Title	Countries at the Crossroads 2012 - Jordan
Publisher	Freedom House
Country	Jordan
Publication Date	20 September 2012
Cite as	Freedom House, *Countries at the Crossroads 2012 - Jordan*, 20 September 2012, available at: http://www.unhcr.org/refworld/docid/505c172f29.html [accessed 14 November 2012]
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Countries at the Crossroads 2012 - Jordan

2012 Scores

Accountability and Public Voice Score: 2.19
Civil Liberties Score: 3.18
Rule of Law Score: 3.16
Anti-Corruption and Transparency Score: 2.75

Introduction

Despite having no oil, indefensible borders, and a small, fragmented population, the Hashemite Kingdom of Jordan has, since its birth from British colonialism in 1921, managed to preserve its sovereignty from all threats. The current ruler, King Abdullah II, assumed the throne in 1999 following the half-century tenure of his father, King Hussein; he is the third from his dynasty to reign over this mostly desert land on the east bank of the Jordan River. As titular monarch, Abdullah possesses near-absolute powers. He appoints and dismisses governments, can suspend parliament and rule by decree, and controls the military and General Intelligence Directorate (GID), the powerful agency that monitors public life and disrupts perceived regime threats. The king's royal court and personal advisers often exercise more power than the official cabinet, and act as the ultimate authority on core issues like foreign relations, economic policy, and internal security.

Three facts greet political tourists to this Sunni Muslim country. The first is its demographic divide. Up to two-thirds of the national population claims Palestinian origin, while the rest are East Bankers – members of Bedouin and settled tribal communities, as well as minorities like Christians and Circassians. Floods of refugees resulting from the 1948 and 1967 Arab-Israeli wars gave Jordan its Palestinian majority, and the Palestinian-East Bank cleavage mirrors the kingdom's politics. Having signed a peace treaty with Israel in 1994, Jordan is an uneasy party to the negotiation process for an independent Palestinian state.

However, the monarchy anchors its legitimacy within the East Bank social base, and East Bankers dominate critical state institutions like the civil service, military, and GID. East Bank nationalists see Palestinians as a fifth column, and point to past unrest as evidence of disloyalty. As a result, Palestinians as a whole continue to have little political representation despite the fact that most have Jordanian citizenship and many have multigenerational roots in the kingdom. On the other hand, they dominate the private-sector economy. Whereas the state and public sector absorbs East Bank labor, Palestinian capital and productive entrepreneurs have traditionally driven Jordan's service-oriented economy.

The second fact concerns Jordan's vulnerability to its external environment. Given its small industrial base and weak taxation capacity, the national economy has long required reciprocal trade agreements with neighboring partners like Iraq to thrive. In addition, its heavy-spending government – which continues to subsidize basic goods, hire public employees, and increase civil service salaries to satisfy its East Bank constituency – requires constant aid infusions by outside patrons like Saudi Arabia and the United States. Such dependency has forced Jordan to consistently adopt moderate foreign policy positions in order to avoid making powerful enemies, an approach that for decades has allied the kingdom with the U.S. and its regional partners. Most recently, in 2011, at the height of the Arab Spring, Jordan accepted a multibillion dollar aid package from the Gulf Cooperation Council (GCC) in return for continuing support for its fellow monarchies against further instability. This strategic move allowed the debt-burdened government to avoid the unpalatable choice between raising taxes and cutting public spending at a time of social trouble.

Conversely, the kingdom's political economy is highly sensitive to regional shocks. Its late -1980s fiscal crisis stemmed from the collapse in oil prices, while the 1991 Gulf War, second Palestinian intifada, and 2003 Iraq War all inflicted huge collateral damage in terms of lost trade revenue, aid flows, and tourism income. The regime launched neoliberal reforms to upgrade its stagnant, state-oriented economy following World Bank and International Monetary Fund interventions in the 1990s, but since then gradual efforts to privatize public assets and secure foreign investment have been mired in corruption and inefficiency. Economic reforms have also not produced sufficient numbers of skilled jobs outside the public sector to satiate the growing middle class, including restive East Bank communities that no longer have guaranteed access to public payrolls. Official counts of unemployment and poverty have hovered between 13 and 15 percent in recent years, but real figures are likely double that.[1]

The final dimension concerns Jordan's brand of liberalized authoritarianism. Following the political turmoil of the mid-1950s, the monarchical regime imposed three decades of institutional closure that eviscerated most existing opposition movements. Following an economic crash that sparked riots among nominally loyal East Bank tribal communities in 1989, the monarchy embarked upon an ambitious campaign of political liberalization. The subsequent abrogation of martial law made Jordan one of the most pluralistic autocracies in the Arab world, one defined by an elected parliament, legal opposition parties, and tolerance of social dissent. To be sure, the national security apparatus, headlined by the GID, continued to monitor civic life and maintain certain redlines, such as outright criticism of the king or discussion of security issues. However, overt state repression and violence became rarer, and citizens enjoyed newfound freedom to express grievances, create new organizations, and rally for further reforms.

Today the situation is less encouraging. Two decades after the dawn of political liberalization, the Hashemite monarchy has yet to inaugurate any opening for democratic transition. Genuine democratization in Jordan would require the palace's surrender of its executive prerogatives, the construction of independent legislative and judicial institutions, and a new constitutional framework guaranteeing that the government would be drawn from the elected parliament. However, these remain pure fantasies in the short term. The Jordanian regime still practices "contained pluralism," which cloaks an institutional core of autocratic monarchism with a veneer of democratic practice.[2] Since the 1990s, the kingdom has either stagnated or even backslid on many dimensions of political freedom, personal liberty, rule of law, and institutional transparency.

The Arab Spring erupted at the conjuncture of these longstanding problems. Jordan has experienced well over 1,000 protests since December 2010.[3] To be sure, almost all have been peaceful, and few demonstrations draw more than a few hundred participants. Yet their weekly pace and sheer endurance suggest that King Abdullah now faces the most serious crisis since his ascension. Social relations, already laden with longstanding Palestinian-East Bank tension, have been complicated by the fact that much new opposition has originated from East Bank communities unhappy with government policies. Many criticize the dire economic situation. The labor force continues to grow by 60,000 every year, over a half-million Iraqi refugees remain in the kingdom, and domestic markets fluctuate due to instability in Syria and elsewhere in the region. Though the bloated public sector already consumes most of the civilian budget, the government

faces strong pressure to ignite economic growth, preserve an affordable cost of living, and spur new job creation. Critics also call for democratic changes, such as reducing the influence of the security sector and enacting a more competitive electoral system. However, the monarchy has yet to unveil a comprehensive timeline or even framework for political reform. While even ardent activists have little desire for open revolution, their patience is growing thin.

Accountability and Public Voice

The national wave of popular protest that emerged during the 2011 Arab Spring shattered the illusion that Jordanian politics had undergone considerable opening. In reality, the Hashemite monarchy has oscillated between liberalization and constriction for decades, and opposition groups are frustrated with the overall lack of progress.

Electoral politics is emblematic of this oscillation. The only body formally accountable to the public, parliament's elected lower house, the House of Deputies, has little independent legislative authority and is counterbalanced by the royally appointed upper house, the House of Notables. The king also appoints the cabinets that promulgate laws, and has no obligation to draw ministers from any elected party. Hence, cabinet shuffles do not signify meaningful rotations of power, but rather are strategic acts designed to appease public discontent or reward trustworthy elites with public office.[4] During 2011 alone, for example, three loyal retainers held the premiership – Samir Rifai, Marouf Bakhit, and Awn Khasawneh. The king can also suspend the legislature and rule by decree, as in 2001-2003 and 2009-2010, when the government promulgated several hundred temporary laws.

In addition, from 1993 through 2010, every national election has exhibited systemic flaws that distort competitive outcomes. First, the country's 45 electoral districts are malapportioned to guarantee low urban Palestinian representation by giving greater mathematical weight to voters in rural districts perceived as bastions of government support. For instance, in the 2010 elections, the tribe-dominated Tafileh Governorate received one parliamentary seat for every 20,000 citizens, whereas Palestinian-heavy Amman received one for every 91,000.[5] Second, rather than a proportional representation (PR) system that would encourage the mobilization of opposition parties, the balloting system has followed a single non-transferable vote (SNTV) rule, which favors conservative independents like tribal leaders, wealthy businessmen, and "service" deputies – candidates who win by promising jobs, healthcare, and other public benefits to their constituents.[6] More than half the kingdom's electoral districts are multimember, and here the SNTV effect greatly disadvantages party-based candidates. Finally, fraudulent practices such as vote buying, ballot stuffing, and illegal busing of voters periodically occurs, as in the 2007 contest that reduced the Islamic Action Front (IAF), the Muslim Brotherhood's party and the largest opposition group, from 17 to 6 seats. The GID also frequently interferes by giving financial and organizational support to preferred candidates, covert assistance that often continues well into parliamentary sessions.[7]

After King Abdullah dismissed parliament in November 2009 in order to rush through several economic liberalization measures, a coalition of civil society groups spearheaded by the National Center for Human Rights (NCHR) campaigned for a new elections law. One model came from former Deputy Prime Minister Marwan Muasher's 2005 National Agenda, which suggested completely overhauling the current system in order to better represent urban Palestinian constituencies and encourage the development of political parties.[8] Yet the law unveiled in May 2010 was, if anything, worse than its predecessor. The new bill raised the female quota from 6 to 12 (while increasing the total number of seats to 120), but it left the districting systems and SNTV ballot method mostly intact. Most controversially, it introduced a "subdistricting" clause that divided the country's electoral districts into one-member virtual constituencies, effectively allowing insider candidates to divvy up seats in advance while confusing voters.

Due to an IAF-led boycott, virtually no opposition groups won seats in the November 2010 elections. The regime had so stacked the legal deck that there was no need to deploy outright fraud, as in 2007, to secure the desired result: the election of mostly conservative members of parliament (MPs). The Ministry of Interior eliminated large-scale irregularities through a new computerized monitoring system, and also permitted hundreds of international elections monitors to observe balloting and tabulation. Foreign

monitors confirmed that the voting process was relatively transparent but criticized the lack of an independent electoral commission, noting that many voters would remain skeptical so long as the government itself – rather than an autonomous legal body – organized and conducted elections.[9] The officially-announced voter turnout of 53 percent mirrored 2007 despite massive government marketing campaigns encouraging participation. However, local nongovernmental organizations (NGOs) estimated just 40 percent turnout, varying from 20 percent in urban Palestinian districts to 80 percent in rural areas.[10]

For all these reasons, the Jordanian parliament is not an effective democratic institution in which competing parties create governing coalitions and introduce policies, but rather a party-deficient venue where independent elites compete for patronage and publicity. As laws originate from the appointed government, such politicking often impedes even royal efforts to pass legislation. Not surprisingly, surveys consistently show that less than half the public expresses confidence in parliament.[11] Yet the legislature is part and parcel of Jordan's wider ecology of authoritarian control. The rural-tribal patronage system encourages MPs to bicker more about their well-being and status rather than address meaningful issues that would require contesting the monarchical power structure. For his part, the king can engineer dissolutions of parliament to strategically deflect public frustration while perpetuating the fiction that he stands above politics.[12]

Furthermore, the arrangement maintains the regime's traditional rural-tribal bias by marginalizing the Palestinian majority. Palestinian representation fell to just over 10 percent of the lower house after the 2010 elections, a figure nearly matched by the 11 MPs contributed by one East Bank tribe alone. Such results reinforce feelings of second-class citizenship among Palestinians, who are already disadvantaged in terms of economic access to the state. The public sector and armed forces are key sources of employment, healthcare, and other services to Jordanians of East Bank origin, with many obtaining their positions through connections rather than merit. Most of the kingdom's 800,000 public employees and pensioners are East Bankers, on whose salaries and welfare the state spends over 80 percent of its annual budget.[13]

Campaign laws limit the ability of legislative candidates to utilize some public spaces, such as government institutions and schools, to stump for votes. While this ostensibly levels the playing field, inequalities still run deep. For one, political connections (including GID assistance) allow some favored candidates to gain privileged access to media outlets, including both private and state venues. Existing laws also fail to limit third-party spending or compel financial disclosure, which further advantages wealthy businessmen as well as established elites with access to community resources. All in all, opposition figures struggle to woo voters based on policy issues rather than through material promises or ascriptive allegiances. Revealing such predetermination, Jordan University's Center for Strategic Studies found that during the most recent elections, 86 percent of voters had decided whom they would support months before balloting thanks to preexisting family, tribal, or patronage commitments.[14]

This system of executive domination by the monarchy has shown some signs of fraying since the onset of the Arab Spring, as not just Palestinians but also East Bank Jordanians have more loudly rallied for political change and royal accountability. A $500 million welfare package announced in early 2011 did not quell urban demonstrations by Islamists, leftist parties, and professional unions inspired by prodemocracy uprisings elsewhere in the region.[15] In a nationally televised June 2011 speech, King Abdullah vowed a pathway to constitutional monarchism, but lack of ensuing progress further inflamed the climate of public dissent.[16] Both economic and political concerns took center stage. Not only did activists demand the dissolution of parliament, they also petitioned for electoral reform, anticorruption initiatives, and lower living costs. Most surprisingly to palace officials, East Bankers became frontline oppositionists; among the most critical voices were tribal leaders, military retirees, civil servants, and youth movements like the March 24 Shabab. As a result, weekly demonstrations unfolded not just in Amman but also in rural and poorer governorates like Karak, Tafileh, and Jarash. That King Abdullah fired the cabinet twice during 2011 in response to popular anger reflects the heightened desire by the monarchy to demonstrate political engagement as its social foundation began to crack.

However, the royal promise of transforming the political system has yielded little tangible fruit. A major reason is that those tasked with reformulating laws have little dialogue with those with the greatest desire to change those laws. The centerpieces of the reform drive last year, the 52-member National Dialogue Committee and the 10-person Constitutional Review Council, were stacked with former ministers and other loyal retainers. To fanfare, the latter produced 42 constitutional amendments executed in September 2011; among other changes, the revisions established an independent electoral commission and limited the king's ability to suspend parliament. Yet they did not touch the palace's institutional levers of dominance, such as its power of cabinet appointment and control over the military. Also untouched was the enormous leeway given to the GID in monitoring public life.

Likewise, a new elections law unveiled in early 2012 seemingly acceded to popular demands by instituting a PR system. However, the proposed PR national list will encompass no more than 27 seats of the newly enlarged 150-member House of Deputies, even though opposition groups like the IAF petitioned for at least double that number – and to boot, standing will not be limited to parties, leaving the door open for tribal factions and other independent blocs to formulate lists.[17] Most of the remaining seats will continue to be distributed across the kingdom's highly malapportioned electoral districts using the old SNTV balloting method. Finally, the drive to promote political party development, another alleged goal of the royal campaign for democratic reform, has similarly stumbled. In 2007, the Ministry of Interior ruled that all parties needed a minimum of 500 members residing in at least 5 of the 12 governorates; that decision instantly eliminated 22 parties. The new political parties law enacted in July 2012 maintained not only maintained that requirement, it also placed parties under the jurisdiction of the Ministry of Interior while forbidding their establishment on the basis of religion – a provision that many believe targets the Islamists.[18]

Meanwhile, civil society faces creeping constriction. Civic life has thrived for decades; by 2011, 5,700 NGOs claimed over 1.6 million members.[19] Many NGOs can influence policy through public outreach efforts, while larger groups can initiate dialogue with parliamentarians, ministers, and even palace officials. The 2008 Societies Law, however, prohibits all organizations from engaging in political activity, and the Ministry of Interior retains ultimate veto power over their registration, operation, and governance. Heightened financial scrutiny has also taken effect: even after a July 2009 amendment that relaxed some requirements, most NGOs still must regularly submit audited budgets and other documentation to the government. State officials also must approve all foreign grants and public donations. Over the past several years, they have used such legal sanctions to dissolve small groups and harangue larger ones. Though the 14 professional syndicates encompassing over 130,000 members have largely withstood such harassment, the Muslim Brotherhood has not. In 2006, the government assumed administrative control over its Islamic Center Charity Society, justifying the move with questionable charges of financial irregularities. As of 2012, official promises to return control of this sprawling NGO – one of Jordan's largest, whose programs affect hundreds of thousands through a collection of 14 hospitals, 50 schools, and 56 orphanages – have not yet materialized, escalating simmering tensions between Islamists and the regime.[20]

Finally, the media has also faced growing constraints over the past several years. Post-publication censorship is rare, and both the king and recent constitutional amendments reaffirm official protection for freedom of expression. In practice, the government can prevent publication of material that crosses certain red lines, including coverage of royal affairs, religious controversies, and national security. State bodies may also restrict media access to their proceedings in response to unfavorable reporting; parliament imposed this measure in June 2009, resulting in a retaliatory boycott by major newspapers. Those same captains of print news, however, act far tamer when touching on sensitive issues like corruption or tribal affairs. Through either political ties to editorial staff or direct financial stakes, the government exerts constant pressure upon the largest Arabic dailies (*Al-Rai*, *Al-Dustour*, and *Al-Arab Al-Yawm*), and to a lesser extent the primary English newspaper (*Jordan Times*). Even at more independent dailies like *Al-Ghad* as well as the weeklies, the GID can compel staff to dilute unfavorable content through threats or bribes.[21] The state also dominates the broadcast sector. Much as in the print industry, licensing for independent television channels and radio stations is difficult to obtain, and on-air discussions of controversial topics like unemployment

and religion are sparse. Much as the state runs the official Petra news agency, the government-owned Jordan Radio and Television serves as the largest broadcast corporation.

This gradual decline in media independence stems from enforcement of the 2007 Press and Publications Law. The current legal regime allows for punishments including steep fines and up to three years' imprisonment for writers who infringe upon impossibly subjective sensitivities, such as spreading false information, disturbing public order, and inflaming foreign relations. Authorities use this flexible tool to selectively target journalists. In February 2010, for example, security officials arrested two well-known newspaper columnists for criticizing Jordanian intelligence cooperation with the U.S. During the summer of 2011, Minister of Information Taher Adwan resigned in order to scuttle proposed amendments that would have restored some censorship-era controls, such as outright bans upon publications.[22] In addition, extralegal attacks against journalists have risen in frequency. In June 2011, for instance, a mob acting with police complicity ransacked the Agence-France Presse's Amman bureau, the culmination of long-running criticism by royal officials after the bureau exposed tribal criticism of Queen Rania and then reported on a violent confrontation in Tafileh between tribal youths and members of the king's motorcade. The next month in July, 19 local journalists covering a planned Friday pro-reform protest were physically attacked. Dozens of lesser incidents including death threats, phone harassment, and anonymous assaults have targeted other writers. For all these reasons, it is little surprise that nearly 90 percent of Jordanian journalists still claim to practice self-censorship.[23]

While there is virtually no internet censorship via state-run filtering software, the 2010 Information Systems Crimes Law extended some offline restrictions on freedom of expression into cyberspace. Though much of the act targets legitimate misconduct, such as financial scams and child pornography, the law also quietly regulates some aspects of online activism.[24] Internet cafés now monitor user activity, and public workplaces must block local news websites. International outcry forced retraction of the law's more draconian elements, such as empowering police to search website offices and confiscate computers without warrants.[25] However, online writers remain vulnerable to criminal prosecution should they disseminate information "unavailable" to the public on national security, foreign relations, and economic affairs. These restrictions threaten not only the vibrant Jordanian blogosphere but also bold investigative news sites like *Khaberni.com*, *Ammonnews.net*, and *JO24.net*, which receive more daily hits than any of the traditional dailies despite being just a few years old.

Civil Liberties

Over the past several years, Jordan's monarchical regime has not significantly improved its protection of civil liberties. Though still considered one of the most tolerant states in the Arab world, the kingdom has yet to tackle major deficiencies in this area.

Constitutional provisions and the penal code forbid physical violence against those in criminal custody, and Jordan formally observes the United Nations Convention against Torture. In reality, police frequently brutalize suspects to forcibly extract confessions. In 2010, the NCHR received 85 complaints of custodial abuse, up from 51 the previous year.[26] Moreover, the GID repeatedly utilizes torture and other extralegal methods when interrogating individuals deemed security threats; for this very reason, it was the Central Intelligence Agency's closest Arab partner during the period in which the U.S. maintained its extraordinary rendition program. Once incarcerated, prisoners have few safeguards from frequent mistreatment meted out by security guards, and human rights observers report numerous cases of violent abuse every year.[27] However, exact rates of abuse are difficult to obtain across the country's 14 adult prisons. Prison strikes number in the hundreds every year, and riots occasionally explode. Physical conditions vary across facilities, but the most common problems include limited access to legal services, poor sanitation standards, inadequate food and water, and residential overcrowding.[28]

In everyday life, the state has continued to refrain from large-scale crackdowns during the Arab Spring. Not only do preexisting commitments to pluralism lower the probability of overt repression against civil society, but the Jordanians expressing reform demands are increasingly drawn from the monarchy's East Bank social base. However, outspoken critics, a group that since 2009 includes university students, Islamist activists, and even

former parliamentarians, may face occasional arbitrary arrest. Of particular concern is the continuing legal practice of administrative detention. The 1954 Crimes Prevention Law authorizes provincial authorities to detain anyone suspected of posing a public threat; in practice, governors exploit this privilege freely to arrest citizens without judicial review, including enemies and critics, and hold them incommunicado for extended periods of time. In 2010, more than 12,000 individuals were detained in this manner.[29] In addition, the GID maintains its own secretive detention facility, outside monitoring of which is virtually impossible. In this environment, most Jordanians remain afraid of publicly criticizing the government – 76 percent in 2010, according to the latest annual opinion survey by the Center for Strategic Studies at Jordan University.[30]

The flip side of this security-oriented mentality is consistently high public safety. The Ministry of Interior's Public Security Directorate (PSD), which handles national policing functions, ensures a very low rate of violent crime – fewer than 2 murders per 100,000 inhabitants.[31] A separate branch of the ministry also controls the Darak, a specialized gendarmerie unit; compared with the civil police, its agents can deploy harder force against the public, and with fewer legal restrictions. The GID has also exercised the generous latitude the government grants it to investigate and disrupt organized terrorist activity since the 2005 Amman hotel bombings that killed 60 people. Since 2009, several small-scale terrorist operations have targeted Jordanian landmarks, in addition to American, British, and Israeli citizens; however, in each case authorities foiled the attacks and apprehended suspects afterward, with minimal casualties. Such protections for Jordanians and Westerners starkly contrast with the hazards shadowing the kingdom's migrant worker population. Over the past several years, the government has extended existing labor protections to this vulnerable community, including minimum wage, sick leave, and safety regulations. Enforcement, however, is another matter: the approximately 100,000 Southeast Asian women in domestic employment still suffer workplace abuses such as violence, rape, blackmail, and virtual captivity.[32] Likewise, the government formulated its first anti-human trafficking law in 2009, but prosecution of suspected traffickers proceeds slowly and seldom results in criminal convictions.

Until recently, Jordanians mirrored foreign laborers in that they lacked a central clearinghouse to register perceived rights violations. Luckier citizens could exploit connections to tribal elites, political favors, or family wealth to settle their grievances. Others could speak to the NCHR, but this governmental institution has limited powers of inquiry; in 2010, the center successfully resolved just 17.3 percent of 770 petitions alleging rights abuses.[33] In February 2009, however, Jordanians gained another venue in the Ombudsman's Bureau, charged with impartially investigating any personal complaint related to governmental entities. In 2010, the bureau claimed to have resolved 78 percent of the 1,572 complaints it received.[34] Though its establishment represented a long-awaited step forward, the Ombudsman's Bureau has two limitations that reflect the kingdom's blueprint of authoritarian management: it cannot pursue claims against most of the security sector, and it has no purview over the royal court and its extensive bureaucracy.

Gender equity has improved in recent years. None of the 42 constitutional amendments executed in September 2011 changed Article 6 of the original 1952 document, which excludes "gender" from its prohibition of discrimination on racial, linguistic, or religious grounds. However, women enjoy nominal political equality, including the right to vote and stand for elected office at all levels. In addition, the House of Deputies has long featured a quota for female MPs; in the 2010 elections, the quota stood at 12 seats, while the latest elections law reform raises the figure to 15 seats. Other arenas of politics also show gradual improvement. Since the mid-2000s, most cabinets pointedly featured several women. In December 2010, moreover, the government installed its first female attorney general.

Still, income disparity and job discrimination persist at the sub-elite level. For example, more than half of civil service applicants are women, but they constitute less than 40 percent of its workforce.[35] Moreover, despite high rates of domestic violence against women, more than half of all cases go unreported to the PSD.[36] The Women's Complaint Bureau, established in 2009, promises independent mediation for any female claimant, but it struggles to resolve cases due to lack of resources and authority. Likewise, "honor killings" of women attract international outcry, but male perpetrators seldom receive

punitive sentences befitting capital crimes. At best, governors can hold women deemed "at risk" through administrative detention. Finally, women must cope with severe disadvantages in divorce, inheritance, and child custody battles, despite mild Personal Status Law changes in 2010. For example, because nationality law favors paternal heritage, the kingdom has 66,000 couples whose children may never become citizens because only the mothers are Jordanian.[37]

Other modes of discrimination persist. Most obviously, Palestinians constitute at least 60 percent of the national population but have long faced a biased electoral system, weak ministerial representation, and endemic bias when applying for public sector positions. East Bankers pointedly dominate the three major planks of the security apparatus: the PSD, GID, and military. Indeed, the army is considered a tribal institution, with both the rank and file and officer corps drawing heavily upon leading tribal clans. Recent trends add to such historical marginalization. Since the mid-2000s, nearly 3,000 Jordanian Palestinians with West Bank ties have suffered arbitrary revocation of citizenship, which beyond the obvious stigma also endangers their legal residency, triggers GID scrutiny, and prevents the attainment of most professional jobs.[38] The Ministry of Interior offers little recourse to denationalized individuals, implying that hundreds of thousands of other Jordanians of Palestinian origin could be vulnerable to these efforts. Furthermore, at the social level, East Bank nationalism has risen sharply among many non-Palestinian writers, politicians, and tribal leaders, with more xenophobic voices denigrating Palestinians as mere "guests."[39] Indeed, the monarchy's most conservative East Bank supporters denounced protesters during the Arab Spring as seditious Palestinians – when in fact many demonstrators were East Bank Jordanians.

Far removed from this bifurcating cleavage, smaller social factions reap varying fates. The kingdom's small ethnic Chechen and Circassian minorities benefit from legal equality by virtue of their longstanding residency, and there is little discrimination against them. They also receive favorable political treatment due to their historic reputation for regime loyalty; for intance, Circassians are overrepresented in parliament via a 3-seat House of Deputies quota. Individuals with disabilities also enjoy improving treatment. Jordan leads the region in disability accommodation, as signified by the 2007 Rights of Persons with Disability Law, even though enforcement throughout private workplaces and public institutions has been imperfect. By contrast, Arab refugees in Jordan enjoy fewer protections. Widespread prejudice handicaps the social advancement of the kingdom's several hundred thousand Iraqi refugees, despite national efforts to extend the provision of public goods like education and healthcare. Professional employment remains elusive for many Iraqis. The government has moved more quickly to accommodate the more than 100,000 Syrian refugees that had crossed the northern border by summer 2012, building refugee camps and offering basic services. Yet much like attitudes toward the Iraqis, few Jordanians wish to make this transient population a permanent part of the demographic landscape.

In the religious sphere, official statutes ensure adequate freedoms. More than 90 percent of the country identifies with Sunni Islam, something that Jordanians of both Palestinian and East Bank heritage share. However, non-Muslim minorities, in paricular the Christian minority, benefit from powerful legal protections guarding the establishment of their own houses of worship and the practice of their faiths. Christians are also overrepresented in the political system. In the 2010 lower house elections, they received a 9-seat quota, and they receive generous attention in terms of ministerial appointments and bureaucratic advancement, although the highest positions, like prime minister and head military commander, remain informally off-limits. The Sharia courts also occasionally levy charges of apostasy against converts out of Islam, and Muslim women cannot marry non-Muslim men.

Within Islam, the state maintains near-monopolistic control over public faith through several institutions. The Ministry of Awqaf and Islamic Affairs has vast bureaucratic reach because it administers all mosques and holy sites. It also licenses imams, in essence rendering all Islamic preachers as civil servants of the state. The Department of Supreme Justice operates the Sharia court system, with jurisdiction over both judges and their rulings. The National Fatwa Committee, created in 2006, allows the regime to sanction and issue prominent religious edicts with full support from its roster of appointed Islamic scholars. The Ministry of Education also plays a role by vetting textbooks and hiring

teachers of religious curricula in state schools. Collectively, these official agencies regulate religious content in public spaces, articulating a moderate framework of Islam while burnishing the Hashemite royal family's credentials as descendants of the Prophet Muhammad. While this strategy militates against the growth of radical groups, such as Salafists, it also draws ire from Muslim Brotherhood preachers who demand more independence. Moreover, the state's role in propagating official Islam can conflict with and hinder unofficial forms of religious discourse. In June 2009, young poet Islam Samhan was sentenced to a year of prison alongside a $14,000 fine on charges of defaming Islam through his creative writing.[40]

The associational arena provides a core test of the monarchy's commitment to civil liberties. In theory, all associations have the constitutional right to assemble; in practice, they face ambiguous constraints. Prior to the Arab Spring, the government restricted public meetings ranging from large street protests to small academic workshops through the 2008 Public Gatherings Law, which requires organizers to seek advance permission from governors to hold events. Authorities frequently denied petitions when they involved domestic politics and foreign relations, and since 2009 numerous unauthorized events – in particular, anti-Israel demonstrations and worker strikes – have ended with police intervention. The Arab Spring transformed the landscape of contentious politics by flooding public life with an unprecedented frequency and volume of protests. After months of unauthorized weekly pro-reform rallies, in March 2011 the government belatedly responded to several months of weekly protests by revising the Public Gatherings Law to remove the advance authorization requirement.[41]

Policing responses to this new wave of opposition have been mixed. The regular police units under PSD authority gave demonstrators a wide berth, explicitly refraining from repression. However, GID-assisted counterprotesters, who include local youths and tribal factions, have also mobilized to occasionally attack opposition crowds. The Ministry of Interior's specialized gendarmerie, the Darak, has also deployed physical brutality against protesters, though seldom with lethal force. Indeed, the two most notorious incidents of violence in 2011, the aforementioned March 25 rally that resulted in one death and the July 15 demonstration that led to assaults on journalists, resulted from instigation by both counterprotesters and Darak personnel; the civil police were unable to maintain separation. A similar scene, this time involving Islamists, unfolded in April 2011, when 100 Islamist activists demonstrating in Zarqa were arrested after suffering repeated attacks from opposing demonstrators and the gendarmerie.[42] Given this inconsistency of treatment, reformist protesters in Jordan operate in an unpredictable environment despite their explicit legal rights to assemble.

Labor rights also exist within a contested space. The government usually does not intervene within the politics of the professional syndicates, such as the Engineers' Association and the Jordanian Bar. The syndicates hold internal elections and advocate the interests of members, including retirees; they are among the most active groups in civil society. On the other hand, organizational membership is a precondition to practice these professions, and establishing new societies requires state approval. Only after years of contentious effort, including strikes and protests, could educators establish the Teachers Association in early 2012, which now ranks as one of the largest civic entities in the kingdom, with over 100,000 members.[43] Workers confront more onerous requirements. Though any worker can unionize, all labor unions must be approved by the Ministry of Labor and belong to the General Federation of Jordanian Trade Unions, which comprises 17 groups in fields including textiles, mining, and transportation. These regulations not only constrain collective bargaining, they also prohibit any strike without advance authorization. In July 2010, labor activist Muhammad al-Sunaid was sentenced to three months' imprisonment after protesting in Madaba against poor working conditions.[44] Foreigners, such as the thousands of Asian workers employed in Qualified Industrial Zone (QIZ) textile factories, can join unions but not strike. These laborers are among the most disadvantaged in the country; QIZ protests against late wages and poor safety in recent years have elicited clampdowns rather than concessions.

Rule of Law

International monitors rank Jordan's judiciary one of the most sophisticated in the Arab world, though several institutional hurdles still hinder fairness.[45] The kingdom's legal

system has three branches: the regular court system, which deals with most civil and criminal issues and accepts the most cases; religious courts that address personal and family matters, of which the Sharia system under the Department of Supreme Justice is the largest component; and the special courts, which include the notorious military courts and the Special Security Court (SSC).

The constitution guarantees judicial independence for every branch, and the 2001 creation of the 11-member Higher Judicial Council (HJC) broke ground by creating an institution autonomous from the Ministry of Justice that could directly supervise judges. Over the past several years, King Abdullah has also expressed his desire to strengthen the rule of law through comprehensive reforms emphasizing efficacy and consistency, and a 2012-2014 developmental strategy is now in place. Another positive development stems from the September 2011 constitutional amendments, which promise the establishment of a Constitutional Court. Formally approved in summer 2012, this new court replaces the existing Higher Council for Constitutional Interpretation; financially and administratively independent of any ministry, it will seat nine royally-appointed judges with overarching legal authority.

It remains to be seen, however, whether the new Constitutional Court can overcome the shadow of the executive – that is, the king, the royal court, and the governing cabinet. For instance, while the HJC appoints regular court judges, both the minister of justice and the king must approve its decisions. Although the religious courts operate more independently, palace proxies often determine the benches of the special courts. The prime minister, for example, selects SSC judges. At the broader level, the HJC and Ministry of Justice are responsible for promotions, dismissals, and training of the bench. However, royal intercessions can influence individual judicial decisions by pressuring judges with hints of early retirement or withdrawal of financial support. The latter is especially pernicious because both the HJC and judges are dependent upon the Ministry of Finance for their salaries and staff.[46] Indeed, nearly two-thirds of Jordanians believe that public officials regularly interfere in judicial rulings.[47] Unlike lawyers, judges have no professional association and thus lack a nonstate venue to collectively advocate their interests. They still speak out, however. For instance, a 2010 provisional law that enhanced the Ministry of Justice's supervision over the bench elicited open protest by over 100 judges.[48]

In other areas, executive authority continues to muddle the extent of rule of law. The palace frequently uses its power of pardon for political purposes, either to benefit protected elites or for public relations. An example of the latter came in June 2011, when as part of the latest effort to allay ongoing protests, the king pardoned one million criminal offenses, resulting in the release of 3,500 prisoners; he also nullified charges against recently-arrested opposition activists.[49] Property rights provide another illustration. The courts generally safeguard private property rights from state expropriation and corporate predation, though businessmen often complain about slow enforcement of contractual obligations. However, public property is another matter. In February 2011, a group of tribal leaders accused the king of transferring public lands to business cronies and Queen Rania's family.[50] In this and other cases, the royal court has denied manipulating real estate titles in cooperation with private partners for profit, but critics remain skeptical, often questioning King Abdullah's multibillion dollar increase in personal assets since 1999.

Many reformists insist that the first task of the Constitutional Court be a ruling on the legality of the State Security Court. The SSC tries any individual perceived as a public threat and works closely with the GID to coordinate such efforts.[51] SSC judges are not royal automatons, and have either military or civilian legal training. Yet politics still influences the composition and outcomes of the court's heavy caseload. The chamber produces verdicts for not just terrorists and drug dealers, but also reporters, Islamists, students, unionists, and various other critics who have attracted GID attention. Since 2006, the SSC has also exercised sweeping powers of surveillance and detention. The SSC prosecutor abides by no presumption of innocence, and can arrest suspects and obtain evidence without warrants. Inversely, defendants have limited access to counsel, and are often detained without formal charges. Judges can also order media blackouts. This isolates suspects and limits public knowledge, which the SSC can also use this to the government's political advantage. For instance, proceedings of a March 2010 bribery case

involving a $2.1 billion petroleum refinery project were kept secret because the matter implicated well-known business investors and political figures with ties to the palace itself.[52]

Suspects fare better in the regular judicial system, which at every court level – conciliation, first instance, appeals, and cassation – revolves around objective procedures that abide by most international standards. In addition to the attorney general, the Ministry of Justice supervises public prosecutors, and almost all are well trained and legally competent. There are, however, internal inconsistencies. Observing 182 criminal trials, one research team recently found that while due process was upheld for most suspects, many had less access to counsel than desired; in addition, judges gave prosecutors disproportionate leeway, and men attracted more consistent presumptions of innocence than women.[53] In 2010, new government regulations also tripled attorney fees paid by most litigants, burdening those from lower-income backgrounds.[54] Another unsettling recent change is that a defendant's presence is no longer required for court rulings. So long as all lawyers are present, judges can render compulsory decisions.

A longstanding problem is the continuing ability of wealthy elites with political ties to escape prosecution. A paradigmatic case is Khalid Shaheen, a business mogul with royal connections who was sentenced in July 2010 to three years' imprisonment in the aforementioned March 2010 refinery scandal. Despite the conviction, he was quietly housed in a little-known, luxurious facility in the forested northern preserve of Salhoub. Once exposed, public uproar resulted in the prison's shutdown in early 2012. Shaheen also obtained special permission to seek medical treatment abroad, and he lived comfortably in Europe before popular outcry compelled the government to seek his extradition in August 2011 – a scandal in itself that caused the resignation of the justice and health ministers.[55] Yet in a constructive sense, the controversy also helped spur new mass pressures to extend the rule of law at the highest levels of wealth and power. The refinery corruption case, for instance, resulted in the criminal conviction of three former officials, including ex-finance minister Adel Qudah, though his sentence was later commuted to house arrest.

The weakest link in judicial accountability resides in the inability of citizens to pursue grievances against security sector institutions and actors. The military and GID are theoretically accountable to ministerial control, but in practice report only to the king. In particular, the GID operates with impunity in every sphere of public life. With only a few exceptions, it enjoys ironclad protection against judicial inquiries and has no internal mechanism to ensure compliance with existing legal standards. Meanwhile, the PSD and Darak report to different branches of the Ministry of Interior, over which the palace exercises ultimate discretion. September 2011 brought an enduring reminder of this hierarchy when police surrounded the Central Bank to force the resignation of its governor, Faris Sharaf.[56] The sacking of Jordan's most powerful economist, at its most independent financial institution, came after Sharaf, adhering to a plan of budgetary austerity, refused to endorse royally-backed expenditures such as welfare packages to assuage tribal protests. Internally, the PSD does have its own ombudsman, but even when given evidence of outright abuse, offending police personnel are seldom dismissed. The Darak does not have any correlating internal office.

Anti-Corruption and Transparency

Jordan ranks among the least corrupt autocracies in the Arab world on global indices such as Transparency International's Corruption Perceptions Index, which in 2011 ranked it 56 out of 182 countries.[57] However, significant obstacles still stand in the way of fully enhancing political and economic transparency.

Corruption has become a catalytic issue since 2009, and is among the most commonly articulated grievances by various opposition forces and protest groups. By corruption, dissenting voices mean more than the familial or tribal connections that have long mediated access to universities and the public sector, or the development funds and other public benefits that MPs funnel back to their constituents as reward for their vote. Instead, they refer to the blatant exploitation of state resources – contracts, lands, companies, accounts, and so forth – by businessmen and politicians that create new private wealth while rendering them above the law. To be sure, rumors of bribes, kickbacks, and other fraudulent activity far outpace the available evidence. East Bank

resentment against Queen Rania, who is Palestinian, motivates many tribal leaders to make charges of corruption against her Yassin family. Moreover, many activists mistakenly conflate corruption with simple mismanagement; both result in financial loss, but only one stems from legal violations.

Yet illegal transactions do occur, with the arena of privatization providing the most conspicuous examples. Though public employment still protects the regime's East Bank social base, Jordan's decade-long privatization campaign has so far divested many billions of dollars in state assets and enterprises across sectors as diverse as transportation, telecommunications, and mining. The new spirit of popular inquiry incited by the Arab Spring has produced greater awareness that procedures governing the tendering of bids and awarding of contracts were not transparent, and that numerous officials and businessmen profited due to ill-structured deals or deliberate undervaluation.[58] Foreign investors are well aware of such manipulation, and many perceive Jordan's regulatory environment as uncompetitive and nepotistic.[59] Moreover, at the domestic level, enough knowledge has emerged in recent years to implicate a considerable range of elite figures in failed development projects, including former public works minister Sahel al-Majali, who was scrutinized for his role in a failed 2008 public housing scheme.[60] Another example concerns former prime minister Bakhit himself, who in summer 2011 faced parliamentary inquiry over his involvement in a failed casino project scheme years earlier.

Citizens who suspect predatory actions by public officials can complain directly to the Ombudsman's Bureau (see Civil Liberties). In addition, the Audit Bureau, an agency that has operated since the 1950s, can evaluate the financial practices of most state institutions. During 2010 and 2011 it located over $140 million in misused resources, although like all government monitors it stays away from the security apparatus and royal court.[61] Finally, since its much-anticipated creation in 2006, the Anti-Corruption Commission (ACC) has amassed financial and administrative resources sufficient to pursue abuses of power at all levels of government. The ACC uniquely commands both investigatory and prosecutorial powers, and in 2010 reviewed 1,890 submitted cases.[62] In addition, new statutes require that all public officials periodically disclose their finances, although compliance has been inconsistent. The GID also operates its own internal anticorruption unit, though it has not produced significant results. Finally, parliament can question officials on corruption charges, though without prosecutorial authority; the September 2011 constitutional amendments strengthened this role by allowing MPs to refer corruption cases directly to the attorney general.

In response to the rising tide of public frustration, since early 2011 the monarchy has ordered its appointed cabinets to prioritize the elimination of corruption at the highest levels. Most previous ACC investigations had targeted smaller-scale transactions, such as embezzlement of sums ranging up to millions of dollars, as well as misconduct at peripheral agencies like the Ministry of Agriculture. However, as the year proceeded, the regime showed new willingness to forfeit protection for some of its most powerful allies, with the sums of money involved in corrupt transactions ranging into the hundreds of millions, or even billions, of dollars. Numerous new investigations commenced, and dozens of prominent businessmen were slapped with travel bans. Shaheen's return to prison was one product of this initiative. Another was the prosecution of well-known financier Akram Abu Hamdan and several associates for their involvement in a graft-laden water supply project. The biggest bombshell fell in February 2012, when GID director Muhammad Dhahabi was arrested for alleged money laundering – an act that astonished the public, as GID officers had long been viewed as immune to the legal system.[63]

Though welcomed by many Jordanians, these prosecutions represent stopgap measures ordered by a nervous palace, and whether stamping out high-level corruption becomes a long-term royal priority has yet to be determined. Formal legal mandates alone cannot eliminate suspected corruption when the profiteers, who hold public office or occupy high perches in corporate hierarchies, share close ties with the palace itself.[64] Indeed, the December 2011 arrest of former Amman mayor Omar Maani on flimsy evidence signaled to many journalists that the anticorruption campaign merely intended to offer sacrificial cows to a restive opposition rather than systemically transform the conduct of politics.[65]

The informational environment mirrors these inconsistencies, and there have been few improvements in public access to national information over the past several years. Parliament still reviews the annual budget, but the king's appointed cabinet government creates the national ledger without legislative input. Royal officials and the security sector thus exercise far more voice in setting national spending priorities than elected MPs, revealing a crippling weakness of the parliamentary system. On the other hand, tax administration is characterized by relatively few indiscretions and loopholes, and the Central Bank releases print and online registers of all national finances, such as domestic revenues, public expenditures, and the trade account. Moreover, given Jordan's reliance upon foreign aid – it has reaped over $8 billion in American fiscal and military assistance since 2001, for example[66] – many ministries, such as the finance ministry and the planning ministry, accede to research inquiries regarding the allocation of donor monies. Most government institutions also maintain an online presence, but the quality and consistency of their web portals varies.

However, large categories of information are unavailable or distorted. The volume and distribution of royal spending, from the king's privy to the cost of the court's bureaucracy, are off-limits to both research inquiry and state monitors like the Audit Bureau. The GID's operational size and budget is also closely concealed, as are the resources consumed by the Ministry of Interior's PSD and Darak. Demographic figures likewise are subject to secrecy given the explosive nature of identity politics, and as a result few know the precise ratio of Palestinians to East Bankers. Moreover, national economic reports produced for Western donors tend to underestimate negative benchmarks like joblessness and poverty; few practicing economists even within Jordan believe that national unemployment is only a few points higher than the 9 percent Organization of Economic Cooperation and Development member-state average.[67]

Within tertiary education, many students receive favorable treatment due to their tribal connections or familial wealth, but no agency tracks the extent of these informal practices. In addition, retaliation against whistleblowers is abetted by the fact that the ACC does not make binding guarantees of privacy to informants. In these and other areas, enterprising reporters can utilize the 2007 Freedom of Information Law to acquire sensitive knowledge; indeed, Jordan is the first Arab country to have such a framework for open-ended access. In practice, however, the government limits these inquiries by invoking national security statutes.[68] This epitomizes the fundamental problem of Jordanian transparency: what passes as rigorous procedure in theory does not always result in effective outcomes in practice.

Recommendations

- The Hashemite monarchy should demonstrate a credible commitment to democratic reform by relinquishing one or more of its authoritarian prerogatives, such as transferring the power to appoint governments to the legislature or pledging to abide by all rulings of the new Constitutional Court, and should also furnish a concrete timeline of its promised transition to constitutional monarchism.

- In order to build a more productive and diverse parliament, the elections law should be overhauled to eradicate the inequitable districting system that favors rural areas over urban centers, encourage the development of political parties with more proportional representation-based seating, and discourage uncompetitive elections by giving citizens more than one district-level vote.

- The security apparatus should be held accountable for alleged human rights abuses.

- For instance, prison officials must be held liable for abominable jail conditions, PSD and Darak personnel must be disciplined for brutality resulting in injury or death, and GID officers must be investigated when torture and other violations of the constitution are alleged by citizens.

- State institutions that serve as mechanisms of horizontal accountability, such as the Ombudsman's Bureau, Higher Judicial Council, and Anti-Corruption Committee, must possess maximal political independence and sufficient institutional resources

so that they can hold officials at all levels accountable for misconduct. This includes extending their purview to the royal court as well as security institutions.

- Laws that potentially limit civil liberties, such as the Associations Law and Press and Publications Law, should be rolled back to more tolerant versions featuring stronger guarantees of protection from arrest and prosecution, which would expunge the current climate of fear and rejuvenate the ability of writers, activists, and organizers to enrich civic life.

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