

Impact of Election Law on Women's Participation in Parliament

Article 6 of 2016 election law allocated 15 seats for women out of the 130 seats; which is the highest percentage (11.5%) when compared to previous election laws. The law also stipulates that running for elections for women's seats has to be within a list without affecting the maximum limit of candidates in the list. This created a lack of clarity on whether women need to decide beforehand whether they are running competitively or on quota. Additionally, there is a lack of clarity in the law regarding women's candidacy on the ethnic and religious minorities' seats. This will be discussed hereafter.

1. Introduction:

Since the establishment of the Hashemite Kingdom of Jordan, the political participation of women went through different stages and was impacted by various cultural, social and economic factors as well as political changes on the regional and international levels.

In the 1940's the political participation of women was insignificant, whereby women did not have the right to vote for any elected council. Women were denied a political role due to factors that include weak levels of education, economic hardship and the tribal nature of Jordanian society. However, in 1955 the election law was amended to allow women who have completed their primary education to vote but denied them the right to run for elections.

In 1974 Jordanian women obtained the right to vote and to run for elections but were only able to exercise their rights in 1984 for the first time during the complementary parliamentary elections. Women participated for the second time in 1989 after lifting the martial law and the state of emergency. At that time the election law did not have a quota or any provisions that guaranteed women a seat, yet one woman managed to gain a seat in 1993 under the Circassian minority quota in Amman.

In 1997 women were unable to gain any seats in parliament despite the running of 17 candidates. This led to the criticism of government by civil society organization and international organizations advocating for women's rights. In response, the government allocated 6 seats out of 110 seats for women under the 2003 election law number 17. In 2007 the number of seats was increased to 12 out of 110 seats while one woman gained a seat through competition.

Based on the 2012 election law number 25, 15 seats were allocated for women to be won based on the percentage of votes that each candidate gains of the total votes cast in her district. The law also guaranteed the right of women to gain additional seats through regular competition or through the closed proportional list that Jordan introduced for the first time and competed for 27 seats at the national level. This resulted in 3 women winning seats through competition in addition to the 15 quota seats dedicated for women.

Several studies looked at women's participation in parliamentary elections focusing only on the percentage of representation in parliament without any discussion of the nature of her contribution to the legislative and oversight role of parliament on the executive branch. Furthermore, the absence of rhetoric on the importance of women's participation in legislative committees resulted in a general sentiment that the quota system is part of an external agenda imposed by international organizations. This has led to a political backlash, claiming that the quota is unconstitutional since it goes against the concept of equality among citizens.

2. Women Quota in article 6 of the 2016 election law:

Article 6 of the 2016 election law was exceptional in that it restricted candidacy to an open proportional list at the district level whereby the number of candidates running on a list cannot be less than 3 and can't exceed the number of seats allocated to each electoral district. The law also included a women's quota of 15 seats with one seat for each governorate. (12 governorates + 3 Badia Districts)

2.1 The winning seat based on the quota

The winning candidate within the quota is determined in every governorate based on the highest votes the candidate got from the total votes cast in her electoral district. If the governorate is divided into several electoral districts, then the winner is identified based on the highest percentage of votes obtained by any candidate in her electoral district within the governorate.

Example: Amman is divided into five districts whereby Nouf is a candidate in the second district in Amman and got 3000 votes and the total number of voters is 100000, in this case her percentage of votes would be 3%. Meanwhile Jude is a candidate in the third district in Amman and got 1500 votes out of 40000 total votes, her percentage in this case would be 3.75%. Therefore, Jude will get the Amman seat allocated within the quota because her percentage of votes was higher than Nouf's.

2.2 Competitive candidacy Vs. Quota candidacy

Based on previous election laws, a woman can run for elections outside the quota, therefore she has two chances of winning a seat; the first through competition whereby if she doesn't succeed she can increase her chance through the quota.

However, based on the current law, it is unclear because a woman who runs using the quota is not counted within the maximum number of candidates for each list and there were serious concerns that she has to indicate in advance that she is running through the quota and not on the list seats. To further explain these concerns a woman candidate who will join a list with the number of candidates equaling the number of seats allocated for the electoral district only has the option to run using the quota. Since the open list system (based on the current election law) relies primarily on the number of votes the list gets from the total number of voters it is to the benefit of the lists to have as many candidates running as possible to get the maximum number of votes. Therefore, the female candidate will most likely join the list using the quota.

Example 1: Electoral district (A) is allocated 7 seats, therefore a list of maximum seven candidates can be formed. However, if Nouf wanted to join the list the number of candidates can be increased to eight provided she runs using the women's seat. In this case Nouf lost that chance to run for elections competitively and had no choice but to run using the quota.

The Law Interpretation Bureau resolved this ambiguity by clearly ruling that a female candidate is not under obligation to announce that she is running for quota or not. There is no doubt that this ruling enhances women's political participation and increases her chances of winning a seat in normal competition.

Example 2: Electoral district (A) is allocated 7 seats, therefore a list of maximum seven candidates can be formed. However, if Nouf wanted to join the list the number of candidates can be increased to eight and she is not under an obligation to announce that she is running for the quota seat. Therefore Nouf has 2 chances of winning a seat; normal competition and quota.

2.3 Women and Minority Quota

As a precedent set by previous laws, the current election law allocated seats for minority Circassian's, Chechnyan's and Christians. However, what would the situation be if a Christian or Circassian Woman wanting to run for seats allocated to these minorities?

Based on article 46/3 the winner of the seat allocated for minorities will be determined based on the highest number of votes won by the candidate within the electoral district which allows for the following possibilities:

- If a Christian woman decided to run she must get the highest number of votes relative to the person running using the Christian seat for her to win the Christian seat. If unsuccessful, she can run using the women's quota.
- It is also possible for a Christian woman to win one of the women's seats without winning the Christian seat resulting in an extra Christian seat.
- If a woman joined a list that has a Christian candidate, she must compete through the women's seat if the relevant district allocated one Christian seat. It is important to note that this is not stated in the law, but can be deduced from the interpretation of the law.
- If a Christian woman ran within a governorate that has several electoral districts (as is the case in Amman), then the woman must obtain the highest number of votes among the Christian candidates to win the Christian seat. If she was not successful she must gain the highest percentage of votes among the other women candidates from the other districts.

The Law Interpretation Bureau had confirmed this interpretation by clearly ruling that any woman can run for the quota seat regardless of her race or religion.

3 Conclusion:

The open proportional list that is introduced by the current election law allows women to run within a list without being counted within the maximum number of candidates for each list. This will encourage lists to include women to gain a higher number of votes. It also states that a female candidate is not under obligation to announce that she is running for quota or not. There is no doubt that this enhances women's political participation and increases her chances of winning a seat in normal competition.

It is important to note the way in which the municipalities law discussed the seats allocated for women which states; "Women are allocated one seat on the local council and will be won by the candidate who got the highest percentage of votes relative to the number of voters and was not successful competing outside the quota". Therefore, the municipalities' law also encourages women to compete outside the quota while keeping the quota in place even if a woman gained another seat competitively.