

Overall Score:

55 - Very Weak

Legal Framework Score:

64 - Weak

Actual Implementation Score:

44 - Very Weak

Category I. Civil Society, Public Information and Media

I-1. ⁶² Civil Society Organizations

1. Are anti-corruption/good governance CSOs legally protected?

33

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | **NO**

Comments:

The Law of Societies #51/2008 Article 6. a.: A group of at least 11 people is allowed to make a request to register a society to the registry inspector on the form adopted for this purpose.

References:

Constitution Article #16: (1) Jordanians shall have the right to hold meetings within the limits of the law. (2) 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 bylaws not contrary to the provisions of the Constitution. (3) The establishment of societies and political parties and the control of their resources shall be regulated by law.

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

YES | **NO**

Comments:

CSOs may be study centers which are governed by the Printing and Press Law, and societies which are governed by Societies Law. Both laws erect barriers on the acceptance of funds by CSOs.

References:

The Societies Law #51/2008, Article 17 (a-1) A society should disclose in its annual report any grants or donations received from the Jordanian people and report in its financial records the name of the donor. (a-2) If a Society wishes to receive any form of donation or grant funding from non-Jordanian people, it must apply to the authorized minister in order to obtain the approval of the Cabinet. If the approval has not been issued within thirty days from the date of receipt, the application status is considered to be approved. (b) If the Society receives any donation or grant funding in contrary to the provisions of paragraph (1) of this article, then the authorized minister has the authority to take the action he considers appropriate, whether to return the grant or donation back to the donor, or to transfer it to the societies fund. In addition, he can force any sanctions or any other measures stated in this law or in any legislation in force.

The Printing & Press Law #8/1998, Article 41: All publications, research and studies houses and public opinion measurement houses are prohibited from accepting any financial aid, assistance, endowment, funding, or donation from any Jordanian or non-Jordanian source. Excluded from this are the financing of joint projects, studies or researches that are approved by the Minister.

YES: A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there are any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

YES | NO

Comments:

Anti-corruption/good governance CSOs are required to get the prime minister's approval for the amount of funding and for their plans for spending it before they can get any financing. However, this disclosure is not required by legislation to be publicly accessible in any way.

References:

The Societies Law #51/2008, Article 17 (a-1) A society should disclose in its annual report any grants or donations received from the Jordanian people and report in its financial records the name of the donor. (a-2) If a Society wishes to receive any form of donation or grant funding from non-Jordanian people, it must apply to the authorized minister in order to obtain the approval of the Cabinet. If the approval has not been issued within thirty days from the date of receipt, the application status is considered to be approved. (b) If the Society receives any donation or grant funding in contrary to the provisions of paragraph (1) of this article, then the authorized minister has the authority to take the action he considers appropriate, whether to return the grant or donation back to the donor, or to transfer it to the societies fund. In addition, he can force any sanctions or any other measures stated in this law or in any legislation in force.

The Printing & Press Law #8/1998, Article 41: All publications, research and studies houses and public opinion measurement houses are prohibited from accepting any financial aid, assistance, endowment, funding, or donation from any Jordanian or non-Jordanian source. Excluded from this are the financing of joint projects, studies or researches that are approved by the Minister.

YES: A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs able to operate freely?

58

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

100 | 75 | 50 | 25 | 0

Comments:

Any CSO (including anti-corruption/good governance CSOs) must apply for approval in order to organize. By law, the registration process may take 82 to 97 days with official authorities. In practice, this might take a longer time. The law gives the concerned minister the right to approve or refuse to grant the request for registration of a society. For example, the official process of registration of the Jordan Transparency Association took over five months despite the time constraints in the Societies Law.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009.

The Societies Law #55/2008: Article (6.a) A group of people, at least eleven, have the right to apply for the registration of a society to the Societies' Observer using the form adopted for this purpose. Article 10 (a) An application and annexes are to be submitted directly to the observer or to through the Provincial Directorate of Social Development in the province, Which in this case, the Directorate has to send it to the observer to complete the registry within seven days from the date of receipt. (b) Upon receipt of the application, the observer verifies if it meets the requirements of Articles (6) and (7) and (8) and (9) of this law. Shall the application lack any of the requirements, the observer has to notify the applicants in writing within fifteen days from the date of receipt. Article 11 (a) The observer shall identify the relevant ministry to register that society, based on the goals and objectives specified in the application form., and sends the application and its annexes to the relevant minister for approval within sixty days from the date of receipt by the observer, as required by the provisions of this law, and regulations and instructions based on it. (C) If the related minister decided to approve the application for registration or it was approved under paragraph (b) of this article, in this case the observer should complete necessary procedures to register the society within fifteen days from the date of such consent. (D) If the concerned minister refused to grant the application for registration, the founding observer should notify the applicants of this decision. The applicants may appeal to the Supreme Court of Justice in accordance with the provisions of the legislation in force. <http://www.hrw.org/ar/news/2008/06/29>

100: CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

Comments:

The communication between government officials and anti-corruption organizations is not regular, it depends more on personal relations. People from anti-corruption CSOs may be invited to participate in policy making workshops personally, but not to represent CSOs. Informal channels of communication take place by initiatives from both sides: government and CSOs.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Basem Sakejha, Journalist, Chief of the Jordanian Transparency Assembly, Arab Archives Institute, Amman, Nov. 7, 2007.

100: Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

0: Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

YES | NO

Comments:

Media have not reported any case of shutting down any anti-corruption CSO.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Basem Sakejha, Journalist, Chief of the Jordanian Transparency Assembly, Arab Archives Institute, Amman, Nov. 7, 2007.

YES: A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

NO: A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

YES | **NO**

Comments:

Media have not reported either a case of a civil society activist working on corruption issues being imprisoned, or a civil society activist raising a case of corruption.

References:

Local press

YES: A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

NO: A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES | **NO**

Comments:

Media have not reported any cases.

References:

Local press

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES | **NO**

Comments:

Media have not reported any such cases.

References:

Local press

YES: A YES score is earned if there were no documented cases of CSO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions?

25

4a. In law, citizens have a right to organize into trade unions.

YES | **NO**

Comments:

In spite of Jordanian citizens' legal right to organize into trade unions, there are many obstacles to freedom of association. Trade unions must obtain the approval of the Ministry of Labor in order to become officially registered, and registration is directly linked to 17 professions and sectors in which trade unions already exist, making trade union pluralism effectively impossible. Unions are required to be members of the General Federation of Jordanian Trade Unions (GFJTU), which is the only trade union federation. The government subsidizes the GFJTU's wages and some of its activities, audits its accounts and monitors its activities and its elections. Civil servants, domestic staff, gardeners, cooks and agricultural workers are not covered by the Labor Code.

References:

Constitution 16 (1) Jordanians shall have the right to hold meetings within the limits of the law. (2) 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 bylaws not contrary to the provisions of the Constitution. (3) The establishment of societies and political parties and the control of their resources shall be regulated by law.
Trade Unions Law # 35, 1953.
Lawyers Association Law #11, 1972.
Medical Doctors Association Law #13, 1972.
Engineers Association Law #15, 1972.
Journalist Association Law #15, 1998.
Dentists Association Law #17, 1972.
Nurses Association Law # 18, 1972.
Geologists Association Law # 1972.
Pharmacists Association Law #51 1972.
Veterinarians Association Law #28, 2008.

YES: A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

Comments:

There are many obstacles to freedom of association. Trade unions must obtain the approval of the Ministry of Labor in order to become officially registered, and registration is directly linked to 17 professions and sectors in which trade unions already exist, making trade union pluralism effectively impossible. Unions are required to be members of the General Federation of Jordanian Trade Unions (GFJTU), which is the only trade union federation. The government subsidizes the GFJTU's wages and some of its activities, audits its accounts and monitors its activities and its elections. Civil servants, domestic staff, gardeners, cooks and agricultural workers are not covered by the Labor Code. The right to strike is considerably limited by the fact that permission must be obtained from the government before a strike can take place. The Ministry of Labor can also impose cumbersome mediation or, if that fails to reach a settlement, it can refer the case to a labor court that consists of a panel of judges appointed by the Ministry. Its decisions are binding. Both parties must agree to court action, or else the Ministry will transfer the case to the Council of Ministers and then the Parliament. Strikes are prohibited during mediation and arbitration periods, however they do take place, so they are deemed illegal. Unions have the right to bargain collectively. The most common subjects of negotiation are salaries, safety standards, working hours and health insurance.

References:

The Annual survey of violations of trade union rights 2008, International Trade Union Confederation,
<http://survey08.ituc-csi.org/survey.php?IDContinent=5&IDCountry=JOR&Lang=EN>

100: Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

I-2. Media

5. Are media and free speech protected?

50

5a. In law, freedom of the media is guaranteed.

YES | **NO**

References:

The Constitution, Article 15: (ii) Freedom of the press and publications shall be ensured within the limits of the law. (iii) Newspapers shall not be suspended from publication nor shall their permits be revoked except in accordance with the provisions of the law. (iv) In the event of the declaration of martial law or a state of emergency, a limited censorship on newspapers, publications, books and broadcasts in matters affecting public safety and national defense may be imposed by law. (v) Control of the resources of newspaper shall be regulated by law.
 Press and Publication Law 8, 1998, Article 3: Press and publication are free, and freedom of expression is guaranteed for each Jordanian who may express his/her opinions through verbal expressions, writing, photographing, drawing, or other means of expression and media.

YES: A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount

to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

YES | NO

Comments:

The constitution guarantees the freedom of speech. However, the Penal Law articles are drafted in a flexible way such that they might be relied on in order to limit the freedom of speech.

References:

The Constitution, Article 15: (i) The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law. Press and publication are free, and freedom of expression is guaranteed for each Jordanian who may express his/her opinion through verbal expressions, writing, photographing, drawing, or other means of expression and media.

Penal Law #85/1951, Article 183: One is punished for slander by:

- 1 – imprisonment of one to three years, if it was directed to His Majesty the King.
- 2 – imprisonment of 15 days to one year or a fine of 10-50 Dinars (US\$14-70) if directed to the National Assembly or one of the official bodies, courts or public administration or the military or to any employee for his/her job or personally.

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form print media entities?

75

6a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | 50 | 25 | 0

Comments:

The 2007 amendment of the Press Law released some restrictions on the right to form a print media entity; however, it kept the following restrictions, which practically affect this right: a) the editor must be a member of the Journalists Association; b) the right of ownership is restricted.

References:

Press and Publication Law #8/1998 with the 2007 amendments.

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009.

100: Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

Comments:

If the cabinet refuses to grant a license, the applicant can appeal to the Higher Court of Justice.

References:

Higher Court of Justice Law #12/1992,: Article 9-a: 9- The court's exclusive jurisdiction is to examine appeals from the stakeholders as follows:
9) legal actions by individuals and organizations to abandon the final administrative decisions.
10- To appeal any administrative final decision even if it is immunized by the law on which it was based.

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

NO: A NO score is earned if there is no appeal process for print media licenses.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The press is generally under the control of the government and supports its interests. The Printing and Press Department is the government authority where one can ask for a press license. The law gives the cabinet the power to reject media licenses. The minister of Information refers recommendations for media licenses to the Cabinet, which must also approve them. Usually, substantial administrative delays to issue a print media license exit. To obtain a newspaper license, an applicant must have US\$500,000 in initial capital. To acquire a periodical license requires US\$50,000.

References:

Dr. Sassin Assaf,
Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,
ACRLI & IFES, Part of the UNDPs Promoting the Rule of Law and Integrity in Arab Countries project, May 2007,
<http://www.ifes.org/publication/afa896d49cfcb8fe19420c639c1481b0/Media%20Comparative%20Report%20FINAL.pdf>

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are citizens able to form broadcast (radio and TV) media entities?

63

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | 25 | 0

Comments:

Legislation allows the cabinet to deny granting a broadcast media license without justification. This fact is used to create barriers to form broadcast media entities.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;

Phone interview with Areej Jamal, Administration and Finance manager, Radio Albalad, Jan. 7, 2009;

Dr. Sassin Assaf,

Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,

ACRLI & IFES, Part of the UNDP's Promoting the Rule of Law and Integrity in Arab Countries project, May 2007,

<http://www.ifes.org/publication/afa896d49cfcb8fe19420c639c1481b0/Media%20Comparative%20Report%20FINAL.pdf>

100: Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

Comments:

People can appeal before the Supreme Court of Justice.

Many laws in Jordan were issued by the government when the parliamentary elections were delayed for almost two years. These not approved laws are still in force because they were not discussed in the parliament, not approved, or not denied.

References:

Audio & Visual Media Temporary Law (Not approved by parliament) #71/2002: Article 18 – (a) Based on the recommendation of the manager (of the Commission of the Audio & Visual Media), the cabinet has the right to grant, renew, amend, or repeal the broadcasting license in accordance with the provisions of the Act and regulations issued pursuant to and in accordance with national plans of assessments for the media. (b) The cabinet has the right to reject application to grant broadcasting licenses to any entity whatsoever without justification. (c) Broadcasting license is granted on personal basis, thus, the license, or any of its parts, may not be waived thereof except with the consent of the cabinet based on recommendation of the minister.

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

NO: A NO score is earned if there is no appeal process for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Delays might take place, and sometimes licenses may be denied without justification.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
Phone interview with Areej Jamal, Administration and Finance manager, Radio Albalad, Jan. 7, 2009;
Interview with Husein Hyasat, Head of Refah Center for Strategic Studies, Amman Jan 8, 2009;
Audio & Visual Media Temporary Law (Not approved by parliament) #71/2002:Article 16 (C-2) Decision in regard to License application must be issued within 60 days of notification of authorizes minister. Article 18 (B) the cabinet has the right to refuse to grant broadcasting licenses without justification.

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The Audio & Visual Commission charges high fees that impose a major financial burden on broadcast firms.

References:

Ordinance for Radio & TV broadcasting, re-broadcasting, and their fees made pursuant to paragraphs (a) and (b) of Article (32) of the Audio & Visual Media Temporary Law (Not approved by parliament) #71/2002:
Article 11: Fees for licensing of television broadcasting and rebroadcasting are as the followings: A – Licenses for television broadcasting: 1) 100,000 dinars (US\$141,242) for any broadcast station of the overall coverage of most areas of the Kingdom; 2) 50,000 dinars (US\$70,612) for any broadcast station in Greater Amman on (UHF) channels; 3) 30,000 dinars (US\$42,372) for any broadcast station in the area of cities of Irbid or Zarqa, on blue (UHF) channels; 4) 20,000 dinars (US\$28,249) for any broadcast station in any of the other regions of the Kingdom, on (UHF) channels.
Article 12: Fees for licensing of radio broadcasting and rebroadcasting are as the followings: A – License for a radio broadcast station that uses any wave of (FM) broadcasting capacity of not more than (5) kW: – 1) 25,000 dinars (US\$35,310) in the Greater Amman; 2) 15,000 dinars (US\$21,156) in Zarka and Irbid areas; 3) 10,000 dinars (US\$14,124) in any of the other regions of the Kingdom. B – License to re-broadcast part of a foreign radio programs by a radio station in the Kingdom which uses any (FM) wave: 1) 20,000 dinars (US\$ 28,249) in the Greater Amman; 2) 10,000 dinars (US\$14,124) in any other regions of the

kingdom; C – 5,000 dinars (US\$7,062) for each wave (FM) radio station for an additional same capacity up to one kilowatt. D – Fees for licensing a radio relay station used by external electromagnetic waves, with a wave (FM) broadcasting capacity of not more than (5) kW: 1) 75,000 dinars (US\$105,932) in the Greater Amman; 2) 50,000 dinars (US\$70,621) in any of the other regions of the Kingdom.

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

8. Can citizens freely use the Internet?

63

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

Comments:

Access to Internet content in the Hashemite Kingdom of Jordan remains largely unfiltered, with filtering applied to a single news website that is often critical of the Jordanian and other Arab regimes. However, media laws and regulations encourage some measure of self-censorship in cyberspace, and the authorities have increased restrictions on Internet use in cybercafes.

References:

<http://opennet.net/research/profiles/jordan>

100: The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

75:

50: Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

25:

0: Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

8b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

Comments:

The broad provisions of the Press and Publications Law may lead some writers to engage in self-censorship. Although the Jordanian Government continues to develop initiatives to expand access to the Internet, laws restricting freedom of speech preserve an intimidating atmosphere that discourages free discourse on political and social issues.

References:
<http://opennet.net/research/profiles/jordan>

100: The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

75:

50: In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

25:

0: The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

9. Are the media able to report on corruption?

25

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES | NO

Comments:

The freedom of opinion and speech is guaranteed by the constitution. However, the Anti-Corruption Commission Law prohibits reporting news that might damage reputation.

References:

The Constitution, Article 15: (i) The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his/her opinion by speech, in writing, or by means of photographic representation and in any other forms of expression, provided that it does not violate the law. Press and publications are free, and freedom of expression is guaranteed for each Jordanian who may express his/her opinions through verbal expressions, writing, photographing, drawing, or other means of expression and media. The Anti-Corruption Commission Law #62/2006, Article, 4 depicts that the commission aims to: (d) fight character assassination (damaging of personal reputation).

YES: A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:

There are many indirect ways that encourage self-censorship of corruption-related stories. In Jordan, one finds both hidden censorship and self-censorship. Hidden censorship occurs as the result of strict government controls on advertising or government pressure on distributors and printing companies.

References:

Dr. Sassin Assaf,
Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,

<http://www.shihannews.net/Details.aspx?tp=1&id=3774>

100: The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

75:

50: The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | **25** | 0

Comments:

The constitution provides for freedom of speech and press; however, the government imposed significant restrictions on these rights in practice. Government intimidation and the threat of fines and detention led to self-censorship of journalists, which prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information.

References:

Dr. Sassin Assaf,
Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,
ACRLI & IFES, Part of the UNDPs Promoting the Rule of Law and Integrity in Arab Countries project, May 2007,
<http://www.ifes.org/publication/afa896d49cfcb8fe19420c639c1481b0/Media%20Comparative%20Report%20FINAL.pdf>

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The government never prevents publication of controversial corruption-related materials.

75:

50: The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

25:

0: The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

10. Are the media credible sources of information?

30

10a. In law, print media companies are required to publicly disclose their ownership.

YES | NO

Comments:

Print media companies are not required to disclose their ownership to the public, but to the Ministry of Trade and Industry, which makes it accessible to anyone upon request. There are no such requirements in the Printing & Publishing Law.

References:

Companies Law #22/1997, Article 11 (a-2), requires that the application form of the company must state the names and nationalities of the shareholders; they must submit their IDs or passports in order to register the company.

YES: A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

YES | NO

Comments:

Broadcast media companies are not required to disclose their ownership to the public, but to the Ministry of Trade and Industry, which makes it accessible to anyone upon request. There is no such requirements in the Audio & Visual Law.

References:

Companies Law #22/1997, Article 11 (a-2), requires that the application form of the company must state the names and nationalities of the shareholders; they must submit their IDs or passports in order to register the company.

YES: A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

Comments:

The degree of journalistic professionalism varies from a newspaper to another, and it is much more developed in daily newspapers than in weekly newspapers.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:

50: Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell" favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | **50** | 25 | 0

Comments:

Some candidates have better chances at accessing media than others. Some of the more well-known or wealthier candidates had an advantage over their competitors.

References:

Dr. Sassin Assaf,

Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,

ACRLI & IFES, Part of the UNDPs Promoting the Rule of Law and Integrity in Arab Countries project, May 2007,

<http://www.ifes.org/publication/afa896d49cfcb8fe19420c639c1481b0/Media%20Comparative%20Report%20FINAL.pdf>

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | **50** | 25 | 0

Comments:

Some candidates have better chances at accessing media than others. Some of the more well-known or wealthier candidates had an advantage over their competitors.

References:

Dr. Sassin Assaf,

Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity,

ACRLI & IFES, Part of the UNDPs Promoting the Rule of Law and Integrity in Arab Countries project, May 2007,

<http://www.ifes.org/publication/afa896d49cfcb8fe19420c639c1481b0/Media%20Comparative%20Report%20FINAL.pdf>

100: The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

75:

50: The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

11. Are journalists safe when investigating corruption?

67

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES | NO

Comments:

Journalist Faez Al-Ijrashi , the editor in chief of the weekly al-Akhbareyya, was detained for five days after he published an article about a shipment of bad meat and criticized Amman city mayor. He was prosecuted on three different courts. The prosecutor of the State Security Court issued a 15-day detention order for the journalist — after he published an article protesting the performance of the mayor of the capital — for being not professional. Later on the king called the authorities not to detain journalists any more for reasons related to their publications.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

YES: A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | NO

Comments:

The press didn't report any such case.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009.

YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

YES | **NO**

Comments:

The press did not report any such case.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

53
I-3. Public Access to Information

12. Do citizens have a legal right of access to information?

100

12a. In law, citizens have a right of access to government information and basic government records.

YES | **NO**

Comments:

The law stipulates that citizens have the right to access written, recorded, and photographed government information and basic government records. However, there are many other laws that limit this right, such as the Press and Publication Law, Government Secrets Law, etc.

References:

Law to guarantee the right of access to information #47/2007, Article 7

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

YES: A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

NO: A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES | **NO**

References:

Law to guarantee the right of access to information #47/2007, Article 17
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

YES: A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

YES | **NO**

Comments:

Under this law the so-called Information Council was set up, with the following jurisdiction: to ensure that the information is provided to applicants if confined with this law; to consider complaints from applicants requesting access to information; and to resolve such complaints in accordance with the instructions. This Council is based in the National Library Department, and headed by the head of this department.

References:

Law to guarantee the right of access to information #47/2007, Articles 3, 4
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

13. Is the right of access to information effective?

58

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

The law stipulates that acceptance or denial of requests for access not exceed 30 days from request, and denial of access be given with clearly spelled-out reasons.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8/2009, the National Library;
Law to guarantee the right of access to information #47/2007, Article 9-c
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of

government information.

13b. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Anyone who requests information bears the cost of photocopying.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8/2009, the National Library; Law to guarantee the right of access to information #47/2007, Article 11-a
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Public officers in general fear providing information; they try to deny, or refer requests to other officers. The provided information is usually vague, incomplete, and general. Journalists usually apply to request information because of their conviction that they would not fairly receive it.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009.

100: Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

75:

50: Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

25:

0: The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

**Comments:**

Legal procedures, especially in the Supreme Justice Court, take a long time — usually more than six months.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8, 2009, the National Library

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

**Comments:**

The cost of appealing to the Supreme Justice Court is considered high.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8, 2009, the National Library; Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman, Jan. 10, 2009.

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

**Comments:**

There is a wide space for the government to deny most applications for information requests based on laws that limit the right to access the government information. One of these laws is the Law for preserving governmental secrets and documents. This, by far, weakens the effect of the law which guarantees the right to access information. Many other denials are not justified.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8, 2009, the National Library;

100: The government always discloses to the requestor the specific, formal reasons for denying information requests.

75:

50: The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

25:

0: The government does not regularly give reasons for denying an information request to the requestor.

Category II. Elections

II-1. ²⁴ Voting & Citizen Participation

14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | **NO**

References:

Parliament Election interim Law #34/2001, Article 3, stipulates that any Jordanian above 18 years of age in January first of the year of elections has the right to vote if registered.

YES: A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

NO: A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

YES | **NO**

References:

Article 68 (1) The term of office of the Chamber of Deputies shall be four calendar years commencing from the date of the announcement of the results of the general elections in the Official Gazette. The King may, by a Royal Decree, prolong the term of the Chamber for a period of not less than one year and not more than two years. (2) A general election shall take place during the four months preceding the end of the term of the Chamber. If the election has not taken place by the end of the term of the Chamber, or if such election is delayed for any reason, the Chamber shall remain in office until the election of a new Chamber.

YES: A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

NO: A NO score is earned if no such framework exists.

15. Can all citizens exercise their right to vote?

67

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75:

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25:

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

Comments:

It was observed that about 14 percent of the monitored ballot boxes either don't have the necessary measures for ballots secrecy, or more voters allowed to vote simultaneously in one place, which infracted the indemnities to maintain voting secrecy. The National Center for Human Rights mentioned that ballots were marred by violations, such as repetition of votes and allowing some underage individuals to vote.

References:

Dr. Issam Suleiman,
Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

National Center for Human Rights Report on 2007 parliamentary elections,
http://www.nchr.org.jo/ar/pages.php?menu_id=&local_type=5&local_id=24&local_details=1&local_details1=&localsite_branchname=NCHR

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75:

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

25:

0: Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | 75 | 50 | 25 | 0

Comments:

Parliamentary elections were postponed several times in recent years. For example, the 2001 elections were postponed and held only in 2003.

References:

Elections Guide, Jordan

<http://www.electionguide.org/country-news.php?ID=110>

Alghad daily

<http://www.alghad.jo/?news=214194>

100: Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

75:

50: Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

25:

0: Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

16. Are citizens able to participate equally in the political process?

70

16a. In law, all citizens have a right to form political parties.

YES | NO

Comments:

The 2007 Parties Law erects more barriers to form political parties, such as the minimal allowed number of founders, which was increased to 500 (it was 50 in the 1992 Parties Law).

References:

Constitution, Article 16 (2): 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.

Political Parties Law #19/2007

http://www.lob.gov.jo/oui/laws/search_no.jsp?no=19&year=2007

YES: A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

YES | NO

Comments:

The constitution stipulates that Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion.
The government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians.

References:

Constitution, Article 6

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

Comments:

The Political Parties Law #19/2007 puts various barriers on formation of political parties, such as:
– they must have at least 500 members above 21 years of age, and members should represent at least five governorates (at least 50 members from each governorate);
– the parties are to preserve these restrictions at any time, including the time of formation.

These obstacles might seriously affect the right to form political parties given that in Jordan less than 1 percent of its population of 6 million are involved in political parties. Moreover, the implementation of this law resulted in the elimination of 21 out of the 33 parties, as they were unable to meet these requirements. Only two new parties were formed since the Law was passed in 2007. Political parties established before the passing of this law were given a pause of six months to meet the requirements; in case they didn't, the indent for registration was eliminated by law.

References:

UNDP POGAR

<http://www.google.jo/url?sa=t&source=web&ct=res&cd=3&url=http%3A%2F%2Fwww.pogar.org%2Fcountries%2Fcivil.asp%3Fcid%3D7&ei=6hthSc3dPJDD|AfYo7mxDA&usg=AFdotcom>

The Political Parties Law #19/2007, Article 5

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2007

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75:

50: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25:

0: Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

Comments:

The costs of running a political campaign are considerably high, thus dissuading some candidates from running in public elections. Some barriers exist in getting on the ballot due to bureaucratic procedures or government regulations, which may be unfairly applied.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

75:

50: Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

25:

0: Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

100 | 75 | 50 | 25 | 0

Comments:

The Islamic Action Front party (IAF) has six members in the lower house and one in the upper house. In the 2003 elections it was represented by 18 members in the lower house. IAF claims that this decrease in the number of representatives was due to many unjust procedures and to government "fraud" in the elections, while the government claims that the elections were fair and smooth. The NCHR report on the 2007 elections indicates some administrative and security interferences in the course of the elections in favor of certain candidates at the expense of rivals – i.e. putting pressure on certain candidates to withdraw in favor of other candidates. Military personnel were allowed to participate in municipal elections but not in parliamentary elections.

References:

<http://www.haaretz.com/hasen/spages/926601.html>

NCHR report on 2007 parliament elections,
http://www.nchr.org.jo/ar/pages.php?menu_id=&local_type=5&local_id=24&local_details=1&local_details1=&localsite_branchname=NCHR

100: The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

75:

50: The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

25:

0: The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

II-2. Election Integrity

18. Is the election monitoring agency effective?

0

18a. In law, the agency or set of agencies/entities is protected from political interference.

YES | NO

Comments:

No such agency exists.

Jordan's November 2007 parliamentary elections witnessed the first, albeit limited, non-partisan domestic election observation effort in its history.

References:

<http://www.ndi.org/jordan>

YES: A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

There is no such agency in the country.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;

<http://www.ndi.org/jordan>

100: Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There is no such agency in Jordan.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
<http://www.ndi.org/jordan>

100: The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

75:

50: The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

Comments:

No such agency exists.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
<http://www.ndi.org/jordan>

100: Reports are released to the public on a predictable schedule, without exceptions.

75:

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.

25:

0: The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

No such agency exists.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
<http://www.ndi.org/jordan>

100: When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75:

50: The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

19. Are elections systems transparent and effective?

29

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | **25** | 0

Comments:

Voters do not have access to registration lists with sufficient time in advance in order to correct errors before voting; registration lists may at times be inaccessible.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;

NHCR 2007 parliamentary elections report:

http://www.nchr.org.jo/uploads/Municipality_report2007.pdf

100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75:

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25:

0: The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghost" voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

YES | **NO**

Comments:

The credibility of an individual who has just been elected as a member of the newly elected parliament is to be challenged; then, the same parliament has the full and final say in regard to such challenges.

References:

Parliament election law #34/2001:

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

Comments:

If the credibility of an individual who has just been elected as a member of the newly elected parliament is to be challenged, then the same parliament has the full and final say in regard to such challenges. In the 2007 elections, 21 MPs were challenged to parliament, and all of these objections have been rejected.

References:

<http://alghad.jo/index.php?news=218188&searchFor=%DA%CF%CF%20%C7%E1%D8%DA%E6%E4%20%DD%ED%20%DA%D6%E6%ED%C9%20%E3%CC%E1%D3%20%CForeign%Policy%Watch:>
<http://www.google.jo/url?sa=t&source=web&ct=res&cd=2&url=http%3A%2F%2Ffpwatch.blogspot.com%2F2007%2F08%2Fjordans-municipal-elections-failed.html&ei=5h5hSZHwB5DDjAehu4HrDq&usg=AFQjCNHb72cO2qECz03hNzm8rXejXmXj3w&sig2=jNPwl8QS-8Z3Vqk9zmpLdQ>

100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75:

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25:

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

Comments:

Military were allowed to participate in municipal elections but not in parliamentary elections. A military personnel carrying an ID will be able to vote.

References:

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
http://www.nchr.org.jo/uploads/Municipality_report2007.pdf

100: The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75:

50: The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25:

0: The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

YES | **NO**

Comments:

No provisions in law exist that allow or prohibit domestic or foreign observers.

References:

Parliament election law #34/2001:

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2001

YES: A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

NO: A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100 | 75 | 50 | 25 | 0

Comments:

No independent agencies were allowed to monitor the election. Some civil society organizations tried to get permission from the authorities in order to be able to monitor the elections. This could be mainly due to the fact that legislation does not take into account this prospect. In the 2007 parliamentary elections, and for the first time, the minister of interior allowed the National Center for Human Rights to monitor elections, with a maximum of 150 observers. This monitoring process did not include an access to polling stations. The center organized a coalition for monitoring elections and issued a report criticizing the election process.

References:

Interview with Basem Sakejha, Head of Arab Archives Center of Research, Arab Archives Institute, Amman, Nov. 7, 2007; NCHR report on 2007 parliament elections:

http://www.nchr.org.jo/ar/pages.php?menu_id=&local_type=5&local_id=24&local_details=1&local_details1=&localsite_branchname=NCHR

100: Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

75:

50: Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

25:

0: Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

0

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES | **NO**

Comments:

No independent agencies were allowed to monitor the election. Some civil society organizations tried to get permission from the authorities in order to be able to monitor the elections. This could be mainly due to the fact that legislation does not take into account this prospect. In the 2007 parliamentary elections, and for the first time, the minister of interior allowed the National Center for Human Rights to monitor elections, with a maximum of 150 observers. This monitoring process did not include an access to polling stations. The center organized a coalition for monitoring elections and issued a report criticizing the election process.

References:

<http://www.factjo.com/fullNews.aspx?id=2249>

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

NO: A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

10 II-3. Political Financing

20. Are there regulations governing the financing of political parties?

67

20a. In law, there are limits on individual donations to political parties.

YES | **NO**

Comments:

An individual contributions to a political party is limited to 10,000 Dinars (US\$14,000) per year per donor.

References:

Political parties law #19/2007, Article 18

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2007

YES: A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES | **NO**

Comments:

The Law allows only for donations from declared Jordanian sources and with a maximum of 10,000 dinars (US\$14,000) per year per donor.

References:

Political parties law #19/2007, Article 18

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2007

YES: A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | **NO**

Comments:

This is not mentioned either in Political Parties Law or in other legislation.

References:

Political Parties Law #19/2007

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2007

YES: A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

NO: A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | **NO**

Comments:

On the other hand, people/companies are encouraged to disclose to the Department of Income and Sales Taxes their donations to political parties in order to be able to benefit from tax discount on such donations.

References:

The Law of the Income Tax #57/1985, Article #12

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=57&year=1985

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | NO

Comments:

Political Parties Law stipulates that a political party should submit a copy of its approved by an accredited audit office annual budget to the minister of interior within the first quarter of a year to be audited.

Moreover, the Audit Bureau Law stipulates a cabinet decision to allow the audit bureau to monitor the financing of political parties under the status of public funds.

References:

Political Parties Law #19/2007, Article #21

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2007

Audit Bureau Law #28/1952

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=28&year=1952

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

YES | **NO**

Comments:

However, the Audit Bureau Law stipulates a cabinet decision to allow the audit bureau to monitor the financing of political parties under the status of public funds. The Audit Bureau plans to monitor the political parties' budgets next year.

References:

Phone Interview with Mr. Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009

Audit Bureau law #28/1952

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=28&year=1952

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

21. Are there regulations governing the financing of individual political candidates?

0

21a. In law, there are limits on individual donations to political candidates.

YES | **NO**

Comments:

This is not mentioned either in Parliament Elections Law or in other legislation.

References:

Parliament Election Law #34/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

YES | NO

References:

Parliament Election Law #34/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

References:

Parliament Election Law #34/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES | NO

Comments:

There is no such regulation.

References:

Parliament Election Law #34/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | NO

Comments:

There is no such agency.

References:

Parliament Election Law #34/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=34&year=2002

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

22. Are the regulations governing the political financing of parties effective?

0

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

There are no legal limits on individual donations to political parties. Political parties are not able to rule or contest for parliament membership on political basis, as they suffer from a shortage of contributions.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

Political Parties Law #19/2007,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=19&year=2008

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

There are no legal limits on individual donations to political parties. Political parties are not able to rule or contest for parliament membership on political basis, as they suffer from a shortage of contributions.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

Comments:

There are no limits on total party expenditures.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

75:

50: Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

The Audit Bureau has the right only to submit annual reports to the parliament, which proved to be totally ineffective in following up notes in these reports.

References:

Phone Interview with Mr. Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

Alrai Daily,

http://alrai.com/pages.php?news_id=176596

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, thought limited in effectiveness, is still fair in its application of power.

25:

0: The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Audit Bureau has the right only to submit his annual reports to the parliament, which proved to be totally ineffective in following up notes in these reports.

References:

Phone Interview with Mr. Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

Alrai Daily,

http://alrai.com/pages.php?news_id=176596

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

Comments:

It has not been decided so far by the cabinet to allow the Audit Bureau to audit the finances of political parties. Moreover, the Audit Bureau is entitled to monitor public only funds expenditures, but not income and contributions.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

Interview with Mr. Mustafa Albarary, Head of Audit Bureau, Sept. 30, 2009

100: Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

75:

50: Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

25:

0: Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

Comments:

There are no such limits.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

Comments:

There are no such limits.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

Comments:

There are no such limits.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, thought limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

25:

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

Comments:
No such entity exists.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
 Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

Comments:
No such regulation exists.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
 Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

75:

50: The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

25:

0: The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

24. Can citizens access records related to the financing of political parties?

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

**Comments:**

Political parties disclose their financial statements, which should be audited by an external auditor, to the Ministry of Internal Affairs. Citizens are not allowed to see these disclosures.

References:

Interview with Mustafa Albarary, Head of Audit Bureau, Sept. 30, 2009

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Political parties disclose their sources of funding and expenditures at least every quarter.

75:

50: Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regularly withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

**Comments:**

Political parties disclose their financial statements, which should be audited by an external auditor, to the Ministry of Internal Affairs. Citizens are not allowed to see these disclosures.

References:

Interview with Mustafa Albarary, Head of Audit Bureau, Sept. 30, 2009

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

**Comments:**

Political parties disclose their financial statements, which should be audited by an external auditor, to the Ministry of Internal Affairs. Citizens are not allowed to see these disclosures.

References:

Interview with Mustafa Albarary, Head of Audit Bureau, Sept. 30, 2009
Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

There are no publicly available records of political parties finances.

References:

Interview with Mustafa Albarary, Head of Audit Bureau, Sept. 30, 2009
Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Individual candidates disclose their sources of funding and expenditures at least every quarter.

75:

50: Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regularly withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

Category III. Government Accountability

III-1. ²⁹ Executive Accountability

27. Can the chief executive be held accountable for his/her actions?

50

27a. In practice, the chief executive gives reasons for his/her policy decisions.

Comments:

Chief executives are not obliged to give reasons for their decisions, thus they do not always do that. However, there are efforts to set this policy in motion.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

YES | **NO**

Comments:

The constitution, Article 17, stipulates that Jordanians are entitled to address public authorities on any personal matters affecting them, or on any matter relative to public affairs, in such a manner and under such conditions as may be prescribed by law. The Supreme Court of Justice #12/1992, Article 9a, stipulates that the exclusive jurisdiction of the court is to hear appeals from stakeholders and for the following matters: a-7: Appeals by any aggrieved party requesting to suspend the provisions of any temporary law that is unconstitutional or any bylaw contrary to the law or the Constitution; a-10: Appeal against any final administrative decision even if it was bunkered by law on which it was based on.

References:

Constitution article 102: http://www.kinghussein.gov.jo/constitution_jo.html, Supreme Court of Justice Law #12/1992 Article #9a: http://www.lob.gov.jo/ui/laws/search_no.jsp?no=12&year=1992

YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | **25** | 0

Comments:

The Law of the Supreme Court of Justice stipulates that persons directly affected by administrative actions can appeal to courts; no appeal might be accepted from other people. Recently, the Supreme Court of Justice rejected several claims by private citizens against administrative decisions, which shows it is ineffective.

References:

<http://3rbnews.net/content/view/177/157/>

Supreme Court of Justice Law #12/1992, Article #9c-2
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=12&year=1993

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

75:

50: The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

Comments:

Recently it became more common that the chief executive uses executive orders instead of going through a more formal legislative process to implement a new policy. For example, the agreement signed by the former government with a foreign company on the Dead Sea Casino was eliminated by the current government.

References:

<http://www.ammannet.net/look/majles/episode.tpl?IdLanguage=18&IdPublication=3&NrArticle=17677&NrIssue=5&NrSection=16>
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

28. Is the executive leadership subject to criminal proceedings?

0

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES | NO

Comments:

The King is the head of the state and is immune from any liability and responsibility. In principle, the prime minister may be prosecuted for crimes in the High Tribunal. The High Tribunal consists of the speaker of the Senate as president and eight members, of whom three shall be senators selected via ballot by the Senate and five shall be selected from amongst the judges of the highest Civil Court, in order of seniority. In case of necessity, any vacant position shall be fulfilled from presidents of the lower courts, also in order of seniority.

References:

Malik Alamaireh,
The 2007 Jordan National Integrity System Report, p. 16-18,
<http://transparency-jo.org>

Constitution, Articles 30, 55-58,
http://www.englishkinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

YES | **NO**

Comments:

The procedure for prosecution of ministers (including former ministers), as stated in the constitution, makes it practically impossible to prosecute any minister for crimes he/she commits. Thus, no minister was prosecuted in the history of Jordan in spite of many claims of corruption and ensuing trials. Without introducing needed amendments to the constitution and legislation, no ministerial level official can be prosecuted for a crime he/she commits, including corruption crimes.

The case of former minister Abdle Razzak Tbeishat shows that it was impossible to prosecute him because of the procedure for prosecution of ministers, so he was not prosecuted. Mr. Tbeishat said that he wished he could be prosecuted in order to prove that he was innocent of corruption.

References:

Malik Alamaireh,
The 2007 Jordan National Integrity System Report, p. 16-18,
<http://transparency-jo.org>
Constitution, Articles 55-58,
http://www.kinghussein.gov.jo/constitution_jo.html.

YES: A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

29. Are there regulations governing conflicts of interest by the executive branch?

13

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

YES | **NO**

Comments:

The king is not required to file a regular asset disclosure form. By contrast, the prime minister is required to.

References:

Asset Disclosure Law #54/2006, Article #2,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

YES | **NO**

References:

Asset Disclosure Law #54/2006, Article #2
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

NO: A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | NO

Comments:

There are no regulations that specify conditions and limits for accepting gifts and hospitality by members of the executive authority. There are only local regulations in specific government institutions that govern gifts and hospitality offered to public officers in these institutions. Such regulations do not exist in the majority of government institutions. Moreover, when they exist, they differ from one place to another, and in general they are vague and incomplete. The Civil Services Bylaw prohibits bribes, but it does not specify conditions about what gifts are accepted and what are not, what amount is acceptable, and what to do with received gifts. This creates space for selective enforcement of accountability and prohibition of bribes.

References:

Civil Service Bylaw #30/2007,

http://www.lob.gov.jo/ui/bylaws/search_no.jsp?year=2007&no=30

<http://www.lob.gov.jo/ui/bylaws/print.jsp?no=5&year=2002&RequestLevel=1>

<http://www.lob.gov.jo/ui/bylaws/print.jsp?no=26&year=2004&RequestLevel=1>

http://www.lob.gov.jo/ui/bylaws/search_no.jsp?no=26&year=2004

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | NO

Comments:

There are no such requirements. Article #7 of the Asset Disclosure law stipulates that a committee of judges is to be formed by the Judicial Council in January each year to examine asset disclosures. However, article #5 of the same law stipulates that it is prohibited to open asset disclosures which should be reserved in closed envelopes, unless there is a request of a court based on an active case. Such a request had never been put since the Law of Disclosure of Assets was adopted in 2006.

References:

Phone interview with Dr. Natherm Jayusi, head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009;

Asset Disclosure Law #54/2006, Article #7,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | NO

Comments:

There are no such restrictions in the constitution.

References:

Constitution, Chapter 4,

http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no regulations restricting post-government private sector employment for heads of state and government and ministers.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, editor, Sept. 30, 2009

Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009

100: The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

Comments:

Media have not reported any follow-up actions in cases of public officers receiving gifts.

References:

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | 25 | 0

Comments:

These disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009; Asset Disclosure Law #54/2006, Articles #5, 7, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

100: Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

30. Can citizens access the asset disclosure records of the heads of state and government?

0

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES | NO

Comments:

There are no such requirements. Article #7 of the Asset Disclosure law stipulates that a committee of judges is to be formed by the Judicial Council in January each year to examine asset disclosures. However, article #5 of the same law stipulates that it is prohibited to open asset disclosures which should be reserved in closed envelopes, unless there is a request of a court based on an active case. Such a request has never been put since the law of Disclosure of Assets was adopted in 2006.

References:

Phone interview with Dr. Nathem Jayusi, head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009; Asset Disclosure Law #54/2006, Article #7, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

This is unstated in the legislation.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009; Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009; Asset Disclosure Law #54/2006, Article #7, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2008

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some additional delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

This is unstated in the legislation.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009; Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009; Asset Disclosure Law #54/2006, Article #7, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2008

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, ministry of Justice, Sept. 30, 2009;
 Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009;
 Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/oui/laws/search_no.jsp?no=54&year=2009

100: The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

26. In law, can citizens sue the government for infringement of their civil rights?

100

26. In law, can citizens sue the government for infringement of their civil rights?

YES | **NO**

Comments:

The constitution, Article 17, stipulates that Jordanians are entitled to address public authorities on any personal matters affecting them, or on any matter relative to public affairs, in such a manner and under such conditions as may be prescribed by law.
 The Supreme Court of Justice #12/1992, Article 9a, stipulates that the exclusive jurisdiction of the court is to hear appeals from stakeholders and for the following matters: a-7: Appeals by any aggrieved party requesting to suspend the provisions of any temporary law that is unconstitutional or any bylaw contrary to the law or the Constitution; a-10: Appeal against any final administrative decision even if it was bunkered by law on which it was based on.

References:

Constitution, Article 17,
http://www.kinghussein.gov.jo/constitution_jo.html

Supreme Court of Justice Law #12/1992, Article #9a
http://www.lob.gov.jo/oui/laws/search_no.jsp?no=12&year=1992

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

Comments:

Official political parties don't rule in Jordan; however, the concept of a ruling party exists in reality.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
 Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

III-2. Legislative Accountability

32. Can members of the legislature be held accountable for their actions?

33

32a. In law, the judiciary can review laws passed by the legislature.

YES | **NO**

Comments:

Individuals may challenge the constitutionality of laws to the Supreme Court of Justice, which issues a decision on this case, but not regarding the constitutionality of a law.

References:

Constitution, Chapter 6,
http://www.kinghussein.gov.jo/constitution_jo.html

The Law of the Supreme Court #12/1992

YES: A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

Comments:

In order to investigate its constitutionality, the legislature might pass laws to the Supreme Council (Constitution, article #122), which is not part of the judiciary. However, based on the Law of Supreme Court of Justice, the constitutionality of a law might be challenged to the Supreme Court, which has a right not to apply articles that it considers unconstitutional. Thus the Supreme Court does not have the right to review the law. In practice, such cases were very rare, and for a long time there have been no such cases.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009;

Malik Alamaireh,
The Jordan National Integrity System 2008 Report,
Good Life Studies Center,
<http://transparency-jo.org>

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

YES | **NO**

Comments:

The constitution does not exclude the members of the national legislature from criminal court proceedings. The members of the national legislature enjoy a legal immunity only during the sessions of the House of Representatives, which lasts for three months every year, unless the king decides to extend it. This immunity might be lifted by a decision of the House based on a court request. The fact that Parliament controls the lifting of immunity qualifies the answer as a NO score here, based on the scoring criteria.

References:

Constitution, Chapter 6,
http://www.english.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

33. Are there regulations governing conflicts of interest by members of the national legislature?

33a. In law, members of the national legislature are required to file an asset disclosure form.

YES | **NO**

References:

Asset Disclosure Law #54/2006, Article #2,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | **NO**

Comments:

There are no such provisions in law.

References:

Constitution, Chapter 6,
http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | **NO**

Comments:

There are no regulations that specify conditions and limits for accepting gifts and hospitality by members of the legislature.

References:

Constitution, Chapter 6,
http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | NO

Comments:

These disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Natherm Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009;
Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no such regulations.

References:

Malik Alamaireh,
The 2007 Jordan National Integrity System Report, p.16-18,
<http://transparency-jo.org>

Constitution, Chapter 6,
http://www.kinghussein.gov.jo/constitution_jo.html

100: The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate "cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no such regulations.

References:

Malik Alamaireh,

The 2007 Jordan National Integrity System Report, p.16-18,
<http://transparency-jo.org>

Constitution, Chapter 6,
http://www.kinghussein.gov.jo/constitution_jo.html

100: The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

34. Can citizens access the asset disclosure records of members of the national legislature?

0

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES | NO

Comments:

Asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

This is not allowed in the legislation.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009; Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2008

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

This is not applicable.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009; Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2008

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

According to the Asset Disclosure Law, asset disclosures are kept closed and cannot be audited, evaluated, or opened without a judicial case requiring such actions.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009;

Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;

Asset Disclosure Law #54/2006, Article #7,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2008

100: The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

35. Can citizens access legislative processes and documents?

83

35a. In law, citizens can access records of legislative processes and documents.

YES | NO

References:

The Right to Obtain Information Law #47/2007, Articles 4, 8,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Only people directly related to a legislative process or others authorized by them (such as lawyers) might reach these records and documents. Personal relations play a role in overcoming bureaucracy to speed up reaching these documents and records.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

They only have to pay the cost of photocopying.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

33
III-3. Judicial Accountability

36. Are judges appointed fairly?

83

36a. In law, there is a transparent procedure for selecting national-level judges.

YES | **NO**

Comments:

All graduates of the Judicial Institute are appointed to courts. National-level judges are selected based on the following criteria: have 20 years of experience as a lawyer or have the highest civil service officer rank. The Judicial Council is responsible for the process of selecting national-level judges.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009;
Law on the Independence of the Judiciary #15/2001,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2001

YES: A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

NO: A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | **50** | 25 | 0

Comments:

All graduates of the Judicial Institute are appointed to courts. Personal relations play a role in selecting trainees to join the Judicial Institute. National-level judges are selected on the condition of having 20 years of experience as lawyers or the highest civil service officer rank. The Judicial Council is responsible for the process of selecting national-level judges. Some exceptions influenced by the government exist while selecting these judges.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009;
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009;
Law on the Independence of the Judiciary #15/2001
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2002

100: National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most national-level judges selected meet these qualifications, with some exceptions.

25:

0: National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

YES | **NO**

References:

Law on Judiciary Independence #15/2001 http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2001

YES: A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

NO: A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

37. Can members of the judiciary be held accountable for their actions?

96

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

YES | NO

Comments:

Article 160 of the Civil Procedure Law states that, "The court has to show in its issued decision that the date and place of issuance, the names of the judges participating in its issuance and present when the decision was issued, and the full names of the parties, their presence or absence and the names of their attorneys. The decision should also include a description of the facts of the case, the requests of the parties, a summary of their defense and their primary defense, and the reasons for the court's decision."

References:

Civil Procedures Law No. 24 of 1988

YES: A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

NO: A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0

Comments:

Despite the fact that there is no direct obligation in law for members of the national-level judiciary to give reasons for their decisions, in practice they always do.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | **NO**

Comments:

The Judicial Council is a disciplinary authority that can exercise its authority over the national judicial system and its members.

References:

Law on the Independence of the Judiciary #15/2001

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2001

YES: A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

NO: A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | **NO**

References:

Law on the Independence of the Judiciary #15/2001, Article #3

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2002

YES: A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | **75** | **50** | **25** | **0**

Comments:

Investigations might be initiated by the Judicial Council and by the Judicial Inspection Department at the Ministry of Justice.

References:

Interview with Prof. Abdulrahman Tawfig, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

75:

50: The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

25:

0: The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Penalties on offenders might be imposed by the Judicial Council and by the Judicial Inspection Department at the Ministry of Justice. We know of some similar cases where judges were encouraged to retire instead of being fired. The Judiciary Council keeps all such similar cases far from the eyes of the press and imposes indirect penalties when necessary in order to protect the reputation of the judicial system.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

38. Are there regulations governing conflicts of interest for the national-level judiciary?

21

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES | NO

References:

Asset Disclosure Law #54/2006, Article #2,
http://www.lob.gov.jo/jui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

YES | NO

Comments:

No such provision exists in the constitution. Here we discriminate between regulations on overt gifts and bribes. Gifts are governed by the Civil Services Bylaw which -as a bylaw- is adopted by the government not by the parliament, thus it is not a law. Unlike laws, bylaws might only impose administrative sanctions, but not penal sanctions. This bylaw doesn't specify discrete borders between prohibited gifts and those within accepted standards, nor between bribes and gifts. This bylaw is general in this regard and does not specify what is and is not appropriate.

References:

Constitution, Chapter 6, http://www.kinghussein.gov.jo/constitution_jo.html
Civil Service Bylaw #30/2007, Article #68 states that a public officer is prohibited to engage in any of the following activities subject to the disciplinary penalty:
d- To abuse his/her job for a personal advantage or for the benefit of a third party who has no right to same; or to receive or request any gifts, in kind or in specie gratuities during his/her service from any person that has relation, connection, or interest with the department but within the usual accepted standards of respect and appreciation.

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

YES | NO

Comments:

These disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

YES | NO

References:

No such restrictions exist in law or in practice.

YES: A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | 0

Comments:

This is not applicable.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Constitution, Chapter 6,

http://www.english.kinghussein.gov.jo/constitution_jo.html

100: The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

Comments:

Article #68 of the Civil Service Bylaw states that a public officer is prohibited from engaging in any of the following activities subject to a disciplinary penalty:

d- To abuse his/her job for a personal advantage or benefit or for the benefit of a third party who has no right to same; or to receive or request any gifts, in kind or in specie gratuities during his/her service from any person that has relation, connection, or interest with the department but within the usual accepted standards of respect and appreciation.

The Civil Service Bylaw governing gifts and hospitality to officers is vague, not very restrictive, and is routinely ignored and unenforced.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Civil Service Bylaw #30/2007,

http://www.lob.gov.jo/ui/bylaws/search_no.jsp?year=2007&no=30

Constitution, Chapter 6,

http://www.english.kinghussein.gov.jo/constitution_jo.html

100: The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39. Can citizens access the asset disclosure records of members of the national-level judiciary?

0

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | NO

Comments:

The asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

This is not allowed in the legislation. Asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request has never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009
Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

This is not applicable.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009
Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

Comments:
They cannot be accessed.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, Ministry of Justice, Sept. 30, 2009
 Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan. 7, 2009

Asset Disclosure Law #54/2006, Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

III-4. Budget Processes

40. Can the legislature provide input to the national budget?

50

40a. In law, the legislature can amend the budget.

YES | NO

References:

Constitution, Article 112 (iv): The National Assembly, when debating the General Budget draft law or the provisional laws relating thereto, may reduce the expenditures under the various chapters in accordance with what it considers to be in the public interest, but it shall not increase such expenditures either by amendment or by the submission of a separate proposal. However, the Assembly may after the close of the debate propose laws for the creation of new expenditures.
 See http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if the legislature has the power to add or remove items to the national government budget.

NO: A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

Comments:

The legislative powers are limited to the approval of the annual budget in its combined form. The government is not required to obtain legislative approval to make itemized expenditures or changes.

References:

Dr. Issam Suleiman,
Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

75:

50: Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

25:

0: The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

Comments:

Legislators don't have sufficient staff and funding to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed while most of them are not qualified for such a work.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,
Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

75:

50: Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

25:

0: Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

41. Can citizens access the national budgetary process?

25

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

Comments:

Usually, the budget is prepared by the government exclusively, and no public discussions or debates take place before its approval.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

Comments:

Usually, the budget is prepared by the government exclusively, and no public discussions or debates take place before its approval.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75:

50: Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or CSOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

Comments:

Citizens, journalists and CSOs can access the gross budget described in the budget law on the official websites. On the other hand, itemized lists of budget allocations are difficult to access due to secrecy and prohibitive barriers.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,

http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

43. Is the legislative committee overseeing the expenditure of public funds effective?

17

43a. In practice, department heads regularly submit reports to this committee.

Comments:

Heads of agencies do not submit meaningful reports to the agency.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,

http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

75:

50: Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

25:

0: There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

Comments:

The committee is dominated by pro-government legislators. In practice, opposition legislators serving on the committee cannot, in any way, influence its work.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

75:

50: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

25:

0: The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

Comments:

The financial committee does not initiate independent investigations into financial irregularities. It can only question the government about suspected cases of financial irregularity.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009

Dr. Issam Suleiman,

Comparative Report on the State of the Parliament in Egypt, Jordan, Lebanon and Morocco,
Arab Center for the Development of Rule of Law and Integrity, May 2007,
http://www.annd.org/index.php?option=com_content&task=view&id=128&Itemid=57=ar

100: When irregularities are discovered, the committee is aggressive in investigating the government.

75:

50: The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42. In law, is there a separate legislative committee which provides oversight of public funds?

YES | NO

Comments:

There is no such provision in the constitution. The internal bylaw of the Lower House of Parliament stipulates that the oversight role of public expenditure falls within the purview of the Finance Committee of the lower house of Parliament. However, this oversight proved inefficient.

References:

Constitution, Chapter 7,
http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

NO: A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

Category IV. Administration and Civil Service

IV-1. ⁵⁵ Civil Service Regulations

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

75

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | NO

References:

The Civil Service Bylaw #30/2007, Article #4, Basic principles and values of civil service are: A- equal opportunity regardless of gender, race, religion, or marital status. B- Merit and competence in the selection of the right person to occupy any vacant posts in the civil service in accordance with the principles of justice and equal opportunities. C- Justice and equal opportunity among employees regarding their rights, duties, and responsibilities. D – Transparency and accountability through documented, clear, and open procedures. E – Efficient performance and outstanding service to the citizen. http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | **NO**

Comments:

Article 5f of this law stipulates that acceptance of favoritism and nepotism which affects others' rights is considered corruption. This applies to all civil servants. Removal from office: The Civil Service Bylaw #30/2007, Article 171 – a – an employee will be dismissed from service in any of the following cases: 1 -conviction by a competent court for any felony or misdemeanor involving moral turpitude, such as bribery, embezzlement, theft, fraud, misuse of the secretariat, false testimony or any other offense against morality.

References:

Article 5f of the Law of Anti-Corruption Commission #62/2006:
http://www.lob.gov.jo/ua/laws/search_no.jsp?no=62&year=2006, The Civil Service Bylaw #30/2007 http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM.

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

YES | **NO**

Comments:

There is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. However, this mechanism is not independent of their supervisors. Civil servants are able to appeal the mechanism's decisions to the judiciary.

References:

The Civil Service Bylaw #30/2007, Chapter 17: Grievance, Articles 161-165,
http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM.

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

YES | **NO**

References:

The Civil Service Bylaw #30/2007, Article 171-D – the official who has been dismissed may not be re-appointed in any department of the Chambers. He may, however, with the consent of the chief of staff officer in accordance with the provisions of item (2) of paragraph (a) of this article, apply to work in the civil service.
http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM.

YES: A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

NO: A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

45. Is the law governing the administration and civil service effective?

69

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

There is no practical protection of civil servants from political interference. Unless a civil servant is personally protected by a kind of favoritism, or if he/she chooses to risk his/her future in his profession, the widespread culture of nepotism and favoritism and the lack of transparency and accountability makes him/her subject to all kinds of interference.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman, Jan. 10, 2009.

100: Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

75:

50: Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

25:

0: Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

Central appointments carried on through the Civil Service Bureau often follow professional and transparent standards; however, the degree of transparency of such appointments vary according to the bureau chief. The appointments, which are held directly by government institutions, do not usually follow the same professional and transparency standards.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman, Jan. 10, 2009.

100: Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | **50** | 25 | 0

Comments:

Personal relations, nepotism and favoritism might play a role in civil service management actions such as hiring, firing, and promoting.

References:

Interview with Dr. Marmduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

75:

50: Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

25:

0: Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | 25 | 0

Comments:

Each government institution has full job descriptions in addition to job classifications.

References:

Interview with Dr. Marmduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

75:

50: Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

25:

0: Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.



References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

25:

0: Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.



Comments:

Usually, the Civil Service Bureau publishes the number of authorized civil service positions along with the number of positions that have actually been filled on its website. However, many positions are filled locally in the ministries and other government institutions and are not effectively advertised.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: The government publishes such a list on a regular basis.

75:

50: The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.



Comments:

There is no independent redress mechanism in Jordan; however, each public institution has a local committee that plays this role. This committee receives complaints from the chief manager of an institution, who receives them directly from citizens. This

committee can generally decide what to investigate and when, but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

Comments:

There is no problem of not paying civil servants on time.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009

100: In the past year, no civil servants have been paid late.

75:

50: In the past year, some civil servants have been paid late.

25:

0: In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | 0

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009.

100: A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

46. Are there regulations addressing conflicts of interest for civil servants?

28

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES | **NO**

Comments:

By law, asset disclosures are filed, but never audited nor made public. Some call it Asset Concealment.

References:

Asset Disclosure Law #54/2006 Article #2:

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | **NO**

Comments:

No such provision exists in the current Civil Service Statute.

References:

Civil Service Statute #30/2007, Article #68:

http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

YES: A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES | **NO**

Comments:

No such provision exists in the current Civil Service Statute.

References:

Civil Service Statute#30/2007 Article #68

http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

YES: A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES | **NO**

Comments:

Civil Service Bylaw #30/2007 states that a public officer is prohibited from engaging in any of the following activities subject to a disciplinary penalty: to abuse his/her job for a personal advantage or benefit or for the benefit of a third party who has no right to same; or to receive or request any gifts, in kind or in specie gratuities during his/her service from any person that has relation, connection, or interest with the department but within the usual accepted standards of respect and appreciation.

See http://www.lob.gov.jo/ui/bylaws/search_no.jsp?year=2007&no=30 Article #68

References:

Civil Service Statute #30/2007

http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

YES: A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

NO: A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES | **NO**

Comments:

Asset disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request had never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Jayusi, chief of the Asset Disclosure Department, Sept. 30, 2009;

Asset Disclosure Law #54/2006 Article #7:

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

Comments:

There are no such restrictions in regulations.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Civil Service Statute #30/2007,
http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

100: The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | **25** | 0

Comments:

This bylaw (adopted by the government) neither specifies discrete borders between prohibited gifts and those within accepted standards, nor it specifies borders between bribes and gifts. Enforcement is virtually unheard of.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Civil Service Statute #30/2007,
http://www.csb.gov.jo/csbwebpage/English_Web_Page/MAIN/MAIN.HTM

100: The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | **25** | 0

Comments:

There are codes of ethics governing this issue; however, they are usually not followed.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;

Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009;

Interview with Abed Shakhanbeh, head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009.

100: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

These disclosures are audited by a judicial council only upon request of a court based on an active case. Such a request had never been put since the Law of Disclosure of Assets was adopted.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, ministry of Justice, Sept. 30, 2009;

Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;

Asset Disclosure Law #54/2006 Article #5, 7,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: Civil service asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

47. Can citizens access the asset disclosure records of senior civil servants?

0

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | NO

References:

Asset Disclosure Law #54/2006 Article #7,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2006

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

NO: A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

This is not applicable.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, ministry of Justice, Sept. 30, 2009;
Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;
Asset Disclosure Law #54/2006 Article #7,
http://www.lob.gov.jo/ujl/laws/search_no.jsp?no=54&year=2007

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

This is not applicable.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, ministry of Justice, Sept. 30, 2009;
Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009;
Asset Disclosure Law #54/2006 Article #7,
http://www.lob.gov.jo/ujl/laws/search_no.jsp?no=54&year=2007

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

Comments:

Quality of asset disclosures cannot be verified.

References:

Phone interview with Dr. Nathem Aljayusi, the head of the Asset Disclosure Department, ministry of Justice, Sept. 30, 2009; Phone interview with Hussein Alkhayleh, authorized officer of the Asset Disclosure Department, Jan 7, 2009; Asset Disclosure Law #54/2006 Article #7,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=54&year=2007

100: The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

IV-2. Whistle-blowing Measures

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

13

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

Comments:

Law of Anti-Corruption Commission #62/2006 did not provide for whistle-blower protection for cases of corruption, but it stipulated that the commission should issue a final decision on any reported case of corruption within three months. On the other hand, this law stipulates that one of the aims of the commission is to fight false accusation of individuals, thus the whistle-blower might be punished if the commission is unable to prove the case of corruption which he/she reported.

References:

Law of Anti-Corruption Commission #62/2006
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Comments:

There were no cases of recrimination or other negative consequences against employees who reported cases of corruption. In the same manner, cases of civil servants reporting corruption are very rare due to fear from expected recrimination and negative consequences.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
 Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
 Law of Anti-Corruption Commission:
[#62/2006](http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006)

100: Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

Comments:

The Law of Anti-Corruption Commission #62/2006 did not provide for whistle-blower protection for cases of corruption, but it stipulated that the commission should issue a final decision on any reported case of corruption within three months. On the other hand, this law stipulates that one of the aims of the commission is to fight false accusations against individuals; thus, whistleblowers might be punished if the commission is unable to prove the case of corruption that they reported.

References:

Law of Anti-Corruption Commission #62/2006
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Comments:

The Law of Anti-Corruption Commission #62/2006 creates conditions for indirect protection of whistle-blowers by making all information and documentation they provide secret. There were no reported cases of recrimination or other negative consequences against employees who reported cases of corruption. In the same manner, cases of private sector employees reporting corruption are very rare due to fear from expected recrimination and negative consequences. Practically, there are no means of protecting private sector employees reporting corruption from negative consequences caused by their companies.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009;
Law of Anti-Corruption Commission:
#62/2006 http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

100: Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

88

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

This task is part of the functions of the Information Department of the Anti-Corruption Commission.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The budget of the information department is part of the budget of the commission, which is funded by the government.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Usually, cases of corruption that are reported to the Anti-corruption Commission (ACC) are taken seriously and an investigation is opened. Delays due to the large number of cases that are under investigation might occur.

There has been no independent evaluation of the performance of the ACC yet because it is a relatively new institution.

References:

Interview with Abed Shakanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009;

Interview with Dr. Suhaib Momany, A lawyer and consultant, Amman Jan. 10, 2009

100: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

According to the law of the ACC, the commission has the capacity to initiate investigations. In practice, it has initiated various investigations.

References:

Interview with Abed Shakanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009;

Interview with Dr. Suhaib Momany, A lawyer and consultant, Amman Jan. 10, 2009

100: When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

100

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

YES | **NO**

Comments:

The Anti-Corruption Commission has a hot phone line and its own web portal through which it will be possible for people, including civil servants, to report corruption.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

67
IV-3. Procurement

51. Is the public procurement process effective?

33

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

YES | **NO**

Comments:

There are no clear conflict-of-interest regulations for public procurement officials; however, there are clear procedures for formation, at various levels, of public-tender committees and bidding openings.

References:

http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all

civil servants, including procurement officials.

NO: A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

YES | **NO**

Comments:

There are no such provisions in law; however, in practice, public procurement officials are trained regularly.

References:

http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | **50** | 25 | 0

Comments:

There are no clear conflict-of-interest regulations for public procurement officials. However, there is a positive culture regarding conflicts of interests in public procurement. Thus, these officials might follow general conflict-of-interest principles based on their own wish, and not all officials commit to these principles.

References:

http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

25:

0: Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

YES | **NO**

Comments:

There are no such provisions in law.

References:
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

YES | **NO**

References:
Public Work Bylaw #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987,
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

NO: A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

YES | **NO**

Comments:
The tender procedures defined in legislation may be used to limit the extent of sole sourcing, but there are no clear provisions that limit it.

References:
Public Work Bylaw #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987,
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

NO: A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

YES | **NO**

Comments:
There are no such provision in law.

References:
Public Work Bylaw #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987,
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | **NO**

Comments:

They can appeal before the Supreme Court of Justice.

References:

Supreme Court of Justice Law #12/1992,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=12&year=1994

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

NO: A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | **NO**

Comments:

There are no such provisions in law.

References:

Public Work Bylaw #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987,

http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | **75** | 50 | 25 | 0

Comments:

Such companies should be prohibited from participating in future biddings if there is a court ruling that convicts them. As far as we know, no companies have been convicted of violating the rules of public procurement; however, observers think that a company that is convicted would be prohibited from participating in future procurement bids.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

52. Can citizens access the public procurement process?

75

52a. In law, citizens can access public procurement regulations.

YES | **NO**

Comments:

There are no such provisions in law; however, all public procurement regulations are made public online.

References:

Public Work Statute #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

YES: A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

YES | **NO**

Comments:

There are no such provisions in law.

References:

Right of Access to Government Information Law #47/2007,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=47&year=2007

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | **75** | **50** | **25** | **0**

Comments:

They are published on the Internet.

References:

Public Work Statute #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

They are published on the Internet.

References:

Public Work Statute #71/1986, Government Tenders Instructions, published in the Official Gazette #3642, Mar. 1, 1987
http://www.gtd.gov.jo/gtd_v2/index.php?p=cmVndWxhdGU=

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

Usually, they are published on the Internet. However, recently, a major procurement case related to the oil industry proved that not all major public procurements are effectively publicized.

References:

http://www.menafn.com/arabic/qn_news_story_s.asp?StoryId=1093270217

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

Comments:

Citizens can access the results of public procurement bids at their personal request, through the Department of Public Procurement website, or by an SMS using the following short number: 94444.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: Records of public procurement results are publicly available through a formal process.

75:

50: Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

IV-4. Privatization

53. Is the privatization process effective?

33

53a. In law, all businesses are eligible to compete for privatized state assets.

YES | NO

Comments:

There are no such provisions in the Privatization law; privatization follows neither the Government Works statute, nor the Government tenders Regulations. Article 15a of the Privatization law only stipulates that the Privatization Commission should publish info in two daily newspapers before starting any process of privatization.

References:

Privatization Law #25/2000

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=25&year=2000

YES: A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

NO: A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | **NO**

Comments:

The Implementation of Privatization Processes Statute #80/2008, Article 10, stipulates that the privatization adviser or any of the staff should not be associated with any consulting work or activities that were incompatible with the interests of the privatization commission or any related body to the privatization process.

References:

The Privatization Law #25/2000, Article 17

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=25&year=2000

The Implementation of Privatization Processes Statute #80/2008, Article #10

http://www.lob.gov.jo/ui/Statutes/search_no.jsp?no=80&year=2008

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

NO: A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | 50 | 25 | 0

Comments:

In general, there is no culture and commitment to conflict of interest regulations.

References:

Privatization Law #25/2000, Article 17 prohibits any member of the Privatization Council or any person acting in the body to be an adviser or a member of the committee of experts related to the privatization process, or to participate directly or indirectly in the process. The ban applies to spouses and descendants of the first degree and all those who have a working relationship or benefit or property, in any way with any of those mentioned in this article.

Article 18 states that every staff member or adviser in the privatization commission has to inform its chairman of any benefit that can be derived directly or indirectly, or is the spouse or one of its subsidiaries or its assets to a third-degree or one of his brothers. Services provided by the hand of any direct or indirect relationship with the process of privatization. This should be done in writing, immediately after the implementation of any process of Privatization and begins. It also states that the president of the commission identifies the extent of the effect of this benefit on a neutrality of an adviser or staff member or expert in the process of privatization, accordingly, he has the right to exclude him from the service in the commission or from the related process.

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=25&year=2000

100: Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

54. Can citizens access the terms and conditions of privatization bids?

54a. In law, citizens can access privatization regulations.

YES | NO

Comments:

There are no such regulations in law; however, all privatization regulations are made public online.

References:

The Privatization Law #25/200, Article 17,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=25&year=2000

YES: A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

NO: A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

There is a formal advertising process but it is flawed, and the time allowed for bidders to respond to privatization ads is insufficient. Some privatization cases, such as the privatization of land of Amman Municipality, were not advertised at all.

References:

Alghad daily
<http://www.alghad.jo/index.php?news=78420>

100: There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | NO

References:

Privatization Law No (25) of 2000, Article (15): I. Before the commencement of any privatization transaction, the Commission shall publish in at least two daily newspapers and over two extended intervals the conditions of and requirements for any such privatization transaction, and at a date specified by the Council for this purpose. II. The Commission shall publish in the Official Gazette a detailed report on each privatization transaction upon its completion stating the following: 1. The name of the institution or entity which has been privatized, the method adopted, and the procedures followed. 2. Names of the financial and legal advisers and the experts who were consulted in relation to the privatization transaction in question, in addition to the names of their local agents, if any. 3. The name and address of the entity or entities with whom the privatization transaction has been

closed or the beneficiary thereof and the said entity's local agents, if any. 4. Any other information the publication of which is deemed necessary by the Chairman of the Commission.

YES: A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Regulations are published in the Official Gazette and Newspaper.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8, 2009, the National Library

100: Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Regulations are published in the Official Gazette and Newspaper. If requested, only photocopying must be paid for.

References:

Interview with Mr. Maamoon Altalhouny, the Information Commissioner, Jan. 8, 2009, the National Library

100: Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

V-1. ⁵⁹National Ombudsman

56. Is the national ombudsman effective?

57

56a. In law, the ombudsman is protected from political interference.

YES | NO

Comments:

The law doesn't provide the Ombudsman with full protection from political interference since he/she is nominated by the prime minister, and the cabinet hires him/her for a period of four years, with the possibility of a second term mandate.

References:

Office of the Ombudsman Law #11/2008, Article #8
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

YES: A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

The law of the Ombudsman Office puts restrictions on the process of removing the ombudsman. However, the ombudsman is nominated by the prime minister, hired by the cabinet for a period of 4 years, with the possibility of a second mandate. The office of Ombudsman started its activity six months ago, and it is now busy dealing basically with administrative cases — i.e. complaints related to government services and low level government officials. Such cases usually are not accompanied by political interferences. On the other hand, political interference is very common in Jordan and it appears starting from mid-level officials and going up.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009
Alghad daily,
<http://www.alghad.jo/?article=6065>

100: This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

There have been no such situations yet; however, a previous practice of a similar institution shows the possibility of removal of the head of an independent government body without relevant justification.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009

100: The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There is a shortage of employees necessary to handle the increasing number of cases and citizens' complaints to the office.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

Personal relations usually play a role in officer appointments.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

**Comments:**

All government organizations receive regular funding.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

Law of the Ombudsman Office #11/2008, Article 13 a-4,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

**Comments:**

Based on the Ombudsman Office Law, the ombudsman should submit the annual report to the prime minister, who is then responsible to provide MPs with it. It is not mentioned anywhere that reports have to be made public.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

Law of the Ombudsman Office #11/2008,

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

100: The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

The Office of the Ombudsman can issue recommendations to a government authority in response to complaints and indicate cases in the annual report submitted to the prime minister.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009
Law of the Ombudsman Office #11/2008, Article 20,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

100: The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

75:

50: The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

The Office of Ombudsman can issue recommendations to a government authority in response to complaints and indicate cases in the annual report submitted to the prime minister.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009
Law of the Ombudsman Office #11/2008, Articles 14-18,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

100: When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

The office has not submitted any report to the prime minister as indicated in its law. Related to cases, it contacts a government authority to try to find out the validity of a complaint, then sends its recommendations to this authority. Various government authorities show positive cooperation with the office.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The response time depends on the intensity of cases, the number of officers at the office, and the number of times correspondence is exchanged with the related authority. This might take up to six months or even more.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

57. Can citizens access the reports of the ombudsman?

57a. In law, citizens can access reports of the ombudsman(s).

YES | **NO**

Comments:

Reports are not made publicly accessible, but they might be requested based on the Right of Access to Government Information Law.

References:

The Right of Access to Government Information Law #47/2007 stipulates that citizens have the right to access written, recorded, and photographed government information and basic government records.

YES: A YES score is earned if all ombudsman reports are publicly available.

NO: A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The office has not issued any report yet.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The office has not issued any report yet.

References:

Interview with Abdel Elah Alkurdi, the National Ombudsman, Oct. 1, 2009

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES | **NO**

Comments:

It is the Office of the Ombudsman.

References:

Office of the Ombudsman Law #11/2008, Article #8

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=2008

YES: A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

NO: A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

V-2. Supreme Audit Institution

59. Is the supreme audit institution effective?

63

59a. In law, the supreme audit institution is protected from political interference.

YES | **NO**

Comments:

Based on the constitution, the Supreme Audit Institution is protected from political interference. However, last year, the president of the Audit Bureau was dismissed from service by the previous government in the absence of parliamentary sessions. Later he was reinstated in his position by the current government.

References:

Audit Bureau Law #28/1952

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=28&year=1952

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

Based on the constitution, the Supreme Audit Institution is protected from political interference. However, last year, the president of the Audit Bureau was dismissed from service by the previous government in the absence of parliamentary sessions. Later he was reinstated in his position by the current government.

References:

Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009;
Alrai Daily,
http://alrai.com/pages.php?news_id=176596

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

Appointments are usually based on professional criteria. However, in general, appointments to government institutions are commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties.

References:
Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan 10, 2009

100: Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

<http://www.petra.gov.jo/Artical.aspx?Lng=&Section=4&Artical=76740>;
Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009;
Audit Bureau Law #28/1952,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=28&year=1952

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

Since 2007, the Audit Bureau has submitted bimonthly reports to the cabinet, and an annual report to the lower office of Parliament. In the current year the office did not issue his annual report yet because the parliament was dissolved at the end of November 2009, and it is not definitely known when the parliamentary elections are going to be held. Usually, when submitted to parliament, the report is made public by any of MPs.

References:

Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009;
http://www.addustour.com/ViewTopic.aspx?ac=LocalAndGover200906LocalAndGover_issue609_day08_id148765.htm

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25:

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

Comments:

Audit reports are often ignored by the government, or given superficial attention. The lower house of parliament doesn't push the government to act on the findings of the Audit Bureau, so they do not lead to policy changes.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

Comments:

The Audit Bureau is allowed to conduct professional audit job of all public documentation and specify any breach of regulation in his report. No investigation could be initiated by the Bureau.

References:

Interview with Dr. Mamduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009

100: The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

75:

50: The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

25:

0: The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

60. Can citizens access reports of the supreme audit institution?

60a. In law, citizens can access reports of the audit agency.

YES | NO

Comments:

Reports are not made publicly accessible, but they might be requested based on the Right of Access to Government Information Law.

References:

The Right of Access to Government Information Law #47/2007 stipulates that citizens have the right to access written, recorded, and photographed government information and basic government records.

YES: A YES score is earned if all supreme auditor reports are available to the general public.

NO: A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

The Audit Bureau submits its reports to parliament but doesn't publish them.

References:

Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009;
 Interview with Dr. Marmud Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
 Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | **75** | 50 | 25 | 0

Comments:

The Audit Bureau submits its reports to parliament but doesn't publish them. Reports don't impose a financial burden on citizens, journalists or CSOs, who can access them for free based on personal relations.

References:

Phone Interview with Mustafa Albarary, Head of Audit Bureau, Jan. 10, 2009;
Interview with Dr. Marmduh Abbadi, an MP, head of the country's branch of Arab Parliamentarians Against Corruption, head of the Jordan Transparency Association, Oct. 11, 2009;
Interview with Dr. Mohamad Thnebat, former minister of Administration Development, Amman Jan. 10, 2009

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | **NO**

Comments:

It is the Audit Bureau.

References:

Constitution, Article 119
http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

76
V-3. Taxes and Customs

62. Is the tax collection agency effective?

100

62a. In practice, the tax collection agency has a professional, full-time staff.

References:

Phone interview with Mr. Ahamd Abul Ghanam, Assistant Director-General of the Directorate of Income and Sales Taxes, Jan. 10, 2009

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Phone interview with Mr. Ahamd Abul Ghanam, Assistant Director-General of the Directorate of Income and Sales Taxes, Jan. 10, 2009

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

65. Is the customs and excise agency effective?

100

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

Phone interview with Mr. Mohammad Alsalahat, Public Relations Director, Amman Industry Chamber, Jan. 10, 2009

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

Phone interview with Mr. Mohammad Alsalahat, Public Relations Director, Amman Industry Chamber, Jan. 10, 2009

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

61. In law, is there a national tax collection agency?

0

61. In law, is there a national tax collection agency?

YES | **NO**

Comments:

The two major tax collection agencies (the Sales Tax Department and the Income Tax Department) were unified to form the The Income and Sales Taxes Department. However, there are plenty of other government taxes that are collected by government organizations, especially the Ministry of Finance, which collects taxes also through private sector companies that provide services to public (e.g. utilities and communications.)

References:

The law of the income tax #57/1985, Article #12,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=57&year=1985, Customs Law
#20/1998 http://www.lob.gov.jo/ui/Statutes/principlesarticle_descr.jsp?no=20&year=1998

YES: A YES score is earned if there is a national agency formally mandated to collect taxes.

NO: A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

63. In practice, are tax laws enforced uniformly and without discrimination?

50

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | **50** | 25 | 0

Comments:

The collection of income tax and VAT – as an example – is subject to Wasta, i.e. favoritism and political power. Those taxes, sometimes, are arbitrarily applied to low-income segments and small enterprises and to those who are least politically influential, while other segments might enjoy significant exemptions and be overlooked in the legal accountability for tax evasion.

References:

Interview with H.E. Dr. Mamduh Abbadi, a Deputy, the first assistant of the head of chamber of deputies, Chief of the Jordan branch of Arab Parliamentarians against Corruption, President of the Jordan Transparency Association, Amman Oct. 11, 2009; Phone interview with Mr. Ahamd Abul Ghanam, Assistant Director-General of the Directorate of Income and Sales Taxes, Jan. 10, 2009

100: Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

75:

50: Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

25:

0: Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES | **NO**

Comments:

The zero customs tax policy has affected the mandate of the customs tax department, which became a sort of border security authority rather than a tax collection agency.

References:

Customs Law #20/1998

http://www.lob.gov.jo/ui/Statutes/principlesarticle_descr.jsp?no=20&year=1998

YES: A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

NO: A NO score is earned if that function is spread over several agencies, or does not exist.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

This is also subject to Wasta, i.e. favoritism and political power.

References:

Interview with H.E. Dr. Mamduh Abbadi, a Deputy, the first assistant of the head of chamber of deputies, Chief of the Jordan branch of Arab Parliamentarians against Corruption, President of the Jordan Transparency Association, Amman Oct. 11, 2009; Interview with Husein Hyasat, Head of Refah Center for Strategic Studies, Amman, Jan. 8, 2009.

100: Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

75:

50: Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

25:

0: Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

V-4. State-Owned Enterprises

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

0

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

YES | NO

Comments:

There are no such provisions in law. There are no such agencies. Most state-owned companies were privatized.

References:

Constitution

http://www.queenruler.jo/constitution_jo.html

YES: A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There are no such agencies. Most state-owned companies were privatized.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

75:

50: The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

There are no such agencies; most state-owned companies were privatized.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

There is no such mechanism in practice, and thus there are no effective investigations.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

75:

50: The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

There are no such agencies. Most state-owned companies were privatized.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

75:

50: The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

69. Can citizens access the financial records of state-owned companies?

40

69a. In law, citizens can access the financial records of state-owned companies.

YES | NO

Comments:

There are no such provisions in law.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

YES: A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

Comments:

All big companies, including state-owned ones, publish their annual financial reports.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

75:

50: State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

25:

0: Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

Comments:

The financial records of companies in which the government owns 50 percent or more of the shares are audited by the Audit Bureau. All large companies should have independent auditors audit their annual financial records according to the international accounting standards adopted in the country.

References:

Audit Bureau Law #28/1952

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=28&year=1952

Companies Law # 22/1997

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=22&year=1997

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

75:

50: Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

25:

0: State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

Comments:

The public cannot access the financial records of state-owned companies.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The public cannot access the financial records of state-owned companies.

References:

Interview with Dr. Mohamad Thnebat, former Minister of Administration Development, Amman Jan. 10, 2009

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

0

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

YES | NO

Comments:

The Jordanian Foundation for Investment, which is the government body that oversees its investments, was abolished recently. However, each state-owned company has its assigned representative by the cabinet. Thus there is no clear mechanism for overseeing state-owned companies.

References:

Law for Abolition of The Jordanian Foundation for Investment #43/2008

<http://www.lob.gov.jo/ui/laws/listall.jsp>

YES: A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several

government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

13 V-5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

69

70a. In law, anyone may apply for a business license.

YES | **NO**

References:

Companies Law # 22/1997

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=22&year=1997

YES: A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

NO: A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

YES | **NO**

Comments:

Rejected business licenses may be appealed in court.

References:

Companies Law # 22/1997

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=22&year=1997

YES: A YES score is earned if there is a formal process for appealing a rejected license.

NO: A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

Comments:

On average, citizens can obtain any necessary business license in 13 days.

References:

<http://www.doingbusiness.org/ExploreEconomies/?economyid=99#StartingBusiness>

Interview with Husein Hyasat, Head of Refah Center for Strategic Studies, Amman, Jan 8, 2009

100: Licenses are not required, or licenses can be obtained within roughly one week.

75:

50: Licensing is required and takes around one month. Some groups may be delayed up to a three months

25:

0: Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | 50 | **25** | 0

Comments:

On average it takes a cost equivalent to 49.5 percent of income per capita to obtain a business license, which imposes a major financial burden on the organization.

References:

<http://www.doingbusiness.org/ExploreEconomies/?economyid=99#StartingBusiness>

Interview with Husein Hyasat, Head of Refah Center for Strategic Studies, Amman Jan 8, 2009

100: Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

100

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | NO

References:

Environmental Protection Law #52/2006, Article #197

http://www.lob.gov.jo/ui/laws/search_no.jsp?year=2006&no=52

YES: A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | **NO**

References:

Environmental Protection Law #52/2006, Article #7
http://www.lob.gov.jo/ui/laws/search_no.jsp?year=2006&no=52

YES: A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | **NO**

References:

The Practicing of Engineering Profession Bylaw #22/1999,
http://www.lob.gov.jo/ui/bylaws/search_no.jsp?no=22&year=1999

The public investment in civil airports bylaw #12/1983
http://www.lob.gov.jo/ui/bylaws/search_no.jsp?no=12&year=1983

and others

YES: A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

50

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | **50** | 25 | 0

Comments:

Various issues regarding shortages in applying public health standards have been raised in the press.

References:

Alarab Alyawm Daily

http://www.alarabalyawm.net/pages.php?articles_id=4198

Fact International

<http://www.factjo.com/newsletterFullNews.aspx?id=1524&INo=84>

Alhadath Weekly

<http://www.alhadath.com/look/article.tpl?IdLanguage=17&IdPublication=1&NrArticle=2037&NrIssue=578&NrSection=2>

Phone interview with Mr. Isa Alshboul, the Information Adviser of the minister of Ecology, Jan. 6, 2009

100: Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

Phone interview with Mr. Isa Alshboul, the Information Adviser of the minister of Ecology, Jan. 6, 2009

100: Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

There are weaknesses in public safety planning and implementation of standards; thus, there is no master disaster plan in the country. There is a shortage in public utilities safety infrastructures and a shortage in road safety infrastructure and training, and so forth.

References:

Alghad daily

<http://www.alghad.jo/index.php/rss/King-2.swf?news=353722>

Phone interview with Mr. Isa Aishboul, the Information Adviser of the minister of Ecology, Jan. 6, 2009

100: Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

Category VI. Anti-Corruption and Rule of Law

VI-1. ⁸²Anti-Corruption Law

73. Is there legislation criminalizing corruption?

100

73a. In law, attempted corruption is illegal.

YES | **NO**

References:

Anti-Corruption Commission Law #62/2006
Article #5 defines corruption as follows: A – Crimes against the duties of the post in the Penal Law #16/1960. B – Crimes against public confidence in the Penal Law #16/1960. C – Economic crimes as defined in the Economic Crimes Law #11/1993. D – Any act or omission, to the detriment of public funds. E – Abuse of power contrary to the provisions of the law. F – Accepting of nepotism, cronyism, and favoritism which eliminate the laws. G – All acts of corruption addressed by international conventions on combating corruption that are acceded by the Kingdom.
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006.

YES: A YES score is earned if corruption laws include attempted acts.

NO: A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

YES | **NO**

Comments:

Indirect extortion is also covered by the definition of corruption in the Anti-Corruption Commission Law and the Economic Crimes Law.
Article #5 of Anti-corruption Commission Law defines corruption as follows: A – Crimes against the duties of the post in the Penal Law #16/1960. B – Crimes against public confidence in the Penal Law #16/1960. C – Economic crimes as defined in the Economic Crimes Law #11/1993. D – Any act or omission, to the detriment of public funds. E – Abuse of power contrary to the provisions of the law.

provisions of the law. F – Accepting of nepotism, cronyism, and favoritism which violate the laws. G – All acts of corruption addressed by international conventions on combating corruption that are acceded to by the Kingdom.

References:

The legal principles #312 of the penal law #16/1960
http://www.lob.gov.jo/ui/laws/principlesarticle_descr.jsp?no=16&year=1960&article_no=302&article_no_s=0;
Penal Law #16/1960 Articles 302/4, 401/1, 2/80d, and 415
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=16&year=1960:
Anti-corruption Commission Law #62/2206
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006.

YES: A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

NO: A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | **NO**

References:

The Penal Law #16/1960, Article #170
http://www.lob.gov.jo/ui/laws/search_no.jsp?year=1960&no=16

YES: A YES score is earned if offering a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

YES | **NO**

References:

The Penal Law #16/1960, Article #170
http://www.lob.gov.jo/ui/laws/search_no.jsp?year=1960&no=16

YES: A YES score is earned if receiving a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

YES | **NO**

Comments:

The law does not discriminate between bribing a Jordanian citizen and bribing a foreigner.

References:

The Penal Law #16/1960, Article #170
http://www.lob.gov.jo/ui/laws/search_no.jsp?year=1960&no=16

YES: A YES score is earned if bribing a foreign official is illegal.

NO: A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

YES | **NO**

Comments:

Law defines corruption as follows: A – Crimes against the duties of the post in the Penal Law #16/1960. B – Crimes against public confidence in the Penal Law #16/1960. C – Economic crimes as defined in the Economic Crimes Law #11/1993. D – Any act or omission, to the detriment of public funds. E – Abuse of power contrary to the provisions of the law. F – Accepting of nepotism, cronyism, and favoritism which eliminate the laws. G – All acts of corruption addressed by international conventions on combating corruption that are acceded by the Kingdom.

References:

Anti-Corruption Commission Law #62/2006, Article #5
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if using public resources for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

YES | **NO**

Comments:

The law indirectly covers the definition of corruption as follows: A – Crimes against the duties of the post in the Penal Law #16/1960. B – Crimes against public confidence in the Penal Law #16/1960. C – Economic crimes as defined in the Economic Crimes Law #11/1993. D – Any act or omission, to the detriment of public funds. E – Abuse of power contrary to the provisions of the law. F – Accepting of nepotism, cronyism, and favoritism which eliminate the laws. G – All acts of corruption addressed by international conventions on combating corruption that are acceded by the Kingdom.

References:

Anti-Corruption Commission Law #62/2006, Article #5
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if using confidential state information for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

YES | **NO**

References:

Money Laundry Law #46/2007, Articles #3,4
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=46&year=2007

YES: A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

NO: A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

YES | **NO**

References:

Law of Prevention of Terrorism #55/2006

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=55&year=2006;

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;

Anti-Corruption Commission Law #62/2006

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if organized crime is illegal.

NO: A NO score is earned if this is not illegal.

VI-2. Anti-Corruption Agency

75. Is the anti-corruption agency effective?

72

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

YES | **NO**

Comments:

Anti-Corruption Commission Law #62/2006, Article 3, stipulates that the Anti-Corruption Commission is to conduct its work freely and independently without interference, and that the commission is independent financially and administratively. However, the law doesn't include procedures or penalties in cases of political interference.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;

Anti-Corruption Commission Law #62/2006:

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

Comments:

Recent cases of corruption have generated heated debates in the press. For example, one case (involving Balqaa Applied University president and two vice presidents) was brought up then discontinued by the decision of the general prosecutor. The prosecutor didn't give any clarifications to this action or why the accused were acquitted. There have been several allegations in the press of political motivation behind the initiation and termination of this case. ACC claims that it does its job without allowing for any interference, and that the case was terminated because it lay outside the jurisdiction of the commission.

References:

Alarab Alyawn Daily #4128, Dec. 25, 2008,
http://www.alarabalyawn.net/pages.php?articles_id=6556

Interview with HE Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

Comments:

The Anti-Corruption Commission Law protects the head of the commission from removal, unless based on the placement of the council of the commission and a cabinet decision in limited situations. There is a fear that the head of the ACC could be dismissed from service, just like it happened in the case of the president of the Audit Bureau — who has a stronger legal immunity than the head of the ACC.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director(s) can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

**Comments:**

The appointment criteria don't include clear conflict-of-interest conditions.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

**References:**

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

**References:**

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

ACC intends to issue regular overall reports, but so far no reports have been issued.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;

Arabesque blog:

<http://arabesque.maktoobblog.com/1097932/%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8%D9%85%D8%A8%D8%A7%D8%B1%D9%83>

100: The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

75:

50: The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

25:

0: The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

The Anti-Corruption Commission has recently initiated independent investigations in many cases.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009;
Alghad daily:
<http://www.alghad.jo/?news=301418>

100: When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

75:

50: The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

76. Can citizens access the anti-corruption agency?

63

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;
Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

Comments:

According to the Democracy in Jordan Poll, 59 percent of respondents believe that they enjoy the freedom of opinion, and 78 percent of respondents say that they fear from security and living consequences if they criticize the government. This fact applies to the situation when a citizen intends to complain about corruption perpetrated by a high level public officer. We got no signs that whistle-blowers have been officially or unofficially punished for disclosure.

References:

Interview with Fahd Alkhitan, Alarab Alyawm Daily, Editor, Sept. 30, 2009;

100: Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

75:

50: Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES | **NO**

References:

Anti-Corruption Commission Law #62/2006
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006

YES: A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

NO: A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

78
VI-3. Rule of Law

77. Is there an appeals mechanism for challenging criminal judgments?

42

77a. In law, there is a general right of appeal.

YES | **NO**

References:

Constitution, Chapter 2, Article 17: Jordanians are entitled to address the public authorities on any personal matters affecting them, or on any matter relative to public affairs, in such a manner and under such conditions as may be prescribed by law.
http://www.kinghussein.gov.jo/constitution_jo.html.

YES: A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

NO: A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Freedom House Countries at the Crossroads" report concludes that there has been no progress on curbing these violations. In addition, defendants are often denied timely access to legal counsel. The length of trials and delays are common complaints, along with denial of counsel during interrogation.

References:

<http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=7&ccrpage=31&ccrcountry=118>

100: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

25:

0: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The cost of using the appeals mechanism is very high. In addition, attorney fees prohibit many citizens from appealing.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

78. In practice, do judgments in the criminal system follow written law?

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

Judgments in the criminal system are made according to the established legal code and conduct. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

79. In practice, are judicial decisions enforced by the state?

50

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

Comments:

There is a real problem with enforcing judicial decisions. There are examples of financial cases that were closed by courts many years ago but their decisions have not been enforced ever since.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009
Interview with Fahd Alkhitam, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

75:

50: Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

25:

0: Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

80. Is the judiciary able to act independently?

88

80a. In law, the independence of the judiciary is guaranteed.

YES | NO

References:

Constitution, Chapter 6, Article 98: Judges are independent, and in the exercise of their judicial functions they are subject to no authority other than that of the law. Article 101 (i): The courts shall be open to all and shall be free from any interference in their affairs.

Independence of Judiciary Law #15 of 2001,
http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

NO: A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

They operate independently of the political process to some extent. They are sometimes influenced in their judgments by negative and positive political incentives. Individual judgments are sometimes praised or criticized by political figures.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | NO

References:

Civil Procedures Code No/ 24 of 1988
Criminal Procedures Code #9/196,
http://www.lob.gov.jo/ui/laws/search_no.jsp?year=1988&no=24

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

YES | **NO**

References:

Judiciary Independence Law #15/2001,
http://www.lob.gov.jo/ui/laws/search_no.jsp?no=15&year=2001

YES: A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | **NO**

References:

No such cases have been reported in the press.

YES: A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES | **NO**

References:

No such cases have been reported in the press.

YES: A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

82. Do citizens have equal access to the justice system?

79

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

Comments:

They are not affected by racial or ethnic biases.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Judicial decisions are not affected by racial or ethnic bias.

75:

50: Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

Women have full access to the judicial system; this includes divorce issues. Civil courts might grant a divorce to a married couple based on an appeal. By contrast, Muslim law grants the right to divorce to one party (either the man or the woman) based on the agreement of marriage. In most agreements of marriage, this right is given to the man; however, there are cases of giving the right of divorce to the woman.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

Comments:

When the accused cannot afford lawyers in cases of crimes punishable by death, or penal servitude for life, or life imprisonment, the courts are to appoint them lawyers. In these cases, the paid fees are limited between 200-500 dinars (US\$280-705), which is a very small amount that wouldn't attract lawyers.

References:

Criminal Procedure La #6/1961

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=9&year=1961

YES: A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

NO: A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | 25 | 0

Comments:

When the accused cannot afford lawyers in cases of crimes punishable by death, or penal servitude for life, or life imprisonment, the courts are to appoint them lawyers. In these cases, the paid fees are limited between 200-500 dinars (US\$280-705), which is a very small amount that wouldn't attract lawyers.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

75:

50: State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:

0: State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

**Comments:**

The high cost is an obstacle that prevents many people from bringing legal cases.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

75:

50: In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

**Comments:**

The high cost is an obstacle that prevents many firms from bringing legal cases.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

75:

50: In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

**Comments:**

Courts are geographically distributed around the country in such a way that any citizen is located no farther than 10 kilometers from the nearest court.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts are unavailable to some regions without significant travel on the part of citizens.

VI-4. Law Enforcement

83. Is the law enforcement agency (i.e. the police) effective?

67

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | **50** | 25 | 0

Comments:

Appointments are usually based on professional qualifications. However, exceptions exist.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

25:

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

There is a problem with enforcing judicial decisions due to an increasing number of cases and interferences.

References:

Interview with Prof. Abdulrahman Tawfiq, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009
Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009
Interview with Fahd Alkhitian, Alarab Alyawm Daily, Editor, Sept. 30, 2009
Interview with Mohammad Abu Rumman, Journalist, Editor, Alghad daily newspaper, Amman, Alghad Newspaper Headquarters, Jan. 5, 2009

100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

84. Can law enforcement officials be held accountable for their actions?

88

84a. In law, there is an independent mechanism for citizens to complain about police action.

YES | NO

Comments:

The National Center for Human Rights is an independent complaint mechanism that does hear complaints from citizens about police actions.

References:

Law for The National Center for Human Right #51/2006.

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

NO: A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The entity responds to complaints quickly. Investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution very quickly.

References:

Interview with Prof. Abdulrahman Tawfig, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

YES | NO

Comments:

The Anti-Corruption Commission is the agency that investigates and prosecutes corruption committed by law enforcement officials

References:

Anti-Corruption Commission Law #62/2006

http://www.lob.gov.jo/ui/laws/search_no.jsp?no=62&year=2006.

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

NO: A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

Comments:

Investigations might be initiated based only on citizens' complaints.

References:

Interview with Prof. Abdulrahman Tawfig, a professor of Amman Alahleyyah University, a lecturer at the Jordan and the Palestinian Judiciary Institutes, Oct. 5, 2009

Interview with Dr. Suhaib Momany, a lawyer and consultant, Amman Jan. 10, 2009

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

YES | **NO**

References:

The Constitution: (i) Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion. (ii) The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians.

See http://www.kinghussein.gov.jo/constitution_jo.html

YES: A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

References:

Interview with Abed Shakhanbeh, Head of the Anti-Corruption Commission, Amman, ACC, Jan. 4, 2009

100: Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.
