

Overall Score:

57 - Very Weak

Legal Framework Score:

67 - Weak

Actual Implementation Score:

46 - Very Weak

Category 1. Non-Governmental Organizations, Public
Information and Media

1.1. ⁶³Anti-Corruption Non-Governmental Organizations

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

33

01a. In law, citizens have a right to form NGOs focused on anti-corruption or good governance.

Yes

No

Comments:

Pursuant to Article 3, a group of a minimum of seven individuals can form an NGO, provided that the founding members are Jordanian and over the age of 18, and they have not been convicted of a misdemeanor involving moral turpitude or any felony.

Article 3 states that, for the purposes of this law, "association" means any legal "person" composed of a group of people no less than seven that is registered in accordance with the provisions of this law to provide services or activities on a voluntary basis and that does not aim to make profit or achieve any personal benefit.

References:

Article 3 of the Societies Law for 2008

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. Non-governmental organizations (NGOs) are defined here as any organized group that is separate from the state working on issues of governance, transparency, and/or anti-corruption.

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.

01b. In law, anti-corruption/good governance NGOs are free to accept funding from any foreign or domestic sources.

Yes

No

Comments:

NGOs may receive foreign funding pursuant to Article 17, but this is based on a number of preconditions. For example, they must report on such funding in their annual reports; such funding is from legitimate sources and for a legitimate cause; and, if such funding is from a non-Jordanian source, they must obtain the approval of the Council of Ministers detailing the source of funding, purpose and scope. The minister/cabinet has the discretion to deny the application.

Regarding the Printing & Press Law #8/1998, Article 41, Research and Study Houses are institutions that provide and disseminate researches or consultancy on political, social, cultural, economic and humanitarian matters. Conceptually, this can create a prohibitive environment for CSOs to receive funds. In practice, however, I am unaware of any CSO/NGO that was prohibited from receiving funds for research.

References:

Article 17 of the Civil Society Law Number 51 of 2008

Yes: A YES score is earned if anti-corruption/good governance NGOs 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 any formal legal or regulatory bans on foreign or domestic funding sources for NGOs focused on anti-corruption or good governance.

01c. In law, anti-corruption/good governance NGOs are required to disclose their sources of funding.

Yes

No

Comments:

The Societies Law No. 51 requires that NGOs disclose their sources of funding through their annual report to be filed with the relevant authorities. However, this report or information is not accessible to the public without cause, such as a court order.

References:

Societies Law No. 51 for 2008

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

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

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

67

02a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance NGOs.

100 | 75 | 50 | 25 | 0

Comments:

All NGOs need to be registered with the Ministry of Social Development.

Registration of NGOs in general is becoming harder; however, this is true of all NGOs and irrespective of the purpose of the NGO, such as transparency.

References:

1. Media Reports:

ICLN Jordan Country Report

<http://www.icnl.org/knowledge/ngolawmonitor/jordan.htm>

The Political Limits to Nongovernmental Organizations in Jordan, Quintan Wiktorowicz, 2001

<http://www.sciencedirect.com/science/article/pii/S0305750X01000924>

Al Ghad Newspaper, July 25, 2011

http://www.alghad.com/index.php/afkar_wamawaqef/article/25135.html

2. Interview with Hilda Ejeilat, managing director of Jordan Transparency Center

100: NGOs 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: NGOs 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 NGO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

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

02b. In practice, anti-corruption/good governance NGOs actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

Comments:

NGOs and civil society remain largely a weak third sector and don't necessarily have the leverage or know-how to impact political decisions or the policy-making process. The involvement is minimal and the impact is nominal.

References:

1. Publications

United Nations Development Programme

<http://www.undp.org/oslocentre/docs09/LGGuide2July.pdf>

International Republican Institute

<http://www.iri.org/countries-and-programs/middle-east-and-north-africa/jordan>

European Commission

http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_jordan_en.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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

75:

50: Anti-corruption/good governance NGOs are active, but may not be relevant to political decisions or the policymaking process. Those NGOs 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 NGOs are effectively prohibited from engaging in the political process. Those NGOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

02c. In practice, no anti-corruption/good governance NGOs have been shut down by the government for their work on corruption-related issues during the study period.

Yes

No

Comments:

NGOs related to anti-corruption and good governance are not attacked by the government or shut down by the government. However, many NGOs, including NGOs related to addressing topics of anti-corruption and good governance, shut down for financial reasons, lack of available expertise or bad management but not for government interference.

References:

1. Media reports that announce the establishment of new entities to tackle anti-corruption and good governance and that pronounce the commitment of leaders to such topics

Al Ghad, Nov. 25, 2011

http://www.alghad.com/index.php/afkar_wamawaqef/article/27639.html

Al Ghad, Nov. 28, 2011

<http://www.alghad.com/index.php/article/513739.html>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

Yes: A YES score is earned if there were no NGOs 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 NGO 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 NGO's work may not be explicit, however the burden of proof here is low. If it seems likely that the NGO 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 anti-corruption/good governance NGO activists safe when working on corruption issues?

100

03a. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been imprisoned.

Yes

No

Comments:

There are not many activities in this space and most local NGOs working on anti-corruption and/or good governance are not addressing the topic against the state but focused on the economical value of anti-corruption and good governance. Therefore, there is no threat for such risks. However, if such NGOs are to address such topics politically, although there may not be a threat to their life or freedom, there may be a threat to their operation, such as not receiving any funding to be sustainable.

Laith Shbeilat is a politician and not an NGO activist.

References:

1. Local media

Al Ghad, July 25, 2011

<http://www.alghad.com/index.php/article/476890.html>

2. Hilda Ejeilat, founder and manager of Jordan Transparency Center

Yes: A YES score is earned if there were no NGO 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.

03b. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been physically harmed.

Yes

No

Comments:

Laith Shbeilat is a politician and not an NGO activist.

References:

1. Nothing of this kind has been reported by local or regional media, and nothing has been observed or heard from local official and unofficial networks such as social media.

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

Yes: A YES score is earned if there were no documented cases of NGO 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.

03c. In practice, in the past year, no anti-corruption/good governance NGO activists working on corruption issues have been killed.

Yes

No

Comments:

The death of the demonstrators at the March 2011 demonstration in Amman, although unfortunate, was a result of violence during the riots and not because they were calling for reform and anti-corruption. Several additional demonstrations have taken place and shown that violence does not erupt among the people and the government is not likely to step in and cause physical harm regardless of the subject of the protest.

References:

1. Nothing of this kind has been reported by local or regional media, and nothing has been observed or heard from local official and unofficial networks such as social media.

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

Yes: A YES score is earned if there were no documented cases of NGO 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?

04a. In law, citizens have a right to organize into trade unions.

Yes

No

Comments:

Pursuant to Article 5, any seven members or more are allowed to register a union, provided that none of the union objectives are illegal.

References:

Article 5 of Trade Union Laws for 1953

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.

04b. In practice, citizens are able to organize into trade unions.

100

75

50

25

0

References:

1. Media Sources

Trade Union Rights

<http://survey.ituc-csi.org/Jordan.html?lang=en>

Jordan Times, April 28, 2011

<http://www.jordantimes.com/?news=36942>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

1.2. Media's Ability to Report on Corruption

5. Are media and free speech protected?

100

05a. In law, freedom of the media is guaranteed.

Yes

No

Comments:

Pursuant to Articles 3 through 6, freedom of speech is protected for all Jordanians, and they are free to express their opinion through speech, written materials, videos, art and any other format. The media is also entitled to freedom of expression.

Also, by virtue of the Jordanian Constitution, freedom of speech is a right, provided that such speech is within the boundaries of the law. Such boundaries of the law are not expressed with respect to individual freedom of speech. With respect to the media, freedom of speech is based only upon public safety.

However, please note that deterioration of actual press expression and freedoms contradicts the publicly declared official attitude that there is nothing to hinder the freedom of media and communications.

There are 25 laws and pieces of legislation on the freedom of the press or media-related articles in Jordan; they include the following that can qualify as "media laws":

- Articles related to freedom of the media and press in the 1952 Jordanian Constitution.
- Law on Publications of 2003.
- Articles on the freedom of expression and opinion in the 1960 Penal Code No. 16 and its No. 9 amendment of 1988.
- The 2008 Audio-Visual Media Law.
- Law No. 47 of 2007 on Access to Information.
- Law No. 15 of 1998 on Formation of the Journalist Association.
- Articles on the freedom of the press and media in provisional Law No. 50 of 1971 on Protection of State Secrets and Documents.

References:

Articles 3 through 6 of the Media and Publication Law of 1998

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.

05b. In law, freedom of speech is guaranteed.

Yes

No

Comments:

By virtue of the Jordanian Constitution, freedom of speech is a right, provided that such speech is within the boundaries of the law. Such boundaries of the law are not set. However, based on Penal Code No. 85 of 1951, slander is prohibited and punishable.

Article 15 of the constitution states, "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."

Article 183 of the Penal Code of 1951 states that one is punished for slander.

Jordan was criticized for not allowing freedom of expression amid arrests of those calling for a boycott of the election in 2010.

A human rights group censured Jordan for imposing restrictions on opposition groups, saying the Amman government should "respect the right to free expression."

There are limitations in law that prohibit free speech with just cause, such as speech that would result in public unrest or would be considered a penal crime. However, on occasion, those legal limitations have been blurred and exceptions created, so close call.

References:

Penal Code No. 85 of 1951

Article 15 of the Jordanian Constitution

Article 183 of the Penal Code of 1951

Press TV: "Jordan Urged to Respect Expression Right": <http://www.presstv.ir/detail/147552.html>:

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?

50

06a. In practice, the government does not create barriers to form a print media entity.

100

75

50

25

0

References:

1. Local media coverage

<http://www.awgmm.net/eng/wp-content/uploads/2011/04/Elect-jordan-EN.pdf>

Arab Reporters for Investigative Journalism, May 3, 2011

<http://arij.net/en/journalists-decision-makers-discuss-barriers-freedom-information>

Women in Media

http://es.fifa.com/mm/document/afdeveloping/women/8_overcoming_cultural_barriers_55023.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

06b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

Yes

No

Comments:

Pursuant to Article 9, appeals for the denial of a license under an administrative review or process can be heard by the Higher Court of Justice.

References:

Article 9 of the Higher Court of Justice Law of 1992

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.

06c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100

75

50

25

0

Comments:

Licensing normally takes more than one year because of all the approvals required.

References:

1. Media

United Nations High Commissioner for Refugees: Freedom of the Press 2010 — Jordan
<http://www.unhcr.org/refworld/country,,FREEHOU,,JOR,,4ca5cc5c28,0.html>

International Media Support, Sept. 16, 2009
<http://www.i-m-s.dk/article/push-community-radio-jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

06d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

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

Comments:

The cost of licenses varies, depending on the license's purpose, but the fees in essence are quite high. Media related to entertainment cost substantially higher than news-related media. This is often justified because the former generates more profit from advertisement.

The score granted does express that there is a financial burden on the organization. However, this is comparable to licensing fees for other industries and for similar industry across the region. I would not go as far as considering the licenses a major financial burden or prohibitive.

References:

1. Media

United Nations High Commissioner for Refugees: Freedom of the Press 2010 — Jordan
<http://www.unhcr.org/refworld/country,,FREEHOU,,JOR,,4ca5cc5c28,0.html>

International Media Support, Sept. 16, 2009
<http://www.i-m-s.dk/article/push-community-radio-jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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

07a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

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

Comments:

To obtain a broadcast license requires jumping through several hoops and registration requirements. In addition, it requires several unofficial approvals and blessings to proceed with broadcasting anything.

References:

1. Media

United Nations High Commissioner for Refugees: Freedom of the Press 2010 — Jordan
<http://www.unhcr.org/refworld/country,,FREEHOU,,JOR,,4ca5cc5c28,0.html>

International Media Support, Sept. 16, 2009
<http://www.i-m-s.dk/article/push-community-radio-jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

07b. 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:

Pursuant to Article 9, appeals for the denial of a license under an administrative review or process can be heard by the Higher Court of Justice.

References:

Article 9 of the Higher Court of Justice Law of 1992

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.

07c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100

75

50

25

0

References:

1. Local media

2. Interview with Hassan Al Majali, public attorney with the government of Jordan

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.

07d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100

75

50

25

0

Comments:

Licensing costs vary, depending on the purpose and type of license, such as for entertainment versus news. The former is more expensive than the latter. Furthermore, licensing requires security approval and visits to several national offices.

References:

1. Media

United Nations High Commissioner for Refugees: Freedom of the Press 2010 — Jordan
<http://www.unhcr.org/refworld/country,,FREEHOU,,JOR,,4ca5cc5c28,0.html>

International Media Support, Sept. 16, 2009
<http://www.i-m-s.dk/article/push-community-radio-jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

75

08a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

Comments:

There is some but very little control on Internet information. The Internet remains freely accessible, with very few sites being restricted. This, however, is subject to service providers' regulations and not national regulations.

References:

1. Freedom House "Freedom on the Net 2011"

2. Fouad Jeryes, online media expert, D1G, interviewed on Oct. 6, 2011, at D1G offices

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.

08b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

Comments:

Citizens are free to create online content; however, there is some supervision on such content and control on content categorized as national security that may cause unrest or chaos.

References:

1. Freedom House "Freedom on the Net 2011"
2. Fouad Jeryes, online media expert, D1G, interviewed on Oct. 6, 2011, at D1G offices.

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?

42

09a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

Yes

No

Comments:

Article 191 of the Penal Code maintains that “all those found in contempt of the Parliament (Upper and Lower Houses) or its members while on duty or due to a procedure related to their mandate, official entities, courts, public administrations, army or state employees while conducting their duties or as a result of delivering on their duties shall be punishable by imprisonment of three months to two years” in spite of the fact that Jordan ratified the International Covenant on Civil and Political Rights (ICCPR) in 1962.

Article 4 of Anti-corruption Commission Law No. 62 of 2006 is only triggered in the event that such information provided is not factual. In the event the information is fact-based and not personal, the article is not applicable.

A national public opinion poll in 2009 asked: To what degree do you think that the freedom to publicly criticize the government’s decisions and policies is guaranteed in Jordan? Twenty-six percent said not at all.

References:

Freedom of speech is protected by the constitution.

Also, the Printing and Publishing Law of 1998 states that, in the event a publication publishes something that is incorrect about anyone, such person may request the editor to publish a correction or an apology in the event that it affects the public safety.

International Republican Institute: National Priorities, Governance and Political Reform in Jordan: National Public Opinion Poll No. 7 in 2009

http://www.iri.org/sites/default/files/2009-October-27-Survey-of-Jordanian-Public-Opinion_August-8-11_2009.pdf

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.

09b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100

75

50

25

0

Comments:

A study released in 2009 by the Amman-based Center for Defending Freedom of Journalists found that 43 percent of journalists admitted receiving some form of “incentive” from the government, while 94 percent said they practiced self-censorship.

References:

1. Freedom House — Jordan 2011 Country Report

<http://freedomhouse.org/report/freedom-world/2011/jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

09c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | 25 | 0

Comments:

There are reservations and supervision. This is also a pending issue pursuant to Article 23 of the draft Anti-corruption Law that stipulates that “every person or party that publicly or explicitly attaches charges of corruption to others without solid facts with the purposes of extortion, slander or defamation and character assassination will have to pay no less than JD30,000 and no more than JD60,000.”

Despite calls by press freedom advocate groups and individuals, the deputies approved the bill by 56 votes to 40. The draft law will have to be approved by the Senate before it is submitted to the king for endorsement.

References:

1. Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Pursuant to Article 11, print media companies need to submit and disclose their ownership upon registration and as may be amended from time to time to the Ministry of Trade and Industry. Such information is not considered public information but may be accessible for a justifiable cause. However, if such companies are listed companies, then their ownership structure needs to be publicly disclosed in their annual reports.

References:

Article 11 of the Companies Law of 1997

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:

Pursuant to Article 11, broadcast media companies need to submit and disclose their ownership upon registration and as may be amended from time to time to the Ministry of Trade and Industry. Such information is not considered public information but may be accessible for a justifiable cause. However, if such companies are listed companies, then their ownership structure needs to be publicly disclosed in their annual reports.

References:

Article 11 of the Companies Law of 1997

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:

With reference to professional conduct, the analysis showed that monitored press organizations (newspapers) have

demonstrated a high level of objectivity and impartiality when covering the various political actors/players.

However, in June, management changes at one of Jordan's independent newspapers were widely attributed to political pressure from the government. While there are dozens of private newspapers and magazines, the government has broad powers to close them. Jordan's only independent satellite television channel, which was often under political pressure, declared bankruptcy in August 2010. Authorities are routinely tipped off about potentially offensive articles by informers at printing presses; editors are urged to remove such material; and intelligence agents often call journalists with warnings about their writing.

References:

1. Media

Report: Media Coverage of the 2010 Parliamentary Elections in Jordan
www.awgmm.net/eng/wp-content/uploads/.../Elect-jordan-EN.pdf

Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

As for the level or impartiality and neutrality in daily press coverage of the elections, results show that 86.4 percent of the coverage was impartial in all of the five daily newspapers. Positive coverage in favor of monitored political actors was 10.6 percent, while negative coverage was 3 percent.

With reference to distribution of media coverage across political actors in visual media, the monitoring exercise revealed that candidates (as key political actors) received the largest share of coverage by the three TV stations with 62.2 percent, while other political actors such as the prime minister and ministers ranked second with 28 percent. Coverage of other actors was poor in general.

References:

1. Report: Media Coverage of the 2010 Parliamentary Elections in Jordan
www.awgmm.net/eng/wp-content/uploads/.../Elect-jordan-EN.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

There is preferential treatment for certain political parties and candidates on state-owned media outlets. This is as a result of indirect control through enabling easier access and in some cases even making it available at lower costs.

References:

1. Report: Media Coverage of the 2010 Parliamentary Elections in Jordan
www.awgmm.net/eng/wp-content/uploads/.../Elect-jordan-EN.pdf
2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center
3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

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

Yes

No

Comments:

At least one journalist was jailed in Jordan, Alaa Fazzaa. We know of a journalist who was threatened to be imprisoned. Several journalists were presented to court but not convicted.

References:

1. Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>
2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center
3. Arab News (<http://arabnews.com>), “Journalist Jailed in Jordan,” June 1, 2011, <http://arabnews.com/middleeast/article446860.ece>

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:

There has been some evidence of physical harm to such journalists, it has been questionable if they were subject to psychological harm. This can be done through being held under questioning or receiving warnings about their articles.

According to the Freedom House — Jordan 2011 Country Report:

“A study released in 2009 by the Amman-based Center for Defending Freedom of Journalists found that two journalists were held for 15 days each in February for criticizing the Jordanian intelligence service's cooperation with the CIA ...

“Authorities are routinely tipped off about potentially offensive articles by informers at printing presses, editors are urged to remove such material, and intelligence agents often call journalists with warnings about their writing.”

References:

1. Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>
2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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:

There have been no information about journalists investigating corruption being killed.

References:

1. Freedom House — Jordan 2011 Country Report

<http://freedomhouse.org/report/freedom-world/2011/jordan>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center.

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.

56
1.3. Public Requests for Government Information

12. Do citizens have a legal right to request information?

100

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

Yes

No

Comments:

Pursuant to the Law Protecting the Right to Information of 2007, Article 7, every Jordanian is entitled to receive information requested if he or she has a benefit or legitimate reason to review such information. However, Article 13 provides a long list of exceptions whereby the concerned authority may decline to provide information, such as if the information is protected by other legislation or national secrets or is private educational or medical records of personnel.

It is often the case that regulations are silent on whether particular information is accessible to the public. In application, all information is considered as confidential and inaccessible unless there is an express statement about the information being accessible.

References:

Article 7 and Article 13 of the Law Protecting the Right to Information of 2007

Yes: A YES score is earned if there is a formal right to request 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 a request for a basic government record is denied.

Yes

No

Comments:

Pursuant to Article 17 of the Law for the Protection of the Right to Access Information, the Supreme Court of Justice has the jurisdiction to review any appeal if a request for a basic government record is denied.

References:

Article 17 of the Law for the Protection of the Right to Access Information

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:

Pursuant to Articles 3 and 4, an Information Council is established of nine public representatives with the responsibility to review

requests for information and handle potential complaints and raise awareness on the right to access information.

It is often the case that regulations are silent on whether particular information is accessible to the public. In application, all information is considered as confidential and inaccessible unless there is an express statement about the information being accessible.

References:

Articles 3 and 4 of the Law Protecting the Right to Access Information of 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 to information requests effective?

29

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

100 | 75 | 50 | 25 | 0

Comments:

It can take up to a year to receive a response for information requested.

Commenting on Jordan's adoption of access to info law, Mu'ayyad Mehyar, an expert of the Danish Institute for Human Rights, considered the Jordanian experience as disappointing "to a considerable level."

References:

1. Status of Freedom of Information Legislation in the Arab World, Said Almadhoun, Feb. 6, 2010

<http://www.humanrights.dk/news/combating+%e2%80%98culture+of+secrecy%e2%80%99+in+arab+world>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center.

3. Mu'ayyad Mehyar, The Danish Institute for Human Rights, Jan. 6,

2010 <http://www.humanrights.dk/news/combating+%e2%80%98culture+of+secrecy%e2%80%99+in+arab+world>

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 information request mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Accessing information is technically free but may entail the cost of bureaucracy that can be minimal, such as filing of the request and photocopying information requested.

References:

1. Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 NGOs. 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 NGOs trying to access this information.

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

100 | 75 | 50 | 25 | 0

Comments:

Often the information is not clear or of high quality; the information provided is incomplete (parts of a file) or marked out so badly that it is unusable.

References:

1. Media

Freedom House — Jordan 2011 Country Report
<http://freedomhouse.org/report/freedom-world/2011/jordan>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

It appears that not many appeals for access to information take place, and this seems to be as a result of the lack of responsiveness by the Information Council.

References:

1. Media: Jordan's Freedom of Information Act — Any Takers? 2008

<http://www.menassat.com/?q=en/news-articles/4586-jordan-s-freedom-information-act-any-takers>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Appeals through the judicial system are timely and may be costly, which makes them inaccessible and difficult for those seeking information and certainly challenging for the average person.

References:

1. Media: Jordan's Freedom of Information Act — Any Takers? 2008
<http://www.menassat.com/?q=en/news-articles/4586-jordan-s-freedom-information-act-any-takers>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society
3. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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:

Reasons are rarely granted, and often questions regarding the denial are often postponed through a bureaucratic process.

References:

1. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 2. Elections

2.1. ³⁵Voting and Party Formation

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

Comments:

Pursuant to Article 3 of the Parliamentary Elections Law, every Jordanian who is 18 years old as of Jan. 1 of the year of election has the right to vote, provided that he or she is registered to vote in his or her constituency.

People who have been made bankrupt and have not gained their good standing cannot vote. However, if such people have rectified their legal position and are in good standing, they may vote.

References:

Article 3 of the Parliamentary Elections Law of 2010

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

Comments:

Pursuant to Article 68 of the constitution, elections should take place every four years but may be prolonged by royal decree from

the king.

Article 68 reads:

*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.

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.

* As amended in the Official Gazette No. 1476 of 16/2/1960.

References:

Article 68 of the constitution

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

Comments:

Although technically all adult citizens can vote, there is often no incentive to vote as a result of the lack of faith in the system. Also, there is no consideration for people with disabilities in terms of accessibility to voting ballots.

References:

1. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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

References:

1. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Elections should be held every four years but, pursuant to the constitution, the king may dissolve parliament sooner and accordingly request elections sooner or later as he deems fit.

A 2010 report in Al Jazeera said, "Jordan has been without a parliament since November 2009, when Abdullah dissolved a 2007 legislature and called an election two years early after press allegations about ineffectiveness and corruption among MPs."

References:

1. Al Jazeera, Jordan Loyalists Sweep Election, November 2010
<http://www.aljazeera.com/news/middleeast/2010/11/2010111011597439770.html>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

60

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

Yes

No

Comments:

Pursuant to Article 4 of the Political Parties Law, every Jordanian has a right irrespective of race to form a political party.

References:

Article 4 of the Political Parties Law of 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:

Pursuant to Article 42 of the constitution, only Jordanians may run for political office (a Jordanian citizen is an individual who carries the nationality and has a national ID number; this does not include all people born in the country). For the purpose of this indicator, political office includes members of parliament. Those prohibited from running for political office include those who are not Jordanian; claim foreign nationality or protection; were adjudged bankrupt and have not been legally discharged; were interdicted, and the interdiction has not been removed; were sentenced to a term of imprisonment exceeding one year for a nonpolitical offense and have not been pardoned; have a material interest in any contract, other than a contract or lease of land and property, with any department of government (this provision does not apply to any shareholder in a company of more than 10 members); are insane or an imbecile; or are related to the king within a degree of consanguinity to be prescribed by special law.

References:

Article 42 of the constitution

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:

Pursuant to the Political Parties Law of 2007, the registration of political parties is cumbersome. It requires 500 founding members to be established in five municipalities. They must meet certain criteria, such as being older than 21 and Jordanian for more than 10 years.

According to a U.S. Department of State report on Jordan in 2010: "The law stipulates that a political party must have a minimum of 500 founding members from five governorates. Opposition parties, including small parties dissolved in 2007 after the law's enactment, complained that the law was unconstitutional and obstructed political dynamism."

The 2011 amendment came out after the report was submitted. The number is now 250 founders, but it used to be only 50 founders, and there are other limitations such as the location of the founders.

References:

1. Political Parties Law of 2007
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society
3. 2010 Human Rights Report Jordan
<http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154464.htm>

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 limitations that exist to run for political office are often social. For example, without tribal support, certain representatives might not run for office or be discouraged to run. Also, for minorities such as women, social and cultural limitations continue to exist.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center.

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:

According to the European Forum for Democracy and Solidarity: "The Islamic opposition party, the Islamic Action Front, is not represented in parliament due to its refusal to take part in the elections.

"The opposition harshly criticizes the single nontransferable vote system, which is widely regarded as being disadvantageous to the development of political parties, as it tends to result in votes being cast for individual candidates or those who represent specific tribal groups in a district instead of those who stand for a specific political party platform."

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. European Forum for Democracy and Solidarity
<http://www.europeanforum.net/country/jordan>

3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

2.2. Election Integrity

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

0

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

Yes

No

Comments:

Pursuant to Article 24 of the Interim Elections Law, by order of the minister, there should be a committee in every constituency chaired by an administrative judge to review the elections. The committee members need to be sworn in by the minister to perform their duties with honesty and integrity.

The committees are intended to be monitoring bodies, but they do often act as executive committees. The law is not clear on this. However, this body is not an independent or effective monitoring body.

References:

Article 24 of the Interim Elections Law of 2010

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.

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:

There is no such agency or set of agencies or entities.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 or set of agencies or entities; therefore, the topic of appointments is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 or set of agencies or entities; therefore, the question about full-time staff is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

There is no such agency or set of agencies or entities; therefore, the quality of reports issued by them is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

There is no such agency or set of agencies or entities; therefore, the right to impose penalties is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

50

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

100 | 75 | 50 | 25 | 0

Comments:

The new election laws provide for a clear and transparent system of voter registration that was tried in the most recent election and proved to be more successful than earlier systems. It is a complicated but transparent system, and information related to how voter registration occurs is available.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Article 37 of the Election Law entitles candidates or their representatives to contest the process of election to the election committee, which is appointed pursuant to such law. The election committee is to be chaired by the minister of interior with five members who include one judge.

The Temporary Elections Law entitles contesting the process of election.

References:

Article 37 of the Election Law of 2010

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.

100

75

50

25

0

Comments:

After the recent legislative changes, it appears to be more possible. However, the new election law includes provisions for

complaints and appeals processes for voter registration and candidate registration, but it is silent on the issue of appealing election results. (The Temporary Elections Law, however, does entitle contesting the process of election.)

Pursuant to Article 26 of the Provisional Election Law of 2010, the constituency committee is to create polling committees from governmental employees. And pursuant to Article 39 of the law, such committees have the authority to review any objections made to them by the candidates during the counting process and make a decision; such decision is to be considered conclusive.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

There are many rumors that military personnel get involved through their civilian identity, but this has not been proven. However, military personnel are entitled to vote on a municipal level but not parliamentary level.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 overly 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 provision in the law expressly provides for or allows for monitoring elections. However, the new Elections Law of 2010 creates a supervisory committee to observe and monitor elections.

Pursuant to Article 24 of the Provisional Election Law of 2010, a committee in every municipality and constituency is created to observe and monitor the elections.

Also, according to the Al-Hayat Center for Civil Society Development, in recent elections, the National Center for Human Rights was granted approval from the Ministry of Interior to monitor elections; however, "It should be noted that, with disregard of the assurances of the prime minister and other high-level government officials, some police officers alleged being ordered by governors not to allow observers to enter the polling stations, even though the later had presented credentials provided by the Ministry of Interior."

References:

Elections Law of 2010

Statement for Monitoring the 2010 Jordanian Parliamentary Elections, Al-Hayat Center for Civil Society Development
<http://www.hayatcenter.org/NewsDetails.aspx?NID=33>

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:

According to the Al Hayat Center for Civic Society Development, in the recent elections, the National Center for Human Rights was granted approval from the Ministry of Interior to monitor elections; however, "It should be noted that, with disregard of the assurances of the prime minister and other high-level government officials, some police officers alleged being ordered by governors not to allow observers to enter the polling stations, even though the later had presented credentials provided by the Ministry of Interior."

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Al Hayat Center for Civic Society Development
<http://www.hayatcenter.org/NewsDetails.aspx?NID=33>

3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 2.3. Political Financing Transparency

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:

Pursuant to Article 18 of the Political Parties Law, political parties may accept financial contributions or donations from Jordanian individuals up to 10,000 Jordanian dinars (approximately \$14,000 in U.S. dollars).

References:

Article 18 of the Political Parties Law of 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:

Pursuant to Article 18 of the Political Parties Law of 2007, political parties may accept financial contributions or donations from Jordanian individuals but not corporations.

References:

Article 18 of the Political Parties Law of 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:

Pursuant to the Political Parties Law of 2007, political parties can spend their resources only in Jordan in a legitimate way aligned with their objectives, and such expenditures need to be announced. Also, using political party funds to achieve personal benefit to any member of such party is prohibited.

The amount provided to the party from the state budget of 50,000 Jordanian dinars, pursuant to regulation No. 89 of 2008, is intended to cover only:

Rent of the party's headquarters;

Operating expenses;

Salaries and wages of employees;

And any other expenses directly related to the achievement of the party's goals and objectives set forth in the party's mandate.

References:

Based on research, it appears that this issue is not covered in law specifically with respect to expenditures during the course of an election.

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:

An organization would need to disclose its annual budget, which would get reviewed. An individual (and most political donations are made on an individual basis) would not need to disclose an annual budget. The question, however, is about donations in general, and that covers individuals. Therefore, an individual would not need to disclose any donation to anything. Maybe the new law would change that but, to date, that is the current status.

References:

Based on research and review of relevant legislation, there appears to be no requirement to disclose donations; however, there is a tax incentive to disclose such donations.

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. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

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:

Pursuant to Article 18 of the Political Parties Law, for the purposes of the Penal Code, political parties' finances are considered public funds; therefore, they are subject to similar auditing requirements as public funds under the Audit Bureau Law. Also, Article 21 of the Political Parties Law requires every political party to file audited financial statements in the first quarter of every year.

References:

Articles 18 and 21 of the Political Parties Law of 2007

Audit Bureau Law

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:

Pursuant to Article 18 of the Political Parties Law, for the purposes of the Penal Code, political parties' finances are considered public funds; therefore, they are subject to similar auditing requirements as public funds under the Audit Bureau Law.

References:

Article 18 of the Political Parties Law of 2007

Audit Bureau Law

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 non-governmental 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:

Limits on individual donations to political candidates are not covered by law.

References:

Desk research and review of relevant legislation.

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:

Contributions to political candidates are not covered by law.

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:

Based on desk research and review of relevant legislation, it appears that there is no requirement for the disclosure of donations to individual political candidates.

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. Systems where only certain donation amounts are required to be made public (above a non-trivial amount) also earn a NO score.

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

Yes | **No**

References:

Based on desk research and review of relevant legislation, it appears that auditing of the financials of political candidates is not covered by law. However, individuals' finances would be reviewed by the taxation department for general purposes, such as income tax, and not just for political campaign purposes.

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**

References:

Based on desk research and review of relevant legislation, it appears that there is no agency or entity that monitors the financing of individual political candidates' campaigns.

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 non-governmental organizations.

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

13

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:

Limitation on corporate donations to political parties or candidates is often bypassed through incurring expenses directly instead of donating to a political party or candidate or through providing various in-kind benefits.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Limitation on corporate donations to political parties or candidates is often bypassed through incurring expenses directly instead of donating to a political party or candidate or through providing various in-kind benefits.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

The Elections Law of 2010 provides certain rules and regulations for campaigning but does not address costs.

Since limitation on donations to political parties or candidates is often bypassed through incurring expenses directly instead of donating to a political party or candidate or through providing various in-kind benefits, it is difficult to ascertain the link between limitation of political contributions and regulating a political party's ability to fund campaigns or politically related activities.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

No monitoring agency has been granted the right to initiate an audit for the financing of political parties. The Audit Bureau has the right to review annual audits and accordingly may instigate an audit. Otherwise, the Audit Bureau publishes annual reports of the financing of political parties.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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, though 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:

The Audit Bureau has the right to review annual audits; however, it has no authority to impose penalties.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

There is no legal requirement to audit contributions to political parties. Although political parties are audited, such audits have no value in tracking contributions, just expenditures.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Contributions to political candidates are not covered by law; therefore, addressing their effectiveness is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

Contributions to political candidates are not covered by law; therefore, addressing their effectiveness is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency that is required to audit individual candidates' campaigns.

The Elections Law of 2010 provides certain rules and regulations for campaigning but does not address costs.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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, though 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.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency that is required to audit individual candidate' campaigns.

The Elections Law of 2010 provides certain rules and regulations for campaigning but does not address costs. However, there is a provision for penalties for election crimes that covers crimes related to the election process and not campaigning expenditures.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

The finances of individual candidates' campaigns may be audited as individual finances and, therefore, have no value in tracking contributions. However, as a result of Regulation No. 89 of 2008 regarding the financing of political parties, political parties' financial statements have and will be audited.

References:

1. Local media

<http://www.watanynews.com/permalink/5526.html>
http://archive.alrai.com/pages.php?news_id=310732

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

0

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

100 | 75 | 50 | 25 | 0

Comments:

Political parties provide an audited annual report to the Ministry of Internal Affairs; however, such reports are not available to the public.

References:

1. Local media

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 regular withheld from public disclosure.

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

100 | 75 | 50 | 25 | 0

Comments:

The financial records of political parties are inaccessible; therefore, the reasonableness of time is not an issue.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

The financial records of political parties are inaccessible; therefore, the reasonableness of cost is not an issue.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 NGOs. 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 NGOs 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:

The financial records of political parties are inaccessible; therefore, the quality is not an issue.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

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

Comments:

Individual political candidates are not required to disclose data relating to financial support and expenditures; therefore, there is no need to address whether it is within a reasonable amount of time.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 regular 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

Comments:

Such information is not available and, therefore, is inaccessible within a reasonable time period.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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

Comments:

Such information is not available; therefore, accessing it at a reasonable cost is a moot point.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 NGOs. 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 NGOs trying to access this information.

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

100 | 75 | 50 | 25 | 0

Comments:

Such records are not accessible.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

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 3. Government Conflicts of Interest Safeguards & Checks and Balances

3.1. ⁴³Conflicts of Interest Safeguards & Checks and Balances: Executive Branch

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

100

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

Yes

No

Comments:

Pursuant to Article 17 of the constitution, "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."

Also, Article 102 of the constitution states, "Citizens can take recourse in various courts depending on the type of infringement. The Civil Courts in the Hashemite Kingdom of Jordan shall have jurisdiction over all persons in all matters, civil and criminal, including cases brought by or against the government, except those matters in respect of which jurisdiction is vested in Religious or Special Courts in accordance with the provisions of the present constitution or any other legislation in force."

References:

Articles 17 and 102 of the constitution

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.

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

31

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

100 | 75 | 50 | 25 | 0

Comments:

Increasingly, the chief executive provides explanations for decisions made.

References:

1. Local media

<http://www.moj.gov.jo/tabid/134/default.aspx>

<http://www.ahewar.org/debat/show.art.asp?aid=111934>

<http://www.adaleh.info/>

[http://www.lawjo.net/vb/showthread.php?14268-](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

[-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

[-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Members of the judiciary can question the constitutionality of actions of the executive when a case is being brought to their attention. However, they are not entitled to review actions of the executive at their own will.

References:

1. Local media

<http://www.moj.gov.jo/tabid/134/default.aspx>

<http://www.ahewar.org/debat/show.art.asp?aid=111934>

<http://www.adaleh.info/>

[http://www.lawjo.net/vb/showthread.php?14268-](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

[a](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Increasingly, the public is questioning the constitutionality of some decisions of the executive branch and, accordingly, enabling the judiciary to review such actions.

References:

1. Local media

<http://www.moj.gov.jo/tabid/134/default.aspx>

<http://www.ahewar.org/debat/show.art.asp?aid=111934>

<http://www.adaleh.info/>

[http://www.lawjo.net/vb/showthread.php?14268-](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

[a](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 may 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.

100 | 75 | 50 | 25 | 0

Comments:

Such executive orders have been under extensive scrutiny and, accordingly, are being increasingly monitored. The Jordan Times reported on Dec. 21, 2011: "Between June and October, the Samir Rifai government issued 32 temporary laws ..."

References:

1. Local media

<http://www.jordantimes.com/index.php?news=32193>
<http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121>

2. European Forum for Democracy and Solidarity

<http://www.europeanforum.net/country/jordan>

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?

50

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

Yes

No

Comments:

Pursuant to Article 30 of the constitution, the head of the state, the king, is immune from any liability. However, Article 55 of the constitution says the prime minister and ministers may be prosecuted for crimes they commit in the performance of their duties.

Article 30 of the constitution states: The king is the head of the state and is immune from any liability and responsibility.

Article 55 of the constitution states: Ministers shall be tried by a high tribunal for offenses that may be attributed to them in the course of the performance of their duties.

References:

Article 30 of the constitution

Article 55 of the constitution

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:

Article 55 of the constitution gave parliament the authority to indict government ministers and established the Higher Council that tries ministers for offenses resulting from them assuming their duties.

The law is clear that ministers can be tried in law. In practice, it is normally very difficult to do so. However, several ministers and people on a ministerial level have been taken to trial over the past few months.

References:

Article 55 of the constitution

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?

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

Yes | No

Comments:

Pursuant to Article 2 of the Asset Disclosure Law, members of government are subject to regular disclosure of assets and, pursuant to Article 5 of the law, they need to file an asset disclosure form within three months of their appointment, and this extends to their spouse and minor children. Such disclosure forms need to be resubmitted after members of government complete two years in their post. This applies to all ministers but not the king.

References:

Articles 2 and 5 of the Asset Disclosure Law of 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

Comments:

Pursuant to Article 2 of the Asset Disclosure Law, ministerial-level officials are subject to regular disclosure of assets and, pursuant to Article 5 of the law, they need to file an asset disclosure form within three months of their appointment, and this extends to their spouse and minor children. Such disclosure forms need to be resubmitted after they complete two years in their post.

References:

Articles 2 and 5 of the Asset Disclosure Law of 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:

The Penal Code of 1960 addresses the improper receipt of gifts and hospitality if there is an intent to give or receive such gifts for improper use of authority.

Article 170 of the Penal Code provides:

Every public official and person charged with a public service either by means of an election or an appointment or selected for an official task such as an arbitrator or expert who has accepted for himself or someone else a gift or a promise or a benefit of any nature to perform a certain act by virtue of his job is punishable by imprisonment from six months to two years and fined from 10 Jordanian dinars to 200 Jordanian dinars (unofficial translation).

Article 171:

1. Every person from those above mentioned that requested or accepted for himself or someone else a gift or promise or any other benefit to perform a certain act or to refrain from performing it by virtue of his job is punishable by imprisonment from one year to three years and fined from 20 Jordanian dinars to 200 Jordanian dinars.

2. An attorney is equally punishable if he does the above (unofficial translation).

References:

The Penal Code of 1960

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:

Pursuant to the Asset Disclosure Law of 2006, asset disclosure forms remain sealed unless a complaint is lodged against someone with sufficient evidence. Upon receipt of such complaint with sufficient evidence, the head of the Court of Cassation opens the sealed envelopes and reviews the asset disclosure forms. If he or she sees that such a complaint has merit, the disclosure forms and all related evidence are submitted to a review committee of judicial members.

References:

Asset Disclosure Law of 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:

If a code of conduct does exist, it nevertheless does not constitute the status of a law, which is what the question addresses.

References:

Based on research and review of legislation, this is not addressed by law; however, in practice there appears to be no restrictions.

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**

References:

Based on research and since, pursuant to law, there are no restrictions, addressing the effectiveness of such laws is not applicable.

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:

Regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Gifts are often accepted to influence decisions.

References:

1. Local media sources

<http://www.fcpablog.com/blog/tag/jordan>
<http://www.jordannationalmovement.com/humanrightsissues.htm>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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:

Pursuant to the Asset Disclosure Law of 2006, asset disclosure forms remain sealed unless a complaint is lodged against someone with sufficient evidence. Upon receipt of such complaint with sufficient evidence, the head of the Court of Cassation opens the sealed envelopes and reviews the asset disclosure forms. If he or she sees that such a complaint has merit, the disclosure forms and all related evidence are submitted to a review committee of judicial members.

References:

Based on research and since, pursuant to law, no independent or regular auditing is required of asset disclosure forms by law, addressing whether they are audited is inapplicable.

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:

Pursuant to the Asset Disclosure Law of 2006, all asset disclosure forms remain sealed unless a complaint with merit has been lodged and then a specific procedure is followed.

References:

Asset Disclosure Law of 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

References:

Based on research and since, pursuant to law, this is not a right, addressing the access of information in a reasonable time is not applicable.

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

References:

Based on research and since, pursuant to the law, this is not a right, addressing the reasonableness of cost is not applicable.

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 NGOs. 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 NGOs trying to access this information.

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

100 | 75 | 50 | 25 | 0

References:

Based on research since, pursuant to the law, it is not a right to review the asset disclosure forms, addressing their quality is not applicable.

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.

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

50

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

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

Comments:

Although they are technically kept separate, decisions and actions may be influenced.

For example, "The Jordan Times" reports: "The government on Wednesday brushed off accusations that it has placed pressure on the Lower House to endorse the Anti-Corruption Commission (ACC) draft law as referred from the executive branch."

References:

1. Local media

<http://www.jordannationalmovement.com/humanrightsissues.htm>

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

3. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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.

3.2. Conflicts of Interest Safeguards & Checks and Balances: Legislative Branch

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:

Based on research, laws passed by the legislature, pursuant to Article 93 of the constitution, require only the king's approval.

References:

Article 93 of the constitution

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.

100

75

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25

0

Comments:

The Supreme Court has a right not to apply any legislative articles that it deems unconstitutional. However, the Supreme Court does not in and of itself have the right to review laws passed.

References:

Based on research, constitutionally, the judiciary is not entitled to review laws passed by the legislature.

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:

Members of the national legislature are not exempt from being subject to criminal proceedings. However, pursuant to Article 86 of the constitution, no member of the national legislature may be detained or tried during the sessions of the National Assembly unless the house to which he belongs decides by an absolute majority that there is sufficient reason for his detention or trial or he was arrested in the act of the crime.

References:

Article 86 of the constitution

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?

29

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

Yes

No

Comments:

Pursuant to Article 2 of the Asset Disclosure Law of 2006, members of the national legislature are subject to such law and, pursuant to Article 5, they need to file an asset disclosure form within three months of their appointment and this extends to their spouse and minor children. Such disclosure forms also need to be resubmitted after completing two years in their post.

References:

Articles 2 and 5 of the Asset Disclosure Law of 2006

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

References:

Based on research, the law does not address this point. In practice, no limitations have been seen.

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:

The Penal Code of 1960 addresses the improper receipt of gifts and hospitality if there is an intent to give or receive such gifts for improper use of authority.

Article 170 of the Penal Code provides:

Every public official and person charged with a public service either by means of an election or an appointment or selected for an official task such as an arbitrator or expert who has accepted for himself or someone else a gift or a promise or a benefit of any nature to perform a certain act by virtue of his job is punishable by imprisonment from six months to two years and fined from 10 Jordanian dinars to 200 Jordanian dinars (unofficial translation).

Article 171:

1. Every person from those mentioned above who requested or accepted for himself or someone else a gift or promise or any other benefit to perform a certain act or to refrain from performing it by virtue of his job is punishable by imprisonment from one year to three years and fined from 20 Jordanian dinars to 200 Jordanian dinars."

2. An attorney is equally punishable if he does the above (unofficial translation).

References:

Penal Code of 1960

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:

Pursuant to the Asset Disclosure Law of 2006, asset disclosure forms remain sealed unless a complaint is lodged against someone with sufficient evidence. Upon receipt of such complaint with sufficient evidence, the head of the Court of Cassation opens the sealed envelopes and reviews the asset disclosure forms. If he or she sees that such a complaint has merit, the disclosure forms and all related evidence are submitted to a review committee of judicial members.

References:

Asset Disclosure Law of 2006

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:

Based on research and since, pursuant to law, there are no regulations governing post-government employment, addressing the effectiveness of such restrictions is inapplicable.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Such regulations are rarely or never enforced. Gifts are often accepted in return for favors or promises.

References:

1. Local media

<http://www.moj.gov.jo/tabid/134/default.aspx>

<http://www.ahewar.org/debat/show.art.asp?aid=111934>

<http://www.adaleh.info/>

[http://www.lawjo.net/vb/showthread.php?14268-](http://www.lawjo.net/vb/showthread.php?14268-%D8%A7%D9%84%D9%82%D9%80%D9%80%D9%80%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86&p=133121)

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2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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:

Based on research and pursuant to the Asset Disclosure Law of 2006, asset disclosure forms are not required to be audited.

References:

1. Asset Disclosure Law of 2006
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Pursuant to Article 5 of the Asset Disclosure Law of 2006, asset disclosure forms remain sealed unless a complaint that has merit is lodged.

References:

Article 5 of the Asset Disclosure Law of 2006

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, non-governmental 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

References:

Based on research and since, pursuant to the law, this is not a right, addressing the reasonableness of time is not applicable.

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

References:

Based on research and since, pursuant to the law, this is not a right, addressing the reasonableness of cost is not applicable.

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 NGOs. 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 NGOs 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

References:

Based on research and since, pursuant to the law, reviewing the asset disclosure forms is not a right, addressing their quality is not applicable.

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?

75

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

Yes

No

Comments:

Pursuant to Article 85 of the constitution, sessions of the houses of parliament are public unless specifically requested to be otherwise. Accordingly, records of processes are accessible, pursuant to the Right to Information Law of 2007.

References:

Article 85 of the constitution

Right to Information Law of 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:

It is difficult to obtain such records, and it is limited to people with authority, such as personnel from the legislative authorities, lawyers, etc.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

When the records are accessible, they are available at the cost of photocopying.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 NGOs. 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 NGOs trying to access this information.

34 3.3. Conflicts of Interest Safeguards & Checks and Balances: Judicial Branch

36. Are judges appointed fairly?

50

36a. In law, there is a transparent procedure for selecting national-level judges.

Yes

No

Comments:

Pursuant to the Independence of the Judiciary Law of 2001, there is a formal process for selecting national level judges; however, such selection is managed by a committee from the judiciary and is not open to the public. The appointment of judges is based on nomination from the minister with guidance from the Judicial Council and appointment by royal decree.

References:

Independence of the Judiciary Law of 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:

There is increasing scrutiny of the appointment of national judges and, accordingly, professional criteria for the selection has been gradually improved and practiced.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. European Forum for Democracy and Solidarity
<http://www.europeanforum.net/country/jordan>
3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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

Comments:

Pursuant to the Independence of the Judiciary Law of 2001, the confirmation process is conducted by the Judicial Council and the Ministry of Justice.

References:

Independence of the Judiciary Law of 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:

Pursuant to the Civil Procedures Law of 1988, judiciary members are required to give reasons for their decisions.

References:

Civil Procedures Law 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:

Pursuant to the Civil Procedures Law of 1988, judges are required to provide reasons for their decisions.

References:

Civil Procedures Law of 1988

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:

Pursuant to the Independence of Judiciary Law of 2001, the Judiciary Council is also a disciplinary agency.

References:

Independence of Judiciary Law of 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

Comments:

Pursuant to Article 3 of the Independence of the Judiciary Law of 2001, the judiciary is independent.

References:

Article 3 of the Independence of the Judiciary Law of 2001

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 may be initiated subject to need and on a review basis.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Although there are few cases of this sort, judiciary members can be suspended from service if they are deemed to have acted unethically or inappropriately to their post.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

39

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

Yes

No

Comments:

Pursuant to Article 2 of the Asset Disclosure Law of 2006, members of the judiciary are subject to the provisions of such law and are accordingly required to submit asset disclosure forms.

References:

Article 2 of the Asset Disclosure Law of 2006

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:

The Penal Code of 1960 addresses the improper receipt of gifts and hospitality if there is an intent to give or receive such gifts for improper use of authority.

Article 170 of the Penal Code provides:

Every public official and person charged with a public service either by means of an election or an appointment or selected for an official task such as an arbitrator or expert who has accepted for himself or someone else a gift or a promise or a benefit of any nature to perform a certain act by virtue of his job is punishable by imprisonment from six months to two years and fined from 10 Jordanian dinars to 200 Jordanian dinars (unofficial translation).

Article 171:

1. Every person from those mentioned above who requested or accepted for himself or someone else a gift or promise or any other benefit to perform a certain act or to refrain from performing it by virtue of his job is punishable by imprisonment from one year to three years and fined from 20 Jordanian dinars to 200 Jordanian dinars.

2. An attorney is equally punishable if he does the above" (unofficial translation).

References:

The Penal Code of 1960

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:

Pursuant to the Asset Disclosure Law of 2006, asset disclosure forms remain sealed unless a complaint is lodged against someone with sufficient evidence. Upon receipt of such complaint with sufficient evidence, the head of the Court of Cassation opens the sealed envelopes and reviews the asset disclosure forms. If he or she sees that such a complaint has merit, the disclosure forms and all related evidence are submitted to a review committee of judicial members.

References:

Asset Disclosure Law of 2006

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:

Based on research and review of relevant legislation, it appears that this issue is not covered by law. Also, in practice there appear to be no restrictions.

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

References:

Based on research and since, pursuant to law, there are no regulations restricting post-government private sector employment for national-level judges, addressing the effectiveness of such regulations is not applicable.

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:

Because of the increased supervision of the judiciary and civil service by laws enacted in 2007, gifts and hospitality offered to the judiciary are limited and provisions governing such behavior are in practice enforced.

References:

1. Media

Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

3. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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:

Based on research and legislative review and since, pursuant to the Asset Disclosure Law of 2006, asset disclosure forms are not required or supposed to be audited, asking whether they are audited is a moot point.

References:

Asset Disclosure Law of 2006

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:

Pursuant to the Asset Disclosure Law of 2006, all asset disclosure forms remain sealed unless a complaint with merit has been lodged, and then a specific procedure is followed.

References:

Asset Disclosure Law of 2006

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

References:

Based on research and review of legislation and since, pursuant to the law, access to such records is not a right, addressing the reasonableness of time is not applicable.

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

References:

Based on research and review of legislation and since, pursuant to the law, access to such records is not a right, addressing the reasonableness of cost is not applicable.

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 NGOs. 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 NGOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

References:

Based on research and review of legislation and since, pursuant to the law, access to such records is not a right, addressing the quality is not applicable.

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.

3.4. Budget Process Oversight & Transparency

40. Can the legislature provide input to the national budget?

58

40a. In law, the legislature can amend the budget.

Yes | No

Comments:

Pursuant to Article 112 of the constitution, the legislature must review and vote on the General Budget Law.

References:

Article 112 of the constitution

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.

100 | 75 | 50 | 25 | 0

Comments:

Although legislative powers are limited to the approval of the annual budget, significant public expenditures require legislative approval; otherwise required licensing and associated activities are not approved by the legislature.

The annual budget is not approved only in aggregate form. Any expenditure line may be reviewed in detail as the government requires or deems necessary. It does not happen often, but that is the government's prerogative.

References:

1. Media

<http://www.jordantimes.com/index.php?news=35461>

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption

http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

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:

The legislature may be overwhelmed by the workload required for budgetary reviews; however, this is managed with the aid of the Audit Bureau to increase capacity and support.

References:

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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?

8

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

Comments:

The government prepares the budget, and the parliament debates it. However, occasionally temporary budget laws are allowed through endorsement by the king in the event of parliament being dissolved.

References:

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

100 | 75 | 50 | 25 | 0

Comments:

This is not a matter open for public debate and is only to be debated by parliament if present.

References:

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenu/Jordan_Study_En.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

100: Citizens, usually acting through NGOs, 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 NGOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or NGOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

Comments:

Itemized budget allocations are not made available to the public; only gross budget information is made publicly available.

References:

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenu/Jordan_Study_En.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

100: Citizens, journalists and NGOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and NGOs 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.

42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42a. In law, is there a separate legislative committee which provides oversight of public funds?

Yes

No

References:

Finance Committee of the Lower House of Parliament.

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).

43. Is the legislative committee overseeing the expenditure of public funds effective?

25

43a. In practice, department heads regularly submit reports to this committee.

100

75

50

25

0

Comments:

Reports submitted to the Audit Bureau are not of high quality, providing limited value for the purpose of transparency and accountability.

References:

2. Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Most committee members are from the ruling party with little leverage by other members.

References:

Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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 committee does not have authority to instigate investigations on its own. It may only raise concerns about irregularities and question the concerned parties about them.

References:

Transparency in Revenues Project; Jordanian Case Study: Arab Region Parliamentarians Against Corruption
http://www.arpacnetwork.org/arpdocs/transparency_in_revenue/Jordan_Study_En.pdf

Meeting with attorney Muath Walid Abu Dalu

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.

Category 4. Public Administration and Professionalism

4.1. ⁵²Civil Service: Conflicts of Interest Safeguards and Political Independence

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

100

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

Yes

No

Comments:

Pursuant to Article 4 of the Civil Service Bylaws of 2007, civil service is based on the following principles and values:

1. Equal opportunity through nondiscrimination on the basis of sex, race, religion or social status;
2. Merit-based selection process for appointment;
3. Justice and equal opportunities in the treatment of employees regarding their rights, duties and functional responsibilities;

4. Transparency and accountability;
5. Efficiency in performance to provide an outstanding service to citizens.

Also, Article 68 of the Civil Services Bylaws prohibits civil servants from taking personal advantage of their posts and, therefore, they are always required to be impartial and somewhat independent.

References:

Article 4 of the Civil Service Bylaws of 2007

Article 68 of the Civil Services Bylaw

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:

Pursuant to Article 4 of the Civil Service Bylaws of 2007, civil service is based on the following principles and values:

1. Equal opportunity through nondiscrimination on the basis of sex, race, religion or social status;
2. Merit based-selection process for appointment;
3. Justice and equal opportunities in the treatment of employees regarding their rights, duties and functional responsibilities;
4. Transparency and accountability;
5. Efficiency in performance to provide an outstanding service to citizens.

Also, Article 68 of the Civil Services Bylaws prohibits nepotism, cronyism and patronage within the civil service.

Furthermore and for the purpose of clarity, the Anti Commission Law of 2006 specifies that, for the purpose of such law, the definition of corruption entails the abuse of power contrary to the provisions of the law and the acceptance of nepotism and favoritism, among others.

References:

Article 4 of the Civil Service By Laws of 2007

Anti Commission Law of 2006

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:

Pursuant to Articles 161 to 165 of the Civil Services Bylaws of 2007, civil servants can take grievances regarding civil service management actions. Such grievances can be filed directly with the Minister of Justice for review. The grievances are handled by several committees, depending on the type and degree of grievance.

References:

Articles 161 to 165 of the Civil Services Bylaws of 2007

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

Comments:

Pursuant to the Civil Service Bylaws of 2007, civil servants convicted of corruption would be fired from government employment and may not be reappointed in any government employment. However, with the consent of the chief of staff, such employee may reapply. (Note that all documents related to employees' previous employment are required to be kept on file.)

References:

Pursuant to the Civil Service Bylaws of 2007

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?

56

45a. In practice, civil servants are protected from political interference.

Comments:

Although there is a noticeable shift toward accountability with new representatives and an increasing youth representation, the cultural notion of nepotism and favoritism continues to exist, creating a form of political interference.

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Meeting with attorney Muath Walid Abu Dalu

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.

Comments:

Although there is a professional criteria set out and appointment guidelines, most appointments through the Civil Service Bureau occur as a result of social connections with disregard to meritocracy.

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Meeting with attorney Muath Walid Abu Dalu

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:

Cultural and social pressures play a large part in management decisions such as hiring and appointing people.

References:

1. Local media

<http://www.adaleh.info/>
<http://www.freedomhouse.org/template.cfm?page=174>

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

3. Meeting with attorney Muath Walid Abu Dalu

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:

Although there are clear job descriptions laid out on paper, a lot of job descriptions are outdated and remain obscure in terms of accountability obligations and transparency.

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

3. Meeting with attorney Muath Walid Abu Dalu

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.

100 | 75 | 50 | 25 | 0

Comments:

1. Ministers are not subject to civil servant bylaws and, therefore, not technically considered civil servants.

2. Regarding public organizations, or state-owned enterprises: These are registered businesses and, accordingly, their employees are not considered civil servants.

References:

1. Based on research, this is a matter that is regulated by the Civil Service Bylaws of 2007, which stipulate the ratio of bonuses to total pay.

2. Meeting with attorney Muath Walid Abu Dalu

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.

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

Comments:

Many civil service positions are filled internally or through a process of favoritism and nepotism. However, the Civil Service Bureau does publish positions on its website on an irregular basis.

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

2. Meeting with attorney Muath Walid Abu Dalu

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.

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

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:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

2. Meeting with attorney Muath Walid Abu Dalu

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

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

2. Meeting with attorney Muath Walid Abu Dalu

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

Comments:

If civil servants are convicted of corruption, they are fired but may reapply. However, convictions rarely stand; therefore, many civil servants suspected of corruption remain employed.

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>

2. Meeting with attorney Muath Walid Abu Dalu

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?

22

46a. In law, senior members of the civil service are required to file an asset disclosure form.

Yes | No

Comments:

Pursuant to Article 2 of the Asset Disclosure Law of 2006, senior members of the civil service are subject to the provisions of such law and are accordingly required to submit asset disclosure forms.

References:

Article 2 of the Asset Disclosure Law of 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:

Pursuant to the Civil Service Bylaws of 2007, with respect to policy decisions, civil servants are not required to recuse themselves. However, with respect to disciplinary or grievance committees, civil servants are required to recuse themselves from such committees where their personal interests may be affected.

References:

Civil Service Bylaws of 2007

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

References:

Based on research and review of relevant regulations, it appears that the law does not address this issue.

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:

Article 170 of the Penal Code provides:

Every public official and person charged with a public service either by means of an election or appointment or selected for an official task such as an arbitrator or expert who has accepted for himself or someone else a gift or a promise or a benefit of any nature to perform a certain act by virtue of his job is punishable by imprisonment from six months to two years and fined from 10 Jordanian dinars to 200 Jordanian dinars (unofficial translation).

Article 171:

1. Every person from those mentioned above who requested or accepted for himself or someone else a gift or a promise or any other benefit to perform a certain act or to refrain from performing it by virtue of his job is punishable by imprisonment from one year to three years and fined from 20 Jordanian dinars to 200 Jordanian dinars."
2. An attorney is equally punishable if he does the above" (unofficial translation).

References:

The Penal Code of 1960 addresses the improper receipt of gifts and hospitality if there is an intent to give or receive such gifts for improper use of authority.

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:

Pursuant to the Asset Disclosure Law of 2006, asset disclosure forms are not required or supposed to be audited. All asset disclosure forms remain sealed unless a complaint with merit has been lodged, and then a specific procedure is followed.

References:

Asset Disclosure Law of 2006

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.

100 | 75 | 50 | 25 | 0

References:

Based on research and, since the law does not restrict post-government private sector employment for civil servants, the effectiveness of such regulations is a moot point.

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:

Regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept gifts or in-kind gifts for favors and personal benefit.

References:

1. Local Media

<http://www.ahewar.org/debat/show.art.asp?aid=111934>
<http://www.adaleh.info/>

2. Phone interview with Hilda Ejeilat, managing director and founder of Jordan Transparency Center

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

References:

Based on research and review of relevant legislation, recusal of civil servants from policy decisions affecting personal interests are not required by law; therefore, addressing their effectiveness is a moot point.

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:

Addressing whether asset disclosure forms of civil servants are actually audited would be in breach of legislation unless there is a claim against such civil servant. Accordingly, no reference is to be found.

References:

Based on research and review of regulations, pursuant to the Asset Disclosure Law of 2006, asset disclosure forms are not required or supposed to be audited.

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:

Pursuant to the Asset Disclosure Law of 2006, all asset disclosure forms remain sealed unless a complaint with merit has been lodged, and then a specific procedure is followed.

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

References:

Based on research and since, pursuant to the law, this is not a right, addressing the timeliness is not applicable.

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

References:

Based on research and since, pursuant to the law, this is not a right, addressing the reasonableness of cost is not applicable.

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 NGOs. 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 NGOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

References:

Based on research and since, pursuant to the law, this is not a right, addressing the quality of such reports is not applicable.

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.

4.2. Whistle-blowing Protections

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

19

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:

It is worth noting that not only is there no protection to anyone submitting a claim of corruption, pursuant to the Anti-Corruption Commission Law of 2006, any claims of corruption that are found to be false impose a punishment on the person submitting the claim.

References:

Based on research and review of relevant regulations, there appears to be no protective provisions in the law for civil servants who report cases of corruption, graft, abuse of power or abuse of resources.

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.

100

75

50

25

0

Comments:

Since there are no protective laws for people submitting a claim of corruption to date, there has not been any whistle-blowing reported.

References:

1. Local media

<http://www.jordantimes.com/?news=41751&searchFor=whistle%20blowing>
<http://www.jordantimes.com/index.php?news=32193>

2. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

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

References:

Based on research and review of relevant regulations, it appears that there are no protective provisions in the law for private sector employees who report cases of corruption, graft, abuse of power or abuse of resources.

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.

100

75

50

25

0

Comments:

The only protection warranted to private sector employees is that all information provided is kept confidential; however, there are no additional protective provisions for people submitting a claim of corruption.

References:

1. Local media

<http://www.jordantimes.com/?news=41751&searchFor=whistle%20blowing>
<http://www.jordantimes.com/index.php?news=32193>

2. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

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.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

0

49a. 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:

Pursuant to the Anti-Corruption Commission Law of 2006, there is no requirement for a hotline or email address through which civil servants can report corruption; however, in practice, there is a phone line and website through which cases of corruption can be reported.

Details of the phone line can be found on the Anti-Corruption Commission's website: <http://www.jacc.gov.jo>

Also, the commission prepared a draft law, amending the Anti-Corruption Commission Law, which included reference to several matters concerning the law enforcement powers that are granted to the commission, as well as certain articles dealing with the issue of encouraging whistle-blowers and informants to report cases of corruption and providing the required protection for them as well as material assistance for them and their families.

References:

Anti-Corruption Commission Law of 2006

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.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

In practice, the internal reporting mechanism has limited but professional, full-time staff. The existing staff cannot always handle the workload effectively,

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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 internal reporting mechanism is part of the Anti-Corruption Commission and therefore is funded from the government.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

When first established, the Anti-Corruption Commission was under a lot of pressure to address all claims in a timely manner. Excessive claims have resulted in continuous delays in reviewing claims and, in some instances, claims can take more than two months to review.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

Where possible, the Anti-Corruption Commission will instigate its own investigations into irregularities, subject to the resources being available. There are investigations taking place, and several cases have been brought forward with the public prosecutor as a result. No commission can handle all investigations.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

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.

29

4.3. Government Procurement: Transparency, Fairness, and Conflicts of Interest Safeguards

51. Is the public procurement process effective?

53

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

Yes

No

References:

Public procurement of all government departments is regulated by the General Supplies Department of the Ministry of Finance (Supply Act 32 of 1993).

Relative bylaws of public tenders do not address conflict of interest for public procurement. However, on Oct. 25, 2010, the United States, acting through the Millennium Challenge Corporation (MCC) and the Hashemite Kingdom of Jordan (the government), signed a Millennium Challenge Compact and program implementation agreement (PIA) that describes terms and conditions for procurements of goods, services and works made in furtherance of the compact using MCC funding.

Article 6 of the Bid Challenge Systems Rule provides that bid challenge panel members shall be independent and impartial and have no interest (through financial, family, business or beneficial ownership or otherwise, directly or indirectly) in the outcome of the procurement. They also should not be involved in or connected with the procurement process.

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**

References:

Based on research and review of relevant legislation, it appears that there is no legal requirement for professional training for public procurement officials.

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:

Based on new regulations and increased supervision of procurement officials, conflict of interests are closely monitored and handled.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Pursuant to the Asset Disclosure Law of 2006, public procurement officials are required to disclose their assets upon appointment. However, the disclosures are only reviewed upon a complaint being lodged.

References:

Asset Disclosure Law of 2006

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:

Pursuant to Article 6 of the Public Work Bylaws of 1986, procurements in general require competitive bidding where that is deemed appropriate and beneficial by the concerned people.

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:

In the event that not enough bidders apply, the tender committee is required to report that matter to the Council of Ministers to obtain approval for action. Also, even in the event that there are products needed that are only available from one source, the tender committee should try to obtain competitive bids.

References:

Based on research and review of relevant legislation, it appears that there are no formal requirements that limit sole sourcing.

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

References:

Public procurement of all government departments is regulated by the General Supplies Department of the Ministry of Finance (Supply Act 32 of 1993).

Relative bylaws of public tenders do not address review of public procurement decisions. However, on Oct. 25, 2010, the United States, acting through the Millennium Challenge Corporation (MCC) and the Hashemite Kingdom of Jordan (the government), signed a Millennium Challenge Compact and program implementation agreement (PIA) that describes terms and conditions for procurements of goods, services and works made in furtherance of the compact using MCC Funding.

Article 3 of the Bid Challenge Systems Rule provides guidelines on how bidders may appeal and challenge procurement decisions.

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:

Pursuant to the Supreme Court of Justice Law of 1992, all decisions can be challenged in a court of law; namely, the Supreme Court of Justice.

References:

Supreme Court of Justice Law of 1992

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

References:

Based on research and review of relevant legislation, it appears that there is no explicit legislation that prohibits companies guilty of major violations of procurement from taking part in future bids.

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:

Although there are no regulations that govern the prohibition of companies guilty of major violations of procurement regulations (such as bribery) from participating in future procurement bids, it appears that there is a system whereby such companies are blacklisted and considered non-preferential suppliers.

References:

1. Local media

<http://www.jordantimes.com/index.php?news=43885&searchFor=corruption>

<http://www.jordantimes.com/index.php?news=43923&searchFor=corruption%20procurement>

2. Meeting with attorney Muath Walid Abu Dalu

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?

71

52a. In law, citizens can access public procurement regulations.

Yes

No

Comments:

Based on current regulations and international treaties, such as the Jordan-EU Association Agreement, Jordan is committed to holding consultations within the association council on implementing a gradual liberalization in public procurement.

Accordingly, public procurement regulations are accessible from the concerned departments and online.

References:

Current regulations and international treaties such as the Jordan-EU Association Agreement (http://www.mop.gov.jo/pages.php?menu_id=228).

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

References:

Based on research, it appears that there is no requirement for a public announcement.

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:

Public procurement regulations are available online.

References:

1. Local media

<http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/jordan/initiatives/public-anti-corruption-initiatives/>

2. National home page of the procurement department

http://www.gtd.gov.jo/gtd_v2_en/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:

Public procurement regulations are available online free of charge.

References:

1. Local media

<http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/jordan/initiatives/public-anti-corruption-initiatives/>

2. National home page of the procurement department

http://www.gtd.gov.jo/gtd_v2_en/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 NGOs. 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 NGOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

The tender committee has the authority to invite only certain applicants to apply.

References:

1. Local media
2. Meeting with attorney Muath Walid Abu Dalu

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:

Most major public procurement bids are announced and, therefore, accessible online; however, since this is not a requirement by law, and by law announcement is required only after completion of the work or services, sometimes major and not-so-major public procurement bids are not announced.

References:

1. National home page of the procurement department
http://www.gtd.gov.jp/gtd_v2_en/index.php?p=cmVndWxhdGU=

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.

4.4. Privatization of Public Administrative Functions: Transparency, Fairness, and Conflicts of Interest Safeguards

53. Is the privatization process effective?

75

53a. In law, all businesses are eligible to compete for privatized state assets.

Yes

No

Comments:

The Privatization Law of 2000 does not require that all businesses take part in the privatization process. However, Article 5 of the law requires that the privatization be a transparent, public and competitive bidding, and all tenders be announced publicly for qualification.

References:

Privatization Law of 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

References:

There are no specific conflict-of-interest regulations for government officials. However, pursuant to the Implementation of Privatization Bylaws of 2008, any applicant to a privatization tender has to be personally independent from all employees of the privatization commission, as do the applicant's employees.

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:

Based on recent scandals, conflict of interest is being increasingly scrutinized and, therefore, regulations more enforced.

References:

1. Local media

<http://www.jordantimes.com/?news=3923>

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

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?

70

54a. In law, citizens can access privatization regulations.

Yes

No

Comments:

Pursuant to the Privatization Law of 2000, privatization regulations are accessible online.

References:

Privatization Law of 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:

Although there is a formal process for advertising privatizations, this is often not handled in a timely and effective manner. It is true that privatization is solely granted to foreign companies; privatization is advertised but provides local companies with very limited time to respond.

References:

1. Local media

<https://www.aswat.com/en/node/6297>

<http://www.jordannationalmovement.com/economicreports.htm>

<http://www.ase.com.jo/en/privatization-jordan>

<http://www.trust.org/trustlaw/country-profiles/good-governance.dot?id=a3ac5e60-ea33-4cd5-8619-5380bc3d7648>

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:

There is no requirement to publicly announce the results of privatization decisions. However, pursuant to the Privatization Law, details of the privatization process need to be announced after completion of the privatization process.

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:

Pursuant to the Privatization Law of 2000, privatization regulations are accessible online.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

<http://www.trustlaw.org/trustlaw/country-profiles/good-governance.dot?id=a3ac5e60-ea33-4cd5-8619-5380bc3d7648>

<https://www.aswat.com/en/node/6297>

<http://www.jordannationalmovement.com/economicreports.htm>

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.

Comments:

Pursuant to the Privatization Law of 2000, privatization regulations are accessible online and free of charge.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

<http://www.trustlaw/country-profiles/good-governance.dot?id=a3ac5e60-ea33-4cd5-8619-5380bc3d7648>

<https://www.aswat.com/en/node/6297>

<http://www.jordannationalmovement.com/economicreports.htm>

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 NGOs. 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 NGOs trying to access this information.

Category 5. Government Oversight and Controls

5.1. ⁶⁷National Ombudsman

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55a. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

Yes

No

References:

Office of the Ombudsman Law of 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.

56. Is the national ombudsman effective?

50

56a. In law, the ombudsman is protected from political interference.

Yes

No

Comments:

Pursuant to the Office of the Ombudsman Law of 2008, the intention is to protect the national ombudsman from political interference; however, since the head of the ombudsman is appointed by the prime minister, there will always be a certain degree of leverage and influence on such an ombudsman.

References:

Office of the Ombudsman Law of 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 head of the national ombudsman's agency reports to the prime minister and, accordingly, may be subject to political interference from time to time.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

2. Meeting with attorney Muath Walid Abu Dalu

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:

Since the prime minister can remove the head of the ombudsman agency at any time, there is always political pressure and no protection against that.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

The ombudsman has a professional, full staff; however, not all of the staff members are lawyers or have the advocacy skills that would be necessary to address and resolve the issues that arise on a day-to-day basis.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

Most appointments of the ombudsman are appointed according to the civil service bylaws and, therefore, do not necessarily support the independence of the ombudsman.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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.

100 | 75 | 50 | 25 | 0

Comments:

The ombudsman is funded by the government, as may be required based on an annual budget agreed on and set out at the beginning of each financial year.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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.

100 | 75 | 50 | 25 | 0

Comments:

The national ombudsman agency prepares annual reports that are public.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

Pursuant to Article 12 of the National Ombudsmen Law of 2008, the ombudsman's mandate is to manage complaints and advise on simplifying administrative procedures to ensure citizens know their rights and can maximize the benefit from the ombudsman. However, Article 19 entitles the ombudsman to review any administrative decision and include it in its annual report.

Although ombudsman staff members rarely initiate investigations, they have done so on one or two occasions, causing the Council of Ministers to issue instructions to public departments to influence behavior and certain decisions.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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:

Pursuant to the national Ombudsman's Law of 2008, the national ombudsman is not authorized to issue penalties. In the event that there is a breach of law, the ombudsman is required to defer the matter to court and may continue to pursue an administrative review. Through an administrative review, the ombudsmen can only issue a report and recommendation to the head of the concerned department.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

As a result of the national ombudsman being a new entity, the government is slowly but increasingly acting on its findings.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Meeting with attorney Muath Walid Abu Dalu

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.

Comments:

Most complaints are accepted and reviewed within 48 hours to a week. However, review of some complaints can take longer than 60 days, which then denies the complainant the right to go to court for certain administrative offenses.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Meeting with private sector attorney Muath Walid Abu Dalu

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?

83

57a. In law, citizens can access reports of the ombudsman(s).

Yes

No

Comments:

Pursuant to the National Ombudsman Law of 2008, such annual reports are prepared for the prime minister and should be circulated to parliament for review. Citizens can access such reports through various channels, pursuant to the Right to Information Law.

References:

National Ombudsman Law of 2008

Right to Information Law

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:

Reports can be accessed easily.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

Reports may be accessed online or for the cost of photocopying and, therefore, are available at a reasonable cost.

References:

1. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

2. Meeting with private sector attorney Muath Walid Abu Dalu

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 NGOs. 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 NGOs trying to access this information.

5.2. Supreme Audit Institution

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58a. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Yes

No

Comments:

Pursuant to the constitution, a national audit bureau should be established, and it has been established pursuant to the Audit Bureau Law of 1952.

References:

Audit Bureau Law of 1952

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.

59. Is the supreme audit institution effective?

66

59a. In law, the supreme audit institution is protected from political interference.

Yes

No

Comments:

Pursuant to the Audit Bureau of 1952, the audit bureau should be protected from political interference.

References:

Audit Bureau of 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:

In practice, the head of the Audit Bureau is appointed and dismissed by the prime minister and, accordingly, is not effectively protected from political interference.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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

Comments:

The Audit Bureau has professional, full-time staff but is sometimes undermanned and without the right qualified personnel and, therefore, has the potential to do more with more staff.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

Most appointees of the Audit Bureau are appointed according to the civil service bylaws and, therefore, do not necessarily support the independence of the Audit Bureau.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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

Comments:

The Audit Bureau is funded by the government as part of the annual budget and, therefore, receives regular funding.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

The Audit Bureau prepares its reports and findings regularly when parliament is in session. Such reports are sometimes made publicly available, depending on the cabinet and parliament.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

As a result of several cases and government actions recently, the government is taking a closer review of the Audit Bureau's reports.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

Pursuant to the Audit Bureau Law of 1952, if upon undertaking an audit there are any discrepancies of unclear matters, the Audit Bureau can initiate an investigation into the matter.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

3. Meeting with private sector attorney Hanan Al Ayadi

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?

83

60a. In law, citizens can access reports of the audit agency.

Yes

No

Comments:

Pursuant to the Right to Information Law of 2007, citizens can access such reports.

References:

Right to Information Law of 2007

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:

If the audit reports are made public, they are accessible within a reasonable amount of time and easily. If they are not made public, then they are inaccessible.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Muath Walid Abu Dalu

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:

When audit reports are made public, they are accessible at no cost online or at the cost of photocopying from the relevant governmental department.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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 NGOs. 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 NGOs trying to access this information.

83 5.3. Taxes and Customs: Fairness and Capacity

61. In law, is there a national tax collection agency?

100

61a. 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 Income and Sales Taxes Department. There are other government taxes that are collected by other government organizations.

References:

The Interim Income and Sales Tax Law of 2009

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.

62. Is the tax collection agency effective?

88

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The tax departments have full-time professional staff; however, the departments often are undermanned and still require more highly equipped staff, such as auditors, etc.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

The Income and Sales Tax Department receives funding from the government as part of its annual budget.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

63. In practice, are tax laws enforced uniformly and without discrimination?

50

63a. In practice, are tax laws enforced uniformly and without discrimination?

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

Comments:

Some discrimination does exist, and such cases often make it to appeal through the judicial system. In approximately 30 percent of such cases, the decision of the tax department is overturned, and excessive taxes paid are reimbursed.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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

64a. In law, is there a national customs and excise agency?

Yes | No

References:

The Customs Tax Department pursuant to the Customs Law of 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.

65. Is the customs and excise agency effective?

88

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The Customs and Excise Agency has professional full-time staff but is sometimes undermanned.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

The Customs and Excise Agency is funded by the government as part of its annual budget and, therefore, receives regular funding.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66a. In practice, are customs and excise laws enforced uniformly and without discrimination?

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

Comments:

Some discrimination may exist in the enforcement of customs and excise laws and regulations from time to time based on nepotism and favoritism. Any organization that has its legal papers in order can get the tax exemptions it is entitled to by law. However, the process is difficult and cumbersome without the leverage of personal favors and nepotism, but the right is not discarded as a result of that difficulty. In other words, the process might take an extra few days.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

5.4. Oversight of State-Owned Enterprises

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

0

67a. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

Yes

No

References:

Based on research and review of relevant regulations, it appears that there is no agency, series of agencies or equivalent mechanism overseeing state-owned enterprises.

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.

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

References:

Based on research and review of relevant legislation, it appears that this is not applicable since there is no such legislation.

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

References:

Not applicable since there is no such legislation.

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

References:

Not applicable since there is no such legislation.

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

References:

Not applicable since there is no such legislation.

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

References:

Not applicable since there is no such legislation.

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**

References:

Based on research and review of relevant legislation, it appears that some financial records of state-owned companies may exist for publicly listed companies. Otherwise there is no legislation that imposes the public disclosure of financial records of state-owned companies.

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.

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

Comments:

If the state-owned company (or partially state-owned company) is a publicly listed company, then the financial records are regularly updated. Otherwise, the financial records of fully state-owned or unlisted state-owned companies are not accessible and, therefore, addressing their update status is not possible.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

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

Comments:

If the state-owned company (or partially state-owned company) is a publicly listed company, then the financial records are audited according to international standards. Otherwise, the financial records of fully state-owned or unlisted state-owned companies are not accessible and, therefore, addressing their auditing status is not possible.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

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

Comments:

If the state-owned company (or partially state-owned company) is a publicly listed company, then the financial records are easily accessible. Otherwise the financial records of fully state-owned or unlisted state-owned companies are not accessible.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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:

If the state-owned company (or partially state-owned company) is a publicly listed company, then the financial records are accessible at a reasonable cost (most likely for free online). Otherwise, the financial records of fully state-owned or unlisted state-owned companies are not accessible.

References:

1. Local media

<http://www.ase.com.jo/en/privatization-jordan>

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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 NGOs. 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 NGOs trying to access this information.

13 5.5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

88

70a. In law, anyone may apply for a business license.

Yes

No

Comments:

Pursuant to the Companies Law of 1997, individuals may apply for a business license. Furthermore, pursuant to the Investment Promotion Law of 1995, foreign nationals may also apply for business licenses and in some cases own up to 100 percent of the business in certain sectors.

References:

Companies Law of 1997

Investment Promotion Law of 1995

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:

Pursuant to the Companies Law of 1997, an applicant may appeal a rejected license to the courts. Pursuant to the Investment Promotions Law of 1995, an applicant may appeal a rejected application to the board of directors of the Jordan Investment Board.

References:

Companies Law of 1997

Investment Promotions Law of 1995

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.

100 | 75 | 50 | 25 | 0

Comments:

Please note that some licenses will require additional time and cost because they require specific approvals from the concerned ministries, such as educational licenses (Ministry of Education), licenses related to food and beverages (Ministry of Health), etc.

References:

1. Local media

<http://www.jordaninvestment.com/>

2. Doing Business in Jordan Report (<http://www.doingbusiness.org/data/exploreeconomies/jordan/#starting-a-business>)

3. Meeting with private sector attorney Hanan Al Ayadi

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:

Please note that some licenses will require additional time and cost because they require specific approvals from the concerned ministries, such as educational licenses (Ministry of Education), licenses related to food and beverages (Ministry of Health), etc.

That said, without special approvals the process of obtaining a business license is very streamlined and time and cost efficient. The additional approvals may require additional time but not necessarily any additional cost. Furthermore, such additional time may constitute a few extra working days.

References:

1. Local media

<http://www.jordaninvestment.com/>

2. Doing Business in Jordan Report

(<http://www.doingbusiness.org/data/exploreeconomies/jordan/#starting-a-business>)

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Based on an interview with private sector attorney Hanan Al Ayadi, basic public health and safety requirements are transparent and publicly available through the various provisions related to each municipality and governorate.

References:

interview with private sector attorney Hanan Al Ayadi

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

Comments:

Based on an interview with private sector attorney Hanan Al Ayadi, basic public health, environmental and safety requirements are transparent and publicly available through the Environmental Protection Law of 2006 and various provisions related to each municipality and governorate.

References:

Interview with private sector attorney Hanan Al Ayadi

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

Comments:

Based on an interview with private sector attorney Hanan Al Ayadi, basic public safety standard requirements are transparent and publicly available through the various provisions related to each municipality and governorate.

References:

Interview with private sector attorney Hanan Al Ayadi

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?

58

72a. In practice, business inspections by government officials to ensure public health standards are being met and are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

Public health standards are being closely monitored, and the integrity of the system is under close supervision. Provided an organization is in compliance with the requirements, then such business inspections may take longer as a result of discrimination, personal interest, etc., but the right is not denied.

References:

1. 2. Doing Business in Jordan Report
<http://www.doingbusiness.org/data/exploreeconomies/jordan/starting-a-business>

2. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

In terms of value of the public environmental standard, this is reviewed in a largely uniform manner. However, with respect to the timeliness of the inspection and detailed focus, this may vary based on social connections, nepotism, etc. Provided an organization is in compliance with the requirements, such business inspections may take longer as a result of discrimination, personal interest, etc., but the right is not denied.

References:

1. Starting a Business in Jordan Report
<http://www.doingbusiness.org/data/exploreeconomies/jordan/starting-a-business>

2. Meeting with private sector attorney Hanan Al Ayadi

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:

In terms of value of the public health standard inspection, this is handled in a largely uniform manner. However, with respect to the timeliness of the inspection and detailed focus, this may vary based on social connections, nepotism, etc.

References:

1. Starting a Business in Jordan Report
<http://www.doingbusiness.org/data/exploreeconomies/jordan/starting-a-business>

2. Meeting with private sector attorney Hanan Al Ayadi

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 6. Anti-Corruption Legal Framework, Judicial Impartiality, and Law Enforcement Professionalism

6.1. ⁸¹Anti-Corruption Law

73. Is there legislation criminalizing corruption?

73a. In law, attempted corruption is illegal.

Yes

No

Comments:

However, as per the Anti-Corruption Commission Law of 2006, corruption is broadly defined, including but not limited to all criminal acts identified in the Penal Code of 1960 with respect to corruption of public office and public trust and economic crimes as per the Economic Offenses Act of 1993. With respect to criminal offenses under the penal code, it is stipulated that any attempt to bribe a public official is a criminal offense, provided that such attempt is disclosed to the right authorities in a timely fashion; other forms of attempted corruption, such as attempted misuse of public office, are not addressed. Nevertheless, through many other clauses, it may be implied that the intent to corrupt is sufficient for such offense. It seems a gray area but, in my opinion, under the penal code, attempt to corrupt may be considered an offense.

References:

Based on research and a meeting with private sector attorney Hanan Al Ayadi, there appears to be no legislation expressly addressing the concept of attempted corruption.

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:

Extortion is covered under the broad definition of corruption pursuant to Article 5 of the Anti-Corruption Commission Law of 1960, which includes any act representing the abuse of power contrary to the provisions of the law or the acceptance of nepotism and favoritism that eliminates a right or creates an entitlement.

References:

Article 5 of the Anti-Corruption Commission Law of 1960

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

Comments:

Pursuant to Article 170 of the Penal Code of 1960, offering a bribe is illegal, and, pursuant to Article 5 of the Anti-Corruption Commission Law of 2006, offering a bribe is considered corruption.

References:

Article 170 of the Penal Code of 1960

Article 5 of the Anti-Corruption Commission Law of 2006

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

Comments:

Pursuant to Article 170 of the Penal Code of 1960, receiving a bribe is illegal, and, pursuant to Article 5 of the Anti-Corruption Commission Law of 2006, receiving a bribe is considered corruption.

References:

Article 170 of the Penal Code of 1960

Article 5 of the Anti-Corruption Commission Law of 2006

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:

Pursuant to Article 170 of the Penal Code of 1960, bribing any official is illegal without distinction between foreign or local; and, pursuant to Article 5 of the Anti-Corruption Commission Law of 2006, bribing any official is considered corruption.

References:

Article 170 of the Penal Code of 1960

Article 5 of the Anti Corruption Commission Law of 2006

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:

Pursuant to the Anti-Corruption Commission Law of 2006, using public resources for private gain is considered corruption.

References:

Anti-Corruption Commission Law of 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:

Pursuant to Article 5 of the Anti-Corruption Commission Law of 2006, using confidential state information for private gain is illegal.

References:

Article 5 of the Anti-Corruption Commission Law of 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

Comments:

Pursuant to Articles 3 and 4 of the Anti-Money Laundering Law of 2007, money laundering is illegal.

References:

Articles 3 and 4 of the Anti-Money Laundering Law of 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

Comments:

Pursuant to Articles 108, 139, 146 and 148 of the Penal Code of 1960, conspiracy to commit a crime against national security is a crime in itself.

Furthermore, Article 3 of the Law of Prevention of Terrorism of 2006 makes it a crime to establish any group, organization or association or affiliation for the purpose of committing terrorist acts in the kingdom or against its citizens or interests abroad.

Jordan has nominal organized crime. See related news story.

References:

Articles 108, 139, 146 and 148 of the Penal Code of 1960

Article 3 of the Law of Prevention of Terrorism of 2006

Gerasa News

<http://www.gerasanews.com/index.php?page=article&id=52020>

Yes: A YES score is earned if organized crime is illegal.

No: A NO score is earned if this is not illegal.

6.2. Anti-Corruption Agency or Equivalent Mechanisms

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74a. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

Yes

No

References:

The Anti-Corruption Commission was established pursuant to the Anti-Corruption Commission Law of 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.

75. Is the anti-corruption agency effective?

61

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

Yes

No

Comments:

Pursuant to Article 3 of the Anti-Corruption Commission Law of 1960, the Anti-Corruption Commission is an independent financial and administrative entity that can conduct its work independently and freely without any interference.

References:

Anti-Corruption Commission Law of 1960

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.

100 | 75 | 50 | 25 | 0

Comments:

Although the Anti-Corruption Commission is established as an independent entity, it is connected to the prime minister and, therefore, will always be subject to interference, pending the prime minister's office's mandate.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Local media

<http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/jordan/corruption-levels/judicial-system/>

3. Meeting with private sector attorney Hanan Al Ayadi

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.

100 | 75 | 50 | 25 | 0

Comments:

Since the Council of Ministers can remove the head or members of the Anti-Corruption Commission, there is little protection that can be warranted against that.

Pursuant to Article 10 of the Anti-Corruption Commission Law, the Council of Ministers may remove the head of the commission (or any member thereof) based on a recommendation from the commission's board if the head of the commission (or any member) is in breach of his duties and tasks or has affected the honor, integrity or dignity of the (Anti-Corruption) Commission; has committed any act that may be considered as corrupt per the anti-corruption law; or does not attend three consecutive board meetings or six board meetings throughout one year without an acceptable excuse.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

2. Local media

<http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/jordan/corruption-levels/judicial-system/>

3. Meeting with private sector attorney Hanan Al Ayadi

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.

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

Comments:

Most appointees of the Anti-Corruption Commission are appointed according to the civil service bylaws and, therefore, are built around a professional criteria but also a certain degree of nepotism and favoritism.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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.

100 | 75 | 50 | 25 | 0

Comments:

The Anti-Corruption Commission has professional, full-time staff members; however, not all of them are lawyers or have the advocacy skills that would be necessary to address and resolve the issues that arise on a day-to-day basis.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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.

100 | 75 | 50 | 25 | 0

Comments:

The Anti-Corruption Commission is fully funded by the government and, therefore, receives regular funding as part of public policy. The question is whether the commission receives regular funding and is not based on if it receives sufficient funding. I am not aware that any organization can truly say it receives sufficient funding.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Meeting with private sector attorney Hanan Al Ayadi

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:

Based on the novelty of the Anti-Corruption Commission, there has only been one report published in 2010 available online (at <http://www.jacc.gov.jo/Portals/0/FinalAnnual%20Report.pdf>).

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Anti-Corruption Commission — Jordan

<http://www.jacc.gov.jo/Portals/0/FinalAnnual%20Report.pdf>

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

The Anti-Corruption Commission appears to have sufficient powers, staff, know-how and authority to carry out its mandate. The commission has investigated several large corruption cases recently and handed several such cases to the public prosecutor; the senior officials concerned have been arrested pursuant to such investigations.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Anti-Corruption Commission — Jordan

<http://www.jacc.gov.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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:

With the recent changes in the economic and political environment and a change in the head of the Anti-Corruption Commission, it appears that the Anti-Corruption Commission is more likely to initiate investigations independently and pursue such investigations avidly. We have yet to see final results but, like everywhere else, these matters take time. However, the commission has the full support of the king to pursue whichever line of action it needs to investigate corruption, limiting the potential political influence.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Anti-Corruption Commission — Jordan

<http://www.jacc.gov.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Following receipt of a complaint, collecting information takes the longest time in the process. Accordingly, if sufficient information is filed to support the claim, it will be handled in a timely and expedited manner. We have yet to see final results but, like everywhere else, these matters take time. However, the Anti-Corruption Commission has the full support of the king to pursue whichever line of action it needs to investigate corruption, limiting the potential political influence.

References:

1. Local media

<http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Anti-Corruption Commission — Jordan

<http://www.jacc.gov.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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:

Citizens can complain; however, if the complaint is found to be false, there may be negative consequences.

References:

1. Local media

[http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information](http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+-+Entities/Civil+Service+Bureau/General+Information/http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217)
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Anti-Corruption Commission — Jordan

<http://www.jacc.gov.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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.

75 6.3. Judicial Independence, Fairness, and Citizen Access to Justice

77. Is there an appeals mechanism for challenging criminal judgments?

50

77a. In law, there is a general right of appeal.

Yes

No

Comments:

There is a general right of appeal pursuant to Article 256 of the Criminal Procedures Law of 1961 for challenging criminal judgments.

References:

Article 256 of the Criminal Procedures Law of 1961

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:

If the Courts of Appeal rehears the whole matter, the litigation can take one to three years.

The Courts of Appeal hears all cases of appeal from judgments of the Courts of First Instance. It also hears all cases from the magistrate's court, which are not heard by Courts of First Instance. The Courts of Appeal may reconsider determinations of facts as well as law; it may therefore decide to rehear a case decided below. A three-judge panel considers all matters raised in the Courts of Appeal.

References:

1. Local media

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Meeting with private sector attorney Hanan Al Ayadi

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 costs associated with an appeal are equal to the costs associated with the Courts of First Instance. In view of the time required to resolve an appeal, it can be quite costly in terms of attorney fees and procedural filings.

References:

1. Local media

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Meeting with private sector attorney Hanan Al Ayadi

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?

75

78a. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

The judicial system, as independent as it may be, is still subject to social conditions and limitations. Accordingly, favoritism, nepotism and indirect corruption exist, and a minor number of cases are tried differently than others.

References:

1. Local media

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

2. Meeting with private sector attorney Hanan Al Ayadi

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

79a. In practice, are judicial decisions enforced by the state?

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

Comments:

Judicial decisions are enforced by the state; however, enforcement of decisions is relatively difficult to achieve, especially with respect to financial claims, because of the procedural requirements, time commitment and, in some cases, costs.

References:

1. Local media

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217
<http://www.adaleh.info/>

2. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Pursuant to Article 98 of the constitution, judges are independent and, in the exercise of their judicial functions, they are subject to no authority other than that of the law. Also, Article 101 stipulates that the courts shall be open to all and shall be free from any interference in their affairs.

References:

Article 98 and 101 of the constitution

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:

For the most part, national-level judges are protected from political interference; however, there are rare occasions when such judges are subject to political and social pressures.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>
3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Cases are distributed based on type of court, claim and location pursuant to the Civil Procedures Code of 1988 and the Criminal Procedures Code of 1961.

References:

Civil Procedures Code of 1988

Criminal Procedures Code of 1961

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

Comments:

Pursuant to Article 26 of the Judiciary Independence Law of 2001, national judges may not be demoted or removed without a decision from the Judicial Council and royal decree.

References:

Article 26 of the Judiciary Independence Law of 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:

Review of local media reports.

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

Comments:

No judges have been killed in the past year as a result of adjudicating corruption cases.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>
3. Meeting with private sector attorney Hanan Al Ayadi

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?

54

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

Comments:

For the most part, and as a result of the homogenous nature of Jordan, judicial decisions are rarely affected by racial or ethnic bias.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

There are no limitations to women accessing the judicial system. However, there are some social limitations with respect to women accessing the judicial system, such as for physical protection. To overcome such social limitations, a lot of NGOs work with women to provide them with the support they need to approach the judicial system.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>
3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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:

Pursuant to Article 208 of the Criminal Procedures Law of 1961, only in criminal cases punishable by death, penal servitude for life or life imprisonment are the courts to appoint legal counsel to the defendants who cannot afford it.

References:

Article 208 of the Criminal Procedures Law of 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:

Since the court is only required to provide legal counsel to those accused in cases of crimes punishable by death, penal servitude for life or life imprisonment, and payment is considered nominal, it takes a long time to identify counsel that will defend such accused individuals, and the provision doesn't cover those accused from other offenses.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

3. Interview with Hassan Al Majali, founding member of Jordan Transparency Society

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.

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

Comments:

It is both expensive (31.2 percent of the claim) and time inefficient (on average, 689 days) to bring a legal suit and, accordingly, citizens earning a median yearly income may not have the time or financial resources to bring a legal suit.

References:

1. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

2. Doing Business in Jordan

<http://www.doingbusiness.org/data/exploreeconomies/jordan/#enforcing-contracts>

3. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009

<http://www.nchr.org.jo/>

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.

100 | 75 | 50 | 25 | 0

Comments:

The costs (31.2 percent of the claim) and time investment (on average, 689 days) to bring a legal suit are prohibitive considerations for a small retail business.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Doing Business in Jordan
<http://www.doingbusiness.org/data/exploreeconomies/jordan/#enforcing-contracts>
3. Sixth Annual Report of the National Center for Human Rights for Jordan for 2009
<http://www.nchr.org.jo/>

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.

100 | 75 | 50 | 25 | 0

Comments:

The courts are distributed geographically across the country, making courts physically accessible in any location.

References:

1. Freedom House — Jordan 2011 Country Report
<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>
2. Doing Business in Jordan
<http://www.doingbusiness.org/data/exploreeconomies/jordan/#enforcing-contracts>
3. Meeting with private sector attorney Hanan Al Ayadi

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.

6.4. Law Enforcement: Conflicts of Interest Safeguards and Professionalism

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 based on some professional criteria, but nepotism and favoritism play a role.

References:

1. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

2. Doing Business in Jordan

<http://www.doingbusiness.org/data/exploreeconomies/jordan/#enforcing-contracts>

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Law enforcement agencies are part of the government's budget and, therefore, are adequately funded.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

2. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

3. Meeting with private sector attorney Hanan Al Ayadi

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 have been several cases regarding the discriminatory enforcement due to political interference. An example is the recent case of Khalid Shaheen:

<http://www.jordantimes.com/index.php?news=43054&searchFor=Khalid%20sha>. That said, some matters are handed aptly and some matters may be overlooked or made difficult as a result of nepotism, personal favors or even social pressure.

References:

1. Local media

http://images.jordan.gov.jo/wps/wcm/connect/gov/eGov/Government+Ministries+_+Entities/Civil+Service+Bureau/General+Information

2. Freedom House — Jordan 2011 Country Report

<http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8064>

3. Meeting with private sector attorney Hanan Al Ayadi

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?

92

84a. In law, there is an independent mechanism for citizens to complain about police action.

Yes

No

Comments:

Pursuant to the National Center for Human Rights Law for the year 2006, citizens can formally complain about police action.

References:

National Center for Human Rights Law of 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 independent law enforcement complaint reporting mechanism responds to citizens' complaints quickly. Serious cases of abuse or of high risk are dealt with immediately and resolved, while smaller cases or claims will take a bit longer, but they are still resolved in a timely manner.

References:

1. Local media

<http://www.adaleh.info/>
<http://www.freedomhouse.org/template.cfm?page=174>
http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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, pursuant to the Anti-Corruption Commission Law of 2006, is authorized to investigate and prosecute corruption committed by law enforcement officials.

References:

Anti-Corruption Commission Law of 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.

100

75

50

25

0

Comments:

The Anti-Corruption Commission has the authority to instigate investigations as it deems necessary. For example:

<http://www.jordantimes.com/index.php?news=43720&searchFor=law%20enforcement%20corruption>

<http://www.jordantimes.com/index.php?news=43054&searchFor=Khalid%20sha>

References:

1. Local media

<http://www.adaleh.info/>

<http://www.freedomhouse.org/template.cfm?page=174>

http://www.alqudscenter.org/arabic/pages.php?local_type=135&task=1&details=51&local_details=217

2. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010

<http://www.nchr.org.jo/>

3. Meeting with private sector attorney Hanan Al Ayadi

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

Comments:

Pursuant to Article 6 of the Constitution, law enforcement officials are not immune from criminal proceedings; actually, all Jordanians are considered equal.

There are currently several criminal cases against law enforcement officials for using excessive force, pursuant to the Human Rights Watch Report for Jordan.

References:

Article 6 of the Constitution

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.

100 | 75 | 50 | 25 | 0

Comments:

There are currently several cases against law enforcement officials for using excessive force. For example: "The NCHR ... detected violations by law enforcement officials at some security administrations during its visits to temporary detention centers and meetings with the detainees or their family members, as well as through complaints received by the NCHR in 2010," according to the Seventh Annual Report of the National Center for Human Rights for Jordan for 2010.

References:

1. Seventh Annual Report of the National Center for Human Rights for Jordan for 2010
<http://www.nchr.org.jo/>

2. Amnesty International Annual Report for Jordan 2011
<http://www.amnesty.org/en/region/jordan/report-2011>

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.