



The National Centre for Human Rights
Hashemite Kingdom of Jordan

**Monitoring Report of the Parliamentary Elections for the
Year 2020**

Amman — January 2021

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First: Introduction

Democratic elections are among the most important legitimate means of freely expressing the will of the people and its sovereignty. In view of the importance which general parliamentary elections acquire within the system of the modern State and in the realisation of the principle of legitimacy, the international instruments have provided for the right of the citizen to vote and to be elected at periodic and genuine democratic elections, and have entrenched this right therein as one of the most important internationally recognised human rights. This was affirmed by the Universal Declaration of Human Rights in Article (21) thereof, and by the International Covenant on Civil and Political Rights in Article (22) thereof; the Jordanian Constitution likewise guaranteed the right of Jordanians to exercise the right to vote in Article (67) thereof.

The National Centre for Human Rights considers that the right to vote is the core and the nerve of the system of political rights guaranteed by the Constitution and which the Jordanian citizen ought to enjoy. The future of democracy depends upon the participation of all the forces, categories and sectors of society in general elections; it depends likewise upon equality of opportunity for those participating in them, and upon the equality of those opportunities to participate in the process of political decision-making. The genuine strengthening of democracy requires real popular participation.

The monitoring of participation in the electoral process — including the candidacy and voting phases and the enabling and organisational circumstances surrounding them — and the verification of the soundness of that process in its entirety, are among the principal tasks entrusted to the National Centre for Human Rights under its Law. In order to safeguard this fundamental human right, and proceeding from the mandate of the National Centre, the Centre has consistently monitored the conduct of elections in the Kingdom since 2007, through the parliamentary elections held in 2010, in 2013 and in 2016, in addition to monitoring the municipal and decentralisation elections, the student union elections and the elections of the professional and labour associations.

The Law of the National Centre provides, in Articles (4/c), (5/a) and (10/b), that its objectives include “promoting the democratic approach ... verifying the observance of human rights ... monitoring infringements of human rights and public freedoms ... requesting from the relevant authorities any information, data or statistics it deems necessary for the attainment of its objectives ... and visiting any public place in which it is reported that infringements of human rights have occurred or are occurring.” The monitoring of parliamentary elections is therefore one of these responsibilities discharged by the Centre. Its broad mandate and these responsibilities, contained in its Law and grounded in the principles and conditions for the establishment of national human rights institutions endorsed by the United Nations, likewise require it to submit its reports and recommendations with complete impartiality and objectivity and with the utmost degree of professionalism. This responsibility cannot be discharged in full without the cooperation of the entities concerned, in particular

those institutions constitutionally entrusted with the administration and supervision of elections. This means that the Centre must investigate, monitor and observe the conduct of this process by every available means, and that all the agencies, bodies and authorities concerned must cooperate with it in this regard.

Whereas the Elections Law determined in its provisions the persons permitted to be present at polling and counting centres, the National Centre for Human Rights submitted on 15 October 2020 an application to the Independent Election Commission expressing its wish that the National Coalition for the Monitoring of the Parliamentary Elections, led by the National Centre, participate in monitoring the electoral process in its various phases in respect of the elections of the Nineteenth House of Representatives.

To this end, the National Centre for Human Rights formed a national coalition comprising more than (70) civil bodies to observe the conduct of the elections relating to the election of the members of the Nineteenth House of Representatives. "The National Coalition commenced the monitoring of this process under the administration and supervision of the National Centre", the Centre having selected a team to monitor the conduct of the polling process commensurately with the number of voters, the number of polling centres in the electoral districts and the number of ballot boxes, while observing the guarantees of integrity and independence in the process of their selection from any bodies, institutions or affiliations liable to affect the integrity of the monitoring exercise, in accordance with special conditions laid down for the selection of observers. Approximately two thousand two hundred (2,200) observers were trained, of whom two thousand one hundred (2,100) observers were selected to cover 100% of polling centres, numbering (1,824) centres, and 26% of the number of ballot boxes, numbering (8,061) boxes.

In completion and reinforcement of the monitoring task, the Centre took upon itself the task of observing the conduct of the electoral process, comprising observation and analysis relating to the legislation governing the electoral process; relating to the participation of the groups most in need of protection; relating to the participation of the political parties; relating to media coverage and the treatment of the electoral process and its actors by the media; and, before and after all of that, the observation of the electoral process in terms of the efficacy and effectiveness of the measures taken to facilitate the elections and to enable participants from every sector, and the soundness of the procedures and the safety of the surrounding circumstances, by means of a mobile monitoring team able to reach numerous polling centres and to observe these manifestations.

The objective of this report is to provide a comprehensive, professional, objective and impartial assessment of the conduct of the electoral process, and in particular of the conduct of the polling process; and to monitor and observe the extent of respect for the rights comprised in the electoral process in all its aspects, and the extent of compliance with the national legislation governing the electoral process and with the international standards concerning the integrity, transparency, freedom and fairness

of the electoral process, in the election of a House of Representatives that guarantees fair representation for the various categories of society.

The National Centre observed instances of contravention of, and violations of, the Elections Law and the executive instructions issued thereunder, among them: influencing the will of candidates through the formation of the lists; influencing the will of voters through the spread of the phenomenon of (black) political money; the prevention of certain voters from reaching polling centres to cast their votes by the supporters of certain candidates; assaults upon the electoral campaign material of others by tearing down banners and campaign material; the prevention of certain local observers from entering polling centres and following the conduct of the electoral process at its commencement and at the moment of the closing of the boxes and the carrying out of the counting procedures; and the prevention of persons infected with coronavirus, and of Jordanian citizens still registered on the rolls of expatriates who were present on the territory of the Kingdom on polling day, from exercising their right to vote — among other contraventions and violations to which this report refers.

Second: The Plan and Working Mechanism of the Monitoring Team

It was not possible for the National Centre for Human Rights to take the decision to monitor the electoral process in its earliest phases, owing to circumstances beyond its control, among them: the impossibility of obtaining the requisite funding at an early stage, as a result of the spread of the coronavirus pandemic and its consequences, such as the closure of the Centre and the suspension of its usual activity; the delay in the appointment of the Commissioner-General of the National Centre; and the failure of the official authorities to provide the support necessary to enable the National Centre for Human Rights to discharge the obligations entrusted to it under its Law, notwithstanding the numerous communications addressed to them.

The foregoing prevented the taking of the decision to monitor the elections at the appropriate time; the Board took its decision approving participation in and monitoring of the elections by re-ordering priorities in order to provide the required sum from its own resources twenty-five days before the date of the holding of the elections — a matter which necessitated the redoubling of efforts to make up for the time lost.

Making good that shortfall, the National Centre worked to compensate for the preparatory and organisational phases of monitoring the electoral process which it had missed, by accelerating the rebuilding of the National Coalition for the Monitoring of the Electoral Process, on which the National Centre had in fact already begun work before that date in anticipation of a decision to participate at any time — which is what in fact occurred. By the time the Board of Trustees took its final decision to participate, the elections team had already made considerable progress in building the coalition and in preparing the monitoring team for not less than two months previously.

It is noteworthy that the National Coalition for the Monitoring of the Electoral Process was founded in 2007 for the purpose of monitoring the parliamentary elections of that year, with the participation of (21) civil society institutions; and it monitored the parliamentary elections of 2010 and 2013 and the parliamentary elections of 2016, down to the parliamentary elections held in 2020 with the participation of (70) civil society institutions (Annex No. (1)).

Accordingly, and as a methodological note, wherever reference is made to the National Centre, it means, in the context of this report, the National Coalition for the Monitoring of the Electoral Process led by the National Centre for Human Rights.

The general objective of monitoring and observing the electoral process

The National Coalition for the Monitoring of the Electoral Process, led by the National Centre, aims to protect and promote the right to vote and to participate politically in the conduct of public affairs; and to monitor the extent of compliance with the

national legislation governing the electoral process and with the international standards concerning the integrity, transparency, freedom and fairness of the electoral process, in the election of a House of Representatives that guarantees fair representation for the various categories of society.

The subsidiary objectives of monitoring and observing the elections

1. Analysing the legislative framework governing the electoral process, in the light of the application of the Defence Law and the amendments introduced to it in response to the coronavirus pandemic, and the extent of their efficacy in protecting the right of citizens to vote, and submitting the recommendations necessary for their development.
2. Observing the participation of the groups most in need of protection in the parliamentary elections.
3. Observing the participation of the political parties in the parliamentary elections.
4. Observing media coverage and the treatment of the electoral process and its actors by the media.
5. Observing the efficacy and effectiveness of the electoral process in terms of the measures taken to facilitate the elections and to enable all sectors to participate in them, and the soundness of the procedures and the safety of the circumstances surrounding them, by means of a mobile monitoring team able to reach numerous polling centres and to observe these manifestations.
6. Enhancing the participation of civil society institutions and affording them the opportunity to monitor the conduct of the electoral process, and building the capacities of their members through their contribution to the monitoring exercise.
7. Contributing to raising the capacities of youth by training (2,200) young men and women in monitoring the conduct of the electoral process of the Nineteenth House of Representatives, and strengthening a culture of participation among them.
8. Issuing a final report containing a comprehensive, professional, objective and impartial assessment of the conduct of the electoral process, and in particular of the conduct of the polling process for the election of the Nineteenth House of Representatives, on the basis of the national legislation governing the electoral process and the international standards concerning the holding of free, fair, genuine and transparent elections, and submitting recommendations conducive to the development of the electoral process.

The plan and working mechanism

For the purposes of organising the work and ensuring sound performance, a committee of the Board of Trustees was formed to supervise the work of the elections monitoring team, which was composed as follows:

First: The Commissioner-General: general supervisor of the team's work.

Second: The general coordinator of the team: who assumes the management of the working teams, the drawing up of plans and programmes, the distribution of tasks, and ensuring their proper implementation.

Third: The coordinators of the three regions: who worked on selecting the liaison officers of the governorates and electoral districts, following up their work and meeting their needs; following all developments relating to the electoral process announced by the Independent Commission by way of new instructions and procedures, and informing the liaison officers of the governorates and electoral districts thereof; receiving the complaints reaching the Centre in relation to the electoral process and documenting them, following up the measures taken in respect of them and working towards their resolution by the National Centre; maintaining contact and communication with the coordinators of the governorates; receiving the applications of volunteers, whether from the coordinators of the governorates or from the volunteers themselves, and verifying their satisfaction of the conditions laid down for that purpose; drawing up the training programme for the monitoring teams and supervising its implementation; conducting field visits to the coordinators and the field monitoring teams to ensure the proper conduct of the work; carrying out field monitoring and supplying the operations room with field observations after verifying their accuracy; and contributing to the preparation of the press statements and of the final report.

Fourth: The coordination team at the level of the governorates: This team was composed of (23) liaison officers, corresponding to the number of electoral districts. This team assumed the following tasks: recommending to the regional coordinator the names of the observers for polling day and contributing to the formation of the team in accordance with the identified needs; monitoring the candidacy phase and the electoral campaigning phase; following, observing and documenting all arrangements relating to polling day taken in the governorate/electoral district; coordinating and supervising the training of the members of the polling-day monitoring team; verifying the presence of the polling-day monitoring team at the places assigned to them, maintaining constant communication with them, following up their work and resolving any problems they might encounter; meeting their needs in coordination with the regional coordinator and the general coordinator of the team; carrying out field monitoring inside certain polling centres assigned to them and monitoring the procedures followed therein, and carrying out monitoring outside polling centres while moving between them; reporting to the operations room at the National Centre any observation and any violation or contravention observed and working to document it; monitoring the counting phase and the announcement of the preliminary results by the election committees; and following up the appeals lodged at the level of the governorate/electoral district.

Fifth: The team monitoring the conduct of the polling process: In order to ensure the success of the monitoring exercise, a team was selected to monitor the conduct of the polling process commensurately with the number of voters, the number of polling centres in the electoral districts and the number of ballot boxes, while observing the guarantees of integrity and independence in the process of their selection from

bodies, institutions or affiliations liable to affect the integrity of the monitoring exercise, in accordance with special conditions laid down for the selection of observers. Approximately two thousand two hundred (2,200) observers were trained, of whom two thousand one hundred (2,100) observers were selected to cover 100% of polling centres, numbering (1,824) centres, and 26% of the number of ballot boxes, numbering (8,061) boxes.

Withdrawals on account of the coronavirus

However, as a result of the rise suffered by the country in the number of daily infections with the novel coronavirus as the polling date approached, numerous withdrawals occurred within the ranks of the team, whether as a result of infection with the virus or out of fear of contracting it on polling day. The decision of the Prime Minister was an additional factor in the withdrawal of many observers — namely the decision imposing a curfew at ten o'clock on the evening of polling day, which was extended to twelve o'clock on the same day. Accordingly, many observers withdrew before and during polling day as a result of their apprehension — particularly the women among them — as to the unavailability of transport, given that the process of counting the boxes might extend to late hours of the night and perhaps to the early hours of the morning of the day following the poll.

The final number of observers

In the final outcome, one thousand five hundred (1,500) observers, male and female, took part in the monitoring of the conduct of polling day, and worked to cover 82% of polling and counting centres and 19% of the number of ballot boxes, distributed as follows:

No.	Electoral district	Polling centres	Boxes	Observers	% of centres	% of boxes
1	Capital First	58	372	53	91%	14%
2	Capital Second	75	484	68	90%	14%
3	Capital Third	44	298	41	93%	14%
4	Capital Fourth	83	414	61	73%	15%
5	Capital Fifth	106	513	92	86%	18%
6	Zarqa First	83	560	73	88%	13%
7	Zarqa Second	47	230	34	72%	15%
8	Governorate of Balqa	148	630	101	68%	16%
9	Governorate of Madaba	73	263	57	78%	21%
10	Irbid First	131	608	93	70%	15%
11	Irbid Second	81	345	58	71%	17%
12	Irbid Third	48	242	48	100%	20%

No.	Electoral district		Polling centres	Boxes	Observers	% of centres	% of boxes
13	Irbid Fourth		87	398	85	98%	21%
14	Governorate of Jerash		77	336	68	88%	20%
15	Governorate of Ajloun		63	284	63	100%	22%
16	Governorate of Mafrq		77	297	72	93%	24%
17	Governorate of Karak		150	556	122	81%	22%
18	Governorate of Tafila		44	154	42	94%	28%
19	Governorate of Ma'an		47	168	55	117%	32%
20	Governorate of Aqaba		32	136	40	125%	29%
21	Northern District	Badia	96	282	68	71%	24%
22	Central District	Badia	88	228	64	73%	28%
23	Southern District	Badia	86	263	37	43%	14%
Total			1,824	8,061	1,500	82%	19%

Observers with disabilities for the first time

It must be noted here that, since the National Centre for Human Rights began monitoring parliamentary elections in 2007, it was in these elections of 2020 that, **for the first time**, a team of **persons with disabilities** was selected to take part in the monitoring exercise, numbering fifty-eight (58) observers. They were involved in the monitoring exercise and thereby included in a living activity of society.

Monitoring procedures

In order to ensure the proper conduct of the monitoring exercise and full awareness of everything taking place inside the polling and counting centre, each observer was charged with the task of monitoring one of the ballot boxes from the moment of the opening of the box until the announcement of the results of the counting of that box; of completing and transmitting (6) electronic forms concerning the conduct of the polling process at that box to the operations room at the National Centre for Human Rights; of remaining aware of the conduct of the polling process at the remaining boxes, so far as the public health and safety procedures permitted; and of reporting

to the operations room at the National Centre any violations or practices contrary to the national laws and legislation governing the electoral process, to the instructions issued by the Independent Election Commission, and to the standards concerning the integrity and transparency of the electoral process.

The monitoring exercise inside polling and counting centres depends upon the completion and transmission of (6) electronic forms prepared in accordance with the national legislation governing the electoral process, namely the Law on Elections to the House of Representatives No. (6) of 2016 and the amendments thereto, the Independent Election Commission Law No. (11) of 2012 and the amendment thereto, the executive instructions issued thereunder, and the international standards concerning the integrity, transparency, freedom and fairness of the electoral process.

The first form contains a set of questions concerning the team's observations and inspection of the process and time of the opening of the polling centres and rooms; the procedures for opening the box and verifying that it is empty; the number of voters registered at the box; the extent of availability of the requisites of the polling process; the time of commencement of the polling process; and other questions. This form is completed in paper form (in accordance with the training previously received) and is then transferred and transmitted electronically through an electronic application prepared specifically for this purpose. Upon the conclusion of the procedures for opening the box and the commencement of the polling process, the transmission of the answers to the questions contained in this form begins, between seven o'clock and half past seven in the morning.

The second form contains a set of questions based upon the monitoring team's observations of the conduct of the polling process up to eleven o'clock in the morning. Accordingly, the monitoring team begins to complete this form in paper form (in accordance with the training previously received) from the moment of the commencement of the polling process until (10:45), whereafter it is transferred to the electronic application prepared for this purpose and transmitted to the operations room at the National Centre for Human Rights at exactly (11:00) in the morning, so that its results may be extracted and assist in the preparation of the statements of the National Centre. This form contains numerous questions, including: the extent of verification of the voter's identity; the presence of his or her name on the paper and electronic rolls; whether any document other than the personal identity card was accepted for polling; verification of the absence of the ink substance on the index finger of the voter's left hand; the number of voters who exercised their right to vote up to (11:00) in the morning; the number of voters prevented from the polling process and the grounds of prevention, if any occurred; practices prejudicial to the principle of the secrecy of the ballot; the objections received by the committee and the mechanism for determining them; the mechanism for the polling of persons with disabilities and the objections they record and the extent of availability of their special requirements; the mechanism for the polling of the members of the polling and counting committee; any attempts to obstruct the conduct of the polling process; and other questions.

The third form contains a set of questions based upon the monitoring team's observations of the conduct of the polling process up to four o'clock in the afternoon, the monitoring team beginning to complete this form in paper form (in accordance with the training previously received) from 11:00 in the morning until 3:45 in the afternoon, whereafter it is transferred to the electronic application prepared for this purpose and transmitted to the operations room at the National Centre for Human Rights at exactly 4:00 in the afternoon, so that its results may be extracted and assist in the preparation of the statements issued by the National Centre. This form contains the same questions as those contained in the second form, but framed so as to give a reading of the conduct of the polling process between 11:00 in the morning and 4:00 in the afternoon.

The fourth form is the form specific to monitoring the procedures for the conclusion of polling and the closing of the boxes. This form contains a set of questions based upon the monitoring team's observations of the procedures for the conclusion of polling and the closing of the boxes in accordance with the training previously received. Work on completing it in paper form begins immediately upon the conclusion of the polling process, at seven o'clock in the evening, or at nine o'clock in the evening where the polling period has been extended, and ends with the conclusion of the procedures for closing the box; whereafter it is transferred from the paper form to the electronic form and transmitted to the operations room at the National Centre for Human Rights immediately upon its completion. This form contains numerous questions, including: When was the polling process concluded and the box closed? Were the voters present at the polling centre at the hour of the conclusion of polling permitted to exercise their right to vote? Were the observers and the agents of the lists or candidates permitted to monitor the procedures for sealing the box? Did persons other than the members of the polling and counting committee attend the polling and counting room at the sealing of the box? Was a record of the conclusion of polling drawn up, and the number of papers used and not used in the polling? — and many other questions of this kind.

The fifth form is the form specific to monitoring the procedures for counting the boxes. This form contains a set of questions based upon the monitoring team's observations of the procedures for counting the box (in accordance with the training previously received). Work on completing it in paper form begins immediately upon the commencement of the counting of the box, whereafter it is transferred from the paper form to the electronic form and transmitted to the operations room at the National Centre for Human Rights immediately upon its completion. This form contains numerous questions, including: Were the observers and the candidates' agents permitted to monitor the vote-counting process? Did the opening of the box and the counting take place in the presence of the candidates or their agents and the observers? Was any observer, list agent or candidate permitted to verify the numbers of the locks before they were opened? Was a camera installed and a display screen placed in a position enabling all present to view the ballot papers? Were objections submitted by list commissioners, candidates or their agents during the conduct of the vote-counting process? How many were they? Did the committee respond to them

and determine them immediately? — and many other questions relating to the counting process.

The sixth form is a form containing the results of the counting of the ballot box, the paper form being completed with the number of votes obtained by each list at that box, in addition to the number of votes obtained by each candidate, whereafter these are transferred to the electronic application and transmitted to the operations room at the National Centre for Human Rights, supported by a photograph of the record of the results of the counting of the box upon its being affixed to the door of the polling and counting room.

Sixth: The operations room at the National Centre for Human Rights: An operations room was established within the National Centre for Human Rights before the polling date, and hotlines were announced for receiving complaints relating to the electoral process. The intensity of work in the operations room increased on polling day through a team prepared and trained for this purpose. This team was composed of (42) staff members, all of them employees of the Centre, who worked over two shifts from six o'clock in the morning until the early hours of the morning of the day following polling day, in addition to monitoring the process of the preliminary aggregation of votes at certain aggregation centres, which continued until the evening hours of the day following the polling process. Among the tasks undertaken by this team were:

- Receiving complaints and reports concerning violations relating to polling day from citizens and the body of voters, through hotlines prepared for this purpose and announced through the media.
- Maintaining contact and communication with the monitoring team inside polling centres and verifying the presence of each observer at the place assigned to him or her, and receiving the observations of the coordinators in the governorates and of the observers from inside polling centres.
- Maintaining contact and communication between the operations room and the coordinators of the governorates and the observers on polling day; verifying the accuracy of the information reaching it by communicating with the person reporting it; and requesting the coordinators of the electoral districts and the regional coordinators to move promptly towards such reports and to verify them.
- Maintaining contact and communication between the operations room and the Independent Election Commission for the purposes of reporting violations and following up work towards their resolution.

Seventh: The media team and the preparation of press statements: A specialised team was formed within the operations room, which assumed the task of preparing the press statements on polling day and of answering the questions and enquiries of journalists in the light of the observations of the observers, the coordinators and the regional coordinators, the complaints of citizens after verification of their accuracy, the outputs of the electronic programme from the monitoring forms, and the observations received from the observers and coordinators inside polling centres.

Eighth: The issuance of press statements on the conduct of the polling process:

Six (6) press statements were issued, (5) of them on polling day, while the sixth statement was issued on the day following the polling process and after the announcement of the final results of the names of those successful in the membership of the Nineteenth House of Representatives. (See Annex No. (2).)

Ninth: An electronic application for election monitoring. An electronic application specific to the National Centre was prepared in order to facilitate the monitoring exercise in place of paper-based monitoring; to accelerate the classification of results; to fix the locations of observers through a feature activating the operation of the application within the coordinates of the centre designated for monitoring; to receive the answers to the monitoring forms from the field observers as they arose during polling day; and to analyse them so as to enable the Centre to issue statements on the conduct of the electoral process and to highlight the most significant contraventions, and to inform the Independent Commission thereof so that it might address them or limit their effect. This programme contributed to the preparation of the final report by electronically aggregating and analysing the results of the monitoring exercise. Among the important features of the application is that it enabled observers to photograph and transmit images and videos concerning the conduct of the electoral process and to record any contraventions affecting it as they arose.

Tenth: The final report on the conduct of the electoral process. A specialised technical team from the National Centre worked on preparing a detailed report on the conduct of the electoral process in the light of the observations reaching the operations room from the field monitoring team, the coordinators of the electoral districts and the regional coordinators; the results of the analysis of the answers to the electronic forms extracted from the electronic application; and the complaints and observations reaching the National Centre from certain candidates who participated in the electoral process, after verification of their accuracy — in addition to the related themes to be discussed hereafter, namely the themes of legislation, the groups most in need of protection, the media and the political parties.

Third: Analysis of the Legislative Framework Governing the Electoral Process

Following the issuance of the Royal Decree calling the parliamentary elections of the Nineteenth House, the date for the holding of these elections was fixed by the Board of Commissioners of the Independent Election Commission, to be held on 10 November 2020, pursuant to Article (12/b) of the Independent Election Commission Law No. (11) of 2012 and the amendments thereto. Wide debate arose within society as to whether it was possible to hold the elections, by reason of the circumstances of the spread of the coronavirus and the application of the Defence Law No. (13) of 1992 and the defence orders which restricted the freedom of citizens of movement and of assembly. Notwithstanding all these circumstances, the elections were held — which was reflected negatively in the level of participation in the electoral process.

The following contains an analysis of the legal framework governing the right to vote and to stand for election, on the basis of the constitutional and international standards, having regard to the circumstances surrounding the electoral process by reason of the emergence of the coronavirus pandemic and the issuance of the defence orders, and to the effect of that upon the elections from a human rights perspective.

First: The position of the Centre on the holding of the parliamentary elections of the Nineteenth House in the light of the state of community spread of the novel coronavirus

The National Centre for Human Rights considers that the alignment of the Head of State with the holding of the parliamentary elections on their constitutional date, and the insistence which that entails upon adherence to the constitutional time limits, imposes in return a duty upon the executive authorities, represented by the Government and its agencies and by the Independent Election Commission, namely to take all measures necessary to preserve the health and safety of voters; to facilitate the means of participation in this process; to facilitate safe means of access; and to enable all segments to participate and to activate the energies of society in all its categories, particularly those categories which are supposed to have the greatest role in the field of political participation, such as the political parties and the various political currents.

Second: The legislative framework governing the electoral process

1. The Law on Elections to the House of Representatives No. (6) of 2016

The parliamentary elections of the Nineteenth House were held within the same legislative framework in which the previous parliamentary elections of the Eighteenth House were held, namely the Law on Elections to the House of Representatives No. (6) of 2016. Its constitutional basis lies in the principles governing the role of the House of Representatives laid down by Article (67) of the Constitution, which provides that the House of Representatives shall be composed of

members elected by secret and direct ballot in accordance with the Elections Law, provided that the Law guarantees the following principles:

- (a) The right of candidates to monitor the electoral operations.
- (b) The punishment of those who tamper with the will of the voters.
- (c) The soundness of the electoral process in all its phases.

The Law likewise adopted the same “electoral system” applied in the previous elections, based on the open proportional list; widened the electoral district so as to comprise the governorate in the small and medium-sized governorates; widened the scope of participation among citizens by adopting a lower age for those entitled to vote; and strengthened the guarantees of integrity in more than one field, such as the deletion of the names of serving military personnel and of the deceased.

However, this Law did not lead — as had occurred in the previous elections — to enhancing the participation of political parties and the formation of coalitions and blocs, whether in candidacy or in the previous House of Representatives. On the contrary, as occurred in the previous elections of 2016, and as was affirmed at the time, the same situation recurred, in that it created a state of competition and at times even of conflict among the members of a single list. The phenomenon of the influence of money upon the formation of the lists and the buying of voters’ votes persisted and indeed worsened, so that the list — instead of constituting a qualitative advance in the process of electoral reform and the strengthening of the role of political parties — became a source of criticism of the Law and of popular denunciation of the process of forming the lists, which candidates faced difficulties in forming.

In this context the Centre reiterates the recommendations set out in its previous reports conducive to the improvement of this Law, foremost among them: the necessity of consensus among the political forces and all segments of society as to the form of the electoral system required, in a manner guaranteeing genuine and realistic representation of the political and civil forces and guaranteeing the free expression of the will of the voters.

2. The Regulation on the Division of Electoral Districts

Notwithstanding the observations made in the previous report of the National Centre for the year 2016 on the Regulation on the Division of Electoral Districts No. (75) of 2016 — namely the existence of a constitutional doubt as to the Regulation, in that the Constitution does not confer upon the executive authority the legal competence to issue delegated regulations, its competence being confined to the issuance of executive regulations pursuant to Article (31) of the Constitution and of independent regulations pursuant to Articles (45/b), (114) and (120) of the Constitution — the Independent Election Commission nevertheless continues to rely upon this Regulation, issued in 2016, for the purposes of dividing the electoral districts for the second consecutive time. The National Centre had hoped that this Regulation would be reconsidered and that the necessary amendments would be made to the Elections Law, such that the Elections Law itself would contain a division of the electoral

districts, issued as an annex thereto, rather than their being issued under a special regulation issued by the executive authority.

3. The Executive Instructions on the Preparation of the Voter Rolls

- The Independent Election Commission made an amendment to the Executive Instructions on the Preparation of the Voter Rolls No. (1) of 2016, by repealing paragraph (a) of Article (8) of the original Executive Instructions and substituting for it the following text: “a. The application shall be submitted by the person concerned in person to the office of the Civil Status and Passports Department on the form prepared for this purpose, or electronically in accordance with the procedures determined by the Commission. It may be submitted by the head of the family or by one of the members of his family registered with him in the civil record, provided that he be registered on the preliminary voter roll, by written authorisation accompanied by the supporting documents in support of his application as the case may require” — a matter conducive to facilitating matters for voters in the objection process by opening the way for objection electronically.
- It likewise repealed the text of paragraph (d) of Article (9) of the original Executive Instructions and substituted for it paragraph (d)(1) and (2) in a manner consistent with the amendments to Article (8), such that the applicant receives written and electronic notification of the delivery of his application; and amended Article (14) of the original Executive Instructions by adding the phrase “or electronically in accordance with the procedures determined by the Commission” after the phrase “to object in writing” contained in paragraph (a) thereof, and by adding the phrase “or electronically” after the phrase “written notification” contained in item (2) of paragraph (b) thereof.
- Notwithstanding the making of certain amendments to these Instructions, they continue to rely, for the purposes of enumerating the persons entitled to exercise the right to vote and to stand for election, upon the fixed place of residence in accordance with the records of the Civil Status and Passports Department — a matter which deprived those who had changed their place of residence, without the new place of residence having been recorded in the registers of the Civil Status Department, from exercising their right to vote in their new electoral districts. It likewise deprived a number of citizens **whose place of residence had been recorded in the registers of the Civil Status Department as outside the Kingdom, while they were in fact present on the territory of the Kingdom at the time of the holding of the elections.**
- These Instructions continue to contravene Article (6/1) of the Constitution, which provides that Jordanians are equal before the law, with no discrimination between them in rights and duties even though they differ in race, language or religion — in that they discriminated against a Jordanian registered as an expatriate in the records of the Civil Status Department and deprived him of his right to vote even if he was present in the Kingdom on polling day. The question of permanent residence, the purpose of which was

to regulate voting inside the country, has deprived of their rights those who are abroad, such as expatriates, even if they were normally in the country on polling day.

- The process of objection against third parties still requires the completion of a separate form in the name of each person objected to, which means that a person wishing to object to a large number of names must complete dozens of forms or more; this affects the citizen's right to exercise his right of objection and is inconsistent with the principle of the ease of conduct of the electoral process.
- The Executive Instructions issued by the Independent Commission permitted a voter having the right to transfer from his place of residence to be nominally entered on the voter rolls of the Bedouin districts notwithstanding that he does not reside therein; they likewise permitted a voter residing in the Badia whose name is not entered on its rolls to be entered on the voter rolls of the governorate centre nearest to that Badia, while depriving other voters of the same right. They likewise permitted him to transfer to the electoral district according to the place of birth (according to the place of birth of the grandfather or father, or the attachment of the wife to the husband) in accordance with the Civil Status Instructions — **a matter which rendered the process of transfer for voters, in accordance with the Instructions on the preparation of the voter rolls, discriminatory in character** in districts of this kind. This is so while other rolls continued to suffer from the defects of the transfer of votes in the previous elections. The reason for this discrimination among citizens is to be found in the Law, which discriminated between certain regions of the Kingdom and others as regards the methods of establishing residence and the connection of that with the right to vote and to stand for election.

4. The Executive Instructions on the Formation of the Committees

- The Independent Election Commission made an amendment to the Executive Instructions on the Formation of the Committees No. (2) of 2016 and the amendments thereto, by repealing the text of Article (4) of the original Instructions and replacing it with another text, by means of which it re-ordered the Article and introduced certain formal amendments to the Instructions. These Instructions provide for the formation of the following committees:
 - a. **The election committee**, formed under a decision issued by the Council and entrusted with the responsibility of administering all phases of the electoral process and following it up within the scope of the electoral district. In order to guarantee the impartiality of the members of this committee, the Instructions affirmed the same conditions contained in the Law, namely that a member must not be an ascendant or descendant of a candidate in the electoral district, nor one of his relatives up to the second degree, and that he must take an oath

to perform the tasks entrusted to him faithfully, honestly and impartially.

- b. **The polling and counting committee**, formed under a decision of the election committee ratified by the Board of Commissioners of the Independent Election Commission, in order to administer the polling and counting processes at the polling and counting centre assigned to the district. In order to guarantee the integrity of the members of this committee, the Instructions affirmed the same previous conditions, in addition to the requirement that a member of the committee be one of the government employees or employees of official or public institutions.
 - c. **The special committee**, formed under a decision of the Board of Commissioners of the Independent Election Commission in order to audit the results and announce the names of those successful in the elections.
- The National Centre considers that, notwithstanding the amendments made by the Independent Commission to these Instructions, they continue to lack the conditions and criteria governing the formation of the special committees and the selection of their members; nor did they permit ordinary citizens or human rights activists to be among the members of the polling and counting committees, contrary to the position under the other two committees.

5. The Executive Instructions on the Selection and Accreditation of Observers of the Electoral Process

1. The Executive Instructions on the Accreditation of Local Observers of the Electoral Process No. (3) of 2016

- The Independent Election Commission made an amendment to the Executive Instructions on the Accreditation of Local Observers of the Electoral Process No. (3) of 2016 by adding paragraph (e) to Article (3), whereby it required the institutions and coalitions wishing to monitor the electoral process to sign the code of conduct relating to the electoral process prepared by the Commission, together with other minor amendments. It did not, however, work to include within the Instructions the powers and rights of observers, since they remain confined to providing for the mechanisms and procedures of their accreditation and the conditions to be complied with — contrary to the Instructions on the Accreditation of International Observers of the Electoral Process of 2016.

2. The Executive Instructions on the Accreditation of International Observers of the Electoral Process No. (4) of 2016

- The Executive Instructions on the Accreditation of International Observers permitted governmental and non-governmental organisations accredited by

the Independent Election Commission, whether individually or through international monitoring missions, to observe and assess the conduct of the electoral process in its entirety, provided that those organisations have experience in the field of election monitoring and the promotion of democracy, human rights and good governance. The Executive Instructions on the Accreditation of International Observers set out, under Article (12) thereof, the powers and rights of international observers in precise terms, which is what guarantees that they are able to discharge their tasks effectively, as compared with the Executive Instructions relating to local observers, which continue to lack this.

6. The Executive Instructions on the Accreditation of the Agents of List Commissioners and Candidates in the Electoral District No. (8) of 2016

- Notwithstanding the provision of the Executive Instructions on the Accreditation of the Agents of List Commissioners and Candidates in the Electoral District No. (8) of 2016, in Article 7 thereof, for the allocation of a place for list commissioners and candidates, and that a list commissioner or candidate may not have more than one agent in the polling room, in the practical application of this Article **many lists and candidates did not obtain a sufficient number of agents to cover all polling rooms**, as a result of the small size of certain polling rooms, or as a result of the application in those rooms of the public health and safety conditions imposed by the epidemic situation and the spread of the coronavirus.
- While Article (4/b) of these Instructions required that a decision refusing the accreditation of the agents of a list or candidate be reasoned — and in this there is a legal guarantee against the misuse or abuse of power — the Instructions nevertheless did not clarify precisely the mechanism of grievance against, or appeal from, such refusal decisions.

7. The Executive Instructions on Candidacy for the Electoral District No. (6) of 2016 and the amendments thereto

- The Independent Election Commission amended Article (6 bis) of these Executive Instructions on Candidacy for the Electoral District No. (6) of 2016 and the amendments thereto, by granting persons wishing to stand for election who were subject to quarantine or isolation on account of the coronavirus pandemic the opportunity to appoint a representative to act on their behalf for the purposes of candidacy or withdrawal, provided that this power of attorney terminate at the end of the period of their quarantine — a matter conducive to affording persons wishing to stand for election the opportunity to submit their papers in good time.
- The Commission likewise repealed the text of paragraph (g) of Article (6) of the original Executive Instructions and substituted for it paragraph (g/1/2/3/4) of the new Instructions, whereby it introduced a new procedure for determining the serial number on the ballot paper by reliance upon a draw conducted after the close of official working hours on the last day of candidacy,

in the presence of the commissioners of the electoral lists, and, in the event of their non-attendance, the chair of the polling committee acting on their behalf — a matter conducive to resolving all the problems that used to arise as to the taking of one's turn in the previous elections.

- Notwithstanding the amendments introduced to the Executive Instructions on Candidacy for the Electoral District of 2016 and the amendments thereto, they retained the narrative repetition of the conditions that must be satisfied in a candidate as set out in the Law on Elections to the House of Representatives No. (6) of 2016.
- These Instructions likewise continue to oblige applicants for candidacy to attach certain documents originating from certain governmental or official institutions, such as a certificate of no criminal conviction and the document establishing the resignation of the applicant for candidacy from the ministries and public institutions. Given the linkage of the exercise of this right of candidacy to these documents — as has been established in practice — the task of verifying such conditions ought to have been entrusted to the Independent Election Commission and the committees competent to consider candidacy applications. The Centre recommends that the obligation contained in Article (4/c) be made comprehensive, that is, by providing that all governmental institutions and courts be obliged to furnish the Independent Commission and the Civil Status Department with the documents relating to applicants for candidacy.

8. The Executive Instructions on the Rules of Electoral Campaigns

- The Independent Election Commission amended the Executive Instructions on the Rules of Electoral Campaigns No. (7) of 2016 by amending Article (7) thereof, repealing items (d), (l) and (s) thereof and substituting for them new texts affirming the non-use of the official emblem of the State and of Royal photographs in meetings, and so forth. It likewise reduced the distance within which a candidate is permitted to hold festivals and gatherings to fifty metres from the polling and counting centre, so as to conform with the terms of the Elections Law, and affirmed the non-employment of children in electoral campaigning.
- The Executive Instructions on the Rules of Electoral Campaigns affirmed, under Article (4) thereof, the freedom of electoral campaigning within defined legal parameters provided for by the same Instructions in the subsequent Articles.
- These Instructions laid down legal controls for the media campaigning of candidates and lists under Article (7), the most notable of which is the determination of the upper ceiling of expenditure, which is regarded as a commendable control as a means of combating the activities of (black) political money. It would nevertheless have been more appropriate for the Elections Law itself to provide for all these conditions and controls, as well as

for the bases for determining the financial ceilings and the extent of their application, so as to assess more effectively the extent of the Independent Commission's effectiveness in monitoring electoral campaigns and the efficacy of the accountability procedures.

- The Law on Elections to the House of Representatives No. (6) of 2016, and likewise the Executive Instructions on the Rules of Electoral Campaigns, overlooked the necessity of observing the principle of the “open proportional list” in electoral campaigning, that being the general principle adopted in the electoral process, by prohibiting manifestations of individual electoral campaigning.
- Notwithstanding the prohibition by these Instructions, under Article (8) thereof, upon the holders of senior positions in official and public institutions of interfering and exploiting their positions in favour of any candidate or list; and notwithstanding the affirmation by these Instructions of the comprehensiveness of the prohibition contained in the Law upon government employees, the employees of official and public institutions, the Mayor of Amman, the members and employees of the Municipal Council, and the chairs, members and employees of municipal councils, from engaging in electoral campaigning for any of the candidates or lists at their places of work — the text is nevertheless devoid of the direct sanction consequent upon the contravention of these Instructions, and this may be a reason for the non-application of this text in practice.
- The Commission also added to the Instructions Article (14), which contained a new provision as regards the appointment by the list of commissioners from among the list itself, who are vested with the legal powers to sign for the opening of the account and for deposits therein and everything relating to financial matters, and everything conducive to guaranteeing integrity and transparency in the funding of, and expenditure upon, electoral campaigning. It likewise amended the text of Article (15) by repealing item (a) thereof and substituting for it the opening of a joint bank account among the members of the electoral list and in the name of the list, provided that the shares of the members therein be equal.
- On 1 November 2020, and in order to confront the outbreak of the coronavirus, the Independent Election Commission made a further amendment to the Executive Instructions on the Rules of Electoral Campaigns¹ by introducing a new provision under Article (21) thereof, permitting the Council, in the light of the epidemic situation in the Kingdom and in order to prevent the spread of the coronavirus among voters, to decide to close the

¹ Published in the Official Gazette, Issue No. (5672), dated 1 November 2020, p. 4175.

electoral premises of candidates for such period as it deems appropriate. We shall explain hereafter the objections to this amendment in the item relating to electoral campaigning.

9. The Executive Instructions on Polling, Counting and the Aggregation of Votes

- The Independent Election Commission made amendments to the Executive Instructions on Polling, Counting and the Aggregation of Votes No. 9 of 2016, by repealing Article (3) thereof and substituting for it a text conducive to increasing the precision with which the tasks, competences and working mechanism of the chair and members of the polling and counting committees are determined, and likewise as regards the assistant staff, the administrative and technical liaison officers and the data-entry personnel.
- The Executive Instructions on Polling and Counting likewise determined the mechanism for the polling of persons with disabilities, granted them priority in the polling process, and affirmed the permissibility of their being accompanied.
- In order to confront the spread of the coronavirus, the Independent Election Commission amended paragraph (b) of Article (5) of the original Executive Instructions by adding item (3) thereto, permitting a candidate subject to quarantine or isolation on account of the coronavirus to authorise any voter whose name appears on the voter rolls of the electoral district in which he stands to act on his behalf in monitoring the polling process.
- The Independent Election Commission likewise repealed the text of Article (8) and substituted for it another text imposing a greater sequence of procedures for establishing and verifying the identity of the voter.
- It likewise amended the special procedure whereby the voter places the index finger of his left hand in the ink substance designated for that purpose, assigning this role to the second member of the committee, who sprays the index finger of the voter's left hand with the electoral ink substance, in observance of the public health and safety conditions in the procedures imposed by the Commission.
- It likewise amended paragraph (c) of Article (9) of the original Executive Instructions by repealing the text of item (6) thereof and substituting for it a text whereby the second member of the committee sprays the left index finger of the voter with a disability with the electoral ink substance and sprays the right index finger of the companion with the same electoral ink substance.
- It likewise repealed item "Seventh" contained in Article (9), which provided that the chair of the polling and counting committee return the personal identity card to the voter and the companion, this having been replaced by its being read electronically in fulfilment of the requirements of public health and safety.

- The Commission also amended the original Executive Instructions on Polling and Counting by adding Article (9 bis) and Article (10 bis) thereto, containing two texts conducive to guaranteeing that voters subject to quarantine and isolation at home and those wearing the electronic bracelet on account of the coronavirus should exercise their right to vote, by following a set of procedures, among them: drawing up a special roll of the names of voters subject to quarantine or isolation at home and those wearing the electronic bracelet, specifying therein the polling and counting centre and the number of the box on which the voter is entered, and posting it at the entrance of the polling and counting room (24) hours before the date fixed for the holding of the poll; and that the Council take a decision extending the period by not more than two hours in order to enable them to vote, provided that these voters attend the polling and counting centre in accordance with procedures and a protocol specific to that purpose, complying with the procedures determined for the process of their voting.

However, the National Centre observed on polling day the failure to comply with the terms of Articles (9 bis) and (10 bis), in that **persons subject to quarantine and those infected with the coronavirus were prevented from exercising their right to vote**. Nor were **any** of the procedures contained therein taken which would enable persons subject to quarantine and isolation at home to exercise their right to vote.

- The Commission likewise failed to comply with the terms of paragraph (b) of Article (9 bis), relating to the mechanism and procedures for polling specific to persons subject to quarantine at hotels and at the borders, which required the establishment of a polling and counting room containing one or more boxes for each electoral district in the Kingdom, being (23) districts, and the drawing up of rolls of the names of the persons subject to quarantine. This was the result of the procedures imposed by developments in the epidemic situation, which led to the cancellation of these quarantine locations.
- The Commission likewise amended the text of Article (16) of the **original** Executive Instructions by repealing the text of paragraph (b) thereof and substituting for it the following text: "Verifying aloud the data of the sealed box/boxes." It is to be observed that this amendment has repealed one of the guarantees for the protection of the boxes against tampering, which affects negatively the integrity and transparency of the electoral process.
- It is noted that item (5) of paragraph (d) of Article (6) of the **original** Executive Instructions, which provided for "the numbers of the locks of the box", was repealed without any reference thereto among the amendments made to the Instructions on Polling, Counting and the Aggregation of Votes No. (9) of 2006.