



معاً للقضاء على الفساد
TOGETHER TO END CORRUPTION

Shadow Report

Reviewing Progress made in Jordan for Targets
Number 4, 5 and 10 under Goal Number 16 from



2017

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ANTI-CORRUPTION CIVIL SOCIETY ENGAGEMENT WITH THE SDGS

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Executive Summary and Major Findings

Over the past six years, combatting corruption has become a principal priority for the Jordanian Government. Since 2008, the Jordan Integrity and Anti-Corruption Commission (JIACC) has, under the directives of King Abdullah II, produced and implemented a series of National Anti-Corruption Strategies, the third and latest strategy having been launched at the beginning of 2017. The goals detailed in these strategies complement and add to Jordan 2025, Jordan's official roadmap toward attaining a resilient and equitable development trajectory, in accordance with the 17 Sustainable Development Goals set out by the United Nations.

Throughout 2015 and 2016, significant developments have been made in areas such as anti-money laundering, witness protection, anti-corruption, fiscal transparency, and campaign finance. Following the 2014 inception of JIACC's official witness protection program, the Commission has reported receiving, at the very least, one whistleblower case per month, oftentimes more. The Anti-Money Laundering Unit (AMLU) has also been receiving a steady flow of suspicious action reports and notifications, which has increased in volume every year since 2014. In 2015, the Law on Political Parties was passed, regulating political party finances. The legislation included stipulations that parties cannot accept funding from anonymous sources and must produce annual account statements, which are to be regulated by the Committee of Party Affairs.

In 2016, the Integrity and Anti-Corruption Commission Law No. 13 was passed, which enumerated the powers held by the JIACC, including the power to prosecute anyone who commits any acts of corruption and the specific acts of corruption that can be prosecuted by the JIACC. The IACC Law also created a prosecution department within the judicial branch that specializes in JIACC cases, mandatory minimum penalties for those convicted, and a legal witnesses program that is tasked with ensuring anonymity and protection for witnesses and informants. Furthermore, the law specifies that collection processes for assets derived from corruption cannot be dropped, and permits the JIACC to establish a Reconciliation and Settlement Trust Account at the Central Bank that saves and protects recovered assets until they are returned to their rightful owners.

As the law currently stands, only public shareholding companies are required to publish their annual accounts and supporting reports for public viewing, thus underscoring the need for greater private sector transparency through public reporting. In addition, reports of weapons moving from Jordan to both regional conflict zones and countries with notable human rights violations highlights the need for rigorous oversight and a more stringent regulatory system in the weapons flow realm. Although Jordan made notable progress in instating new campaign finance legislation, the government must go further to establish a body of laws addressing lobbying transparency. Finally, and perhaps most significantly, in October 2015, Jordan's Law Interpretation Bureau put forth a ruling that Article 11 of the Electronic Crimes Law, which allows for the imprisonment of online media practitioners, applies to cases of online slander – a notable decision, given that Article 42 of the Press and Publication law prohibits detainment based solely upon the expression of opinion in writing, verbally, or in any other form.

Furthermore, both government-instated and self-censorship among journalists, for the stated sake of public order, has become common practice among media institutions. Employing Article 5 of the Press and Publication Law and Article 20 of the Audio-Visual Media Law on the preservation of public order, the Audio-Visual Media Commission has in recent years instructed satellite channels, broadcast channels, and websites to cease the publishing of any information regarding public security and public security employees, unless under the direct request of the Public Security Directorate. The stated penalty in these instructions was perjury, thus creating an unfavorable environment for journalists to publish any content related to public security and its supporting employees.

Key Recommendations:

- 1.) Review all relevant legislation to ensure full compliance with the United Nations Convention Against Corruption and all Financial Action Task Force recommendations.
- 2.) Strengthen transparency in the public sector by incorporating into relevant legislation specific requirements for regular interest disclosure and for the publishing on information contained in income and asset declarations.
- 3.) Foster a culture of heightened transparency in the private sector by encouraging companies to publicly publish their annual accounts and other company filings and by intensifying penalties for non-disclosure of legally required information.
- 4.) Incorporate into relevant legislation articles that secure the financial, administrative, and political autonomy of watchdog, supervisory, and enforcement bodies such as the media, the Audit Bureau, the Committee of Party Affairs, the Information Commissioner Board, and the law enforcement agencies.
- 5.) Strengthen anti-money laundering legislation by including domestic public officials within the definition of politically exposed persons.

6.) Amend relevant legislation to specifically include protection of whistleblowers who disclose their information publicly or to third parties, if necessitated by circumstance.

7.) Consider both forming a permanent parliamentary committee on security and defense and amending relevant legislation to ensure greater parliamentary access to Armed Forces and General Intelligence Directorate personnel.

8.) Review the Electronic Crimes Law and the 2006 Prevention of Terrorism Act to ensure that no prejudice against freedom of speech is present and that journalists are not wrongfully detained.

9.) Consider amending the relevant information access legislation to include provisions for mandatory public interest overrides, thus allowing information to be disclosed when such disclosure is in the overall public interest, even at the harm of a protected interest.

It should be noted that data on implementation and compliance for the indicators detailed below is scattered. The bulk of this data had to be obtained through interviews and direct correspondences with relevant government entities, all of which were open and generous with their data, policies, and practices. However, more should be done to publish annual statistics and update government websites with such information on a regular basis.

The 2030 Agenda for Sustainable Development

Spearheaded by the United Nations, the sustainable development goals (SDGs), also known as Transforming our World: the 2030 Agenda for Sustainable Development, is a set of 17 aspirational “global goals” and 169 targets adopted in 2015 by the 193 UN member states. All UN member states have committed to these global goals that are intended to steer policy-making and development funding for the next 15 years. Of particular relevance to the anti-corruption agenda is SDG 16 on sustainable governance, most notably targets 16.4 on illicit financial flows, 16.5 on bribery and corruption and 16.10 on access to information

Global targets and indicators have been set for each goal with the expectation that they will be incorporated into national planning processes and policies. Countries are also encouraged to define national targets tailored to their specific circumstances and identify locally relevant indicators and data sources that will be used to measure progress towards achieving each of the SDG targets.

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to conduct regular national reviews of progress made towards the achievement of these goals through an inclusive, voluntary and country-led process. In addition, each year certain state parties volunteer to report on national progress to the High-Level Political Forum (HLPF), which will next meet in July 2017 in New York. Rasheed for Integrity and Transparency, a chapter under the formation of Transparency International in Jordan, will be among the 44 countries reporting this year. While SDG 16 will not be reviewed in depth by the HLPF until 2019, integrity risks across the SDG framework make it essential to monitor national progress against corruption from the outset.

Rationale for this Shadow Report

While governments are expected to take the lead in reviewing progress towards the Sustainable Development Goals (SDGs), national-level monitoring needs to go beyond the remit of governments to include civil society and other stakeholders.

This shadow report is based on data collected by Rasheed for Integrity and Transparency. The report has been developed in response to three key issues related to the official SDG monitoring processes: the multi-dimensional nature of SDG targets, data availability and perceived credibility of data generated by government agencies. Collectively, these limitations provide a strong rationale for an independent appraisal of the government's anti-corruption efforts in the context of the Sustainable Development Goals.

Firstly, several of the targets under Goal 16 are multi-dimensional in the sense that they measure broad concepts like "corruption" which cannot be adequately captured by a single indicator. Moreover, the indicators in the official global set do not sufficiently cover the full ambition of the targets. For instance, target 16.5 seeks a substantial reduction in corruption and bribery "in all their forms", but the only approved global indicators measure bribery between public officials and the public or business. There are no measures of corruption within or between governments or other forms of non-governmental corruption. For some targets, the selected global indicators fail to capture critical aspects. For instance, target 16.4 seeks to combat all forms of organised crime, but there is no official indicator that measures organised crime nor an indicator related to strengthening the recovery and return of stolen assets.

This shadow report seeks to provide a more comprehensive picture of national anti-corruption progress across a range of policy areas.

Secondly, even where the official indicators are themselves capable of capturing progress towards SDG 16 targets, there is an absence of data to speak to these indicators. Many of the global SDG 16 indicators rely on data that is not regularly produced or currently have no established methodology or standards for data collection.

This shadow reporting exercise is partly an effort to compensate for insufficient coverage of and data availability for official SDG 16 indicators by presenting alternative indicators, data sources and proxies.

Finally, the official assessment of progress made towards the SDG targets will rely on data generated by government agencies, particularly national statistics offices. The reliability and credibility of official data may be open to question for two reasons. First, in some settings, national statistics offices may simply be overwhelmed by the task of producing data for 169 targets. Second, politically sensitive targets, such as those related to corruption and governance, require that governments assess their own efficacy; illicit financial flows (16.4) may involve government officials, corruption (16.5) may involve government elites, while governments may be restricting information, or even targeting journalists, trade unionists or civil society activists (16.10).

Given the challenges described above, independent analysis is vital to complement and scrutinise official government progress reports related to SDGs 16.4, 16.5 and 16.10. This shadow report is an attempt to do just that.

The information gleaned from the shadow reporting exercise and presented here in this report can be used as an input into two key processes. At the global level, this information can be used to complement National Voluntary Reviews at the High Level Political Forum in July 2017. Nationally, this information generated can feed into the governmental SDG review processes taking place on a rolling basis in each country.

Introduction

Despite the challenges Jordan faces in the wake of the 2008 global financial crisis and in the midst of regional instability, which has affected trade, tourism, investment, and refugee-driven population growth, the Jordanian government has, on numerous occasions, affirmed its commitment to implementing the SDG agenda to foster a more durable, flourishing, and inclusive economy. In 2002, Jordan instated the Higher National Committee on Sustainable Development (HNCSD) as the national platform for dialogue surrounding sustainable development. The HNCSD is chaired by the Minister of Planning and International Cooperation, whose ministry in 2015 managed the development of Jordan 2025, a national strategy that aims to promote and direct sustainable social and economic policy into 2025. More than 300 experts from the governmental, business, and civil society sectors supported the Jordan 2025 Steering Committee, and various processes – such as advertising a Public Call for Submissions and holding a National Conference – were carried out to foster broader engagement with citizens, civil society organizations, political parties, and businesses. In June of 2017, the HNCSD discussed the draft of the National Voluntary Review of Jordan on the Sustainable Development Agenda 2030, which, according to ministry statements, will be presented at a UN forum on sustainable development in July, 2017. The review highlights the measures that must be taken to achieve the sustainable development goals and incorporates the Jordan 2025 document.

Government transparency and accountability targets are included in Jordan 2025, and anti-corruption performance measurement indicators, specifically Jordan's Corruption Perception Index TI score and its Irregular Payments & Bribes and Diversion of Public Funds World Economic Forum rank, are included for reference. However, efforts to fight corruption and enhance government integrity began nine years prior to 2015, when Jordan's Anti-Corruption Commission was established. Since 2008, the Commission has, under the directives of King Abdullah II, produced and implemented a series of National Anti-Corruption Strategies, beginning with the 2008-2012 and 2013-2017 Strategies, and most recently followed by the newly launched 2018-2025 Strategy. The objectives of these strategies have focused on strengthening the Anti-Corruption Commission, bolstering legislative and institutional frameworks to prevent corruption, raising awareness on corruption and anti-corruption efforts, promoting integrity and the active participation of society in anti-corruption activities (2013-2017, 2018-2025 Strategies), increasing efficiency in investigations and court proceedings, enhancing anti-corruption coordination between government agencies (2008-2012 Strategy), enhancing anti-corruption cooperation within the international sphere, and

developing national anti-corruption legislation in compliance with international standards (2013-2017 Strategy).¹ The 2012 National Integrity Charter and the accompanying Executive Plan to Enhance the National Integrity System puts forth the regulatory ethical and professional standards that both public and private sector employees must adhere to, in addition to plans to ensure the integrity of institutions such as the judiciary and the parliament, and through departments such as public oversight agencies and internal control units.²

Jordan's National Integrity Charter and Executive Plan to Enhance the National Integrity System, as well as the 2008-2012, 2013-2017, and 2018-2025 National Anti-Corruption Strategies, were developed in consultation with anti-corruption partners in the private and public sectors, NGOs, and civil society institutions, all of which provided data and information that was integrated into the Charter, Executive Plan, and Strategy.³ The Charter and Executive Plan contains data from relevant anti-corruption actors, including civil society, that was gathered through outreach activities, consultative meetings, and the announcement of an email address and fax number to receive public recommendations and notes.⁴ The Strategies contain data collected from meetings and workshops with relevant anti-corruption actors, online questionnaires, and previous anti-corruption evaluation reports.⁵ All strategies, charters, and plans, with the exception of the 2018-2025 National Strategy, are available to the public online.

While the Ministry of Planning and International Coordination's HNCSD is tasked with overseeing the implementation of Jordan 2025, the bodies in charge of implementing plans associated with SDG 16 specifically include the Jordan Integrity and Anti-Corruption Commission (JIACC), the Royal Committee for the Follow-Up and Evaluation of the National Integrity Charter, and all other bodies with an stake in anti-corruption efforts, including the Audit Bureau, the Anti-Money Laundering Unit (AMLU), and the Independent Election Commission.⁶

1- Jordan Integrity and Anti-Corruption Commission, 2008-2012, 2013-2017, and 2018-2025 National Anti-Corruption Strategies. For 2008-2012 and 2013-2017 Strategies, see links:

http://jiacc.gov.jo/Portals/0/strategy/Strategy_en.pdf, <http://jiacc.gov.jo/en-us/aboutcomission/anticorruptionnationalstrategy/nationalstrategyforcommission20082012.aspx>

2- Royal Committee to Enhance the National Integrity System, National Integrity Charter and Executive Plan For Charter and Plan, see link:

<http://www.mopsd.gov.jo/en/PDF%20Files/NIC%20Booklet%20English%20Published.pdf>

3- Interview with Abd al Aziz Al Arwani, Jordan Integrity and Anti-Corruption Commission, in Amman (Jun. 22, 2017).

4- Royal Committee to Enhance the National Integrity System, National Integrity Charter and Executive Plan.

5- Jordan Integrity and Anti-Corruption Commission, 2008-2012, 2013-2017, and 2018-2025 National Anti-Corruption Strategies.

6- Rasheed – Transparency International, The National Integrity System (NIS) Jordan, 2016

Methodology

The report aims to provide a broad assessment of national progress towards three SDG targets linked to anti-corruption and transparency – 16.4, 16.5 and 16.10. A number of policy areas are covered under each of these three SDG targets to provide a rounded overview in a way that goes beyond the narrow understanding of corruption captured by the official global indicators.

Each policy area was assessed against three elements. First, there was a scored evaluation of the country's de jure legal and institutional framework. Second, relevant country data from assessments and indices produced by civil society groups and international organisations was considered. Finally, researchers conducted a qualitative appraisal of the country's de facto efforts to tackle corruption.

The information featured in this report was conducted in June 2017 and was collected through legal review, web-based desk research, and interviews and correspondences with relevant government bodies. The online sources used include Jordanian government websites, websites of relevant international institutions, and Jordanian news websites. Information provided to Rasheed – Transparency International in interviews and correspondences with the Jordan Integrity and Anti-Corruption Commission, the Ministry of Justice, the Anti-Money Laundering Unit, and the Companies Control Department is also integrated throughout the report.

National Progress Report

In 2017, Jordan presented its National Voluntary Review of the country's SDG-related progress and challenges at the High-Level Political Forum on Sustainable Development.⁷ The review process was led by the Ministry of Planning and International Cooperation, with the support of the United Nations Country Team in Jordan and the National Higher Committee on Sustainable Development. Relevant stakeholders – such as civil society organizations focusing on human rights, women's rights, and community development; youth and volunteer organizations; the private sector; workers' unions; local councils and committees; figures within academia; the science and technology communities; and representatives from refugee communities – were consulted in workshops and meetings to contribute to the drafting of the review. The full review has been published publicly online.

The review did not go into great detail on progress made toward targets 16.4, 16.5, and 16.10. While the review stresses the importance of freedom of expression and the media in promoting stability and peace, data on country-wide progress toward target 16.10 was not included. In addition, although aims such as judicial independence, greater access to justice, and penal code amendments were mentioned, these aims remain only tangentially related to targets 16.4 and 16.5. However, assessments of other areas deemed national priorities – such as poverty eradication; food security; health and well-being; education; gender equality; water availability and sustainability; affordable and reliable energy; environment and climate change action; employment and economic growth; industry, innovation and infrastructure; and peace and security – were addressed with adequate supporting data.⁸

In the future, Jordan's reviews and progress reports should include discussions of, and indicators related to, areas deemed 'priority' in the report that follows. These areas include compliance with international anti-corruption measures, strengthening anti-money laundering and anti-arms trafficking measures, strengthening public and private sector transparency, and strengthening protections for journalists and public access to information.

7- Sustainable Development Knowledge Platform, Jordan: Voluntary National Review 2017. For summary, see link: <https://sustainabledevelopment.un.org/memberstates/jordan>

8- The Hashemite Kingdom of Jordan, Jordan's Way to Sustainable Development: First National Voluntary Review on the Implementation of the 2030 Agenda
<https://sustainabledevelopment.un.org/content/documents/16289Jordan.pdf>

Rasheed for Integrity and Transparency's findings on national progress towards SDG 16.4, 16.5 and 16.10

Recent Developments

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 80%

Public statements made by Jordan's current political leadership have ensured that fighting corruption remains a priority. In particular, figures such as King Abdullah II, the Prime Minister, the Minister of Justice, and the Minister of Labor have, within the past two years, made public statements about fighting corruption, which have been reported on by the press. These public statements have been bolstered by concrete actions taken by political leadership.⁹ The National Integrity Charter and Executive Plan was developed upon the directive of King Abdullah II, and the third National Anti-Corruption Strategy for 2017-2025 has been launched.¹⁰

In addition to the recent launching of the third National Anti-Corruption Strategy, the Jordanian government also passed a notable piece of anti-corruption legislation, called the Integrity and Anti-Corruption Commission Law (IACC Law, Law Number 13 of 2016). This law enumerated the powers held by Jordan Anti-Corruption Commission (JIACC), including the power to prosecute anyone who commits any acts of corruption (Article 4j) and the specific acts of corruption that can be prosecuted by the JIACC (Article 16).¹¹

9- Jordan Times, Prime Minister Launches 2017-2025 Anti-Corruption Strategy, Dec. 9, 2016. For article, see link: <http://www.jordantimes.com/news/local/prime-minister-launches-2017-2025-anti-corruption-strategy>

Petra News, Prime Minister, Tunisian Counterpart Discuss Cooperation, Sep. 6, 2016. For article, see link: http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=268092&Type=P

Jordan Times, Jordan Committed to Stepping Up Action Against Corruption, May 17, 2016. For article, see link: <http://www.jordantimes.com/news/local/jordan-committed-stepping-action-against-corruption>

Jordan Times, Labour Ministry Coordinating Closely with Anti-Graft Agency, says Ghezawi, Feb. 12, 2017. For article, see link: <http://www.jordantimes.com/news/local/labour-ministry-coordinating-closely-anti-graft-agency-says-ghezawi>

10- Jordan Times, King Urges Concerted Effort to Implement Integrity Charter, Dec. 16, 2015. For article, see link: <http://www.jordantimes.com/news/local/king-urges-concerted-effort-implement-integrity-charter>

Jordan Times, Prime Minister Launches 2017-2025 Anti-Corruption Strategy, Dec. 9, 2016.

11- The enumerated acts of corruption that can be prosecuted by the JIACC are: (1) crimes contrary to job duties and the public trust, as stipulated by the Penal Code, (2) economic crimes as defined by the Economic Crimes Law, (3) illicit enrichment, (4) failure to declare and disclose investments, property, or benefits that may lead to conflict of interest, if the law requires such disclosures, (5) any act or refrainment from acting that wastes public funds, (6) the abuse of power contrary to the law, (7) any act of nepotism or favoritism carried out by the public administration employee, (8) the use of information available ex-officio for personal gain, and (9) any corruption offenses stipulated in international conventions ratified by the Kingdom (Article 16a, Law No. 13 of 2016). Crimes excluded by the Law from the JIACC's jurisdiction are as follows: (1) disputes and complaints between individuals, (2) complaints that fall under the jurisdiction of any other official control body, which is obliged to refer the perpetrator to public prosecution, should the control body become aware of criminal activity, and (3) complaints or grievances that are already subject to administrative and judicial objections. Law No. 13 of 2016, Article 16b.

The IACC Law also created a prosecution department within the judicial branch that specializes in JIACC cases (Article 17), mandatory minimum penalties for those convicted (Article 23), and a legal witnesses program that is tasked with ensuring anonymity and protection for witnesses and informants (Article 24). Furthermore, the law specifies that collection processes for assets derived from corruption cannot be dropped (Article 29), and permits the IACC to establish a Reconciliation and Settlement Trust Account at the Central Bank that saves and protects recovered assets until they are returned to their rightful owners (Article 30).

Relevant Third Party

34% of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s 2016 Global Corruption Barometer.

Implementation and Compliance

While the media, within the current context, would be best suited to investigate and highlight corruption risks and cases in Jordan, Rasheed – Transparency International gave the collective Jordanian media a poor rating in its National Integrity System evaluation report. Although it has played an increasingly important role in highlighting a number of corruption cases over the past five years, the media as an institution largely lacks independence in practice, given that the majority of media outlets are owned by the public sector. In addition, the Access to Information Law does not include a self-disclosure principle, in which public institutions are required to regularly publish information regarding their work. This issue is primarily evident on governmental institution websites, which are irregularly updated and often exclude statistics related to their work. Furthermore, the NIS evaluation found that, within the past two years, the media has largely retreated from its role in exposing and monitoring corruption. The roots of this media retreat can be traced back to a general lack of information, as well as a widespread fear of prosecution and accountability. Despite this, the media has retained its important role in publicizing corruption cases raised by the House of Representatives, reports issued by the JIACC, and press conferences held by the JIACC President.¹²

12- Rasheed – Transparency International, The National Integrity System (NIS) Jordan, 2016

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

Anti-Money Laundering

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 47%

The anti-money laundering laws adopted in Jordan are largely in line with the Financial Action Task Force (FATF)'s Recommendation 3. Specifically, Law No. 46 of 2007 meets the following Recommendation 3 requirements: 3.1, 3.2 (in Article 4 of the 2007 Law), 3.3 (in Article 4 of the 2007 Law), 3.4 (in Article 3 of the 2007 Law), 3.6 (in Article 3 of the 2007 Law), 3.9 (in Article 25 of the 2007 Law), 3.10 (in Article 31 of the 2007 Law), and 3.11 (Article 24 of the 2007 Law).¹³ However, the law does not provide enough detail to adequately cover recommendations: 3.5, which states, "when proving that property is the proceeds of a crime, it should not be necessary that a person be convicted of a predicate offense;" 3.7, which stipulates, "the money laundering offence should apply to persons who commit the predicate offense, unless this is contrary to fundamental principles of domestic law;" and 3.8, which specifies, "it should be possible for the intent and knowledge required to prove the money laundering offense to be inferred from factual circumstances."¹⁴

13- Jordan meets the FATF Recommendation 3 requirements in the following areas: (1) ML should be criminalized on the basis of the Vienna and Palermo Conventions, (2) the predicate offenses for ML should cover all serious offenses, with a view to including the widest range of predicate offenses (at minimum, a range of offenses in each of the designated categories of offenses), (3) where countries apply a threshold approach or a combined approach including threshold, predicate offenses should, at a minimum, comprise all offenses that: fall within the category of serious offenses under national law, are punishable by a maximum penalty of more than one year's imprisonment, or are punished by a minimum penalty of more than six months' imprisonment, (4) the ML offense should extend to any type of property, regardless of value, that directly represents the proceeds of crime, (6) predicate offenses for money laundering should extend to conduct that occurred in another country, which constitutes an offense in that country, and which would have constituted a predicate offense had it occurred domestically, (9) proportionate and dissuasive criminal sanctions should apply to natural persons convicted of ML, (10) criminal liability and sanctions, and where it is not possible, civil or administrative liability and sanctions, should apply to legal persons (this should not preclude parallel criminal, civil, or administrative proceedings with respect to legal persons in countries in which more than one form of liability is available, such measures are without prejudice to the criminal liability of natural persons, and all sanctions should be proportionate and dissuasive), and (11) unless it is not permitted by fundamental principles of domestic law, there should be appropriate ancillary offences to the ML offense, including: participation in, association with or conspiracy to commit, attempt, aiding and abetting, facilitation, and counseling the commission. Financial Action Task Force, Methodology for Assessing Technical Compliance with the FATF, February 2017 (updated). For methodology, see link:

<http://www.fatf-gafi.org/media/fatf/documents/methodology/FATF%20Methodology-March%202017-Final.pdf>

Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007. For legislation, see link:

<http://www.amlu.gov.jo/Portals/0/English/Law%20English%202015.pdf>

14- Ibid.

anonymous accounts and are required to undertake due diligence on their customers.¹⁵ These instructions also require financial institutions to inform relevant authorities when they suspect that funds are related to money laundering or terrorist financing, as specified by FATF Recommendation 20.¹⁶

Jordan's legislation is, in part, aligned with FATF Recommendations 22 and 23 on designated non-financial businesses and professions (DNFBPs). The Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007 lists the following DNFBPs as entities required to comply with the provisions of the law: "persons or entities trading in real estate and its development; persons or entities trading in precious metals and stones; and persons or entities that perform the following business transactions on behalf of a third party: sale or purchase of real estate, management of funds or any other financial assets, management of bank accounts, postal saving accounts, or investments accounts in local and international financial markets, legal procedures necessary for establishing or managing any legal person, purchasing or selling commercial stores, and organization of contributions related to establishing or managing companies" (Article 13b). Only entities carrying out legal procedures for legal entities are specified, and casinos are not relevant within the Jordanian context. Accountants, as well as trust and company service providers, are not explicitly mentioned in the law, but could be covered under the "management of funds or any other financial assets" and "management of bank accounts" specifications.¹⁷

DNFBPs are required to follow the same due diligence procedures that, by law, financial entities must carry out, as specified within Article 13. However, politically exposed persons (PEPs) are only defined as those connected to public offices in foreign countries, and they are not included within the legislation itself, but instead in the instructions issued pursuant to the 2007 Law. The instructions for companies trading in real estate and precious stones and metals do call for enhanced diligence for PEPs according to Recommendation 22, but, as mentioned above, such practices of enhanced diligence apply only to foreign PEPs.¹⁸ The same is true for the instructions issued to guide financial entities, including banks, exchange companies, financial securities companies, and all other entities exercising financial activities stipulated in Article 13 of the 2007 Law.¹⁹

15- Anti Money Laundering and Counter Terrorism Financing Instructions No. 51 of 2010. For instructions, see link: <http://www.amlu.gov.jo/Portals/0/English/01%20Anti%20Money%20Laundering%20and%20Counter.pdf>

16- Ibid.

17- Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007.

18- Anti Money Laundering and Counter Terrorism Financing Instructions Pertaining to Licensed Real Estate Offices for the Year 2010. For instructions, see link:

<http://www.amlu.gov.jo/Portals/0/English/10%20Anti%20Money%20Laundering%20and%20Counter%20Terrorist.pdf>

Anti Money Laundering and Counter Terrorism Financing Instructions Pertaining to Goldsmithing and Sale of Jewelry Precious Metals and Gems Shops for the Year 2010. For instructions, see link:

<http://www.amlu.gov.jo/Portals/0/English/08%20Anti%20Money%20Laundering%20and%20Counter%20Terrorist.pdf>

19- Anti Money Laundering and Counter Terrorism Financing Instructions No. 51 of 2010. Anti Money Laundering and Counter Terrorism Financing Regulation related to Money Exchange Companies No. 2 of 2010. For regulation, see link:

<http://www.amlu.gov.jo/Portals/0/English/03%20Anti%20Money%20Laundering%20and%20Counter.pdf>

Instructions on Anti Money Laundering and Counter Terrorist Financing in Securities Activities. For instructions, see link:

<http://www.amlu.gov.jo/Portals/0/English/05%20Instructions%20on%20Anti%20Money%20Laundering.pdf>

Anti Money Laundering and Counter Terrorist Financing Instructions for Entities Exercising and of the Financial Activities Stipulated in Item (5) of Paragraph (a) of Article (13) of the Anti Money Laundering and Counter Terrorist Financing Law. For instructions, see link: [http://www.amlu.gov.jo/Portals/0/English/14%20Instructions%20No.\(3\)%20for%20the%20year%202011.pdf](http://www.amlu.gov.jo/Portals/0/English/14%20Instructions%20No.(3)%20for%20the%20year%202011.pdf)

In addition, nothing is mentioned on whether or not reliance on third parties to carry out customer due diligence is permitted for DNFBPs, as specified in Recommendation 22. The instructions for companies trading in real estate and precious stones and metals also include most regulations specified in Recommendation 23. However, screening procedures for employee hiring and the employment of an independent audit function to test internal controls are not mentioned. According to the AMLU, instructions for lawyers and accountants are still in the process of being drafted.²⁰

There is also room for improvement on the international agreements front. As of June 2017, Jordan is not listed as a jurisdiction in the OSCE's Country-Specific Information on Country-by-Country Reporting Implementation, an agreement that facilitates the exchange of country-by-country reports on key indicators of multinational enterprise groups.²¹ In addition, as of January 2017, Jordan has not signed the Country-by-Country Multilateral Competent Authority Agreement, which facilitates the automatic exchange of financial account information.²²

Relevant Third Party Index

Jordan's score on the Basel Institute of Governance's Basel Anti-Money Laundering Index is 4.88 on a scale of 0 (low risk) to 10 (high risk).

Implementation and Compliance

Developments over the past two years indicate a steady improvement in the implementation of anti-money laundering measures. According to Jordan's Anti Money Laundering & Counter Terrorist Financing Unit's latest published annual reports, the number of Suspicious Activity Reports (SARs) received from entities obliged to report, listed as banks, money exchange companies, financial services companies, lawyers, jewelry companies in reports, increased from 155 SARs in 2014 to 319 in 2015, and again to 550 in 2016. The number of Notifications of Transactions Suspected to be Related to Money Laundering received from regulatory and supervisory authorities and other competent authorities, listed as Central Bank of Jordan, Securities Commission, Anti Corruption Commission, Public Security Directorate, Companies Controller Department, General Customs Department, Income Tax and Sales Department, and Judicial Authority in reports, decreased slightly from 29 in 2014 to 28 in 2015, but increased significantly to 52 in 2016. While requests for information issued by the AMLU to counterpart Units in other countries remained stagnant at 11 in 2014 and 2015, the number increased to 16 in 2016. The number of requests for information received from counterpart units increased from 56 in 2014 to 71 in 2015, then decreased slightly to 65 in 2016. These increases in reports submitted to the AMLU and counterpart requests submitted by the AMLU indicate a steady increase in the activity of the Unit.

20- Interview with Ra'ed Al Rawashdeh, Anti-Money Laundering Unit, in Amman (Jun. 22, 2017).

21- OECD, Country-Specific Information on Country-by-Country Reporting Implementation, updated Jun. 29, 2017. For jurisdictions, see link:

<http://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm>

22- OECD, Signatories of the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information, updated Jun. 29, 2017. For signatories, see link:

<http://www.oecd.org/tax/automatic-exchange/international-framework-for-the-crs/MCAA-Signatories.pdf>

According to the Ministry of Justice, there were 8 cases of money laundering resulting in 11 convictions out of 14 involved parties in 2015 and 2016. To evaluate these processes in the future, the following data, in addition to the number of cases and convictions, would be useful: the number of criminal investigations for money laundering activity, the average length of custodial sentences imposed for money laundering convictions, the average value of fines imposed on money laundering convictions, the number of sanctions imposed for money laundering offences, and the value of the proceeds of crime, instrumentalities, or property confiscated.

Throughout 2015, 2016 and the first half of 2017, the AMLU held workshops and meetings on topics related to money laundering and terrorist financing on a national scale, including workshops to train Jordanian banking and insurance companies on anti-money laundering and counter terrorist financing measures and to build the capacities of DNFBPs to effectively monitor and counter money laundering. On a regional and international scale, Jordan attended in the Egmont Group meetings, participated in Middle East and North Africa Financial Action Task Force (MENAFATF) annual plenaries, and participated in Counter ISIL Finance Group meetings throughout the past two years.²³ Notably, an article published by the Global Center in March 2017 announced an AMLU-held workshop on developing and upgrading Jordan's compliance programs for the private sector and DNFBPs.²⁴ According to the AMLU, this workshop focused on raising awareness among DNFBPs on new developments in international anti-money laundering standards, including the FATF, as well as building capacities among DNFBPs to apply a risk-based approach to anti-money laundering supervision processes.²⁵

These gradual improvements are reflected in Jordan's Basel Anti-Money Laundering Index scores from 2014 to 2016. Since 2014, Jordan has slowly been gaining a more favorable rating on the index, which quantifies country-by-country risk of money laundering and terrorist, based upon publicly available information. Jordan lessened its risk score from 5.02 in 2014 to 4.91 in 2015, and again from 4.91 in 2015 to 4.88 in 2016.²⁶

23- VInterview with Ra'ed Al Rawashdeh, Anti-Money Laundering Unit, in Amman (Jun. 22, 2017).

Anti-Money Laundering Unit, 2014 Annual Report. For report, see link:

<http://www.amlu.gov.jo/Portals/0/Reports/%202014%20السنوي%20التقرير.pdf>

Anti-Money Laundering Unit, 2015 Annual Report. For report, see link: <http://www.amlu.gov.jo/Portals/0/Reports/Annual%20Report%202015%20English%20Final.pdf>

ANit-Money Laundering Unit, The Unit's Participation in the Egmont Working Groups Meetings. For article, see link:

<http://www.amlu.gov.jo/LatestNews/NewsDetails/tabid/350/ArticleId/400/language/ar-JO/The-Units-participation-in-the-Egmont-Working-Groups-Meetings.aspx>

24- Global Center on Cooperative Security, Developing and Upgrading AML/CTF Approaches, Methodologies, and Controls for Financial Institutions and Designated Non-Financial Businesses and Professions, Mar. 7, 2017. For article, see link:

<http://www.globalcenter.org/events/developing-and-upgrading-anti-money-laundering-and-combatting-the-financing-of-terrorism-approaches-methodologies-and-controls-for-financial-institutions-and-designated-non-financial-businesses-and/>

25- Interview with Ra'ed Al Rawashdeh, Anti-Money Laundering Unit, in Amman (Jun. 22, 2017).

26- Basel Institute on Governance, Basel AML Index 2016 Report, Jul. 27, 2016. For report, see link:

https://index.baselgovernance.org/sites/index/documents/Basel_AML_Index_Report_2016.pdf

Basel Institute on Governance, Basel AML Index 2015 Report, Aug. 18, 2015. For report, see link:

https://index.baselgovernance.org/sites/index/documents/Basel_AML_Index_Report_2015.pdf

Basel Institute on Governance, 2014 Public Basel AML Index Scores. For scores, see link:

http://spscb.cna.md/sites/default/files/basel_aml-index-project-report-20141.pdf

Beneficial Ownership Transparency

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 46%

The Anti Money Laundering Law No. 46 for 2007 defines the “Beneficiary Owner” as “the natural person with the real interest for whom the business relationship is conducted for or on his behalf, or who has full or effective control over a legal person or has the right to conclude a legal arrangement on its behalf.”²⁷ As stipulated by the 2007 law, all entities subject to the provision of the Anti Money Laundering Law – which includes both financial institutions and Transparency International’s minimum specified DNFBPs – must “give due diligence to the identification of the customer’s entity, legal status, activity of the customer, purpose of the business relationship and nature, and the beneficiary owner of the relationship between the entities and the customer, if any, and verifying such.”²⁸ It also states that entities subject to the provision of the law must “keep records and legal instruments to document the local and international financial transactions to include sufficient data to identify such transactions; as well as maintaining such records, documents, legal instruments, data and information including the customer’s due diligence data and beneficiary owners for not less than five years from the date of completion of the transaction or the date of termination of the business, as the case may be, which shall be updated periodically”²⁹.

As stipulated in the 2011 Instructions No. 3, issued pursuant to the Anti Money Laundering and Counter Terrorist Financing Law, companies are required to designate an accredited, independent Reporting Officer and Deputy Reporting Officer in the Officer’s absence.³⁰ These officers are tasked with implementing the provisions of the Anti Money Laundering Law and its related instructions, including the gathering of information regarding beneficiary ownership. The entity’s chairman, board members, general managers, and all employees, in compliance with the law, must alert the Reporting Officer of any transactions suspected to be connected to money laundering or terrorist financing, and the Reporting Officer must then inform the AMLU immediately of any suspicious transaction. However, the instructions only specify the employment of this reporting mechanism in the event of suspicious transactions, or at the AMLU’s request.

27- Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007.

28- The specified entities subject to this law are as follows: both financial entities (banks operating in Jordan, exchange and money transfer companies, persons or companies exercising any of the activities subject to the supervision and licensing of the Securities Commission and the Insurance Commission, entities offering postal services, and entities that: grant all types of credit, provide payment and collection services, issue and administrate instruments payments and credit, trade in stock exchange market and capital market instruments for its own account or for clients, purchase and sell debts with or without the right of recourse, provide financial leasing, and manage investments and financial assets on behalf of a third party) and non-financial entities (persons/entities: trading in real estate and real estate development, trading in precious metals and stones, or performing any of the following business transactions: sale and purchase of real estate; management of funds or any other financial assets; management of bank accounts, postal saving accounts, or investment accounts in local and international financial markets; legal procedures necessary for establishing or managing any legal person, purchasing, or selling commercial stores; or organization of contributions related to the establishing or managing companies. Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007.

29- Ibid.

30- Anti Money Laundering and Counter Terrorist Financing Instructions for Entities Exercising and of the Financial Activities Stipulated in Item (5) of Paragraph (a) of Article (13) of the Anti Money Laundering and Counter Terrorist Financing Law.

While bodies such as the Securities Commission, the Central Bank, and the Ministry of Industry and Trade are also tasked with the supervision and monitoring of securities companies, banks, and companies – which includes having access to information such as company owners – none of these authorities are explicitly mentioned in the legislation containing information on beneficiary ownership monitoring procedures.³¹

Implementation and Compliance

The Ministry of Industry and Trade's Companies Control Department (CCD) holds the company registry.³² According to the CCD, it is required that all owners, partners, and shareholders register their names to the company. Hidden persons are prohibited, and company owners must sign a document upon registration stating that they are the only shareholders. However, the CCD revealed that, in practice, it is likely that some company owners, partners, and shareholders violate this regulation by not registering their names and information.³³ The identifying information recorded in the registry includes owner, partner, and shareholder names, national identification numbers, and nationalities. Business addresses and the names of general managers are also included in the registry. Of course, only registered owner names appear on the company registry, and 'beneficial ownership' specifically is not a field that companies are required to submit to the registry. In the event that information relevant to identifying owners, shareholders, and directors changes, the Companies Control Department requires that these changes be reported within ten days.³⁴

The company registry remains transparent in practice. It is easily accessible online, access is free, and it is easily searchable because of its inclusion of various search parameters: company name, company co-owner, general manager, sector, company number, by date, amount of starting capital, company service, national number of the owner, companies that closed during a certain time, owner's nationality, and others.³⁵ However, the registry does not include annual accounts and other company filings. According to the Companies Control Department, only public shareholding companies are required to publicly publish their annual financial information.³⁶

According to the NIS report, not all private sector entities practice transparency. As the NIS report explains, a Jordanian company's dedication to transparency is largely dependent on its size and its relationship with the government. For instance, public joint stock companies and banks are required to disclose accurate data and information, while smaller companies do not have such obligations.

31- Banking Law, Articles 70-71 (Inspection and Auditing). For legislation, see link:

https://www.sdc.com.jo/english/index.php?option=com_content&task=view&id=286

Jordanian Companies Law, Articles 273-277 (Supervision Over Companies). For legislation, see link:

https://www.sdc.com.jo/english/index.php?option=com_content&task=view&id=247&Itemid=63 Securities Law, Articles 47-64 (Licensing, Registration and Monitoring). For legislation, see link:

https://www.sdc.com.jo/english/index.php?option=com_content&task=view&id=91&Itemid=120

32- Companies Control Department website. See: <http://www.ccd.gov.jo>

33- Interview with Ramzi Nuzha, Companies Control Department, Jordan Ministry of Industry and Trade, in Amman (Jun. 29, 2017).

34- Ibid.

35- Companies Control Department, Company Registry. For registry, see link:

<http://www.ccd.gov.jo/ar/home/e-services/companies-query>

36- Interview with Ramzi Nuzha, Companies Control Department, Jordan Ministry of Industry and Trade, in Amman (Jun. 29, 2017).

However, it is promising that most major public companies and banks have begun publishing their annual reports, including financial and administrative data, on their websites. This has been accompanied by recent discussions over greater ethics and integrity in the corporate sector. In addition, the Jordan Strategy Forum has recently issued a policy paper on corporate codes of conduct. Given the recent popular protests highlighting corruption issues in both the public and private sectors, Jordan may begin to see its smaller companies follow suit.

Recovery of Stolen Assets

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 58%

Jordan's asset recovery policy is addressed as part of the Integrity and Anti-Corruption Commission Law No. 13 of 2016. In particular, Article 29 of the Law states that asset recovery processes cannot be dropped or withdrawn, even if a court issues a decision to drop the lawsuit for public right, cessation of prosecution, or amnesty due to punitive exemptions or lack of responsibility. Furthermore, Article 30 permits the JIACC to instate a "Reconciliation and Settlement Trust Account" at the Central Bank, which is tasked with preserving the assets derived from acts of corruption that have been seized or recovered, until the assets are returned to their rightful owners.³⁷

In terms of enumerated asset recovery mechanisms, Article 23 of the 2016 Law states that the JIACC, during its investigation, may instruct the court to "suspend any contract or agreement or privilege or concession where it deems it apparent from the face value of the evidence that it was obtained as a result of an act of corruption, until the issuance of a decision in the case."³⁸ However, the law does not put forth the requirement that the offender must always demonstrate that the assets were acquired lawfully. For certain offenses, such as illicit enrichment, the burden of proof is placed upon both the public official, who must explain any significant increase in his or her wealth, if such wealth does not seem to reflect his or her earnings, and the prosecutor, who must prove that the earnings were illegally acquired. Otherwise, the burden of proof in criminal cases is to be carried out by the public prosecutor.³⁹ In addition, the law does not address the enforceability of foreign non-conviction based confiscation orders.

The 2016 Law, in effect, gives the JIACC the power to implement asset recovery proceedings. The JIACC has the authority to prosecute any person who commits any act of corruption and seize his or her movable and immovable assets (Article 3). The JIACC is also given the authority to instate a Reconciliation and Settlement Trust Account at the Central Bank that is designated for preserving assets recovered from corruption cases until they are returned to their rightful owner or owners (Article 30).⁴⁰

37- Jordan Integrity and Anti-Corruption Commission Law No. 13 of 2016. For legislation, see link: www.theioi.org/downloads/.../Jordan_Integrity%20Commission_Law_20161113.pdf

38- Ibid.

39- Mohammad Ahmad Abu Morad, Zainal Amin Ayub, Fuaziah Mohammad Noor, "Burden of Proof and Presumption of Innocence in the Prosecution of Illicit Enrichment with Reference to the Jordanian Legislation," *Journal of Law, Policy and Globalization*, Vol. 49, 2016. For article, see link: www.iiste.org/Journals/index.php/JLPG/article/download/30758/31587

40- Jordan Integrity and Anti-Corruption Commission Law No. 13 of 2016.

Implementation and Compliance

The 2016 law protects the independence of the JIACC in all its tasks, including asset recovery, by stating that the JIACC “shall carry out its authorities and tasks freely and independently without influence or interference by any other party” and that the Commission shall remain financially and administratively independent in all its functions, including asset recovery processes (Articles 3 and 5).⁴¹

According to the JIACC’s 2014 Annual Report, there were 18 cases requiring asset recovery in 2014, which included the recovery of both money and land. The total amount seized in these 18 cases was equivalent to 16,936,570 Jordanian Dinar, or roughly 23,850,381 U.S. Dollars.⁴² The 2015 Annual Report listed 8 cases requiring asset recovery in 2015, which includes 32 individual customs evasion cases counted as one case. The total amount of assets seized in 2015 was equivalent to 115,350,471 Jordanian Dinar, or roughly 162,438,602 U.D. Dollars. The total amount of assets seized in the 32 customs evasion cases was equivalent to 110,000,000 Jordanian Dinar, or roughly 154,903,073 U.S. Dollars.⁴³ However, the annual report for 2016, along with its data on asset recovery cases, has yet to be published.

Statistics on the number of cases prosecuted involving asset recovery over the past two years was not made available to Rasheed-TI. This metric would be important for future evaluations of asset recovery, particularly the implementation of processes.

Political commitment to asset recovery has, in practice, remained strong over the past two years. Both the AMLU and the JIACC participated in a series of workshops and meetings held by the Council of Europe on strengthening the Jordanian asset recovery framework in 2016.⁴⁴ In addition, Jordan has participated in the Arab Forum on Asset Recovery since 2012 and is a member of MENAFATF and the Arab Forum on Asset Recovery, a body closely involved with StAR.⁴⁵

Arms Trafficking

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 50%

As of July 2017, Jordan has not signed the Arms Trade Treaty, as of 2017.⁴⁶ However, in 2009, Jordan did ratify the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.⁴⁷ Jordan also committed in 2001 to a United Nations consensus decision to adopt, support, and implement the UN Program of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

41- Ibid.

42- Jordan Integrity and Anti-Corruption Commission, 2014 Annual Report. For report, see link: <http://jiacc.gov.jo/Portals/0/AnnualReport2014.pdf>

43- Jordan Integrity and Anti-Corruption Commission, 2015 Annual Report. Provided to Rasheed-TI by the JIACC.

44- Council of Europe, Strengthening the Jordanian Asset Recovery Framework, Mar. 6, 2016. For article, see link: <http://www.coe.int/en/web/corruption/-/strengthening-the-jordanian-asset-recovery-framework>

45- Stolen Asset Recovery Initiative, Arab Forum on Asset Recovery: About the Forum. For article, see link: <https://star.worldbank.org/star/ArabForum/About>

46- Arms Trade Treaty, Dec. 24, 2014. Updated 2017. For treaty, see link: <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/04/ATT-status-table-WebReport-10-April-2017.pdf>

47- See Official Gazette, Issue 4960 at p.2078 (Protocol gazetted)

To this end, Jordan has submitted reports on the national application and implementation of this program of action. Within the regional

sphere, Jordan adopted the 2002 Arab Model Law on Weapons, Ammunitions, Explosives, and Hazardous Material.⁴⁸

Implementation and Compliance

Jordan's Parliament does not have any permanent committees focused on military, defence, or security matters. Ensuring adequate technical expertise and sufficient administrative resources to supervise arms export decisions is therefore difficult. In addition, while the Prime Minister holds the right to question the General Intelligence Directorate head and the Armed Forces Chief of Staff, the Parliament's access to these figures is contingent upon the Council of Ministers' access, which has historically been limited.⁴⁹ According to Transparency International's 2015 Government Defence Index report, instances of weapons being sent from Jordan to neighbouring countries with shaky human rights records and others engaged in civil conflict have been reported.⁵⁰

As stipulated by the General Intelligence Law No. 24 of 1964, Jordan's General Intelligence Directorate (GID) has within it a Military Council with jurisdiction over all defence personnel in intelligence matters.⁵¹ According to a statement made by the Jordanian Government in 2013, the GID's court is tasked with prosecuting individuals for crimes, including corruption and bribery, that threaten to violate the GID's integrity.⁵² There are also Military and Police Courts that function independently from the GID.

In addition, other independent oversight bodies, such as the JIACC and the Audit Bureau, are mandated to investigate acts of corruption in any governmental body, including state defence and security establishments.⁵³ However, according to the JIACC's past national strategies, defence, intelligence, and security apparatuses – with the exception of the Public Security Directorate, which is mentioned briefly – do not seem to be of primary focus.

48- Transparency International, 2015 Government Defence Anti-Corruption Index: Jordan. For assessment, see link: <http://government.defenceindex.org/countries/jordan/>

49- Jordan Times, House Refers Draft Constitutional Amendments to Legal Committee, Aug. 19, 2014. For article, see link: <http://www.jordantimes.com/news/local/house-refers-draft-constitutional-amendments-legal-committee#sthash.TgVgMDr0.dpuf>

Human Rights Watch, The General Intelligence Department and Rule of Law, Sep. 2006. For article, see link: <http://www.hrw.org/reports/2006/jordan0906/3.htm>

Transparency International, 2015 Government Defence Anti-Corruption Index: Jordan.

50- Ibid.

51- Ibid.

52- Ibid.

53- Ibid.

Target 16.5: Substantially reduce corruption and bribery in all their forms

Experience and Perceptions of Corruption

Relevant Third Party Indices

In Transparency International's most recent Corruption Perceptions Index 2016, Jordan scored 48 on a scale of 0 (highly corrupt) to 100 (very clean), ranking 57 out of 176 countries.⁵⁴ However, the more specific indices offered by Transparency International's 2016 Global Corruption Barometer offer a more nuanced look into corruption experiences and perceptions. According to the 2016 Global Corruption Barometer surveys carried out in Jordan, 4% of Jordanian survey respondents stated that they paid a bribe, gave a gift, or provided a favor to public service personnel (teacher or school official, health worker or clinic or hospital staff, governmental official in order to get a document, government official in order to receive services, police officer, judge or court official) over the past 12 months, according to Transparency International's 2016 Global Corruption Barometer survey, conducted in the MENA region. However, these low results could, in part, be attributed to the use of *wasta*, or personal connections used to access public services and to get things done quickly in Jordan, which are not viewed as bribery.⁵⁵ When asked about government performance in fighting corruption, 61% of respondents also believed that the government performs either "very badly" (29%) or "fairly badly" (32%) in fighting corruption in government, the 2016 Global Corruption Barometer survey.⁵⁶

In order to discern whether corruption has increased or decreased within recent years, it is helpful to compare these most recent values with those of 2013. Transparency International's 2013 Global Corruption Barometer shows that, of those who came into contact with public services in the 12 months preceding the reporting period, 67% reported paying, or someone in their household paying, a bribe to registry and permit services, 49% to tax revenue services, 45% to land services, 44% to judiciary services, 35% to education services, 34% to medical and health services, 17% to police services, and 14% to utilities services. These figures are significantly lower in 2016, after which 2% of respondents who had come into contact with public services in the past 12 months reported paying bribes, giving gifts, or doing favors for personnel working in public school services, 2% for public hospital services, 2% for ID, voter's card, or permit services, 2% for utilities services, 3% for police services, and 5% for court services. However, as noted previously, the use of *wasta* is not viewed as bribery and the 2013 question asked for data regarding the respondent or anyone in his or her household, while the 2016 question asked for data regarding only the respondent.⁵⁷

54- Transparency International, 2016 Corruptions Perceptions Index. For index, see link: https://www.transparency.org/news/feature/corruption_perceptions_index_2016#table

55- Transparency International, People and Corruption: Middle East and North Africa Survey 2016. For survey report, see link: https://www.transparency.org/whatwedo/publication/people_and_corruption_mena_survey_2016

56- Ibid.

57- Transparency International, 2013 Global Corruption Barometer: Jordan. For results, see link: <https://www.transparency.org/g-cb2013/country/?country=jordan> . Transparency International, People and Corruption: Middle East and North Africa Survey 2016.

In 2013, 29% believed that corruption in Jordan had increased a lot (12%) or a little (27%) over the two years preceding the reporting period, 44% believed that the level had remained the same, and 18% believed that the level had decreased a little (13%) or a lot (5%). In 2016, 75% felt that the level of corruption in Jordan had increased a lot (60%) or a little (15%) over the one year preceding the reporting period, 12% felt that the level stayed the same, and 12% felt that the level decreased a little (10%) or decreased a lot (2%). This captures a significant upsurge in perceptions of increasing corruption among Jordanians.⁵⁸ However, Jordan's overall Corruption Perceptions Index has become slightly more favorable since 2013. In 2013, Jordan's index was 45, which increased to 48 in 2016. Yet, it should be noted that Jordan's indices in 2014 (49) and 2015 (53) were both higher than its 2016 index, which indicates a slight increase in Jordanian perceptions of the presence of corruption during 2016.

Anti-Corruption Framework and Institutions

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 68%

Jordan's Penal Code and other supporting legislation clearly defines and bans the following offenses enumerated and banned by the UN Convention Against Corruption: active bribery of domestic public officials (Article 15a UNCAC), passive bribery of domestic public officials (Article 15b UNCAC), embezzlement, misappropriation or other diversions of property by a public official (Article 17 UNCAC), abuse of functions (Article 19 UNCAC), illicit enrichment (Article 20 UNCAC), embezzlement of property in the private sector (Article 22 UNCAC), and laundering the proceeds of a crime (Article 23 UNCAC).

More specifically, the act of offering a bribe, gift, or other benefit to any state official, person selected to perform a public service through election or appointment, or person assigned to perform an official function in order (1) to encourage said official to carry out an act that does not fall within the duties of his/her office or (2) refrain from performing an act that does fall within the duties of his/her office is criminalized and punishable, according to Articles 172 and 173 of the Penal Code. Alternatively, articles 170 and 171 of the Penal Code state that the acceptance of any bribe, gift, promise, or other benefit by any state official, person selected to perform a public service through election or appointment, or person assigned to perform an official function, in order that the official act or refrain from acting upon his or her official duties, is banned and punishable.⁵⁹

Embezzlement, misappropriation or other diversions of property by a public official is also covered in the Penal Code, which stipulates in Article 174 that any public official who takes for himself or herself state money, private persons' money, or other property that he/she is supposed to control, administer, collect, or keep safe in the course of his/her duties will be punished. In addition, any employee of any bank, specialized lending institution, or public shareholding company who misappropriates money that belongs to said institutions will be punished.

58- Ibid.

59- Jordanian Penal Code. For legislation, see link: http://www.ahtnc.org.jo/sites/default/files/penal_code.pdf

The Article also criminalizes forging checks and bonds; making false entries in registers, ledgers, and records; distorting, deleting, or damaging accounts, securities, and other instruments; and performing, in general, any other act with the aim of hiding such misappropriation. The Article specifies that any partner or accomplice in embezzlement is subject to the same punishment as the perpetrator. Abuse of functions is criminalized by Article 182 of the Penal Code, which states that any public official who uses his/her authority, directly or indirectly, to obstruct or delay the implementation of laws or regulations in force, the collection of fees and taxes prescribed by law, or the execution of judicial decisions or any order issued by any competent authority shall be punished. In addition, Article 183 states that any public official who does not carry out the duties of his/her post or does not implement the orders of his/her supervisor per the law also constitutes ground for punishment.⁶⁰

The Penal Code also enumerates a ban on embezzlement of property, applicable to anyone who receives any property, item, or document that includes an undertaking or release of debt, based upon a trust and to be used and returned, or to be kept, or to perform a particular service, both paid and unpaid, and the recipient denies receiving such an item, consumes it, replaces it, or refuses to return it (Article 422). The Penal Code also criminalizes acting as the owner of any moveable item that is under the recipient's possession as a result of the owner's mistake, with the recipient's knowledge that he/she possesses such an item only by mistake (Article 424). In specifying anyone, the Penal Code's ban on embezzlement of property applies to all persons, including those in the private sector.⁶¹

Although it is not specifically defined in the Penal Code, illicit enrichment is defined and criminalized in Article 6 of the Financial Declaration Law of 2006, which defines the offense as all movable or immovable property, benefits, or beneficial rights acquired, for him/herself or others, by any public official by means of abuse of office or capacity. The Article specifies that if there is an inexplicably significant increase in assets owned by the official or his or her children that does not match the official's income, and if the official is unable to prove the legitimate source of this increase, this increase will be deemed the result of an abuse of office.⁶² Similarly, the Anti Money Laundering Law (Law No. 46 of 2007) acts as the legislation that specifically defines and criminalizes the money laundering offense. The law stipulates in Article 4 that any money obtained from the following crimes is considered to be related to money laundering: (1) any crime that is to be punished with a felony penalty according to Jordanian law, and (2) crimes specified by international agreements to which Jordan adheres that deem the proceeds of such crimes to be subject to money laundering regulations, provided that Jordanian law also punished such crimes. Article 3 of the law prohibits the laundering of proceeds resulting from any of the aforementioned crimes, regardless of whether these crimes are committed inside or outside Jordan, provided that the act is subject to penalty according to valid laws of the country within which the act was committed.⁶³

60- Ibid.

61- Ibid.

62- UN Office on Drugs and Crime, Legal Library: Jordan. For database, see link:

<https://track.unodc.org/LegalLibrary/Pages/home.aspx?country=Jordan>

UN Convention Against Corruption, 2014. For convention, see link:

https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf

63- Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007.

While the offenses of trading in influence (Article 18 UNCAC), concealment (Article 24 UNCAC), and obstruction of justice (Article 25 UNCAC) are banned, shortcomings in definition are exhibited within the law. Addressing trading in influence, the Penal Code's Articles on bribery (Articles 170-173) define a bribe as "a gift or a promise or any other benefit in order to [encourage a state or public service official to] carry out an act that does not fall within the duties of his/her office; or to refrain from carrying out an act that falls under the duties of his/her office". This is a broad definition and can thus, according to UNODC, cover trading in influence, but the specific act of trading in influence is not defined in the Penal Code.⁶⁴

Similarly, in the Anti-Money Laundering Law, the act of concealment is mentioned in the definition of money laundering, which the law criminalizes. The money laundering definition put forth by the law is, "every conduct involving acquisition, possession, disposing of, moving. Managing, keeping, exchanging, depositing, investing of funds or manipulating its value or movement and transferring, or any action that leads to conceal or disguise its source, origin, nature, place, disposition means, ownership, or related rights, with knowledge that the funds are proceeded of one of the crimes stipulated in article 4 of this law".⁶⁵ However, there is no standalone definition of concealment.

Finally, as specified in Article 25 of UNCAC, Jordan addressed and criminalized obstruction of justice through violent means in its Penal Code. However, there are shortcomings in the Penal Code's characterization of obstruction of justice. Article 208 of the Penal Code partially addressed UNCAC's Article 25a in stipulating that "whoever inflicted any form of violence and force, not allowable by law, in order to obtain a confession for committing a crime or information regarding such a crime [...] shall be punished by imprisonment [...]".⁶⁶ However, this covers only the extraction of information, evidence, and confessions through violent means. It does not cover the "use of physical force, threats, or intimidation or the promise, offering, or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence [...]". UNCAC's Article 25b is also partially addressed in the Penal Code, specifically in Article 185. Article 185 states that "whoever attacks or violently resists a public official while executing the applicable laws or regulations or while collecting the fees and taxes stated in the law or while executing a judicial decision or order or any other order issued by a competent authority shall be punished [...]". However, this law only specifies violent resistance and does not specify threats or intimidation, as stipulated in UNCAC's Article 25b.⁶⁷

Implementation and Compliance

In practice, the JIACC, over the past three years, gained notable, society-wide recognition, brought on by recent political movements that condemned the spread of corruption in all its forms. Since its inception in 2006, the JIACC has undertaken a significant number of corruption cases, some of which were highly visible and issues of public opinion.⁶⁸

64- UN office on Drugs and Crime, Legal Library: Jordan. UN Convention Against Corruption, 2014.

65- Anti Money Laundering and Counter Terrorism Financing Law No. 46 of 2007.

66- UN Convention Against Corruption, 2014.

67- Jordanian Penal Code.

68- Rasheed – Transparency International, The National Integrity System (NIS) Jordan, 2016.

However, the laws governing the JIACC are in need of review, specifically to ensure that the JIACC is given the authority to investigate all types of corruption crimes stipulated in the UNCAC. In addition, the JIACC should strengthen its efforts in the areas of prevention, education, awareness-raising, and coordination with other national supervisory entities.

In addition to the JIACC, the Audit Bureau is regarded as one of the principal control agencies in the country, given its mandate to monitor all public institutions, departments, municipalizes, and companies in which the government holds more than a 50% share. The Bureau has gained much credibility within recent years and has secured the confidence of both the government and the general public.⁶⁹ However, fast-paced development and expansion of roles within the various ministries necessitate the adoption of a strategy that allows the Bureau to keep up with such changes. This strategy must consider areas such as retaining full control over revenue and expenditure monitoring, retaining control over pre and post audit procedures, and developing both internal and external controls to ensure such regulation. Modern control mechanisms and international standards, such as the International Accounting Standards, should also be adopted to control public spending. In addition, the Bureau lacks legislation that, first, secures its full independence in employing its powers, second, enables its staff to develop penalties for non-complaint institutions, and third, grants its staff with powers of judicial policing.⁷⁰

In terms of prosecution, the judiciary remains highly autonomous by law, and the 2011 formation of the Constitutional Court has expanded its means of monitoring the executive branch. The legal framework also stipulates various regulations to ensure the integrity and impartiality of judicial decisions. In addition, within the past ten years, the judiciary's budget has expanded tremendously, thus ensuring adequate financial resources to carry out its duties. However, more must be done to implement fair trial safeguards and avoid administrative duplications with law enforcement agencies.⁷¹

Law enforcement agencies, for their part, have at their disposal the funding and human resources required to carry out their activities and develop their infrastructure. Law enforcement agencies execute State directives, removed from any partisan bias. According to the NIS report, the endeavors of law enforcement agencies to fight corruption within the past few years have been met with great success.⁷² However, these agencies need to instate more mechanisms to strengthen transparency and accountability in their practices. In addition, it is vital to ensure that the financial and administrative resources allotted to these agencies keep pace with the growing need for security, given the surrounding civil wars and the sudden population influx due to refugee intake.

69- Ibid.

70- Ibid.

71- Ibid.

72- Ibid.

According to data provided by the Ministry of Justice, the number of cases, convictions, acquittals, and postponements into the next year are as follows: for bribery, 77 cases, 40 convictions, 22 acquittals, and 8 postponements; for embezzlement, 99 cases, 58 convictions, 26 acquittals, and 25 postponements; for internal/insider dealing, 34 cases, 17 convictions, 15 acquittals, and 1 postponement; for illicit enrichment, abuse of power, bribery in the public sector, and the usage of crime proceeds, 1 case; for money laundering, 8 investigations and 11 convictions out of a total of 14 involved parties; for concealment, 5 cases, 3 convictions, 2 acquittals, and 1 postponement; and for obstruction of justice, 110 cases, 66 convictions, 24 acquittals, and 1 postponement.⁷³ These case statistics are vital to effectively measuring compliance with, and implementation of, anti-corruption frameworks, and should thus be monitored and compared on a yearly or bi-yearly basis.

Private Sector Corruption

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 50%

The Competition Law (Law No. 33 of 2004) outlaws “collusion in tenders or bids, whether in overbidding or underbidding, but it shall not be considered collusive to submit joint offers in which the parties announce such joint offer ab initio, and without the goal of such joint bidding being to prevent competition on any way” (Article 5). In addition, Article 5 prohibits the fixing of process of products, services, or conditions of sale; the fixing of quantities of production or service provision; sharing the market on the basis of geographical regions, quantities of sales, purchases, customers, or any other basis that negatively affects completion; and setting barriers to entry of enterprises into the market or eliminating them from the market. This Article’s stated purpose is to prohibit all “practices, alliances, and agreements, explicit or implicit, that prejudice, contravene, limit, or prevent competition.”⁷⁴ Although the law does not employ the term ‘hard core cartel,’ it does prohibit all major hardcore cartel and collusion activities. However, no laws exist specifying that it is a criminal offense to bribe a foreign public official.

Implementation and Compliance

As stipulated by the Competition Law, the body dedicated to investigating collusive practices is The Competition Directorate at the Ministry of Industry and Trade (Article 12), and the Minister of Industry and Trade is charged with taking all measures necessary to guarantee the execution of court decisions regarding penalties against violators of this law (Article 18). Serving as preventative measures for corruption crimes beyond collusion, various mechanisms that ensure the regular monitoring of companies are stipulated within the Jordanian Companies Law. In particular, the Companies Law specifies that all general partnerships over ten thousand dinar, public shareholding companies, limited partnerships in shares, limited liability companies, and private shareholding companies must duly organized account books and records. All aforementioned entities – with the exception of general partnerships, which must reach a one hundred thousand dinar threshold in capital – are required to appoint a licensed auditor, who is tasked with auditing accounts, verifying company assets and ownership

73- Data provided by Jordan Ministry of Justice.

74- UN Office on Drugs and Crime, Legal Library: Jordan.

thereof, and presenting a written report and all other materials to the General Assembly of the company and the Companies Control Department on an annual basis.⁷⁵ According to the law, the auditor's reports must include verifications that the company maintains organized accounts, registers and documents and that its financial statements are prepared according to internationally recognized accounting and auditing standards that accurately show cash flow, profit and loss, and the company's financial position. If these reports are not filed, sanctions are instated. The auditor must also notify the chairman of the Board of Directors, the Companies General Controller, the Securities Commission, and the Market of any violation by the company of the Companies Law or the Company's Memorandum of Association.⁷⁶

Addressing foreign companies, the Companies Law (Article 243) states that foreign companies operating inside Jordan must submit to the Companies General Controller its balance sheet and the profit and loss accounts of its operations in Jordan, certified by a Jordanian licensed auditor, three months prior to the end of each fiscal year. It must also publish this balance sheet and the profit and loss accounts of its Jordan-based operations in at least two local newspapers within sixty days of submitting these statements to the Companies General Controller. The law also stipulates that the foreign company must make their books and documents available for inspection by the Controller or his/her representative at any given time.⁷⁷

Adding an additional preventative – and, if needed, investigative – measure, Article 273 of the Companies Law stipulates that the Minister and the Companies General Controller may take any procedures deemed necessary to ensure that all companies comply with the Law and memoranda of association, including examining the accounts and records of the company, at any point.⁷⁸ To deter possible corruption within its own ranks, the Companies Control Department also participates in JIACC anti-corruption trainings and is in the process of drafting a code of conduct for its employees.⁷⁹

However, the preventative requirement of publishing balance sheets, profit and loss accounts, and annual report summaries is only required of public shareholding companies, as stated in Article 141 of the Companies Law.⁸⁰ According to the Companies Control Department, public shareholding companies must publish this information on an annual basis within local newspapers.⁸¹

Transparency and Integrity in Public Administration

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 71%

The Jordanian Code of Conduct in the Public Sector addresses the topics of integrity, fairness, and impartiality (Articles 3, 5, 9); gifts, benefits, and hospitality (Article 8); and

75- With the exception of public shareholding companies, which must submit their information every six months. Interview with Companies Control Dept.

76- The Jordanian Companies Law, Articles 192-203 (Auditors). For legislation, see link: http://www.sdc.com.jo/english/index.php?option=com_content&task=view&id=228&Itemid=63

77- Ibid.

78- Ibid.

79- Interview with Ramzi Nuzha, Companies Control Department, Jordan Ministry of Industry and Trade, in Amman (Jun. 29, 2017).

80- Ibid.

81- Interview with Ramzi Nuzha, Companies Control Department, Jordan Ministry of Industry and Trade, in Amman (Jun. 29, 2017).

conflicts of interest (Article 9).⁸² Within this code, the topic of the 'revolving door' is addressed and measures are put forth to prevent any conflicts of interest that may arise. Specifically, Article 9 of the Code of Conduct states that an employee cannot accept a post, within one year following his or her employment in the public sector, with any institution that has had official dealings with his former office, unless he or she obtains the written approval of the relevant minister. The article also does not allow the former public employee to provide advice to clients of these institutions, based upon information gained from his or her former public post regarding programs and policies of the department with which he or she was working, if this information is not already available to the public. There is also a provision that requires all public employees to immediately inform his or her direct supervisor in writing if any conflicts of interest arise: in any employee's dealings with the government, between any employee's private interest and public interest, in any instance of subjection to official pressure that is incompatible with the employee's duties, or in any instance that raises doubts about the employee's objectivity in his or her position. In addition, the Code instructs public employees to avoid establishing close relationships with individuals and institutions that heavily rely on the decisions of the department for which he/she works. This policy on movement between public office and the private sector is addressed in an article on conflict of interest (Article 9), which applies to "all staff subject to civil service and the staff of independent institutions and departments."⁸³

While the code does not specify a specific authority tasked with overseeing 'revolving door' regulations, the law does state that Ministers and secretaries-general are responsible for overseeing and ensuring the application of the Code of Conduct in its entirety, including Article 9. As mentioned previously, ministers must also give written approval for an employee to change posts, within one year of their public post, to an institution that works closely with their former office. Neither does the code specify sanctions for individuals and companies that do not comply with the policies regulating the 'revolving door' specifically. However, the code does state that any violation of any provision, thus including the 'revolving door,' "requires accountability and to take disciplinary action and penalties in accordance with the rules of this system."⁸⁴ Because unchecked 'revolving doors' often form relationships that may lead to conflict of interest, the non-disclosure of such relationships may amount to a violation of the Anti-Corruption Commission Law's Article 5, which deems as corruption the "undeclaring or undisclosed of investments or properties or benefits that may lead to conflict of interest if laws and regulations require that, of which personal benefits can be directly or indirectly gained from him who refrained from declaring" and "the abuse of authority contrary to the provisions of the law."⁸⁵ The penalties for such acts of corruption, which appear proportionate and dissuasive, are imprisonment for not less than four months, a fine not less than five hundred Dinars and not exceeding five thousand Dinars, or both (Article 22).⁸⁶

82- The Jordanian Code of Conduct in the Public Sector. For code, see link:

<http://www.amlu.gov.jo/Portals/0/English/TheJordanianCodeofConductinthePublicSector.pdf>

83- Ibid.

84- Ibid.

85- Anti-Corruption Commission Law No. 62 of 2006 and subsequent Amendments (Law No. 10 of 2012 and Law No. 16 of 2014). For legislation, see link:

http://jiacc.gov.jo/en-us/knowledgebase/anticorruptioncommissionlaw.aspx#_ftn4

86- Ibid.

In enumerating the policies for declaration of interest, the Financial Declaration Law No. 54 of 2006 defines any money, moveable or immovable, as a benefit or a right of interest. Article 5 states that those subject to the law must submit a declaration of financial assets and liabilities of themselves, their spouses, and their minor children within three months of receiving declaration forms, and periodically during the month of January, after two years have passed from the time of the previous submission.⁸⁷ As stipulated by the 2014 Illicit Enrichment Law, officials of the executive, legislative, and judicial branches, as well as other civil service employees, must comply with financial disclosure requirements enumerated in Law No. 54 f 2006.⁸⁸ The 2014 Illicit Enrichment law established the Financial Disclosure Department within the Ministry of Justice to manage financial disclosures. The Department is headed by a Court of Cassation judge, who is chosen by the Judicial Council, and is staffed with a sufficient amount of employees necessary to run the Department, as stated by the law. In the event that an official, subject to 2006 and 2014 laws, does not comply with the enumerated disclosure requirements, Articles 15 and 16 of the 2014 law details a number of dissuasive and proportionate penalties based upon the offense.⁸⁹ This includes a year of imprisonment, a 1000 Dinar fine, or both if a public official fails to provide their disclosure, and three months of imprisonment for submitting inaccurate information. However, the relevant laws do not include any requirements for the publishing of information contained in income and asset declarations.

Implementation and Compliance

Disclosure mechanisms for assets and income are fairly comprehensive. In fact, the Code of Conduct goes as far as instating mechanisms for gift and hospitality acceptance. Article 8 requires that all employees of public institutions refuse to accept any gift, hospitality, or any other benefit that may have a direct or indirect impact on his or her objectivity within his or her post. However, when the employee cannot be refused gifts, hospitality, or any other benefit, given that this gift, hospitality, or benefit is not deemed impactful on the employee's objectivity or when it is decided that the acceptance of certain types of hospitality would be to the benefit of the institution, the employee must inform his direct supervisor, and the supervisor must instruct the employee in writing whether to accept or reject the gift, hospitality, or benefit. If the gift is deemed acceptable, the supervisor must notify the employee whether the gift will be retained by the institution, donated to charity, disposed of, or retained by the employee.

87- UN Office on Drugs and Crime, Legal Library: Jordan.

88- Article 3 of the Illicit Enrichment Law specifies the officials that must comply with financial disclosure policies, stating that "the provisions of this law shall apply as of the date of the financial disclosure law No. 54 of come into force to whoever occupied or occupies any of the following posts: a- Prime Minister and ministers, b- chairman and members of the Senate, c- chairman and members of the House of Representatives, d- chairman and members of the Constitutional Court, e- judges, f- governor and deputy governor of the Central Bank, g- Chief of Royal Court, secretary general and minister of royal court, consultants of the King and consultants in the royal court, h- heads of independent agencies, authorities and members of their councils, i- heads and members of the council of commissioners, if any, j- rectors of public universities, k- ambassadors and senior staff and similar capacity and/or salary in government departments, of financial institutions and public institutions, l- Mayor of GAM and members of city council and heads of municipal councils and members of the first and second class municipalities in accordance with Municipalities Act, m- Chairmen of public central tender committees and civil private tenders, ministry and security committees, tenders and procurement committees in the government departments, public institutions, municipalities and their members, n- the representatives of the government, social security in boards of directors of the companies where the government and social security contribute to, o- chairmen and members of boards of directors or any director general of companies wholly owned by the government or social security or of financial institutions or public institutions, p- presidents and members of sports, labour, charities and cooperative councils and heads of parties and secretaries-general." NIS Report 2016.

89- Illicit Enrichment Law of 2014.

The Code also stipulates that public institutions should instate a register of accepted gifts and how they were handled.⁹⁰

However, in addressing interest disclosure, the Code of Conduct only requires that the employee submit in writing any potential conflicts of interest to his or her supervisor immediately, when they happen. Furthermore, the Financial Declaration Law and the Illicit Enrichment Law only detail the disclosure mechanisms for assets and income. Thus, disclosure mechanisms established to monitor assets and income are clearly much more robust than those established to monitor interests.

Lobbying Transparency

Legislative Scorecard Result: 0%

There are no official laws or policies on lobbying transparency to date. Lobbyists, lobbying targets, and lobbying activities are not defined, and no mandatory lobbying register exists.

Whistle-Blowing

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 80%

Bylaw No. 62 of 2014 defines whistleblower as “any person who provides information on a matter of corruption.”⁹¹ Articles 23-25 of the Anti-Corruption Commission Law, specifically, Amendment Law of the Anti-Corruption Law No. 10 of 2012, address protection of whistleblowers as defined in the bylaw, particularly that the Anti-Corruption Commission must provide sufficient protection for informants, including whistleblowers and their families and others close to them, in corruption cases. The Commission, specifically its Protection Unit, must protect whistleblowers from any potential retaliation or intimidation by: providing whistleblowers with protection at their places of residence and workplaces, refraining from disclosing information regarding their whereabouts and identity, providing them with protection from discrimination and ill-treatment in the workplace, allowing them to provide testimony through modern communication technology that will ensure their safety, and providing them with safe accommodation, financial aid, and any other measures to ensure their security (Article 23). The Law also specifies that any disclosure of information related to the whereabouts or identity of whistleblowers, assault of whistleblowers, mistreatment and discrimination toward whistleblowers, and the prevention of whistleblowers’ testimonies are also punishable offenses (Articles 24 and 25).⁹²

However, the law does not mention additional protections such as relief from legal liability, protection from prosecution, and compensation for reprisals. Neither does it include any regulations on the protection of whistleblowers who disclose their information publicly or to third parties, such as the media or NGOs, if necessitated by circumstance.

Regulation No. 62 of 2014, or the Informers, Witnesses, Informants and Experts in Corruption Cases and their Relatives and Closely Related Persons Protection Regulation,

90- The Jordanian Code of Conduct in the Public Sector.

91- Bylaw No. 62 of 2014.

92- Anti-Corruption Commission Law No. 62 of 2006 and subsequent Amendments (Law No. 10 of 2012 and Law No. 16 of 2014).

incorporates into the JIACC a unit called the Protection Unit for Informers, Witnesses, Informants, and Experts in Corruption Cases and their Relatives and Closely Related Persons (Article 3). This unit receives and assesses protection applications and carries out the research needed to develop protection methods and procedures on a case-by-case basis.⁹³ The JIACC itself is tasked with receiving reports of corruption from witnesses, victims, informants, and whistle blowers.

Implementation and Compliance

To facilitate witness reporting, the JIACC website includes a hotline telephone and fax number, as well as an electronic submission form that specifically asks for the informant's authorization for mentioning his or her name in investigation proceedings.⁹⁴ However, no information addressing the security of the hotline and online informant submission tool is specifically addressed on the JIACC website. Both the reporting mechanisms and the witness protection mechanisms operate with sufficient independence, capacity, and resources, given that, by law, the JIACC as a whole remains financially and administratively independent with the ability to "undertake all necessary legal actions to achieve its objectives."⁹⁵

Statistics on whistleblower cases are published in the JIACC's annual reports. According to the 2014 Annual Report, 151 cases involving whistleblowers were recorded. Of these cases, 17 were given to prosecution for charges, 83 were still under review at the time of the reporting period, and 51 were filed away after determining no corruption had occurred.⁹⁶ In 2015, according to the Annual Report, the JIACC received 28 whistleblower cases. Of these 28 cases, 5 had been dealt with by the time of the reporting period, 13 had been under review, and 10 had been rejected.⁹⁷ Although data has yet to be published on the JIACC's 2016 statistics, the JIACC personnel approximate receiving roughly one whistleblower case per month or more.⁹⁸

Since the 2014 inception of the witness protection program, the JIACC has initiated outreach and advertisement efforts to raise awareness, both among personnel from various sectors and among the general online public. In particular, the JIACC held a series of workshops on the witness protection program for NGO staff, media personnel, and public officials.⁹⁹ In addition, the informant hotline is advertised on the home page of the JIACC official website, and the topics of whistleblowing and witness protection are discussed in JIACC posts on their official Facebook page.¹⁰⁰

93- Informers, Witnesses, Informants and Experts in Corruption Cases and Their Relatives and Closely Related Persons Protection Regulation No. 62 of 2014. For regulation, see link:

<http://jiacc.gov.jo/en-us/knowledgebase/informersprotectionregulation.aspx>

94- Jordan Integrity and Anti-Corruption Commission, Blowing the Whistle Information Submission Form. See link:

<http://jiacc.gov.jo/en-us/inform.aspx>

95- Anti-Corruption Commission Law No. 62 of 2006 and subsequent Amendments (Law No. 10 of 2012 and Law No. 16 of 2014).

96- Jordan Integrity and Anti-Corruption Commission, 2014 Annual Report.

97- Jordan Integrity and Anti-Corruption Commission, 2015 Annual Report.

98- Interview with Abd al Aziz Al Arwani, Jordan Integrity and Anti-Corruption Commission, in Amman (Jun. 22, 2017).

99- Ibid.

100- Jordan Integrity and Anti-Corruption Commission website. See link: <http://jiacc.gov.jo/en-us/home.aspx>

Party and Campaign Finance Transparency

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 55%

Before the 2016 elections, a notable instance of national development came in the form of a new election law. This law was instated with the intention of strengthening political parties and preventing votes for candidates solely according to tribal or familial affiliations. In particular, all running candidates must join a list and all parties must submit their respective lists of candidates to each district within the country. Each Jordanian voter must then vote for one of these lists, which will include several candidates from his or her district, and choose individual candidates from his or her chosen list.¹⁰¹ However, despite this new law, both political parties and individual candidates remain important entities in Jordanian electoral politics. For this reason, the following section will consider the legislative frameworks pertinent to both parties and candidates, in turn.

The Law on Political Parties (Law No. 39 of 2015) is the latest law addressing the financing of political parties. Article 25 requires that all party donations be identified, announced, specific, and from Jordanian sources, and may include donations from specified natural and corporate Jordanian persons. The same article goes on to prohibit a party's acceptance of cash, funding, grants, or in-kind donations from anonymous sources and foreign states or entities. However, the law does not specify limits on contributions or which types of in-kind contributions are permitted.¹⁰²

Article 8 requires that every party create a bylaw requiring the identification of their party's financial resources, as well as provisions detailing the mechanisms the party will use to organize its financial affairs, plan its annual budget, carry out bookkeeping procedures that record how funds are spent, distribute disbursements, and produce final accounts statements for the preceding year. In addition, Article 22 states that a party must keep detailed records of all its revenues and expenditures, and Article 29 requires every party to appoint a certified accountant to audit its yearly finances and account statements. The article also requires parties to submit to the Committee of Party Affairs, on an annual basis within three months of the end of the fiscal year, its annual budget and financial statements of the preceding year, along with a statement signed by the party's secretary general that includes a breakdown of the party's financial resources. According to Article 29, the Committee's Chairperson or an official delegated by the Chairperson, who must be either a certified accountant or Audit Bureau representative, has the right to review the accounts and finances of a party, audit its financial records, and submit a report to the Committee and the party's secretary general.¹⁰³

According to Article 20, a party cannot offer cash, grants, or in-kind donations to any of its members. However, the law stipulates that a party may invest its funds in: party periodicals and other printed literature, the ownership of media outlets in compliance with relevant legislation, the ownership of real estate for its branches and headquarters,

101- ARDD – Legal Aid, Policy Brief on Jordan's 2016 Parliamentary Elections, 2016. For brief, see link:

https://ardd-jo.org/sites/default/files/resource-files/policy_brief_on_jordans_2016_parliamentary_elections.pdf

102- Law on Political Parties No. 39 of 2015. For legislation, see link:

https://iec.jo/sites/default/files/7%20Political%20Parties%20Law%202015%20EN%20%281%29_0.pdf

103- Ibid.

the holding of ceremonies and events, and treasury bonds in compliance with relevant legislation (Article 26). In general, Article 26 limits the party expenditure to the lawful aims and purposes set forth in its bylaws.¹⁰⁴

The government contribution bylaw was drafted and approved in 2016 to directly authorize and restrict certain government contributions and incentives offered to political parties. This bylaw kept the government contribution amount to political parties at JD 50,000 per year, the amount originally stipulated Law No. 62 of 2013. This direct contribution to parties from the public treasury may be increased to 50,000 JD if the party's candidates run in at least 35% of the constituencies and had been party members¹⁰¹ for at least one year prior to Lower House elections. During election years, the government can grant parties with an additional 20,000 JD for campaign expenses, and an additional 5,000 JD is given to parties that form coalitions.¹⁰⁵ According to government officials, the goal of this bylaw is to assist parties that have clearly-defined platforms reach Parliament.¹⁰⁶ In addition, while the Law on Political Parties does not provide parties tax relief on donations or loans, rent of State owned premises at subsidized rates, or exemption of party supplies from customs duties, the law does provide exemption from all government taxes and fees on immovable properties and allows parties to use public cultural and social facilities for events (Articles 27 and 24, respectively).¹⁰⁷

As for candidates, official instructions, in accordance with the Independent Election Commission Law of 2012, were issued in 2016 to act as the authoritative document on candidate finance regulations.¹⁰⁸ The instructions forbid candidates and lists to accept any financial or material contributions from foreign governments, international organizations, foreign companies, and foreign citizens (Article 13). The instructions also forbid candidates and lists to accept any monetary or material contributions from funds that the candidate or list knows have been obtained through illicit activity such as stolen funds, contributions from outlawed establishments, and donations from wanted individuals (Article 13).

In order to regulate campaign finances, electoral candidate lists are required to open a special account through which all campaign spending is transacted. In addition, electoral lists must appoint a certified accountant to audit the list's account and submit a report on resources and expenditure to the Commission upon request (Article 15). List commissioners or any of their candidates must also declare their sources of campaign funding and their channels of expenditure (Article 14). However, unlike the regulations governing party finances, these instructions do not specify that these reports must be submitted on a yearly basis. Article 14 goes on to establish maximum ceilings for expenditure on campaigns, based upon constituency sizes, voter numbers, and standards of living. Specifically, the expenditure ceiling for Amman, Irbid, and Zarqa is 5 JD per voter, multiplied by the number of voters within the constituency.

104- Ibid.

105- The Jordan Times, Cabinet Approves Bylaw to Regulate Support for Political Parties, Jul. 27, 2016. For article, see link: <http://www.vista.sahafi.jo/art.php?id=c5c45e09a7debf808bcb4a45d09419b886b95fc4>

106- Ibid.

107- Law on Political Parties No. 39 of 2015.

108- Independent Election Commission Executive Instructions No. 7 of 2016 on Guidelines for Electoral Campaigns Publicity. For legislation, see link: <https://iec.jo/sites/default/files/EI7%20Campaign%20EN.pdf>

The expenditure ceiling for the remainder of the governorates is 3 JD per person multiplied by the number of voters in the constituency.

These instructions go further to set specific starting and ending dates for campaigns and regulate where campaign events may be held. According to Article 3, a candidate's campaign begins on the date the candidate announces his/her candidacy and ends 24 hours before Election Day, and candidates may not conduct campaigns in ministries, government directorates, public institutions, educational institutions, and places of worship (Article 7).

Similar to the Law on Political Parties, these instructions do not specify limits on contributions or what types of in-kind contributions are allowed. Neither does it include any stipulations on whether tax relief is allowed on donations or loans. Another shortfall present in both party-centered and candidate-centered regulations is the lack of specification that the financial disclosures submitted to the Committee of Party Affairs and the IEC must be published for public viewing.

Implementation and Compliance

While relevant regulations ensure political independence for the IEC in practice, no equivalent regulations exist, as of yet, for the Committee of Party Affairs. In particular, the IEC is, by law, financially and administratively autonomous to practice its assigned duties (IEC Law No. 11 of 2012 and Amended with Law No. 46 of 2015, Article 3). In addition, the Commission is given the power to request, at any time, a detailed report on any candidate's or list's resources and expenditures, prepared by the list's or the candidate's appointed and accredited auditor. The law states that the commissioners of the IEC are subject to the illicit enrichment law and audit bureau control (Article 25) and must assume their posts as full-time positions and must not hold any other positions in the public or private sectors, in order to eliminate potential conflicts of interest (Article 9).¹⁰⁹

The regulations stipulated on commissioner selections add an additional layer of assurance in IEC political autonomy. The commission members are selected by a committee that includes the Chairman of the House of Representatives, the Head of the Judicial Council, and the Chairman of the House of Senates and is presided by the Prime Minister. These commissioners, among other requirements, must be Jordanian citizens for a period of ten years or more and must not be members of the Senate. Commissioners are also barred from running in any election supervised by the Commission and from participating, either directly or indirectly, in the election campaign of any candidate (Article 17).

To date, no information has been published indicating that any IEC Commissioners or staff members have committed any acts that might affect the IEC's autonomy. In order to ensure that this does not change, an internal control unit within the IEC is tasked with investigating any suspicions of activity that might negatively affect the IEC's autonomy.¹¹⁰

109- Consolidated Law on the Independent Election Commission (Law No. 11 of 2012 and Law No. 46 of 2015). For legislation, see link: https://iec.jo/sites/default/files/4%20Consolidated%20Law%20on%20the%20Independent%20Election%20Commission%202015%20EN%-20%281%29_0.pdf

110- Rasheed – Transparency International, 2016 NIS Report.

The Committee of Party Affairs, for its part, is a semi-governmental committee includes the secretary-generals of the office of the Prime Minister, the Ministry of Interior, the Ministry of Justice, the Ministry of Culture, a civil society representative, and a representative from the National Center for Human Rights (Article 9, Law No. 39 of 2015).¹¹¹ While the Committee's Chairperson and his or her delegate – a certified accountant or representative of the Audit Bureau – are also given the authority to review the accounts and financial records of a party at any time, the legislative framework ensuring the political autonomy of the Committee is much less robust than that ensuring the autonomy of the IEC. Indeed, semi-governmental nature of the committee necessitates that the majority of its members hold political office during their tenure on the committee.

According to the Ministry of Justice, no cases of campaign financing violations, neither by political parties nor by candidates and candidate lists, had been reported over the past two years.¹¹²

Fiscal Transparency

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 0%

The Budget Organic Law No. 58 of 2008 established the within the Ministry of Finance the General Budget Department, whose Director is appointed by the Council of Ministers and upon the recommendation of the Minister of Finance.¹¹³ The General Budget Department is tasked with preparing the general budget, preparing the budgets of all government institutions, allocating resources according to development priorities, preparing a statement of needed operations to approve the budgets, following up on department performance evaluations, providing advice on draft legislations and any other department tasks that have financial implications, and providing recommendations on the final financial statements of all departments before their approval. While current legislation stipulates all required processes in budget planning, financing, implementing, and auditing, as well as processes of managing public debt, the relevant legislation only requires that three key budget documents be published. These documents include the enacted budget, issued as a law, as stipulated by the constitution Article 112-6, the final accounts, as stipulated by Financial Bylaw No. 3 of 1994 article 57, and the executive budget proposal as stipulated by Article 112-1 of Constitution.¹¹⁴ Currently, the Audit Bureau Law is being drafted, which includes a stipulation that the audit reports be published publicly.¹¹⁵

Third Party Assessment

Jordan's latest Open Budget transparency score and ranking, conducted in 2015, is 55 in a scale of 1 (no transparency) to 100 (full transparency), with Jordan providing the public with "limited" budget information. This score was slightly higher than the 2015 global average (45) and was the highest score in the region for that year (Tunisia

111- Law on Political Parties No. 39 of 2015. For legislation, see link: https://iec.jo/sites/default/files/7%20Political%20Parties%20Law%202015%20EN%20%281%29_0.pdf

112- Data provided by Jordan Ministry of Justice.

113- The Budget Organic Law No. 58 of 2008..

114- The Jordanian Constitution; The Financial Bylaw No. 3 for 1994.

115- Rasheed – TI Jordan

followed with a score of 42). However, 2016 was the first year Jordan published, within a timeframe consistent with international standards, all key budget documents – the Pre-Budget Statement, the Executive’s Budget Proposal, the Enacted Budget, the Citizens Budget, the In-Year Reports, the Mid-Year Review, the Year-End Report, and the Audit Report. This represents a net increase relative to the 2015 findings.¹¹⁶

Implementation and Compliance

In practice, Jordan made all eight of the aforementioned documents available to the public online within a timeframe consistent with international standards. This was the first year all eight key documents were published for public viewing. During 2015, the Mid-Year Review was not produced or published, and in 2008, 2010, and 2012, the Citizens Budget was not produced or published and the Mid-Year Review was only published for internal use. 2006 represented the year with the least budget transparency, during which the Citizens Budget was not produced or published and the Pre-Budget Statement and Mid-Year Review were published for internal use only. This demonstrates a gradual increase over time in budget transparency. In addition, comprehensive tables and quantitative data presented on the General Budget Department website facilitate public analysis of the data.¹¹⁷

Public Procurement and Government Contracting

Legislative and Institutional Framework

Aggregate Legislative Scorecard Result: 13%

Government Procurement Regulations No. 32 of 1993 addresses supplies (goods) and services, according to its definition of procurement (“the movable properties required for any department, their maintenance, insurance, and services needed for the department”). The Government Works Bylaw No. 71 of 1986 addresses public works. Both legislations mandate that principles of competition and equal opportunity to qualified and capable parties be applied whenever possible and in the manner deemed appropriate by the purchasing authority. To this end, best qualities and best prices must always be taken into account upon purchase (Article 6 of Government Works Bylaw, Article 9 of Government Procurement Regulations).¹¹⁸

However, only the Government Works Bylaw specifies thresholds for sole-sourced purchases of public works. Article 21 states that negotiations and direct awards for the execution of works cannot exceed: 250,000 JD if authorized by (1) a resolution from the Council of Ministers, upon the recommendation of the Minister of Public Works and Housing (Minister) if the tender pertains to the Minister of Public Works and Housing or any other minister (relevant minister) if the tender pertains to another department, provided that this recommendation is coupled with a recommendation from a

116- Open Budget Partnership, Open Budget Survey Document Availability Tracker: December 2016 Update. For data, see link: <http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/update/#2016-country-results>

117- General Budget Law No. 3 for the Fiscal Year 2016. For budget law, see link: <http://www.gbd.gov.jo/GBD/en/Budget/Ministries/general-budget-law-2016?previousSessions=Law-Ministry> General Budget Law No. 2 for the Fiscal Year 2017. For budget law, see link: <http://www.gbd.gov.jo/GBD/en/Budget/Ministries/general-budget-law-2017?previousSessions=Law-Ministry>

118- Government Works Bylaw. For legislation, see link: www.gtd.gov.jo/usersfile/upload_files/13209041891331932416.doc Government Procurement Regulations No. 32 for 1993. For regulations, see link: https://www.wto.org/english/thewto_e/acc_e/jor_e/WTACCJOR19_LEG_4.pdf

technical committee formed by the Minister or relevant minister for this purpose and (2) a post-resolution decision by the Minister or any relevant minister; 100,000 JD if authorized by a decision from the Minister of Public Works and Housing (Minister), upon recommendation from a technical committee formed by the Minister under the chairmanship of the Secretary General or by a decision of the relevant minister and upon recommendation from the Minister of Public Works and Housing's Tender Committee; or 30,000 JD if authorized by a decision from the Secretary General, upon the recommendation of a technical committee formed by the relevant minister or by a decision of a governor upon the recommendation of the governorate's Tender Committee.

The Article also covers thresholds for negotiations and direct awards for the provision of technical services, or "studies, engineering, and technical designs for the works and projects, as well as supervision of its execution and operation [including] appliances, materials, supplies and works including laboratory and field testing, surveying works and any technical or engineering consultations regarding works" (Article 2). The provision of these technical services must not exceed: 150,000 JD if authorized by (1) a resolution from the Council of Ministers, upon the recommendation of the Minister, provided that this recommendation is coupled with a recommendation from a technical committee formed by the Minister for this purpose and (2) a post-resolution decision from the Minister; 50,000 JD if authorized by the decision of the Minister, upon recommendation from a technical committee formed by the Minister under the chairmanship of the Secretary General; 20,000 JD if authorized by a decision from the relevant minister, upon recommendation from a technical committee under the chairmanship of the Secretary General; or 10,000 JD if authorized by a decision from the Secretary General, upon recommendation from a technical committee formed by the relevant minister. However, the regulations for sole-source contracting of public works and related services above these thresholds are not addressed within the bylaw. The Article also allows for negotiations and direct awards for the execution of public works or the provision of technical services if the value of the work or service does not exceed 5,000 JD if decided by the relevant minister him/herself.

As stated above, the Government Procurement Regulations do not specify thresholds for sole-sourced purchases of goods and services not related to public works. It only specifies that bids can be invited if the value of procurement to be purchased does not exceed 5,000 JD (Article 15). However, according to the regulations, the act of inviting bids from certain pre-chosen parties differs from the act of directly purchasing procurement through negotiations. Furthermore, the regulatory framework does not mention bidder disclosure of beneficial ownership as a requirement, and does not specify the contract award information – including information on the procuring entity, the supplier, the number of bidders, the good or service procured, and the value of the contract – that must be published. Article 7 of the Government Procurement Regulations states only that tenders shall be announced and that the Secretariat of the Tenders' Committee must announce the names of the contract awardees on the "special note board or by means defined by the Director General or the Secretary General" (Article 61, Government Procurement Regulations).¹¹⁹

119- Government Procurement Regulations No. 32 for 1993.

Implementation and Compliance

Information on public procurement is moderately accessible to the public, facilitated by both online sources and public events and announcements. The Government Tenders Department website has published the company names of awarded bidders, the contract numbers and durations, and the contract prices for all Jordanian Government-Millennium Challenge Corporation Millennium Challenge Compact contracts from 2009 to 2014, in addition to May 2015 to November 2016.¹²⁰ Additionally, Article 61 of the Government Procurement Regulations states that the note board must feature the names of the bid awardees for four working days, in order to allow adequate time for objections. In practice, all bidders are also typically present for the opening of received bids, and the reasons for discarding bids are specified and read out loud. The bidders who did not attend can contact the Department for feedback, and notably, this session is open to the general public.¹²¹

In terms of accountability, while specific public procurement laws and regulations do not require internal controls, these controls are typically carried out during the pre-tendering stage by the procuring entity and are dependent upon that entity's specific norms. External controls are mandated at the pre-tendering, tendering, and post-tendering stages, and public procurement processes are subject to the oversight of the Audit Bureau and the Anti-Corruption Commission.¹²²

Within the past two years, measures have been taken to improve the overall transparency of public procurement and government contracting processes. In February 2017, the Jordanian General Supplies Department adopted as a pilot program the Korean Online E-Procurement System (KONEPS), the online procurement system utilized by the Korean Government. This system allows for the online consolidation of an e-procurement web portal, bids for tender, and electronic contracts, thus enabling procurement tasks to be carried out on one online platform.¹²³ In addition, efforts are being exerted to unify the national procurement system and approve and prepare a joint system for tenders and supplies. This national procurement system will work to unify the procurement systems among all departments, ministries, and independent institutions.¹²⁴

120- Government Tenders Department website, Announcements. See link:

<http://www.gtd.gov.jo/?page=en/announce/category/233/MCC-Default.html>

121- The World Bank Group, Benchmark Public Procurement 2015. For report, see link:

<http://bpp.worldbank.org/~media/WBG/BPP/Documents/Reports/Benchmarking-Public-Procurement-2015.pdf?la=en>

122- Ibid.

123- Korea.net, Jordan Adopts Korean E-Procurement System, Feb. 14, 2017. For article, see link:

<http://www.korea.net/NewsFocus/policies/view?articleId=144085>

124- Rasheed – Transparency International, 2016 NIS Report.

Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Protection of Fundamental Freedoms

Legislative and Institutional Framework

Article 15 of the Constitution, coupled with Articles 3 and 4 of the Press and Publication Law, guarantees freedom of expression and opinion, as well as freedom of the press and media, by stating that the government will secure for all Jordanians – private citizens, journalists, scientific researchers, artists, and cultural figures– the freedom of opinion and their right to expression through writing, speaking, portrayal, and all other means of expression, provided that the limits of law are observed and public and moral order is preserved. This freedom of press includes printing, publication, and all forms of media, within the limits of the law. In addition, no publication or media can be stopped, and no licenses can be revoked, without a court order in accordance with the laws set forth (Articles 19, 31, 35 of the Press and Publication Law). In addition, Article 16 of the Constitution preserves the right of Jordanians to establish societies, provided that they remain peaceful and within the limits of the law.¹²⁵

However, Articles 17 and 18 of the Press Associations Law stipulate that the Press Association Law, public authorities, and all other Jordanian organizations will not recognize any journalists or other media professionals who are not registered as members of the Press Association and prohibit anyone who is not registered in the Association's records from working in journalism. In addition, Article 18 of the Press Associations Law, Article 13 of the Press and Publication Law, and Article 15 of the Audio-Visual Media Law require licenses in order to issue any sort of publication or practice broadcasting works. It should be noted that the Press and Publications Law and Audio-Visual Media Law do not state whether or not applicants for a newspaper license or a broadcast works license have the right to legally challenge their rejection. In addition, the Audio-Visual Media Law gives the Council of Ministers – the body tasked with licensure granting – the right to refuse to grant broadcasting licenses to any entity without stating the reason for rejection (Article 18). Each of these provisions gives the Council of Ministers ultimate power over journalists or media institutions that may wish to uncover or report on any instances of corruption and lack of accountability.¹²⁶

Similarly, Article 5 of the 2009 Amendment of the Law on Societies (Law No. 22 of 2009) gives the Board of Societies – made up of seven representatives from ministries and four from the civil society sector who are appointed by the Cabinet for two years (Article 4) – the power to license civil society organizations and determine the relevant

125- Press and Publication Law of 1998 and its Amendments. For legislation, see link:

<http://www.medialegalsupport.jo/?q=en/node/86>

Jordanian Constitution. For constitution, see link: <http://www.parliament.jo/en/node/150>

126- Press and Publication Law of 1998 and its Amendments.

Audio Visual Media Law Provisional Law No. 71 for the Year 2002. For legislation, see link:

http://www.global.asc.upenn.edu/fileLibrary/PDFs/AVC_Law_en.pdf

Press Association Law No. 15 for 1998. For legislation, see link:

http://www.medialegalsupport.jo/sites/default/files/jordanian_press_association_0.pdf

ministry that will oversee the organization. In addition, Articles 14 of the Law on Societies (No. 51 of 2008) requires that the organization notify the relevant supervisory minister of the time, location, and agenda of the organization's general assembly two weeks in advance, or else the meeting will be deemed illegal. Article 14 also stipulates that all decisions by the assembly are deemed invalid until approved by the board within 60 days of their submission. If no response is received after 60 days, the organization is instructed to assume that its decisions were approved. Again, these regulations give the relevant ministry significant control over the licensure and actions of civil society organizations that may be in the position to uncover or report upon instances of lack of accountability.¹²⁷

In addition, the Press and Publication Law prohibits the publishing of any material that "offends individuals' dignity and personal freedoms, or contains untruthful rumors or information about them."¹²⁸ Although this is a standard defamation law, neither the laws regulating press and expression, nor the laws regulating civil society, cover protection of whistleblowers who decide to make public disclosures or report their information to the press or CSOs/NGOs, in the event that their allegations of corruption are indeed true. This, coupled with a 2011 amendment to the anticorruption law that criminalizes reporting on corruption without ample proof of misconduct and the fines imposed by the Press and Publications Law (Article 46) for defamation offenses, makes it less likely that journalists will report on corruption.¹²⁹

Relevant Third Party Indices

Jordan's Freedom in the World 2017 aggregate score is 37, on a scale of 0 as least free to 100 as most free. Its net freedom status, from ranging from 'Free' to 'Not Free,' is 'Partly Free'. Its political rights, civil liberties, and freedom ratings were all given a score of 5, on a scale of 1 as most free to 7 as least free. According to Freedom House, Jordan's status increased from Not Free to Partly Free, and its political rights rating improved from 6 to 5, as a result of changes in its electoral law that "led to fairer parliamentary elections."¹³⁰ Also increasing slightly was Jordan's Reporters Without Borders World Press Freedom Index Score. In 2017, Jordan's World Press Freedom Index was scored 43.24 ('bad') on a scale of 0 as good to 100 as very bad. Jordan ranks 138 out of 180 countries. Jordan's score improved slightly by 1.25 since the 2016 Index publication, but dropped 3 places in the country rankings.¹³¹

Implementation and Compliance

In practice, there are some cases in which governmental agencies instruct the Press Association or the Press and Publications Department to issue an official government request to stop all publications on certain specific topics.

127- Law No. 22 of 2009 Amending the Law on Societies. For legislation, see link:

<http://www.icnl.org/research/library/files/Jordan/22-2009-En.pdf>

128- Press and Publication Law of 1998 and its Amendments.

129- Freedom House, Freedom of the Press 2016: Jordan. For report, see link:

<https://freedomhouse.org/report/freedom-press/2016/jordan>

Press and Publication Law of 1998 and its Amendments.

130- Freedom House, Freedom in the World 2017 Table of Country Scores. For data, see link:

<https://freedomhouse.org/report/fiw-2017-table-country-scores>

131- Reporters Without Borders, Countries: Jordan. For report, see link: <https://rsf.org/en/jordan>

In addition, the judiciary is given the power to bar the publication of information on cases still under hearing – a power that the judiciary has practiced on certain occasions.¹³²

Media institutions must also consider their stakeholders, which may limit their independence or willingness in publishing on such issues as corruption and lack of transparency. The Minister for Media serves as the chairman of the board for both the Jordanian Television and the News Agency, two public sector media institutions.¹³³ The government also has the power to appoint the boards of directors of, as well as allocate and provide state funding for, public media institutions, which include PETRA, Jordan Radio and Television, and the Audio-Visual Commission. Regarding private sector media institutions, Social Security Corporation is a shareholder in both Al Dustour and Al Rai newspapers.¹³⁴ According to Rasheed-Transparency International's National Integrity System report, figures from both the public and private sectors appear on the editorial boards of private media institutions, which may impede the institution's willingness and ability to publish objective information on economic issues, which, if the situation arose, could include instances of corruption.

Furthermore, self-censorship for the stated sake of public order has become common practice among media institutions. In line with Article 5 of the Press and Publication Law and Article 20 of the Audio-Visual Media Law on the preservation of public order, the Audio-Visual Media Commission has instructed licensed and approved satellite channels, broadcast channels, and websites to cease the publishing of any information regarding public security and public security employees, unless under the direct request of the Public Security Directorate.¹³⁵ The stated penalty in these instructions was perjury, thus creating an unfavorable environment for journalists to publish any content related to public security and its supporting employees. If a corruption case were to arise within the public security realm during this ordered cessation, it can be assumed that journalists would avoid reporting it.

Significantly, in October 2015, the Law Interpretation Bureau put forth a ruling that stated Article 11 of the Electronic Crimes Law, which allows for the imprisonment of online media practitioners, applies to cases of online slander – a notable decision, given that Article 42 of the Press and Publication law prohibits detainment based solely upon the expression of opinion in writing, verbally, or in any other form.¹³⁶

Access to Information

Legislative Framework and Institutions

Aggregate Legislative Scorecard Result: 39%

There is no right of access to information enumerated within the Jordanian Constitution itself. However, Article 7 of the Law on Securing the Right to Information Access

132- Rasheed – Transparency International, 2016 NIS Report.

133- Ibid.

134- The New Arab, The Slow Death of Jordan's Newspapers, Apr. 22, 2015. For article, see link: <https://www.alaraby.co.uk/english/comment/2015/4/23/the-slow-death-of-jordans-newspapers>

135- Rasheed – Transparency International, 2016 NIS Report.

136- The Jordan Times, TV Presenter Detained 'Over Facebook Post,' Nov. 3, 2015. For article, see link: <http://www.jordantimes.com/news/local/tv-presenter-detained-over-facebook-post>

Freedom House, Freedom of the Press 2016: Jordan.

(Law No. 47 of 2007) states, "subject to the provisions of the applicable legislations, each Jordanian citizen has the right to obtain the information he/she requires according to the Provisions of this Law should he/she have lawful interest or justification."¹³⁷ The right of access to information applies to all materials held by or on behalf of public authorities, with no exceptions. This is specified by the definition of 'information' in Article 2, "any oral or written data, written, copied, recorded, or electronically stored records, statistics or documents or stored by any other means falling within the scope of the control or the liability of the official charge."¹³⁸ As stipulated in Article 2's definition of Department, the right of access applies to all branches and bodies, with no exclusions. Specifically, Article 2 specifies that the scope of the Jordanian citizen's right of access includes "the ministry, department, authority, entity or any public institution, public official institution or company that is in charge of the management of a public facility."¹³⁹ The law also clearly specifies the maximum number of days for response, stating in Article 9, "the official in Charge shall rely to or reject the request within thirty (30) days as of the date following the date of request submission."¹⁴⁰

The law does, however, place some limitations on the types of information that can be disclosed. Article 10 stipulates, "No information bearing the nature of religious, racial, ethnic, sexual, or color discrimination shall be requested." In addition, Article 13(f) mandates that the Official in Charge refrain from disclosure of "correspondences with personal or confidential nature, whether in the form of post, cable, phone call or any other technological means, with governmental departments and the replies thereto." The intuition driving these provisions may be protection of privacy, but this is not stated outright within the law. Furthermore, Article 13(i)'s reference to copyright is overly broad and is not limited to privately-held copyrights: "The information with commercial, industrial or economic nature, information on scientific bids or research or technology, whose disclosure will lead to the violation of its copyright, rights of intellectual property or fair or lawful competition or to illegal profit or loss for any person."¹⁴¹ According to Right to Information Rating, these limitations exist outside the ten internationally agreed upon permissible exceptions.¹⁴²

According to international standards, all permissible exceptions must be enumerated along with a 'harm test' stipulation, which ensures that disclosures are only refused when they pose a risk of harm to a protected interest. The four exceptions consistent with international standards to which a harm test does not apply within Jordanian legislation are as follows: agreements with other States, national security, foreign relations, and judicial investigations. In order, Article 13 prohibits disclosure of information related to "the documents classified as confidential and protected and to be granted by an agreement with another country" (13b), "the secrets related to national defense, state

137- RIT-Rating, Global Right to Information Rating: Jordan, updated Dec. 19 2016. For data, see link: http://www.rti-rating.org/view_country/?country_name=Jordan

Law on Securing the Right to Information Access No. 47 of 2007. For legislation, see link: <http://www.rti-rating.org/wp-content/themes/twentytwelve/files/pdf/Jordan.pdf>

138- Ibid.

139- Ibid.

140- Ibid.

141- Ibid.

142- Ibid,

security or foreign policy" (13c), which addresses both national security and foreign relations and amounts to two exceptions, and "the investigations made by the prosecution, judicial system or security authorities concerning any crime or lawsuit within their scope of power, as well as the investigations made by the appropriate authorities for unveiling financial, customs or banking breaches, unless the appropriated authority permits the disclosure thereof" (13h).¹⁴³ The remainder of the exceptions were either not on the list of exceptions consistent with international standards, or do stipulate some form of 'harm test' mechanism, although not labeled as such.

Significantly, the law also excludes provisions for the mandatory public interest override, which allows information to be disclosed when disclosure is in the overall public interest, even at the harm of a protected interest.¹⁴⁴

The body tasked with receiving appeals and complaints from requesters is, as stipulated in Article 17(b), the "Board by the Information Commissioner."¹⁴⁵ According to the article, these complaints may be filed against the Official in Charge "in the case of [the request's] rejection if the Official in Charge's refrainment from the provision of the information required within a legally fixed period."¹⁴⁶ However, this board is made up of solely public officials (Article 3a). Furthermore, the mechanisms necessary to ensure the Board's mandate and power to perform its functions are not mentioned, including the power to review classified documents and inspect the premises of public bodies.

Relevant Third Party Index

Jordan's overall score in the Right-To-Information Rating is 55. The highest and most favorable rating is 136 and the lowest, least favorable rating is 33. Jordan's ranking is 106 out of 111 countries.

Implementation and Compliance

Statements made by public officials within the past two years, coupled with published strategies and participation in trainings, indicate that eventual improvements to the framework for public access to information may be coming. In December 2016, the Planning and International Cooperation Minister shared Jordan's National Integrity Charter and action plan at the Open Government Partnership Summit, which addressed the need to enhance the legal framework regarding access to information.¹⁴⁷ In addition, according to the press, the Prime Minister stressed in a June 2017 meeting with the Jordan Press Association's President and Vice President, the Minister of State for Media Affairs, and the Association's council that transparency and access to information, for both the press and for individual citizens, is "one of the most important rights" and went on to emphasize the government's commitment to uphold these principles.¹⁴⁸ A number of ministries also participated in a UNESCO pilot training on access to information in May of 2016.¹⁴⁹

143- Ibid.

144- Ibid.

145- Ibid.

146- Ibid.

147- The Jordan Times, Fakhoury Outlines Jordan Reforms at Global Summit, Dec. 7, 2016. For article, see link: <http://www.jordantimes.com/news/local/fakhoury-outlines-jordan-reforms-global-summit>

148- The Jordan Times, Mulki Vows Government Support to Media Sector, Jun. 16, 2017. For article, see link: <http://www.jordantimes.com/news/local/mulki-vows-gov-t-support-media-sector>

149- Support to Media in Jordan, UNESCO Organizes Pilot Training on Access to Information Law, May 19, 2016. For article, see link: <http://stmjo.com/en/2016/05/19/unesco-holds-pilot-training-on-access-to-information-law/>

Recommendations

1) Anti-Money Laundering

- a. Incorporate all relevant Financial Action Task Force Recommendations into the national anti-money laundering legislative framework.
- b. Include domestic public officials within the definition of politically exposed persons (PEPs) and clearly stipulate the requirement for enhanced due diligence when conducting business with all PEPs, both foreign and domestic alike.
- c. Consider partaking in international initiatives such as the Country-by-Country Reports on tax administrations and multinational enterprise groups and the Multilateral Competent Authority Agreement on automatic exchange of financial account information.

2) Beneficial Ownership Transparency

- a. Incorporate into the relevant licensing, registering, and monitoring legislation a requirement that companies reveal, specifically, any beneficial owner, and name all authorities allowed to access this information, including the Ministry of Industry and Trade, the Securities Commission, the Central Bank, and all other supervisory bodies.
- b. Intensify penalties for non-disclosure of legally required information, in order to more effectively deter non-compliance.
- c. Prepare a targeted, nation-wide strategy that addresses private sector transparency specifically and encourages companies to publicly publish annual accounts and other company filings. The Companies Control Department can be used as a platform to consolidate this information.

3) Recovery of Stolen Assets

- a. Amend legislation to place burden of proof on the defendant, such that the defendant must always demonstrate that the assets were acquired lawfully in cases involving stolen assets.
- b. Amend relevant legislation to address the recognition and enforceability of foreign non-conviction based confiscation of forfeiture orders.

4) Arms Trafficking

- a. Consider ratifying the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, as well as the Arms Trade Treaty.
- b. Consider forming a permanent parliamentary committee focused specifically on military, defence, and security matters.
- c. Consider amending relevant legislation to ensure greater parliamentary access to the General Intelligence Directorate head and the Armed Forces Chief of Staff that is not contingent upon the Council of Ministers' access.
- d. Include in future anti-corruption strategies specific policies for the general oversight of defence, intelligence, and security apparatuses.

5) Anti-Corruption Framework and Institutions

- a. Incorporate into relevant legislation an article that clearly defines and criminalizes trading in influence as a standalone offense, in line with Article 18 of the United Nations Convention Against Corruption (UNCAC).
- b. Incorporate into relevant legislation a clear definition of concealment, in line with Article 24 of the UNCAC.
- c. Within relevant legislation, expand the definition of obstruction of justice to specifically include the use of physical force, threats, or intimidation or the promise, offering, or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence, in line with Article 25a of the UNCAC.
- d. Within relevant legislation, expand the definition of obstruction of justice to specifically include using threats or intimidation to resist a public official who is executing the law, collecting fees and taxes stated in the law, or executing a judicial decision or any other decision made by a competent authority, in line with Article 25b of the UNCAC.
- e. Review and strengthen laws governing JIACC, especially to ensure that the JIACC is given the authority to investigate all types of corruption crimes stipulated in the UNCAC.
- f. Continue to strengthen JIACC efforts in the areas of prevention, education, awareness-raising, and coordination with other national supervisory entities.
- g. Adopt an Audit Bureau-centered strategy that allows the Bureau to keep up with fast-paced development and expansion of roles within the ministries it is tasked with overseeing. This strategy must consider areas such as retaining full control over revenue and expenditure monitoring, retaining control over pre and post audit procedures, and developing both internal and external controls to ensure such regulation.
- h. Adopt modern control mechanisms and international standards, such as the International Accounting Standards, to control public spending and auditing.
- i. Incorporate into relevant legislation an article that, first, secures the Audit Bureau's full independence in employing its powers, second, enables its staff to develop penalties for non-complaint institutions, and third, grants its staff with powers of judicial policing.
- j. Incorporate into relevant judiciary-centered legislation specific requirements for the implementation of fair trial safeguards.
- k. Incorporate into relevant legislation mechanisms to strengthen, first, the transparency of law enforcement agencies, and second, accountability in law enforcement practices.
- l. Ensure that the financial, administrative, and human resources allotted to law enforcement agencies keep pace with the country's security needs.

6) Private Sector Corruption

- a. Incorporate into the Anti Money Laundering law an article specifying the bribery a foreign public official as a punishable offense.
- b. As recommended above (2a), prepare a targeted, nation-wide strategy that addresses private sector transparency specifically and encourages companies to publicly publish annual accounts and other company filings.

7) Transparency and Integrity in Public Administration

- a. Incorporate into relevant legislation the requirements and processes for interest disclosure, as well as the penalties for non-compliance. These requirements, processes,

and penalties may be modeled after those already applied to income and asset disclosure and should be preventative, thus augmenting the current requirement of reporting only when a situation arises and when the public employee sees fit.

b. Amend relevant legislation to include requirements for the publishing of information contained in income and asset declarations.

8) Whistle-Blowing

a. Incorporate into relevant legislation additional protections such as relief from legal liability and protection from prosecution, in accordance with the law.

b. Amend relevant legislation to specifically include protection of whistleblowers who disclose their information publicly or to third parties, such as the media or NGOs, if necessitated by circumstance.

c. Include information on the JIACC website addressing the security of the hotline and online informant submission tool. By ensuring informant security and anonymity, more witnesses may feel comfortable submitting information.

9) Party and Election Campaign Finance Transparency

a. Amend relevant legislation to include limits on campaign contributions to parties, candidates, and candidate lists, including which types of in-kind contributions are permitted.

b. Amend relevant legislation to include stipulations on whether tax relief is allowed on donations or loans made to the campaign funds of parties, candidates, or candidate lists.

c. Incorporate into relevant legislation the requirement that all campaign financial disclosures, submitted by parties, candidates, and candidate lists to the Committee of Party Affairs and IEC – must be published for public viewing.

d. Amend relevant legislation to include regulations for ensuring the political autonomy of the Committee of Party Affairs. This may include adding an article ensuring financial and administrative independence, as well as an article stating that committee members are subject to illicit enrichment laws and audit bureau control within the context of their committee work. Now that political parties have gained a more favorable place within the electoral system, it may be beneficial to consider making committee membership a full-time commitment, open to individuals who are not Senate members and who are barred from running in any election.

10) Fiscal Transparency

a. Continue to publish all key budget documents, including pre-budget statements, the executive budget proposal and supporting documents, the enacted budget, a citizen budget, in-year reports in budget success and execution, mid-year reviews, a year-end report and an audit report.

b. Commit this practice to law by incorporating into relevant legislation the requirements for publicly publishing, on an annual basis, pre-budget statements, the executive budget proposal and supporting documents, the enacted budget, a citizen budget, in-year reports in budget success and execution, mid-year reviews, a year-end report and an audit report.

11) Public Procurement

a. Amend relevant legislation to include specific thresholds for sole-sourced purchasing of goods and services unrelated to public works.

- b. Incorporate into relevant legislation the requirement that all bidders must disclose beneficial ownership.
- c. Amend relevant legislation to specify the contract award information that must be publicly published, specifically information on the procuring entity, the supplier, the number of bidders, the good or service procured, and the value of the contract.
- d. Create an online system that compiles and publicly publishes all tender announcements and information on contract awardees.
- e. Unify the national procurement system and prepare a joint system for tenders and supplies.

12) Protection of Fundamental Freedoms

- a. Redefine 'journalist' according to international standards and keep Press Association membership open to all journalists representing all media outlets.
- b. Consider reshaping the Board of Societies, specifically in terms of equalizing representation from civil society and the public sector.
- c. Incorporate into relevant legislation the requirement that the all bodies tasked with awarding media licensures must state the reason for licensure refusal.
- d. Consider amending the Board of Societies requirements for general assembly notifications and decision approvals, with the aim of making these requirements less cumbersome for organizations.
- e. Amend relevant legislation to specifically include protection of whistleblowers who disclose their information publicly or to third parties, such as the media or NGOs, if necessitated by circumstance.
- f. Review the levels of administrative and financial influence that public and private sector actors have on independent media institutions.
- g. Review the 2006 Prevention of Terrorism Act and other relevant legislation citing public security concerns to ensure that no prejudice against freedom of expression is present, and review the process of non-trial of journalists before the State Security Court.
- h. Review the Electronic Crimes Law to ensure that journalists are not wrongfully detained and that litigation is not prolonged in conformity with the Press and Publication Law.

13) Access to Information

- a. Review the limitations placed upon the types of information that can be disclosed, as stipulated in the Law on Securing the Right to Information Access, and consider amending to adhere to international standards, specifically Articles 10, 13(f), and 13(i).
- b. Amend the Law to include a 'harm test' stipulation, which ensures that disclosures are only refused when they pose a risk of harm to a protected interest, for the following information types: agreements with other States, national security, foreign relations, and judicial investigations.
- c. Consider amending the Law to include provisions for mandatory public interest overrides, which allow information to be disclosed when disclosure is in the overall public interest, even at the harm of a protected interest.
- d. Incorporate into the law particular mechanisms to ensure the Information Commissioner Board's power to perform its functions, including the power to review classified documents and inspect the premises of public bodies.

Regional Coordination

Jordan should continue its participation in and to regional forums, including the MENA Financial Action Task Force, the Arab Forum on Asset Recovery, the Counter ISIL Finance Group. In addition, Jordan should continue to honor the Arab Model Law on Weapons, Ammunitions, Explosives, and Hazardous Material. There is much room for improvement on regional coordination in the realms of weapons trafficking prevention and defence-intelligence establishment transparency. National advocacy efforts in these areas could certainly benefit from regional coordination, particularly if overarching legislation or monitoring mechanisms were to be instated. In addition, region-wide efforts should be put into reviewing regulations and restrictions on freedom of expression, for such regional momentum may give Jordanian activists and media a sturdier platform from which to advocate for increased protection under the law and in practice.

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