

Summary

Shadow Report

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



2017



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.

However, significant progress must still be made in realms such as private sector transparency, weapons flow regulation, lobbying transparency, and protection of fundamental freedoms. 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. Ensure that data on transparency and anti-corruption issues are regularly updated and published in the annual reports of all relevant ministries and made available to the public within a specified period.

3. 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.
4. 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.
5. 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.
6. Strengthen anti-money laundering legislation by including domestic public officials within the definition of politically exposed persons.
7. Amend relevant legislation to specifically include protection of whistleblowers who disclose their information publicly or to third parties, if necessitated by circumstance.
8. 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.
9. 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.
10. 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.

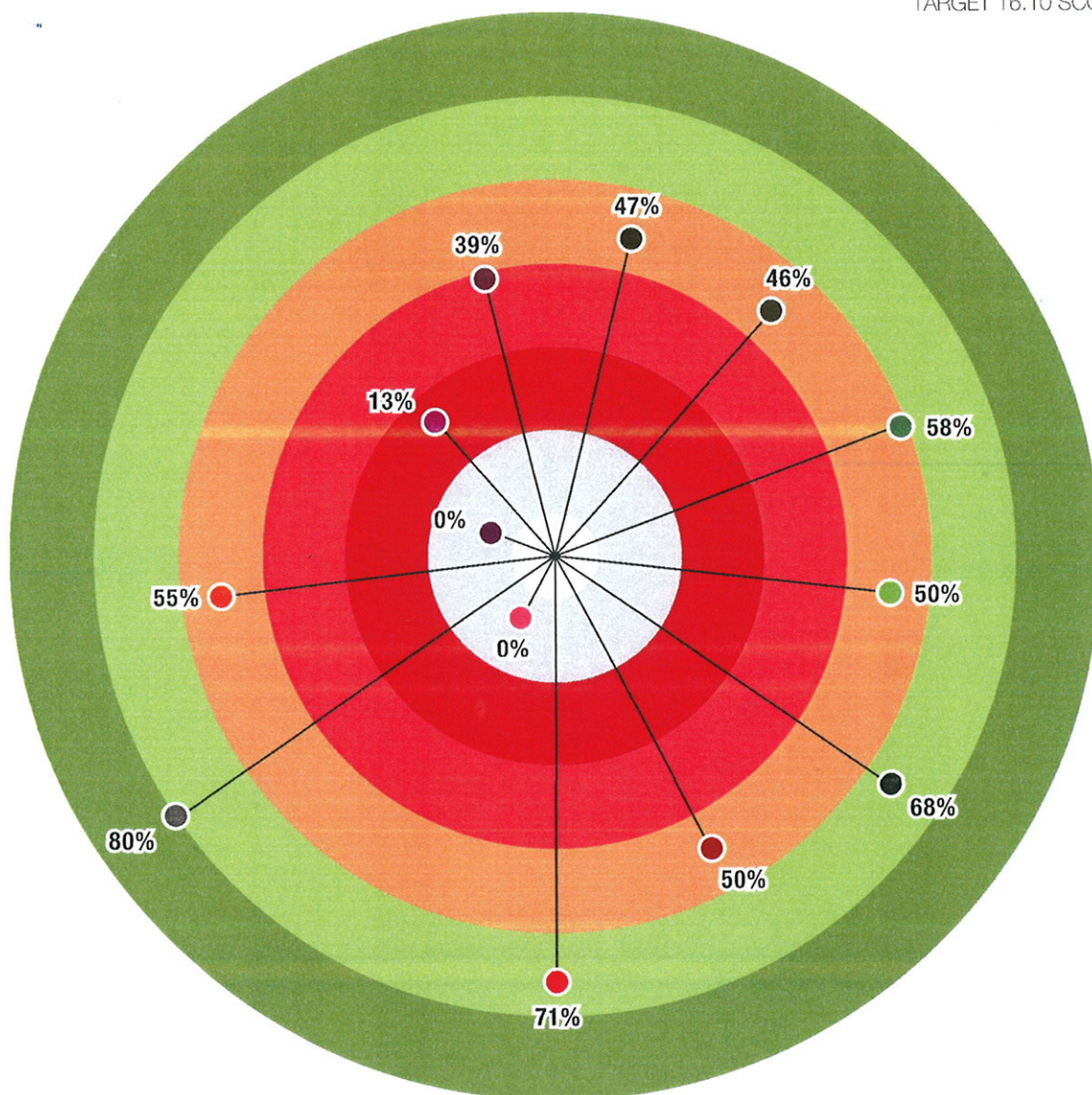
It should be noted that data on implementation and compliance for the indicators detailed below is scattered. The bulk of this data had to be obtained through interviews and direct correspondences with relevant government entities, all of which were open and generous with their data, policies, and practices.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

COUNTRY LEGAL SCORECARD*

SDG AGGREGATE VALUE

JORDAN

TARGET 16.4 SCORE **49%**
 TARGET 16.5 SCORE **56%**
 TARGET 16.10 SCORE **39%**



VALUES

- 81% - 100%
- 61% - 80%
- 41% - 60%
- 21% - 40%
- 0% - 20%
- 0%

POLICY AREA (clockwise)

- Anti-Money Laundering
- Beneficial Ownership
- Asset Recovery
- Arms Trafficking Score
- Anti-Corruption Framework and Institutions
- Private Sector
- Transparency and Integrity in Public Administration
- Transparency in Lobbying
- Whistleblowing
- Transparency in Party & Election Campaign Finance
- Fiscal Transparency
- Integrity in Public Procurement
- Access to Information

KEY MESSAGES

Since signing the UNCAC, Jordan has taken a number of steps to strengthen integrity and combat corruption. A new integrity and anti-corruption law was enacted in 2016 while a national Integrity and Anti-Corruption Strategy was launched in 2017. Fiscal transparency, beneficial ownership, and public procurement are policy areas in need of considerable improvement. In addition, the private sector must be encouraged to strengthen its integrity structures and enhance its transparency. Rasheed (TI - Jordan) will continue to monitor Jordan's commitments to SDG 16.

* This scorecard is an appraisal of the de jure situation in a given country and does not assess compliance with the legislative framework or the effectiveness of its implementation. Please also note that, as different data is available in different countries and not all questions are applicable in each jurisdiction, country scores cannot be compared. The legal scorecard is simply intended to demonstrate areas at national level in which reform of the legislative and institutional framework is most urgently needed.





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