing
- 13- Reviewing the Public-Private Partnership Law and adopting a modern approach to regulating the relationship between the two sectors and specifying the regulatory and executive framework for this law to ensure its effectiveness, as well as coordinating opportunities of cooperation between the two sectors, in a manner that ensures supporting national economy.