



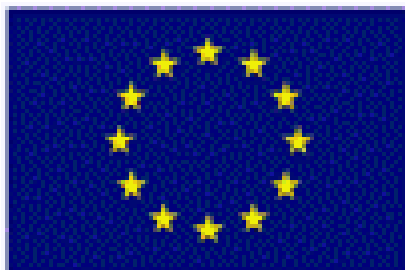
EUROPEAN UNION

**Election Follow-up Mission (EU EFM)
The Hashemite Kingdom of Jordan**

FINAL REPORT

September 2018





EU Election Follow-up Mission (EFM)

The Hashemite Kingdom of Jordan

4 – 30 September 2018

Final Report

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Key Abbreviations

CRPD Convention on the Rights of Persons with Disabilities
CSO Civil Society Organisation
EOM Election Observation Mission
EU European Union
FVL Final Voter List
IAF Islamic Action Front, a political party
ICCPR International Covenant on Civil and Political Rights
IEC Independent Election Commission
JMC Jordanian Media Commission
JNCW Jordanian National Commission for Women
JOD Jordanian Dinar
LIEC Law on the Independent Election Commission
LPE Law on the Election of the Chamber of Deputies (Law on Parliamentary Elections)
LPP Law on Political Parties
MEP Member of the European Parliament
MI Ministry of Interior
MFA Ministry of Foreign Affairs
MP Member of Parliament
MoPPA Ministry of Political and Parliamentary Affairs
NDC National Dialogue Committee
PC Polling Centre
PCC Polling and Counting Committee
PS Polling Station
PVL Preliminary Voter List
PVT Parallel Vote Tabulation
RASED Civilian Society Coalition for Monitoring the Jordanian Parliamentary Elections
SC Special Committee
SSC State Security Court

1. Executive Summary

The EU has deployed two full Election Observation Missions (EU EOMs) to the Hashemite Kingdom of Jordan, in 2013 and in 2016. The EU Follow-up Mission (EFM) was sent to Jordan in September 2018, mid-way through the electoral cycle, to assess the extent to which there has been any electoral reform engaged in by Jordan since December 2016 and, if there had been reform, the extent to which the recommendations offered in the final report of 2016 had been addressed.

The EU EFM was led by the Chief of Mission (CoM) Jo Leinen MEP, who visited Jordan from 16 to 20 September 2018. During his visit, the CoM met a wide range of Jordanian and international stakeholders, including H.E. the Minister for Political and Parliamentary Affairs, the Deputy Speaker of the Senate, a member of the House of Representatives, the Independent Election Commission (IEC), political parties, civil society and the media. In addition, meetings were held with the EU Delegation and with representatives of Member States. The EFM was supported by two election experts, who were in Jordan from 4 to 30 September 2018, during which time they also met a broad range of stakeholders.

The 2016 parliamentary election was the eighth national election since 1989, when martial law was lifted and political life resumed. This election was generally viewed as a continuation of a political reform process that had started in 2011, in response to a wave of popular protests that had been inspired by the Arab Spring. King Abdullah II initiated a reform process and established the National Dialogue Committee that was tasked to assess possible political reforms and propose legal amendments.

While the EU EOM 2016 considered that the elections were well organised, it found that there were several instances in which the fundamental civil and political rights of the citizens of Jordan were less than fully guaranteed in the legal framework. In addition, the EU EOM 2016 highlighted several areas for improvement in the management of polls, mainly related to enhancing transparency, improving the regulatory framework for campaign finance and enhancing the political and electoral participation of voters.

While no major reforms were adopted between 2016 and 2018, Jordan now has a tangible opportunity to engage with different stakeholders in a conversation around political and electoral reform in order to formulate and adopt reforms well before Election Day. This will improve public confidence in the process, increase participation and allow all the stakeholders to plan their election-related activities with certainty. Building on the King's call for political reform, the Prime Minister, along with the Ministry of Parliamentary and Political Affairs (MoPPA), should lead the reform process.

The EU stands ready to support the Government's reform agenda and will continue to work together with the Government to best meet the hopes and expectations of Jordanian citizens.

2. Mission Information

The EU has deployed two full Election Observation Missions (EU EOMs) to the Hashemite Kingdom of Jordan, in 2013 and in 2016. The EU deployed its first Election Follow-up Mission to the country from 4 to 30 September 2018. The dates were chosen in order for the mission to take place mid-way through the electoral cycle, as the last parliamentary elections took place in September 2016.

Two experts arrived in Amman on 4 September 2018 and remained in the country until 30 September 2018. During this period the experts met with the Independent Election Commission (IEC), the Ministry of Parliamentary and Political Affairs (MoPPA), a broad range of national institutions and civil society organisations (CSOs), as well as political parties including the Islamic Action Front, the National Unity Party and the National Movement Party and international stakeholders, including the EU Delegation, ECES, UNDP, UN Women and Human Rights Watch.

The EU Election Follow-up Mission (EFM), was led by the Chief of Mission (CoM) Jo Leinen MEP, who visited Jordan from 16 to 20 September 2018. The CoM met a wide range of Jordanian and international stakeholders, including H.E. the Minister for Political and Parliamentary Affairs, the Deputy Speaker of the Senate, a member of the House of Representatives, the Independent Election Commission (IEC), political parties, civil society and the media. In addition, meetings were held with the EU Delegation and with representatives of Member States.

The main purpose of the EFM was to assess the extent to which there has been any electoral reform engaged in by Jordan since December 2016 and, if there has been reform, the extent to which the recommendations offered in the final report of 2016 had been addressed.

3. Context:

a. Political Context

The 2016 parliamentary election was the eighth national election since 1989 when martial law was lifted and political life resumed. This election was generally viewed as a continuation of a political reform process that had started in 2011, in response to a wave of popular protests that was inspired by the Arab Spring. His Majesty King Abdullah II initiated a reform process and established the National Dialogue Committee that was tasked to assess possible political reforms and propose legal amendments.

The reform process resulted in the creation of the Independent Election Commission (IEC) in 2012 and the adoption of a new election law. Several other proposed reforms, such as the conduct of elections on the basis of a closed national list, the lowering of the age of candidacy to 25, the introduction of out-of-country voting and the inclusion of a reserved seat for women in each of the 23 electoral districts, were not adopted by the Parliament. The 2016 election gained additional significance due to the fact that all major political parties took part in the electoral process, unlike the previous two elections (2013 and 2010) which were boycotted by the Islamic Action Front, the political arm of the Muslim Brotherhood. The 2016 elections were generally peaceful, well-administered and resulted in a House of Representatives that is mainly composed of independents. Based on figures obtained from the Ministry of Parliamentary and Political Affairs (MoPPA), only 37 out of 130 deputies are members of political parties, while the rest are independent figures, mostly business people and tribal representatives. Of these 130 deputies, 20 are women.

Since the last parliamentary election, Jordan's priority has been to respond to regional turmoil, such as the Syrian and Iraqi crises and the deterioration in Palestinian rights, while ensuring the country's security and stability. Internally, the country's economy suffered under the weight of the continued influx of Syrian refugees, the closure of borders with Syria and Iraq (till 2017), a severe drop in tourism and investment and an increase in the cost of living. On a positive note, the local and governorate council elections in August 2017 marked a first step in Jordan's decentralisation reform and the governorate council elections were the first of their kind in Jordan.

The Government has signalled that the launch of a political reform dialogue, with the involvement of "all segments of society", is imminent. The principal purpose of the dialogue will be to achieve political and electoral reform, which will include revision of the laws dealing with political party finance, decentralisation and the electoral system. Arising from this, a draft "National Dialogue Roadmap" was initiated by the Minister of Political and Parliamentary Affairs and subsequently reviewed by the Prime Minister. The initial roadmap presented a proposed timeline of activities and consultations on six key focus areas: election laws, municipal law, law of political parties and their funding procedures, the decentralisation law, as well as a "New Social Contract". While at this stage the document is only a proposal, it is likely that the roadmap and associated guidance materials will be officially endorsed by the government. During a meeting with the press association board on 19 September, His Majesty

King Abdullah called for updating both the elections and political parties laws to achieve the endgame in the reform process.

b. Election-Related Developments

Since the 2016 parliamentary election, Jordanian authorities have been focussed principally on the management of economic and political challenges and not on electoral reform. This has been the pattern of the country's electoral reform efforts since the resumption of parliamentary life in 1989, whereby new election laws have been adopted one year or less before each subsequent parliamentary election.

The only major election-related development during the last two years has been the implementation of the first local elections since the creation of the new legal structure for decentralisation in 2015. These elections, which took place on 15 August 2017, can be seen as a barometer to measure the degree of adoption of the EU EOM recommendations by the IEC, particularly those which could have been implemented without legislative change. Many interlocutors stated that the 2017 elections were relatively well-organised. The exercise revealed minor improvements in some areas related to the observer accreditation process and public outreach. On the other hand, it was noted that significant progress was needed in other areas such as campaign finance, publication of full final results and management of amendments to the final voters' list.

During the last two years, at least two political coalitions have made proposals of draft election laws to the government and to the parliament. In April 2018 the National Reform Coalition submitted a draft proposal to the parliament which was transferred to the legislative committee for review. Their proposal consists of a mixed system based on a proportional nationwide district and majoritarian small districts (with an option of having nationwide closed lists with dedicated percentages for political parties). The draft proposes a decrease in the number of parliamentary seats and the adoption of a "zebra" (alternation between men and women) system for women's representation.

The Centrist parties submitted a draft proposal to the prime minister in August 2018. This draft consists of a mixed system composed of a proportional closed list system on a national or governorate level. Twenty-five per cent of the seats elected by the proportional system would be allocated to political parties. A majoritarian system would also be introduced with small districts of not more than three seats per district. The draft proposal would not bring in any change to the existing arrangements for reserved seats. These two proposals for amendment of the electoral system did not generate a public or political debate around electoral reform.

The Ministry of Parliamentary and Political Affairs has been given the task of leading the national reform dialogue mentioned above. The EU Election Follow-up Mission has been informed that several preparatory consultative sessions have already been conducted with political parties, CSOs, syndicates, unions and international organisations. These sessions have been aimed at shaping the mechanism, format and agenda of this dialogue process.

The major areas of reform are:

- **Election law:** Since 1989, when political and parliamentary life resumed, Jordan has either adopted new election laws, or introduced critical amendments to the existing legal framework, usually one year or less before Election Day. It is expected that a new election law will be introduced next year and that it will include some reforms such as a lower candidacy age, reviewed timelines, etc.
- **Political party law - political party finance:** state funding of political parties is likely to be discussed and more significance is expected to be placed on the electoral participation¹ of parties, as well as on their ability to form political coalitions or parliamentary blocs.
- **Decentralisation Law:** The reform dialogue is also expected to look into the mandate of the recently elected local, municipal and governorate councils, as a means of further boosting the strength of national political actors. The dialogue is expected to introduce reforms to enable the local bodies to play a more effective role in managing their areas.

Several interlocutors remain cautious regarding the depth and ambition of this political reform effort. Should the political dialogue be successfully conducted, it is likely that some amendments to the electoral system will be introduced. It is an opportunity to recall and achieve the implementation of several recommendations from the EU EOM 2016.

c. Institutional Context

A conversation around electoral reform started in direct response to the decision of the EU to deploy an EFM to Jordan. The IEC, supported by the EU Delegation to Jordan (and assisted by the EU-funded project EU-JDID), conducted a roundtable discussion in August 2018 to review and discuss the recommendations of the EU EOM 2016 with a range of institutional partners². These public stakeholders were requested by the IEC to conduct a review of the 33 EU EOM recommendations and to offer comments, a process which is still ongoing at the time of writing. In addition to the review by national authorities, the IEC also commissioned a legal expert to conduct an additional legal review of the recommendations. The study essentially defends the current legal and administrative framework status quo. Similarly, in discussions with the EFM, the IEC defended the status quo. Scepticism was expressed about several of the EU EOM recommendations as well as concern about the possible consequences of their implementation.

¹ Could be linked to the number of votes received, number of candidates running or number of seats won.

² House of Representatives, Ministry of Parliamentary and Political Affairs, Central Bank, Jordanian Media Commission

d. Planned and on-going EU electoral and Democracy support

The EU commenced a major technical assistance project, the EU Support to Jordanian Democratic Institutions and Development, in 2016. The project has four components which comprise:

1. Strengthening the functioning of the House of Representatives in exercising its core parliamentary functions in a professional, accountable and transparent manner;
2. Enhancing the functioning of the IEC and other key stakeholders, contributing to elections conducted in a professional, transparent and credible manner;
3. Supporting the political party system by working with the Ministry of Political and Parliamentary Affairs in contributing to democratic governance;
4. Fostering the development of active civil society organisations in the promotion of political participation, advocacy, electoral observation and parliamentary monitoring, with a focus on women and youth.

The follow-up on recommendations of the EU EOM 2016 is explicitly one of the objectives of component n° 2.

4. Implementation Status of EOM Recommendations

a. Legal Framework

Civil and political rights in Jordan are established in the Constitution of the Hashemite Kingdom of Jordan, 1952. The state has also assumed human rights obligations under both regional and universal treaty regimes. Jordan is a state party to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention of the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, and the Arab Charter on Human Rights.

The conduct of parliamentary elections in Jordan is mainly regulated by legislation, with only broad parameters set out in the Constitution of 1952. The electoral system which prevails at present is to be found in the Law on the Election of the House of Representatives, Law Number 6 of 2016. The recommendations offered by the EU EOM 2016 comprise a range of measures requiring constitutional, legal and practical change in order to promote the realisation of political rights. While the recommendations did not suggest alterations to the structure of the electoral system, debates within Jordan on electoral reform invariably include proposals for structural change. As only legislative rather than constitutional change is required, a pattern has emerged whereby successive elections have been conducted under new laws, resulting in an electoral system which has been in a state of constant flux.

The EU EOM 2016 found that there were several instances in which the fundamental civil and political rights of the citizens of Jordan were less than fully guaranteed in the legal framework. Priority recommendations were made relating to the right to vote and the right to stand for election, as well as in relation to the meaningfulness of the electoral process as a whole. Such recommendations are critical to ensuring the credibility of Jordanian elections, but both

constitutional and legislative change would be required, demanding a significant measure of political will to be achieved. No changes have been made to date to the legal provisions to which this group of recommendations relates. The recommendations remain relevant.

i. The Right to Vote

Recommendations addressed several dimensions of the right to participate. In relation to the right to vote, the single most important recommendation (P1) was determined to be the inclusion of an explicit right to vote in the constitution. The rationale for this is that the fundamental law of the Hashemite Kingdom of Jordan, the Constitution of 1952, lacks any explicit guarantee of protection for the right to vote. This is an important gap in the legal status as it refers to the right to vote as included in ICCPR³. Electoral legislation and practice have also been found to exclude many citizens from voting, including those who are members of the security forces as well as those who are serving prison sentences.

The voting rights of several minority groups were touched upon in the recommendations. It was recommended that arrangements should be put in place to ensure the right to vote of persons in hospital and in detention. Municipal elections were conducted in 2017, but the IEC did not take action to facilitate voting for either of these two categories of people. Treatment of persons with disabilities is dealt with separately below.

The EOM also found that the right to vote was circumscribed, in that voters did not have an unfettered and free choice as to whom to vote for or where to register to vote. Several seats in the House of Representatives are reserved for minority groups, including Christians, Chechens and Circassians, but these groups have representation only in a limited number of constituencies, so voters from these groups do not all enjoy the opportunity to vote for their representatives in their place of residence. They may, however, apply for registration elsewhere. Bedouin voters are in practice restricted to voting in the three Badia constituencies, regardless of their place of residence. An amendment to the law was recommended (P7) to ensure that there is no discrimination on grounds of ethnicity or descent in access to the right to vote. No progress has been made yet in implementing this recommendation.

The interaction of the laws on the acquisition of citizenship with the laws on civil and political rights was not made the subject of a recommendation in 2016. One of the areas of personal status and nationality law which allows for discrimination against women is in the context of depriving Jordanian women of an ability to transmit nationality to foreign spouses and children. Jordanian men in similar circumstances are entitled to pass citizenship to their foreign wives and children. In recent weeks, legal measures have been created to confer economic and social rights on the children of Jordanian women married to foreign men. These children, however, who in theory should have an equal entitlement to citizenship and the consequent right to vote,

³ Article 25, International Covenant on Civil and Political Rights

remain deprived of their political rights. This matter merits consideration in the context of any reform of voting rights.

Attention was drawn by the EOM to the means by which constituency boundaries are delimited and the number of seats for each constituency determined. The criteria used to assign numbers of seats to districts were population, geography and development. The application of these criteria led to the creation of vast disparities between the number of representatives per number of voters, significantly undermining the equal weight of the vote. While the current arrangements have been defended by some interlocutors, others reject them as unfair. The EU EOM recommended (P13) that the law ought to be amended to ensure that boundary delimitation protected the equality of suffrage. There has been limited progress towards the fulfilment of this recommendation and the situation remains that voters are unequal. This may undermine the genuine nature of elections.

It was recommended (L4) that constitutional change should be undertaken to enhance the role of the Parliament in governmental power and policy, to give effect to the requirement implicit in the International Covenant on Civil and Political Rights that elected representatives do in fact exercise governmental power. There has been limited progress on this recommendation, which is still highly relevant.

ii. The Right to Stand for Election

The right to participate in political life by running for election was found by the EU EOM to be subject to several unreasonable restraints. Membership of the House of Representatives may be sought only by candidates who are thirty years of age, leading to the recommendation (P2) of a reduction in the age of candidature to at least twenty-five, as is the requirement in municipal elections. While there has been no progress in the implementation of this proposition to date, it seems likely that a measure to reduce the age limit will be included in any draft legislation. However, the specific age limit likely to be proposed is uncertain.

Electoral law requires that candidature must be based on citizenship of at least ten years' standing. The EU EOM recommended (L5) that this requirement ought to be removed in order to ensure equality between citizens in their enjoyment of the right to stand for election. No initiative has been undertaken in this regard so far.

Another recommendation (L3) intended to promote the right to stand for election concerns the theoretical absence of a possibility for candidates to run for election as individuals. The electoral system is based on lists, which results in the creation of coalitions of at least three candidates for election purposes. It may be raised in the context of a review of the electoral system. While this recommendation has not been the subject of controversy to date, the thrust of amendments to electoral law in recent years has been to promote the development of political parties and to reduce the number of individuals participating in parliament.

A recommendation (P6) to change the candidacy requirements for public servants has been met with opposition. Stakeholders from across the political spectrum have expressed their support

for the present position, which is the requirement that public servants must resign from their posts sixty days in advance of the election. The IEC, in a legal study prepared in response to the EOM recommendations, suggests that this provision is meant to be a safeguard against the abuse of public positions for electoral campaign purposes which could affect the integrity of the process by giving an advantage to some candidates and not others. The study also refers to Article 76 of the Constitution to stress the point that “combination may not take place between the membership of the Senate or the House of Representatives and public offices. Public offices mean every office whose holder receives his salary from public funds; this includes municipal departments. No combination may as well take place between the membership of the Senate and the House of Representatives.”

The EU EOM proposed that candidates should not be required to resign permanently if they wish to run for elections. It is entirely unlikely that this recommendation will be implemented, as the current restriction is seen as a positive measure to restrain the abuse of state resources for campaign purposes and to minimise potential conflicts of interest. Some interlocutors have, nevertheless, identified a single good practice within public institutions whereby resignations will be accepted but only on a temporary basis pending election results. Consideration could be given to formalising such a practice in the rules and regulations governing public sector employment, but there has not been any progress on this recommendation to date.

The final recommendation concerning the realisation of the right to stand for election is intertwined with the issue of reserved seats for minority groups, namely the Christians, Circassians, Chechens and Bedouins. Candidacy for members of these groups is limited to particular districts. The EU EOM recommended (P7) that these restrictions be removed. Some concern has been expressed that the alteration of the quota structure could lead to the disenfranchisement of these minorities. Exploration of alternative models to achieve representation for these groups would be useful.

b. Election Administration

The IEC, first established in 2012, is mandated to administer all elections in Jordan⁴. It is managed by a Board of Commissioners composed of a Chairman (Dr. Khaled Kalaldehy) and four members, appointed by royal decree for a non-renewable period of six years. These members are selected from a list of names prepared by a committee chaired by the Prime Minister, comprising the speakers of the Upper and Lower Houses of Parliament and the president of the Judicial Council. The Commission is responsible for voter registration, voter education, observer and media accreditation, the tabulation and announcement of results. The current board, appointed on 6 April 2016, has one female member.

In its final report on the 2016 elections, the EU EOM stated that the IEC delivered a well-administered and inclusive election overall. Legal deadlines were respected throughout the period observed by the EU EOM. However, several deficiencies and areas requiring improvement were highlighted, principally related to the late publication of some IEC decisions, the late publication of results, some level of restriction on the right to observe the entire electoral process and the freedom of expression of observer groups. The IEC conducted a post-election review, with limited engagement of election stakeholders. While a “lessons learnt” report was subsequently published on the IEC website, no action based explicitly on this report has been undertaken. The IEC stated that they are currently conducting a legal review of the three laws related to elections in order to propose recommendations for amendments to the Council of Ministers.

i. Voter Registration

The Law on the Independent Election Commission states that the IEC is responsible for managing the voter registration process, in conjunction with the Civil Status and Passports Department at the Ministry of Interior. The legal electoral framework provides that the Preliminary Voter Lists are to be published for a period of 7 days. The EU EOM (*P5*) suggested that the timeline for display and amendment could be extended in order to promote and facilitate greater participation in the electoral process.

The EFM learned that, for the 2017 local elections, the IEC adopted Executive Instructions and procedures to extend the seven-day period by an additional three days, giving voters a total of 10 days to review the PVL. In addition, the IEC stated that they have taken a recent official decision, yet to be verified, to publish the PVL twice per year on an annual basis in order to encourage voters to check their data and request corrections if necessary. Implementation of this decision was halted, however, after June 2018, in order to avoid giving an impression to the public that a parliamentary election would soon be called. The IEC plans to start this new bi-annual results publication of the PVL at the beginning of 2019.

The IEC has demonstrated positive intentions regarding the extension of the PVL publication and has used its mandate to extend the period of public inspection. It would be preferable that

⁴ Constitution Article 67.2 and LIEC Article 4.

a comprehensive review of the legislative timeframes for voter registration is conducted and subsequently to ensure that these reviewed timeframes are included in any new legislation.

The EU EOM also recommended **(S4)** that “in order to guarantee certainty and confidence in relation to the final voter register (FVL), the closing date for amendments should be considered definite and current provisions in the law permitting further amendments after the fixing of the FVL should be removed”. The Parliamentary Election Law (Article 4) states that there can be no changes to the final voter register after its adoption. The IEC Executive Instructions for the 2016 election allow for changes only so far as is required to enable voting by electoral officials.

For the 2017 local elections, the Executive Instructions on voter registration for the three local races (Article 20) did not contain provisions permitting further amendments after the fixing of the FVL. However, local observer groups reported that the IEC made several changes to the FVL after its adoption. These changes were mainly reassigning voters to new polling stations in their districts.

Even though practical and operational advances have been made, room for improvement still remains. Ten days is a relatively short period for voters to check their information in the PVL. It is advisable that the IEC conduct a full review of all the legal and operational timelines and propose amendments to the law in order to ensure that these reviewed timelines are incorporated in the legal text. In addition, the IEC should start the implementations of its plan to publish the PVL twice per year and refrain from making any amendments to the FVL after its adoption.

ii. Campaign Finance

Campaign finance regulations were first introduced in 2016. Spending limits were set at 3 JOD per voter per district for rural areas and 5 JOD for districts in Amman, Az Zarqa and Irbid governorates. This introduced the possibility of significantly higher spending limits for candidates competing in underrepresented urban areas and lower limits in overrepresented but less populated areas. Candidate lists were subject to regulations requiring the opening of special bank accounts, the appointment of an auditor, and the recording of income and expenditure. The audit reports of candidate lists were submitted after the election to the IEC upon request. The IEC stated that some lists faced obstacles to opening bank accounts due to the absence of provisions governing electoral lists in the banking laws. However, the IEC issued a memo to all banks requesting them to facilitate the process. All 226 candidate lists were able to open bank accounts but only 15% of them submitted their final audit report, with none of these lists reporting spending in excess of the spending limits. The EU EOM 2016 recommended **(P12)** that “campaign finance regulations should include consistent reporting standards, within specified deadlines, with clear provisions for sanctions for non-compliance”.

For the 2017 local election, the spending limits for local elections were set at a fixed ceiling based on the classification of towns and cities, governorates and electoral races. The IEC issued Executive Instructions on campaign finance, similar to those of 2016, for candidates running for local elections. However, it was decided to dismiss the regulation requiring candidates to

open special bank accounts since a considerable number of candidates had little to no financial means allocated for campaigning. In addition, instead of requesting audit reports after the election, the IEC asked each candidate to submit an estimated budget for his campaign expenses, including detailed sources of income. They were also requested to sign a pledge stating that they would not exceed the spending limits. The IEC did not specify reporting deadlines and did not introduce provisions for sanctions in the case of non-compliance.

The achievement of more robust regulation of campaign finance does not require amendments to the legislation. Technical mechanisms should be developed instead, to be implemented and enforced by the IEC. The IEC could be encouraged to make stronger efforts to enhance the integrity of campaigns and to develop proper mechanisms to improve campaign finance regulations prior to the next election.

iii. Transparency Timely publication of full results

All election laws state that results should be posted at polling stations at the end of the counting process. However, neither the laws nor the IEC Executive Instructions specify legal deadlines for the publication of the results of the election for the other levels such as polling centres and districts.

In 2016, preliminary results were partially published on the IEC website and Facebook page within two to five days. Final results per winning lists and candidates were only made available on the fifth day. However, full polling station results were not published until two months after the election.

The EU EOM 2016 stated (P9) that “transparency and public confidence could be greatly enhanced through the adoption of measures, employing existing technological capacities, to ensure the timely publication of full preliminary and final polling station results within a clearly specified deadline and in any event no later than the declaration of final results”.

During the 2017 local election, preliminary results were published on the IEC website within 24 hours. They remained available for just a couple of hours before they were removed, to be reposted again after four days. Full polling station results were not published until two months after the elections. However, at the moment, the IEC has only the results per candidate published on its website but not the full results by polling station. Neither the legal framework nor the technological capacities of the IEC seem to be major obstacles to the implementation of this recommendation.

Concerns were raised that the publication of full results by polling station could lead to conflict between competitors due to the tribal spirit of Jordanian society. These concerns do not appear to be justified since it is a legal requirement that polling station results protocols be posted in polling stations. Candidates can collect these detailed results via their accredited agents. No progress has been made on this recommendation. Executive Instructions should be adopted to define a timeframe for the publication of full results in a workable format.

Further to that, the EU EOM 2016 recommended that the IEC Executive Instructions should provide clear and understandable formulae to determine possible discrepancies between the numbers of ballots found in a ballot box and the number of signatures on the voter list. Article 43 of the Parliamentary Election Law establishes a 3% level of discrepancy while both local election laws establish it at 2%. The IEC Executive Instructions for all three elections do not specify the procedural basis for calculating the discrepancy. The only stipulation is that the polling staff, when faced with a discrepancy in the numbers, should notify the IEC. The IEC board of commissioners must then take a decision regarding this discrepancy. The IEC Executive Instructions for 2017 did not provide a clear and understandable formula to determine possible discrepancies between numbers of ballots found in the ballot box and numbers of signatures on the voter list, both for the PSs and the DEC.

iv. Rights of Observers

For the 2016 elections, the IEC set the deadline for submission of requests for observer and media accreditation to 21 days in advance of Election Day. In practice, the accreditation of individual observers was allowed after that deadline. The EU EOM 2016 recommended (**S5**) that “the opportunity for CSO observers' accreditation...be extended to a date close to election day”. In 2017, the IEC revised its Executive Instructions to extend the deadline for individual observer accreditation until four days prior to the election. This marked an improvement from 2016.

In addition, the EU EOM 2016 recommended (**P15**) that “the right of CSO observer groups to issue their findings on election results without restrictions should be guaranteed”. The 2016 Executive Instructions required national observer groups to inform the IEC of any problems observed in advance of any public statements. Even though there was no provision that would allow the IEC to prevent statements, a separate clause entitled the IEC to revoke the accreditation of any local observation group on the basis of non-compliance. This requirement did not apply to international observers.

RASED and the IEC had a dispute as to whether RASED has the right to publish its PVT results before the announcement of official results by the IEC. An agreement was reached which eventually allowed publication. For the 2017 elections, the text of the IEC Executive Instructions was amended to remove the obligation for local observer groups to inform the IEC in advance of publication of reports. However, there remains a requirement on local observer groups to inform the IEC of problems observed. This requirement creates an inconsistency between the rights of local observation groups and international ones since international observation groups have the right to “issue and publish statements without any unjustified interference” while local observers are not afforded the same privilege.

By amending its Executive Instructions for the 2017 election, the IEC has partially addressed this recommendation and removed the problematic provisions. Two major points remain to be addressed. Firstly, it is recommended that the IEC should address the inconsistencies between the rights of local and international observers. Secondly, the right to observe and issue

statements freely without interference should be guaranteed in legislation such the election laws and the IEC law.

c. Political Parties and State Funding

Political party law has been amended four times since 1992⁵. State funding, linked to party registration, was first introduced in 2007⁶ to encourage the formation of political parties. Further developments were introduced in 2012 when state funding was linked to a minimum membership requirement of 500 members and a women's membership quota of 10%.

The amendments to the Political Party Law of 2015, along with the executive instruction on state funding of political parties (Number 53/2016)⁷ offered, in addition to fixed funding of 50,000JOD (around 60,000 EUR), an additional reward of 2,000JOD (around 2,400 EUR) for every seat won by a declared party member. These Executive Instructions were amended four months later. The new amendments included an extra 20,000JOD per party during election years; another 5,000JOD (around 6,000 EUR) for political parties that join political coalitions composed of at least 12 parties; and an increased financial reward per seat won from 2,000JOD to 5,000JOD (2,400 to 6,000 EUR).

These changes are indicative of an on-going governmental will to encourage political parties to both contest more seats in parliament and to work together to form political coalitions. State funding has contributed to an increased number of registered political parties. This has not been translated, however, into an increase in the representation of political parties in parliament. Based on an analysis conducted by MoPPA, only 12 out of 47 parties are currently represented in parliament, comprising a total of just 37 deputies (28.5% of the House of Representatives). Several interlocutors expressed discontent with the poor representation of political parties, attributing this to the election law, as well as to the mechanism for state funding of political parties. It is likely that the current mechanism for state funding of political parties will be reviewed and more weight will be placed on the electoral participation⁸ of parties, as well as on their ability to form political coalitions or parliamentary blocs.

d. Media

The EU EOM 2016 offered six recommendations related to the media, freedom of expression and access to information (**P8, P14, S6, S7, L10 and L11**). This represented a significant focus on the need for enhancement of one of the rights that is most fundamental to participation in political life. The EU EOM 2016 found that there were formal limits on expression, while there was also self-censorship being widely practiced, due to fear of negative consequences. The EU EOM 2016 media monitoring findings revealed biased coverage of candidates and their campaigns in both public and private media. These recommendations have not yet been acted upon.

⁵ 1992, 2007, 2012, 2015

⁶ Article 19, Political Party Law, 2007

⁷ Issued on 30/03/2016

⁸ Could be linked to the number of votes received, number of candidates running or number of seats won.

There has been some movement, albeit negative, in the context of the freedom of expression and access to the media since 2016. The National Centre for Human Rights, in their annual report for 2017⁹, has noted a regression in freedom of expression during that year. Freedom House, in their report for 2018, assessed the media in Jordan to be partly free. This included a finding that the press is not free, while the internet is partly free.

A shadow report published¹⁰ in 2017 by Transparency International reviewed progress made in Jordan under the Sustainable Development Goals (goal number 16, targets 4,5, and 10). Access to information was scored at just 39%. Particular emphasis was placed on the Electronic Crimes Law, as Article 11 of the legislation allows for the imprisonment of online media practitioners based on online slander. It was argued that this application of the law is in contradiction with Article 42 of the Press and Publication Law which prohibits detention based solely on the expression of opinion, whether verbally, in writing or otherwise. Reviews of the Electronic Crimes Law and of the Prevention of Terrorism Act 2006 were called for, in order to “ensure that no prejudice against freedom of speech is present and that journalists are not wrongfully detained.”

The recommendations of the EU EOM included proposals that a vast range of laws be reviewed and amended. These included the Press and Publications Law and the Audio-Visual Law, laws which were assessed to provide insufficient independence for the Jordan Media Commission. There has not been any review of the laws to date that could lead to making the media environment either more free or more equitable. There have, however, been amendments proposed to the Cyber Crime Law of 2015. The amendments, published in September 2017, have yet to be enacted, but were sent to the Legal Committee of the House of Representatives in late September 2018. The amendments propose to impose more severe prison terms and fines on those convicted of, among other matters, defamation. It is also proposed to penalise the sending or sharing of content which is characterised as hate speech. Hate speech is vaguely defined as “any speech or action stirring religious, sectarian, racial or ethnic division, tension or discrimination between individuals and groups”. These proposals, if enacted, will represent a further erosion of the freedom of speech and of the media.

There has not been any progress made to date to implement the recommendations in the realm of freedom of expression or the media. This represents one of the areas where the legal framework falls short of compliance with international standards for democratic elections, and where Jordan is failing to meet its commitments to promote and protect human rights. The National Centre for Human Rights, in its annual report for 2017, said that the freedom of expression was circumscribed in Jordan, with a reported rise in cases of detention and prosecution of individuals for speech on social media platforms and for participation in demonstrations and occupations.

e. Participation of Women

The EU EOM 2016 found that there was inequality in political life, with women significantly under-represented in parliament and in political parties. In a recent study entitled “Women’s

⁹ Human Rights Report, January – December 2017, published September 2018.

¹⁰ Transparency International & Rasheed - Transparency International Jordan

Political Participation in Jordan”, published by the OECD and the Jordanian National Commission for Women (JNCW), an extensive catalogue of obstacles to the political participation of women was set out, as well as an inventory of the opportunities to promote their participation. The report found that, “in spite of the government’s adoption of women’s quotas and reference to the importance of women’s increased political participation, women’s representation in decision-making bodies and overall political participation remains low. The low participation of women in Jordan’s political life is not only driven by legal and institutional barriers, but also discriminatory social norms and economic inequality between men and women.” CSOs working at a local level have reiterated such findings, informing the EFM that obstacles to the political participation of women are deeply entrenched in the culture, manifest in male attitudes of opposition to activities of women outside the private sphere.

Two recommendations to promote the enhanced participation of women in political life were advanced by the EOM. One of the recommendations (**P3**) was based on the policy of the JNCW to increase the number of seats reserved for women in the House of Representatives. At present, fifteen seats, one for each governorate, are reserved for women. Women are also eligible to run for election for all of the 115 other seats in the House of Representatives. In the election of 2016, women won just five of those 115 seats, fewer than five per cent of the number on offer. The recommendation is that there should be an increase in the number of seats reserved for women to at least twenty-three, which could be a minimum of one woman per electoral district.

Local elections were conducted in 2017. These were subject to quotas which are of a much greater quantum than those applicable to national elections. The Municipalities Law 2011 represented progress in this direction, with women securing 35.9% of seats at the local level¹¹ in 2013. In 2017, after the enactment of the Decentralisation Law, women won 28.8% of all seats in municipal, local and governorate councils overall, with an outcome of 31.7% at the local council level. Women, however, have not won many seats outside of the reserved seats at either the local or national level, indicating that these quotas may not be set aside in the immediate future.

Another recommendation (**P4**) draws upon international norms for the adoption of temporary special measures to promote the advancement of women. Jordan is a state party to the Convention on the Elimination of all forms of Discrimination against Women, which not only permits such measures, but mandates affirmative action to overcome historical and societal discrimination. The Beijing Platform of Action, in an echo of ECOSOC Resolution 15/1990, calls for a quota of 30% of women in leadership and decision-making positions. The JNCW advocates an increased quota for women, calling for 30% representation. Reform to the list system is also called for by this body, suggesting that lists should include 50% men and women. Beyond that, a return to a national list system is sought as a means to achieve the election of more women.

Read together, the two recommendations of the EU EOM propose an increased quota for women, as well as other measures apart from reserved seats. One of the measures specified was to target political parties with a requirement that women be appointed to decision-making roles

¹¹ *Women’s Political Participation in Jordan* OECD and the JNCW 2018, 66

within party structures. There is already in effect a by-law¹² under the Political Parties Law 2015 which makes political party funding contingent on a party having not less than ten per cent women as party members. While this is the prevailing law and practice, the law lacks anything beyond the mere passive participation of women as signed-up members. Additional stipulations, requiring that women be included in meaningful positions of leadership within party structures before public funding is provided to parties, could be inserted in future political party regulation.

To date, the recommendations which proposed extensions to measures of affirmative action for women have not been addressed in parliamentary election or political party laws.

f. Persons with Disabilities

The legal nature of the protection of the right to vote of persons with disabilities has changed significantly since the parliamentary election in 2016. The principal legal source of the rights of persons with disabilities was then and continues to be found in Article 6 of the Constitution of 1952. This provision is drafted from a welfare perspective, requiring that the law shall protect this minority from abuse and exploitation. There is no explicit guarantee of the civil and political rights of persons with disabilities to be found in the Constitution. Neither is there any provision which prohibits discrimination on the grounds of disability status.

While the right to vote is not explicitly provided for in the Constitution, it is regulated by electoral legislation. The Law on the Election of the House of Representatives, Article 3 (b) denies the right to vote to “persons deemed insane, retarded or persons placed under guardianship by court order”. An identical formulation is repeated in the Law on Municipalities, Article 39 (b), while the Law on Decentralisation, Article 13 (b) (ii) denies voting rights to “persons deemed insane or retarded”. There is a specific mention, from a negative aspect, of the status of disability in the context of the right to stand for election in the Constitution. Article 75 sets out the requirements for membership of either House of Parliament, excluding any person “who is insane or imbecile”. There is no requirement of adjudication of such intellectual capacity by any competent authority.

The enactment of the Law on the Rights of Persons with Disabilities Number 20 for the year 2017 represents an unprecedented advancement of the rights of persons with disabilities. A state party to the Convention on the Rights of Persons with Disabilities since 2008, Jordan has incorporated the Convention into domestic law by means of this legislation. The pre-existing Law on the Rights of Persons with Disabilities 2007 was repealed and the new law entered into force in September 2017.

Article 44 of the new Disabilities Law incorporates the provisions of Article 29 of the Convention on the Rights of Persons with Disabilities into Jordanian law. This is the provision which deals with the rights to vote and to stand for election. The provisions in the law state that “it is impermissible to deprive a person or restrict a person’s right to vote or to run as a candidate

¹² By-law 53, 2016, as amended by By-law 111, 2016

in parliamentary” election because of disability. This right is not absolute, being conditional upon the legislation in effect.

The obligation to give effect to the right to vote is placed upon the IEC. Persons with disabilities must be enabled to cast their vote independently and secretly through the provision of “reasonable accommodation and accessibility”. Sign language interpreters are to be provided, while the use of companions to vote is also permitted.

Some efforts were made by the IEC during the elections of 2016 (and subsequently in 2017) to provide a small number of polling stations which were models of accessibility, including through the provision of sign language interpreters. Obstacles to accessibility were, nonetheless, widespread and the EU EOM recommended **(S2)** that special measures should be considered to vindicate the voting rights of persons with disabilities, as well as the rights of voters confined to hospitals and places of detention.

This recommendation, while previously an exhortation, now has the force of law, at least in as far as it extends to persons with disabilities. The introduction of the new Law on the Rights of Persons with Disabilities is a great cause for celebration, but practical measures should be undertaken without delay by the IEC in order to give effect to the letter and spirit of this law. The Higher Council for the Rights of Persons with Disabilities has the legal authority to monitor and enforce compliance with the Disabilities Law. It may, according to Article 8, provide technical support to institutions in ensuring that they address the rights of persons with disabilities. Increased cooperation between the IEC and the Higher Council for the Rights of Persons with Disabilities would be valuable to ensure that polling stations in the next election are accessible to persons with disabilities.

g. Electoral Dispute Resolution

A single recommendation **(L6)** addressed the system of electoral dispute resolution, proposing that an additional appeal mechanism be added to the law to enhance fair procedures. This requires legislative change, which has not been proposed by national authorities to date. A programme of training in electoral law has been offered to members of the judiciary on an on-going basis, but this does not respond to this recommendation.

5. Conclusion and short-term actions

Since the 2016 parliamentary election, Jordan's primary focus has been on the management of internal economic challenges and the response to regional political developments. The advancement of electoral reform has received limited attention. However, mid-way through the electoral cycle, Jordan has a tangible opportunity to engage in a review of the electoral legal framework in order to advance reforms. A participatory and consultative review process should be conducive to obtaining broad support of the population. It should take into account not only the recommendations of the EU EOM but also the recommendations offered by other local and international stakeholders. Such a review process, if carried out, could lead to the adoption of reforms that would enhance the integrity of the electoral process, increase voter participation and improve political representation.

It is recommended that any review process, be broadly inclusive and participatory in nature. Civil society representatives ought to be afforded the opportunity to articulate the views of their various constituencies, in order that their concerns be integrated into the reform agenda. The recommendations of the EU EOM addressed the need to enhance the participation of women and of youth in political life. Their views on how to achieve reform ought to be solicited, as well as their proposals for legislative change.

Reform of the rules on political party finance and campaign spending ought to also be considered from the perspective of marginalised groups. Spending, despite theoretical limits in the law, tends to be unregulated and unlimited in practice. This is a factor which serves to deter those with lesser access to resources than the most elite members of society from seeking to win elected office. It tends to be beyond their means to do so. More realistic spending limits, allied to robust enforcement of same, will allow for wider participation in electoral contests.

In parallel with the national consultations, the IEC now has the opportunity to improve several technical aspects of the process that do not require legal amendments. These would mainly be in the realm of campaign finance, transparency, the right to observe and access for persons with disabilities.

Campaign Finance: The IEC should launch a consultative review on campaign finance with stakeholders before reviewing and strengthening its campaign finance regulatory framework. Periodic reporting deadlines should be imposed on individual candidates and on lists of candidates. Sanctions for not abiding by these deadlines or for exceeding the spending limits should be imposed.

Finally, the IEC should review its field monitoring strategy and develop training guidelines to enable its field monitoring team to ensure that campaign finance spending is monitored.

Transparency: The IEC should launch a consultative review with stakeholders on how to further improve the transparency of its operations as well as of the electoral process. The IEC should reassess the operational challenges or policy decisions that have hindered the release of full election results in a workable format.

Right to observe: The IEC can also review its decision on access of observers and candidate agents to different levels of the process, especially to the work of the supervisory commission, while also harmonising the responsibilities of local and international observers.

Access for people with disabilities: The IEC should launch consultations with different stakeholders namely the Higher Council for the Rights of Persons with Disability and relevant CSOs, as well as public institutions, in order to identify specific technical changes and objectives that, if implemented, would enhance the participation of persons with disabilities in the electoral process.

Finally, the EU stands ready to support the Government's reform agenda and will continue to work together with the Jordanian government and people to best realise the hopes and expectations of Jordanian citizens.

Annex A. Press Release

EU Election Follow-up Mission to the Hashemite Kingdom of Jordan, 2018

PRESS RELEASE

19 September 2018

The EU deployed an Election Observation Mission (EU EOM) to the Hashemite Kingdom of Jordan in 2016. In December 2016, the EU EOM published a final report assessing the 2016 election, which included a set of recommendations meant as a tool to enhance future electoral processes.

This Election Follow-up Mission (EU EFM), the first to be deployed to the country, was led by Mr. Jo Leinen, Member of the European Parliament, who served as Chief Observer of the EU EOM 2016. The main objective of this mission was to assess the progress made in electoral reforms since the delivery of the final report in 2016, to discuss areas where further progress could be made and offer further EU assistance in this endeavour.

The EU EFM has met a wide range of Jordanian and international stakeholders, members of the Government of Jordan, members of Parliament, political parties, representatives of civil society and the Independent Electoral Commission.

In its final report, the EU EOM stated that the Jordanian elections had been well-administered and inclusive overall. However, several deficiencies and areas requiring improvement were highlighted, principally related to the right to participate in the elections, the equality of the vote and the lack of fairness in media coverage. In addition, it detailed several technical issues related to the administration of the elections.

The Final Report offered a set of recommendations for the consideration of authorities and other stakeholders in Jordan. The recommendations, based on regional and international obligations undertaken by Jordan, have the aim of enhancing the credibility of future electoral processes through increased inclusiveness and participation, in particular of youth. The importance of increasing the role of women in the political scene was also highlighted.

Mr. Leinen, the Chief of Mission, said “2 years after the 2016 election, it is for the Jordanian authorities to prioritise the aspects of the electoral framework which merit further attention and address citizens’ interests. In this respect, we encourage all the stakeholders, in particular the IEC, to propose timely changes so the amendments can be finalised well in advance of the next election. This will help the population and all other stakeholders to become familiar with the revised election law and participate in the democratic life of their country. Active involvement of young Jordanians will also be very important.

The EU is eager and ready to engage in close cooperation to contribute to the strengthening of the electoral process in Jordan and its democratic institutions with a view to deliver inclusive, transparent and credible polls.

Annex B. List of meetings

Institution	Name and Position
Delegation of the European Union to the Hashemite Kingdom of Jordan	Andreas THULSTRUP, Counsellor - Political, Press and Information Section Egidijus NAVIKAS, Head of Section - Politics, Press and Information Section Gianmatteo ARENA, Counsellor - Politics, Press and Information Section
The Independent Electoral Commission (IEC)	Dr. Khaled Kalaldehy, Chairman Aous Qutaishat, Advisor to the Chairman & Senior Project Advisor IEC-Chief Technical Advisor
UNDP	Richard Chambers, Team Leader
National Democratic Institute (NDI)	Arianit Shehu, Senior Country Director
Community Media Network	Daoud Kuttat, Director General
Hayat Center (Rased Project)	Amer Bani Amer, Founder and General
Human Rights Watch	Adam Coogle, Researcher
UN Women	Bushra Abu Shahut, Political Participation Specialist
The National Current Party	H.E Dr. Saleh Irsheidat, Secretary General
The Islamic Action Front Party (IAF)	H.E Mohammad Aqel, Deputy Secretary General Murad Adaileh, Assistant Secretary-General for Administrative Affairs, Secretary of Executive Board-Media Spokesman H.E Dr. Musa Al Wahsh, Member of Parliament
Al Quds Centre For Political Studies	Oraib Rantawi, Director General
EU JDID - European Center for Electoral Support	Aseel Shaban, Technical Advisory on Political Parties Affairs Zage Filiposki, Senior Project Officer & Coordination Advisor Martina Garbuglia, Project Officer Arba Murati, Reporting, Monitoring & Evaluation Officer
Parliament	Dr. Ashraf Al Kwakzeh, Research & Amer Al Moumani, Research
The Jordanian National Unity Party	Ahmad Al Jaloudi, Deputy Secretary General
Independent Election Commission	Nahed Hammouri, Legal Researcher
Ministry of Political and Parliamentary Affairs	Ali Al Khawaldeh, Advisor
Center for Defending Freedom of Journalists	Nidal Mansour, Executive President

Independent Election Commission	Sultan Al Qudah, Director of Internal Controls
The National Centre for Human Rights	Atef Majali, Acting President
USAID Civic Initiatives Support Program	Frances Abouzeid, Chief of Party
The National Congress Party (Zamzam)	Dr. Rhayel Gharaibeh, Secretary General
Higher Council for the Affairs of Persons with Disabilities	HRH Prince Mired Bin Ra'ad, Head of the Higher Council for the Rights of Persons with Disabilities
Media Commission	Nancy Khasawneh, Head of Legal Department
USAID	Georges Karaa,
The Jordanian National Commission for Women (JNCW)	Nuha Zaidah, Deputy Secretary General Ra'edah Freahat, Political Empowerment Programs Coordinator Diana Haddadin, LEAD Project Manager

Annex C. Matrix on the implementation status of EOM recommendations

Category	Description	Guidance
1	No change	No action has been taken to implement this recommendation.
2	Action or activity in ongoing but implementation of the recommendation has not yet been confirmed	Examples may include the formation of a working group to review legislation, or the preparation of a legislative bill of reform, but the change has not yet been confirmed by legislative change.
3	Partial implementation of recommendation	The recommendation has been addressed/implemented in part, but other elements of the recommendation have not been addressed.
4	Full implementation of recommendation	The recommendation has been implemented in full e.g. electoral legislation has been amended and all aspects of the recommendation have been addressed.
5	Too early in electoral cycle to determine	Some recommendations may relate to administrative action/practice which can only be assessed at a later stage i.e. strengthening of civic/voter information
6	Recommendation is no longer relevant	For example, a change in the electoral system may make redundant a recommendation on candidate registration under the old electoral system.

No	Area of Assessment	Purpose	Recommendation	Status	Comments
Priority Recommendations					
P1	Enhancing Participation	Promote universal right to vote in order to enhance participation	Guarantee the right to vote to all citizens without distinctions of any kind. Amend the constitution/ law accordingly.	1.	<ul style="list-style-type: none"> • This recommendation requires constitutional change. There is no domestic appetite for such change.
P2		Promote Universal Suffrage, Participation of Youth	Amend the Constitution to decrease the eligibility age for membership of the Chamber of Deputies at least in line with existing thresholds for municipal councils. Fix in law the voter age as defined by the Bureau.	2.	<ul style="list-style-type: none"> • Discussion of this recommendation is ongoing among political actors. A reduction in the age of candidacy is likely whenever a new election law is drafted. • It is unclear what the new age limit will be.
P3		Promote Women's Participation	Implement the recommendations of the JNWC to assign a minimum 23 reserved seats (one per electoral district) in addition to right to be elected outside the reserved seat system. Adopt measures to require political parties to appoint women to key decision making roles	1.	<ul style="list-style-type: none"> • There has not been any change in the number of seats in parliament reserved for women. • There has not been any change in the political party laws to promote women. • It is anticipated that both political party and election law will be amended in the near future, which will be an opportunity for implementation of this recommendation.

P4		Promote Equality	Guarantee the right and opportunity of women in decision making roles within IEC structures through the adoption of ECOSOC Resolution 15/1990 recommendations	1.	<ul style="list-style-type: none"> • The IEC board is at present 20% female. This recommendation mandates 30% of decision-making roles held by women. • There has not been any change in law to achieve 30% representation of women.
P5		Promote greater Participation	Ensure access to and knowledge of and ability to seek amendments to PVL based on extended time line for display and amendments coupled with voter outreach and awareness activities	3.	<ul style="list-style-type: none"> • For the 2017 local election, the IEC extended the PVL period by 3 days. • The IEC took a decision, yet to be acted upon, to publish the PVL twice a year. Implementation halted due to political situation, expected to start in 2019 • IEC should conduct a full review of timeframes to ensure adequate time for voters to check the PVL.
P6		Promote Participation	Amend the law to permit public servants to stand on basis of resignation only after election success.	1.	<ul style="list-style-type: none"> • No action has been taken to implement this recommendation • Stakeholders from across the political spectrum have expressed their opposition to this recommendation as this provision is seen as a safeguard against the abuse of public positions for electoral campaign purposes. Otherwise some candidates would be advantaged over others, affecting the integrity of the process.

P7		Promote choice of political representation to enhance participation	Amend the law to ensure that the right to vote or to stand is not limited to specific constituencies solely on the basis of ethnic origin or descent.	1.	<ul style="list-style-type: none"> ● There has not been any change. ● There is significant opposition to this recommendation.
P8		Promote informed choices	Amend the law to ensure that public media cover campaign activities to enhance informed choices.	1.	<ul style="list-style-type: none"> ● There is no political will apparent for such change at present.
P9	Enhancing Transparency	Promote Efficiency, Transparency, Public Confidence	Adoption of measures, employing existing technological capacities, to ensure timely publication of full preliminary and final polling station results within a clearly specified deadline and in any event no later than the declaration of final results. IEC Executive Instructions should provide clear and understandable formula to determine possible discrepancies between numbers of ballots found in the ballot box and number of signatures on the voter list, both for PSs and the DEC.	1.	<ul style="list-style-type: none"> ● No action was taken to implement this recommendation during the 2017 local elections. ● No clearly specified deadline was adopted by the IEC for the publication of full preliminary and final results. ● Full results were published two months after the elections, then removed. At present results published on the IEC website are available by candidate and not by PS. ● Recommendation should include the publication of full preliminary and final results in workable format to ensure easy inspection.

P10		Promote certainty, transparency, integrity and confidence	Adopt procedural rules to ensure timely publication of all IEC decisions impacting electoral process and clear guidelines on timely deadlines for publication of its decisions within a specified and timely deadline after the date on which decisions are made.	1.	<ul style="list-style-type: none"> While the IEC is publishing all Executive Instructions on its website, no procedural rules to ensure timely publication of all IEC decisions have been adopted.
P11		Promote Transparency and public confidence	Guarantee direct access to observers and party and candidates' agents to all stages of counting and tabulation, including at district sub-offices and the SC proceedings	1.	<ul style="list-style-type: none"> The IEC has not introduced any guarantees of access. Access in practice was good in 2017. However, as there was no legal requirement to form a special committee much of the recommendation was not relevant.
P12		Promote Transparency, consistency and integrity of campaigns	Campaign finance regulations to ensure consistent reporting standards, within specified deadlines, with clear provisions for sanctions for non-compliance.	1.	<ul style="list-style-type: none"> For 2017 elections, the IEC did not adopt any periodic reporting deadlines on campaign finance There were no clear provisions establishing sanctions for non-compliance.
P13	Enhancing Compliance with Standards	Promote equality of the vote	Amend the law and the constitution to include precise mechanisms on delimitation of boundaries with the aim and purpose of achieving equality of the vote and representation between electoral districts	1.	<ul style="list-style-type: none"> No action to date to implement this recommendation. No political will apparent to implement this recommendation.

P14		Promote Freedom of the Media and Freedom of Expression	Amend legislation to promote freedom of the media and freedom of expression to limit self censorship	1.	<ul style="list-style-type: none"> • No progress in the promotion of freedom of expression. • Proposed amendments to cybersecurity laws will further undermine freedom of expression.
P15		Promote Freedom of Expression and Transparency	Guarantee the right to CSO observer groups to issue their findings on election results without restrictions	3.	<ul style="list-style-type: none"> • Recommendation partially addressed: IEC removed provisions that could restrict observer groups. • No protection of the right of local observers to issue statements without interference • Inconsistencies exist between the rights of local observers and international ones.
Additional Short Term Recommendations					
S1	Political Context	Promote culture of adherence to campaign regulations and engagement with electorate	The adoption and promotion of a comprehensive code of conduct between political actors prior to elections	1.	<ul style="list-style-type: none"> • No action was taken to implement this recommendation during the 2017 local election
S2	Legal Framework	Promote participation and voting by persons with disabilities and those without access to polling centres	Adopt special measures, including fixed and/or mobile polling stations to assure the right to vote to disabled, persons in places of detention, (jails and prisons) for the and those confined within health care institutions. Establish fixed and/or mobile voting stations for places of detention and health care institutions.	2.	<ul style="list-style-type: none"> • Legal framework for persons with disabilities has been improved through enactment of the Law on the Rights of Persons with Disabilities 2017 • IEC work in this area ongoing • Meaningful coordination with Higher Council for Persons with Disabilities & Disabled Persons Organisations required to ensure appropriateness of measures undertaken by IEC • No progress on hospitals or places of detention

S3	Election Administration	Promote Efficiency, Transparency, Public Confidence	Ensure early issuing and distribution of manuals on procedures and operations well in advance of election day	5.	<ul style="list-style-type: none"> • Too early in electoral cycle to determine
S4		Promote Certainty and Confidence	Determine the closing date of amendments to the FVL as definitive. Remove legal provisions allowing adoption of FVL after its close date.	3.	<ul style="list-style-type: none"> • The legal provisions allowing IEC to amend the FVL after its adoption were removed from the IEC Executive Instructions. • However, in practice, there were several changes to the FVL after its adoption mainly affecting the reassignment of voters to new polling stations.
S5	Election Observation	Promote Participation	Extend the opportunity for CSO observers accreditation to a date close to election day	4.	<ul style="list-style-type: none"> • This deadline for observer accreditation was extended until four days prior to 2017 Election Day.
S6	Media	Freedom of the Media	Ensure independence of the JMC	1.	<ul style="list-style-type: none"> • No reform of the Press & Publications Law or of the Audio-Visual Law.
S7		Access to information	Provide equitable amounts of free airtime on state owned media for electoral contestants in the campaign period.	1.	<ul style="list-style-type: none"> • No change in the law.
Additional Long Term Recommendations					
L1	Political Context	Promote Participation in political and public affairs Strengthen the role of political parties.	Amend the LPP to include provisions clearly outlining their object and purpose, with incentives for memberships.	1.	<ul style="list-style-type: none"> • No amendments to the law have made since the last amendments in 2016.

		Encourage competition and development of political programmes			
L2		Promote certainty, transparency	Amend campaign finance provisions in the law to avoid funding of traditional campaign methods associated with vote buying	1.	<ul style="list-style-type: none"> • No amendments to the LPP have been made since the last amendments in 2016.
L3		Promote right and freedom to participate	Remove unreasonable limitations on the right of candidates to stand. Amend the law to permit persons to run as independent candidates without being restricted to membership of coalitions	1.	<ul style="list-style-type: none"> • No change in the law
L4		Promote respect for will of the voters	Amend constitution to ensure parliament empowered and plays expanded role in governmental power and policy.	1.	<ul style="list-style-type: none"> • No change in the law
L5	Legal Framework	Promote equal treatment of citizens	Amend the electoral laws to bring it into line with Constitution and international obligations, and guarantee the right to stand irrespective of the period of nationality.	1.	<ul style="list-style-type: none"> • No change in the law
L6		Promote fair procedures	Amend the law to provide right and mechanism of second recourse of appeal.	1.	<ul style="list-style-type: none"> • No change in the law

L7		Promote Participation of youth	Amend Constitution to fix the voting age in line with decision 6 of 2016 of the Law Interpretation Bureau and enhance youth participation and continuity for future elections.	1.	<ul style="list-style-type: none"> • No action has been taken to implement this recommendation. • There are clear inconsistencies on the voting age between the three electoral laws (Parliamentary, Municipalities & Decentralisation) • No concrete actions have been taken to harmonise the laws or amend the Constitution
L8		Promote certainty	Ensure clear and separate timelines for each stage of the process, in particular between registration and appeals stages and the campaign period.	1.	<ul style="list-style-type: none"> • No action has been taken to implement this recommendation.
L9		Promote certainty and transparency	Ensure legislation pertaining to election process is published in a timely manner well in advance of the election calendar	5.	<ul style="list-style-type: none"> • As much as two years remains before a parliamentary election is due take place.
L10	Media	Promote equal treatment	Adopt regulations to ensure that private media is subject to the same regulation as state owned media with regards to equal and impartial broadcasting of election news and campaigns	1.	<ul style="list-style-type: none"> • No change in the law
L11		Ensure certainty	Establish clear IEC led procedures for addressing rules and procedures in violations by the media during the election campaign. Codify the law regarding effective implementation of election related activities.	1.	<ul style="list-style-type: none"> • No change in the law

