# Freedom House

# Freedom on the Net 2021 - Jordan

Partly Free 47 / 100

A Obstacles to Access 13 / 25
B Limits on Content 17 / 35
C Violations of User Rights 17 / 40

Last Year's Score & Status 49 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

# Overview

Internet freedom in Jordan declined during the reporting period. The government restricts and blocks access to the internet, including social media platforms, during politically sensitive events. Online journalists, activists, and social media users are prosecuted for their criticism of the government, based on a number of laws that penalize legitimate expression online. Additionally, authorities issued a myriad of gag orders, limiting reporting on Teachers' Syndicate protests and the alleged coup plot that occurred in April 2021. Activists and journalists were pressured to remove online content, and local media were pushed to limit their coverage of critical topics online. Access to the internet has improved significantly in recent years, although concerns about state surveillance of online activity persist.

Jordan is a monarchy in which the king plays a dominant role in politics and governance. The parliament's lower house is elected, but the electoral system continues to put the opposition at a disadvantage despite recent reforms, and the chamber wields little power in practice. The media and civil society groups are hampered by restrictive laws and government pressure. The judicial system lacks independence and often fails to ensure due process. In April 2021, Prince Hamzah bin Hussein was reportedly involved in an attempt to take power from King Abdullah II. The monarch proclaimed the crisis over later that month, after Prince Hamzah pledged allegiance to him.

# Key Developments, June 1, 2020 – May 31, 2021

- In July and August 2020, amid protests related to the closure of the Teachers' Syndicate headquarters, authorities throttled the bandwidth of Facebook Live, where users had been sharing videos of the government crackdown on protesters (see A3 and B8).
- In March 2021, following the deaths of COVID-19 patients due to an oxygen shortage in a hospital, authorities once again disrupted access to Facebook Live (see A3 and B3).
- In April 2021, in the aftermath of the alleged coup attempt linked to Prince Hamzah, a two-day internet shutdown impacted parts of western Amman. Additionally, a general prosecutor issued a gag order banning media from reporting on the coup plot (see A3, B5, and B8).
- In March 2021, Jordanian officials blocked Clubhouse, an audio-only social media app, on a number of major internet service providers (ISPs). Clubhouse remained blocked as of June 2021, though users have reported that they could access it through censorship circumvention tools (see B1).
- Fewer internet users received long prison sentences during the reporting period. A cartoonist was arrested, charged under Jordan's antiterrorism law, and faced five years' imprisonment for a caricature published in an online magazine, though the charge was later downgraded to libel (see C3).

# A Obstacles to Access

## A1 0-6 pts

#### Do infrastructural limitations restrict access to the internet or the speed and quality of 5 / internet connections? 6

Jordan's internet infrastructure improved significantly after telecommunications providers launched fourth-generation long term evolution (4G LTE) technology for mobile networks in 2015. More than 90 percent of Jordan's population is now covered by 4G LTE infrastructure. 1 In September 2020, the Telecommunications Regulatory Commission (TRC), the sector regulator, announced that they were planning to roll out fifth-generation (5G) technology.2

According to the most recent data from the International Telecommunication Union (ITU), internet penetration stood at 66.8 percent. As of January 2021, there were 6.8 million internet users and 8 million mobile connections in Jordan. 4 Internet speeds have increased in recent years. As of June 2021, the average mobile download and upload speeds were 24.53 megabits per second (Mbps) and 17.14 Mbps, respectively. The average fixed-line broadband download and upload speeds were 78.54 Mbps and 68.70 Mbps, respectively.<u>5</u>

According to the TRC, the majority of Jordanians access the internet on their phones. By the end of 2020, 72.9 percent of all internet subscriptions were mobile broadband subscriptions. The number of fiber-optic subscriptions was also increasing.<u>6</u>

In December 2018, mobile service provider Orange Jordan announced that it had invested \$84.6 million into doubling its network coverage and improving infrastructure. According to the company's chief executive, its expanded fiber-optic networks will enable Jordan to develop into a regional information and communication technologies (ICT) hub. 7

## A2 0-3 pts

# Is access to the internet prohibitively expensive or beyond the reach of certain segments , of the population for geographical, social, or other reasons?

Internet access varies based on socioeconomic status, gender, and geography. The taxation of mobile internet service is considered a key barrier to access, particularly for low-income individuals.8

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An annual survey published by the Department of Statistics found that in 2017, 10.5 percent of respondents cited high costs as a reason for not accessing the internet, up from 8.5 percent in 2016. The survey also showed that cost impedes access more in rural areas, where 17.3 percent of residents do not access the internet due to service costs, compared to 9.5 percent in urban areas. 9 However, prices for internet service have dropped in recent years due to competition, despite the fact that the sales tax on internet service increased from 8 percent to 16 percent in 2017.10 The monthly price for a 1 terabyte (TB) home-broadband subscription with one major provider cost 19.83 Jordanian dinars (\$28) in June 2021, excluding the 16 percent sales tax. 11 Monthly mobile internet prices range from 8 dinars (\$11.28) for a 40 GB plan to 11 dinars (\$15.52) for a 70 gigabyte (GB) plan as of February 2021.<u>12</u>

According to 2018 data from the Pew Research Center, 87 percent of adults in Jordan go online and smartphone usage is widespread. While a majority of adults ages 50 and older use smartphones, older Jordanian adults are far less likely than their younger counterparts to use them. According to the report, gender differences in internet use in Jordan are "modest"; for example, 85 percent of men reported they use at least one social media platform or messaging app, in contrast to 78 percent of women. Home computer or tablet access is relatively rare in Jordan, as 52 percent of adults use the internet but do not have a computer or tablet at home. 13

The Economist Intelligence Unit's 2021 Inclusive Internet Index found that men's access to the internet slightly exceeds women's by 5.1 percent, while men's mobile phone access is 4 percent higher than women's access. 14

Mobile service providers Zain15 and Umniah16 both offer access to Facebook's Free Basics initiative, which provides free access to a limited number of websites under a zero-rating plan known as Facebook Flex. 17

# A3 0-6 pts

# Does the government exercise technical or legal control over internet infrastructure for 3 / the purposes of restricting connectivity?

Score Change: The score declined from 4 to 3 due to localized internet restrictions around Amman following a reported coup attempt in April 2021.

The government exercises some control over the internet infrastructure. During the reporting period, the government restricted internet connectivity and throttled bandwidth to Facebook Live.

In April 2021, following what the authorities referred to as a coup attempt, internet and telecommunications services were cut off for at least two days in the Dabouq neighborhood of Amman. The localized shutdown occurred in the same area where the royal palace is located and where royal family members live, including Prince Hamzah, who was accused of participating in the plot. 18 There were also reports that some virtual private network (VPN) services were also inaccessible during this time (see B1).19

Authorities also restricted bandwidth to social media platforms throughout the reporting period. Amid protests and strikes by members and supporters of the Teachers' Syndicate in July and August 2020, Facebook Live was reportedly disrupted on several occasions, particularly during larger demonstrations. 20 In March 2021, protests took place in several Jordanian cities after COVID-19 patients died due to oxygen shortages. Authorities responded to protests by throttling access to Facebook Live and blocking Clubhouse. 21 While Facebook Live was only temporarily inaccessible, Clubhouse remained blocked by ISPs at the end of the coverage period (see B1). 22 In July and August 2020, it was reported that Facebook Live streaming was restricted several times by some ISPs as Jordanians protested the closure of the headquarters of the Teachers' Syndicate, one of the remaining independent unions in Jordan. 23 Facebook Live has been disrupted in the past, including in December 2018 and January 2019 during antiausterity protests. 24 While the government has denied restricting access to Facebook Live, many social media users maintained that the authorities were behind the disruptions (see B3 and B8). 25

Starting in 2015, the government ordered ISPs to block access to messaging apps on days that secondary school students sit for their national exam (*Tawjihi*).26 In 2018, the number of blocked apps reached seven, including WhatsApp, Messenger, Twitter, and Instagram. Although the restrictions are confined to locations near examination halls and limited to the time period surrounding the exams,27 they drew criticism again in 2020 from activists who consider them excessively restrictive and lacking a legal basis.28

Voice over Internet Protocol (VoIP) services are restricted by some ISPs. In 2016, the TRC blocked an attempt by Jordanian mobile service providers to impose fees on the use of VoIP services.29 However, providers then blocked VoIP calls on services like WhatsApp and Viber, causing users to see an error message if they try to make such a call, while Messenger, Telegram, and Skype remained accessible.

Orange Jordan remains the landing party for the FLAG FEA submarine cable, 30 the only east-west cable that serves Jordan. 31 However, a number of providers, like Damamax and LinkDotNet, have independent international connectivity. 32 International connectivity is also provided via terrestrial connections from neighboring countries as an alternative to submarine cables. In 2015, the Regional Cable Network (RCN) was launched to provide a high-capacity terrestrial fiber-optic network from Fujairah in the United Arab Emirates (UAE) to Amman, 33 an addition to the established JADI (Jeddah-Amman-Damascus-Istanbul) link in operation since 2010. 34

# A4 0-6 pts

# Are there legal, regulatory, or economic obstacles that restrict the diversity of service 3 / providers?

Licensing of telecommunications providers and ISPs is regulated by the TRC. Article 20 of the Telecommunications Law requires providers to secure a license in order to establish, operate, and administer telecommunications networks and provide telecommunications services. For an ISP, the initial license fees are \$42,000.36

Generally, licenses are awarded "to all qualified applicants," though this does not always apply in practice. The law lists what it calls "objectively justifiable reasons not to grant licenses," such as national security restrictions, scarce resources, technical limitations, and "when award of the license would lead to an anticompetitive environment in the market."37

Three mobile service providers dominate the market: Umniah, a subsidiary of Batelco Bahrain, Zain, and Orange Jordan. <u>38</u> Each provider controls more than 30 percent of the market. Orange Jordan is 51 percent owned by Orange SA of France, with the remaining shares divided between Jordan's Social Security Corporation, Noor Telecommunications, and others. <u>39</u> In July 2018, the Ministry of ICT (MoICT)–created in 2002 to drive the country's ICT development—confirmed that the government had no intention to license a fourth mobile service provider. <u>40</u> In May 2019, it was renamed the Ministry of Digital Economy and Entrepreneurship (MoDEE).

After rejecting proposals from two international providers, the government awarded Zain Jordan the rights to introduce 4G LTE mobile services, which it did in 2014. In 2015, Orange Jordan was awarded the second 4G license for \$100 million.41 Also in 2015, a third 4G license was granted to Umniah for an equivalent price.42 In 2017, FRiENDi, Jordan's only mobile virtual network operator (MVNO) and part of Virgin Mobile Middle East and Africa, suspended its operations due to financial losses.43

The market power of the largest telecommunications provider, Orange Jordan, has been diluted in recent years. Orange's de facto monopoly on the international gateway and local backbone has been eroded by competitive terrestrial international connectivity and new fiber-optic backbones established by other providers. 44 In addition, long-awaited regulations to enforce full local loop unbundling (LLU) were issued by the TRC in 2017, 45 six years after the move was first announced, in an effort to introduce more fixed-line-sector competition by forcing Orange to open its networks to other providers. However, according to a TRC report released in 2019, LLU "has not been implemented effectively," limiting its competition-encouraging effects. 46

#### A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

The TRC, the sector regulator, does not always operate in an independent manner. It is governed by the Telecommunications Law and defined as a "financially and administratively independent juridical personality."47 Nonetheless, it is accountable to the MoDEE.48 The TRC's board of commissioners and chairperson are appointed upon nomination by the prime minister based on the recommendation of the digital economy minister.49 The Telecommunications Law endorses free-market policies and governs licensing and quality assurance.50

# **B** Limits on Content

### **B1 0-6 pts**

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

Score Change: The score declined from 4 to 3 because authorities blocked the social media platform Clubhouse, which has been widely used for activism. Additionally, some tools utilized for censorship circumvention also became inaccessible during the reporting period.

In 2021, service providers blocked the audio-only social media app Clubhouse, in addition to VPNs that enable users to bypass censorship.

Clubhouse was blocked in mid-March 2021, after protests were held in several cities over an oxygen shortage that led to the deaths of COVID-19 patients. Clubhouse remains inaccessible in Jordan as the end of the coverage period; however, some users have reported being able to access it via VPNs.51 Clubhouse was widely used by activists, public figures, and dissidents—including those residing outside Jordan—and was able to attract a growing user base of Jordanians who used the platform to freely discuss the political situation in the country. The blocking was criticized by several journalists and activists, who argue that authorities blocked the platform to restrict freedom of expression and opinion.52

Several Clubhouse users have resorted to using VPNs to bypass the blocking. However, it was reported that widely used VPN apps were blocked shortly after Clubhouse became inaccessible. ExpressVPN, ProtonVPN, NordVPN, and TunnelBear were inaccessible on a number of major service providers. 53 There have been no previous restrictions on VPNs in Jordan, although the TRC warned against their use in 2019. 54

In June 2021, after the coverage period, the Media Commission (MC), which was previously named the Press and Publications Department, announced that it blocked an unspecified number of websites that violated licensing regulations. 55 In 2019, new licensing regulations were enforced by the MC and 45 news sites were subsequently blocked after failing to obtain licenses (see B6). 56 However, many of these sites have since successfully applied for licenses and their access has been restored. As of June 2021, the total number of licensed news sites stood at 132.57

In March 2019, the MC blocked Al-Urdunyya, an opposition news site based outside Jordan, a few hours after its launch, because it did not have a license. The owners were not notified of the decision. 58 The website stopped its operations by March 2021.

The online publication 7iber became inaccessible for 12 hours in July 2018. In a short statement published on the outlet's Twitter account, the editors publicly asked the government to determine the entity responsible for the block, as no order was apparently issued by the government. 59

In 2017, the MC reissued an order from 2016 to block access to the local LGBT+ online magazine My.Kali after an Islamist member of parliament, Dima Tahboub, requested an inquiry into the site.<u>60</u> It remained inaccessible at the end of the coverage period.

Do state or nonstate actors employ legal, administrative, or other means to force 1 publishers, content hosts, or digital platforms to delete content, particularly material that / is protected by international human rights standards?

State pressure on editors of news sites and online activists to delete content is relatively common.

In June 2020, cartoonist Rafat al-Khateeb deleted a caricature he published on his Facebook page after being attacked on social media and threatened with legal prosecution. The cartoon, which was posted shortly after the murder of George Floyd in the United States, depicted former prime minister Omar Razzaz kneeling on the neck of a citizen. Ultimately, no legal action was taken against al-Khateeb.61

In August 2020, Prince Ali bin Hussein, the half-brother of King Abdullah, deleted a tweet he published with a link to an article denouncing the UAE-Israel deal. The tweet included a picture of posters of Abu Dhabi Crown Prince Mohammed bin Zayed, with the Arabic word "traitor" written across them. The tweet had obtained more than 900 retweets before being removed. 62 According to media sources, the tweet disappeared after King Abdullah ordered Prince Ali to delete it to preserve Amman's relationship with the UAE. 63

In June 2020, Ghada Al-Sheikh, a journalist for liberal media network Raseef22, was forced to remove an online report about the LGBT+ community in Jordan after receiving online threats. 64 Right-wing Islamist politician and former member of parliament Dima Tahboub called on people to block Raseef22 on social media. The website is still accessible in Jordan. 65

In December 2018, the Facebook page of the Al-Wakeel News site removed a post containing a doctored image of Leonardo da Vinci's *The Last Supper* that had provoked widespread indignation. In the doctored painting, which was considered offensive to Christians, Turkish celebrity chef Nusret Gökçe, also known as Salt Bae, sprinkles salt on Christ's food. The website's publisher, Mohammed al-Wakeel, apologized and said the post was the result of a mistake by a trainee editor. 66 However, al-Wakeel was later arrested for inciting religious strife with the post.

In August 2018, the website of the *Al Rai* newspaper deleted an opinion piece criticizing government efforts to restore relations with the Syrian regime less than an hour after it was published. *Al Rai* does not frequently challenge the government's positions, and analysts reported that the removal was due to pressure from "unnamed entities." 67

## **B3 0-4 pts**

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

Restrictions on the internet and digital content sometimes lack transparency and proportionality. The apparent sporadic blocking of Facebook Live around protests during the coverage period (see A3), in addition to 7iber's inaccessibility in July 2018 (see B1), raised concerns about the lack of transparency in blocking procedures.

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Following the throttling of Facebook Live in 2020 and March 2021, as well as the blocking of Clubhouse and VPN tools beginning in March 2021, civil society groups raised concerns that the restrictions were performed extralegally, particularly because authorities failed to provide justification for these restrictions. Officially, the TRC is the entity responsible for issuing blocking orders to ISPs. However, the TRC has stated that it does not possess the authoritative power to restrict access to such services without a legal order.

In the reoccurring cases of disruptions to Facebook Live streaming, which began in 2018, a former ICT minister claimed that the upload speed of Facebook Live videos was reduced by excessive traffic, and that no orders were issued to throttle bandwidth to the platform. 68 However, a joint technical report from the Open Observatory of Network Interference (OONI) and the Jordan Open Source Association found that Facebook Live was temporarily interfered with during the 2018–19 protests. 69 During another Facebook Live disruption in 2021, sources within the telecommunications sector confirmed that authorities indeed blocked Facebook Live broadcasting for several hours. 70

In March 2021, after Clubhouse was reported inaccessible during the protests that escalated after a number of COVID-19 patents died at the al-Salt hospital, the head of the TRC stated that his agency "has nothing to do" with the blocking of the app, while the digital economy minister stated that Jordanian networks were operating normally. However, several activists who were active on the app stressed that the authorities were behind the blocking. 71 Furthermore, the TRC denied that they had issued any orders to block VPN tools and that they had not received any complaints regarding the inaccessibility of VPNs. However, some VPN companies confirmed they received complaints from users in Jordan who were unable to connect. 72

Officially, the blocking of news sites is carried out according to the Press and Publications Law (PPL), amended in 2012, which stipulates that news sites need to obtain a license from the MC or face being blocked. Publications subject to this provision are defined as any website "with a specific web address on the internet which provides publishing services, including news, reports, investigations, articles, and comments, and chooses to be listed in a special register maintained at the Department, pursuant to instructions issued by the Minister for this purpose."73 Articles 48 and 49 of the law enable the MC's head to block any website for failing to obtain a license or, more broadly, for violating Jordanian law. The law's expansive definition of news sites could be interpreted to include almost all Jordanian and international websites, blogs, portals, and social networks.

The 2012 amendments to the PPL increased the liability of intermediaries for content posted on news sites, leaving outlets potentially responsible for readers' comments. Clause 3 of Article 49 states that both the editors in chief and the owners of online publications are legally responsible for all content posted to their sites. 74 Moreover, websites must keep a record of all comments for six months after initial publication and refrain from publishing any "untruthful" or "irrelevant" comments. 75

#### **B4 0-4 pts**

# Do online journalists, commentators, and ordinary users practice self-censorship? 2/4

The majority of Jordanian journalists continue to self-censor, as shown in different reports and surveys on media freedoms published by the Amman-based Center for Defending the Freedom of Journalists (CDFJ). A 2020 report about media coverage during the COVID-19 pandemic indicated that self-censorship escalated as a result of the activation of the Defense Law by the government. 76

A report published in 2021 shows that many media outlets practice prepublication self-censorship and that self-censorship was widespread among journalists as a result of the many violations they face, including lawsuits, intimidation, and detention (see C3 and C7). Specifically, the director of the Community Media Network, Daoud Kuttab, noted that journalists avoid critical topics and issues in their reporting.77

According to a survey covering 2018, a staggering 92 percent of journalists said they practiced self-censorship, down from 94 percent in 2017.78 When asked about taboo topics in the 2017 survey, 92 percent said they avoided criticizing the armed forces, a decrease from the previous year, and 94.5 percent said they feared criticizing the royal court.79

According to the 2017 CDFJ survey, the percentage of respondents who believed that media professionals avoided discussing sex-related topics increased in 2017, reaching 84.7 percent, the highest level in eight years. Avoidance of religious issues decreased slightly from the previous year to 80.4 percent; the assassination of writer Nahed Hattar by a religious extremist and threats from such extremists against journalists were the main causes of the higher percentage in 2016, the survey noted.

## **B5 0-4 pts**

# Are online sources of information controlled or manipulated by the government or other / powerful actors to advance a particular political interest?

The online information landscape continues to be limited by direct bans on reporting on certain topics, particularly during sensitive or tense events. For instance, during the COVID-19 pandemic, the government issued a defense order that prohibited "publishing, re-publishing, or circulating any news about the epidemic in order to terrify people or cause panic among them" (see C2).80

During the reporting period, authorities issued reporting bans during politically sensitive moments. In April 2021, Public Prosecutor Hassan al-Abdallat banned the publication of any information related to a purported coup attempt involving Prince Hamzah.81 The media ban was issued "to preserve the confidentiality of an ongoing investigation" and prohibited the sharing of videos and audio related to the case on social media.82 According to the penal code, the violation of such an order carries a fine of up to 25 dinars (\$35). The media ban was heavily criticized by journalists and social media users,83 prompting al-Abdallat to clarify that the gag order did not ban the publication of opinions protected under international freedom-of-expression standards, and that it was limited to the investigation documents and trial hearings.84

According to some media professionals, Jordanians had to resort to social media and foreign press to obtain more accurate and trustworthy information about the coup plot. For example, former information minister Jumana Ghuneimat confirmed that social media platforms have become the main sources of information, as local media outlets are restricted when any important event occurs (see B7).85

During the reporting period, authorities hindered coverage of demonstrations and protests. In March 2021, a media blackout of local reporting on protests related to the deaths of COVID-19 patients was evident,86 although the protests were widely covered on social media. In July 2020, the government issued a gag order that prohibited local media from reporting on the Teachers' Syndicate protests.87

In 2018, a gag order restricted reporting on an investigation into the deaths of schoolchildren who were killed in a flash flood, <u>88</u> while another order issued the same year was related to a corruption case related to tobacco.<u>89</u>

Since the second half of 2016, two gag orders limiting independent coverage about the armed forces and the king have been enforced. All media outlets, including those that publish online, are banned from reporting news about the king and the royal family unless it is obtained from official bulletins released by the Royal Hashemite Court. 90 The MC also bans publication of any reports about the armed forces outside of statements made by the forces' media spokesperson.

In June 2019, according to Reporters without Borders (RSF), at least four Jordanian journalists were prevented from publishing articles critical of a conference in Manama, Bahrain, where economic aspects of an Israeli-Palestinian peace plan were presented by the United States. The conference was widely criticized in Jordan.

Jordanian journalist Oraib al-Rantawi, from the daily *Ad-Dustour*, said that eight of his articles, half of them on the Bahrain conference, were banned from publication. Two journalists from the daily *Al Ghad*, Majed Tobeh and Jamil Nimri, also said that their articles on the conference were banned. The editor of a Jordanian news site said the censorship came from the "security services," which told editors not to publish any negative material on Jordan's participation in the conference. 91

#### **B6 0-3 pts**

# Are there economic or regulatory constraints that negatively affect users' ability to 1 / publish content online?

Several economic and regulatory constraints present obstacles for digital media in Jordan. For example, the PPL defines news sites as "electronic publications," which subjects them to the same stringent restrictions imposed on print media by the 1998 PPL.92

Recent bylaws regulate online publications through a licensing process similar to that of print media. Specifically, in 2017, the MC issued a new bylaw that imposed a \$2,100 licensing fee on news sites, as well as a \$71 annual renewal fee.93 The amended PPL requires any electronic publication that publishes domestic or international news, press releases, or comments to register with the Ministry of Commerce and Industry. One of the requirements for a general news site to obtain a license is to have an editor in chief who has been a member of the state-controlled Jordan Press Association (JPA) for at least four years. In 2014, the JPA law was amended to enable online media journalists to join the body. Prior to that, journalists could only become members if they underwent a period of "training" in an "official" media organization. Additional constraints were imposed in a separate bylaw issued in 2017, which requires news sites to hire at least five journalists.94

In late 2018, the MC began enforcing these licensing criteria more vigorously. That October, its director announced that, beginning in 2019, both online and print publications without a full-time editor who worked exclusively at that outlet would have 10 days to rectify the situation.95

## B7 0-4 pts

## Does the online information landscape lack diversity and reliability? 3 / 4

Although users can access a wide range of news sources and information online, including through social media, state censorship of online content reduces the variety of information available on the internet

In 2020, many journalists stated that coverage during the COVID-19 pandemic lacked diversity and that the official governmental narrative was the only one represented in the media. 96

The government's blocking of news sites and other web content decreases the diversity of available information. Many of the censored websites focus on individuals and communities not well covered by traditional media, from political opposition based abroad to the LGBT+ community. However, the content of these websites is often accessible through other channels, such as Facebook and Twitter pages. Additionally, some websites are mirrored via different, nonblocked domains.

Following the 2012 amendments to the PPL, most news sites hired editors in chief who were already JPA members in order to meet the criteria to obtain a license, a concerning development for independent media given that most JPA members work in government or government-related media outlets.97 The narrow definition of a "journalist" according to the JPA law and the dominance of the JPA as a union are additional barriers to pluralism and diversity in online media.98

Although Jordan has the second-highest per capita proportion of refugees in the world, 99 with 755,000 in the country as of May 2021, 100 a 2015 study of four news sites found that only 2 percent of the media coverage in the sample focused on refugee issues. 101

Google and YouTube are among the top 10 most visited websites in Jordan. 102 As of March 2019, 71 percent of adult social media users in the country used Facebook, while 78 percent used WhatsApp. 103 In 2017, King Abdullah launched a personal Twitter account. 104 Other state leaders and institutions have established social media channels to communicate with the public, including the Royal Hashemite Court, 105 the crown prince, 106 and Queen Rania, who has millions of followers on Twitter and Instagram, leading Forbes Middle East to describe her as "the Queen of Social Media." 107

#### B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, 4 / particularly on political and social issues?

Score Change: The score declined from 5 to 4 because authorities hindered online mobilization efforts in July and August 2020 by throttling bandwidth to Facebook Live amid protests and strikes by members and supporters of the Teachers' Syndicate.

Social media was used throughout the reporting period to mobilize demonstrations and protests as well as to campaign and communicate about a number of issues. In some instances, authorities responded by restricting internet access and blocking or throttling social media platforms.

Facebook, WhatsApp, and other social media services were important sources of information for Jordanians during the 2018–19 antiausterity demonstrations. According to a survey by the University of Jordanians Center for Strategic Studies (CSS), around 60 percent of Jordanians said they obtained information on the protests through friends and social media, especially Facebook. Many protesters used Facebook Live to broadcast the demonstrations, and short video reports on the events received tens of thousands of views, 109 overshadowing coverage by traditional or official media outlets, particularly in the first days. 110 However, by the end of 2018 and into 2019, Facebook Live was blocked during weekly demonstrations. In July and August 2020, Facebook Live was once again throttled during strikes and protests by members and supporters of the Teachers' Syndicate (see A3). 111

Jordanians widely shared video clips and audio recordings released by Prince Hamzah, who was accused of participating in the purported April 2021 coup plot. One audio recording was played more than 270,000 times via a Jordanian Twitter account. 112 Another leaked video from 2019, in which Prince Hamzah was seen confronting an alleged spy who later said he was tracking him, was viewed over 1 million times after being shared by an opposition figure outside Jordan. 113 Authorities responded to the coup attempt by restricting connectivity in a western section of Amman (see A3). Furthermore, a public prosecutor there issued a reporting ban on information pertaining to the incident (see B5).

Sympathy for Prince Hamzah was clearly visible on social media, with tens of thousands of Jordanians changing their profile pictures to photos of the prince.114 Several hashtags were used to support him, while social media users criticized attempts to silence him.115 The hashtag #الامير حمزة حريشريف [Prince Hamzah is Free and Honorable] trended in April 2021 and was featured in over 20,000 posts in a period of several hours.116 The hashtag الأمير حمزة [We Are All Prince Hamzah] also trended in Jordan for several days.117 Following a media blackout, where Prince Hamzah made no comment for several days, concerns about his safety led to daily hashtag campaigns asking #Where\_Is\_Prince\_Hamzah? (#118.أين\_الأمير حمزة). Prince Hamzah eventually made a public appearance with King Abdullah days after being placed under house arrest.119 A government spokesperson responded to the online support for Prince Hamzah by claiming that 120,000 fake social media accounts from outside Jordan were used to manipulate "public opinion" of the case.120

During the coverage period, social media users also took to Twitter to express solidarity regarding two cases of detention related to online speech. In August 2020, the hashtag #والمعاد [Release Emad Hajjaj] trended in Jordan, 121 which was used to demand the release of cartoonist Emad Hajjaj (see C3). Additionally, the hashtag #freedomforemadhajjaj was widely used by other cartoonists to share their own drawings sympathizing with Hajjaj. 122 After journalist Jamal Haddad was arrested, a hashtag launched by the Jordan Press Association (JPA), #الحرية الجمال حداد [Freedom for Jamal Haddad], topped Jordan's trending topics on Twitter in December 2020.123

Social media platforms were crucial in the country's longest-ever teachers' strike in September 2019. The strike of the 87,000 members of the largest Jordanian syndicate, the Jordan Teachers Association (JTA), started on September 8, 2019.124 During the next month, social media platforms provided a strong alternative to the coverage of the strike by traditional media. Many JTA supporters saw that coverage as government-led, hypocritical, and biased against the teachers.125 Teachers used apps like Facebook and WhatsApp to better organize the strike efforts; to spread messages in a consistent

way through images, poetry, slogans, and other forms of art; and to support the JTA's leadership. 126
The hashtags #إضراب المعلم [with the teacher] and إضراب المعلم [teacher's strike] were prominently used on social media by users who supported the protests. 127

# C Violations of User Rights

#### C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, 2 access to information, and press freedom, including on the internet, and are they / enforced by a judiciary that lacks independence?

Although the constitution contains some protections for free speech online, several laws, including the penal code, impose disproportionate or unnecessary restrictions in practice (see C2). Several constitutional amendments introduced in 2011 directly or indirectly touched on internet freedom. Terms such as "mass media" and "other means of communication," which likely encompass online media, were added to provisions that protect freedom of expression and concomitantly allow for its limitation during states of emergency, among other provisions (see C5). Despite the passage of the Access to Information Law in 2007, a number of restrictions on requests for information about sensitive social and religious matters remain in place. 128

Judicial independence is limited. The king unilaterally appoints the entire Constitutional Court and the chair of the Judicial Council, which nominates judges for the civil court system and is composed mostly of senior members of the judiciary.

## C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

A number of laws impose criminal penalties and civil liability for online speech.

With the rise of COVID-19 cases in Jordan, a royal decree was issued to activate the Defense Law No. 13 for 1992, an extraordinary measure that gives the prime minister the power to impose curfews, close businesses, and restrict freedom of movement, in March 2020.129 Then prime minister Razzaz assured Jordanians that political rights and freedom of expression would continue to be protected, and that the law would be applied to the "narrowest extent."130 However, one of the executive ordinances issued under the activated law, Defense Order No. 8, prohibited "publishing, republishing, or circulating any news about the epidemic in order to terrify people or cause panic among them via media, telecommunications, or social media." The order set penalties of up to three years in prison, a fine of \$4,230, or both.131 The Defense Law and related orders are still in effect as of the end of the coverage period.

The penal code forbids any insult of the royal family, state institutions, national symbols, or foreign states, as well as "any writing or speech that aims at or results in causing sectarian or racial strife." Defamation is also a criminal offense. 132

The amended Cybercrime Law came into effect in 2015, with at least one provision that posed a serious threat to internet freedom. According to Article 11, internet users face at least three months in jail and a maximum fine of \$2,800 if they are found guilty of defamation on social media or online media outlets. In practical terms, this means that journalists face harsher penalties for defamation online than in print publications, since the PPL prohibits the jailing of journalists for press offenses. In 2015, the Law Interpretation Bureau ruled that Article 11 of the Cybercrime Law supersedes other legislation, rendering journalists' immunity under the PPL largely irrelevant, 133 as they can be jailed for any defamatory articles that appear online. 134

In 2017, the government proposed a series of controversial new amendments to the Cybercrime Law to explicitly cover hate speech. Protests and pushback from Parliament on the draft legislation's broad language led the government to withdraw the proposal and say it would obtain input from civil society before redrafting it. 135 However, the revised bill was soon returned to the parliament without feedback from civil society and its provisions attracted renewed criticism. The new text defined hate speech as "every writing and every speech or action intended to provoke sectarian or racial sedition, advocate violence or foster conflict between followers of different religions and various components of the nation," a still-vague description that would leave reporters and social media users who address controversial issues vulnerable to prosecution. 136 Those convicted of hate speech would face at least three months in jail, and no upper limit for punishment was stipulated, leaving suspects vulnerable to pretrial detention. The bill also criminalizes spreading rumors and false news, without providing a clear definition of the offenses, with up to two years in prison and a fine of between \$1,400 and \$2,800.137 The maximum penalty for defamation under the amended law would be two years in prison, and suspects would not face pretrial detention if charged with the offense. In February 2019, the lower house of the parliament rejected the bill. 138 The legislation was finally withdrawn by the government in December 2018.139

A number of other laws continue to threaten access to information and free expression online. These include the 1959 Contempt of Court Law, the 1960 penal code, the 1971 Protection of State Secrets and Classified Documents Law, the 1992 Defense Law, the JPA Law, and the PPL.

The PPL bans the publication of "material that is inconsistent with the principles of freedom, national obligation, human rights, and Arab-Islamic values." 140 Article 38 of the law prohibits any "contempt, slander, or defamation of or abuse of" religions or prophets. The same article prohibits the publication of any material that is defamatory or slanderous of individuals, who are also protected against "rumors" and "anything that hinders their personal freedom." 141 Journalists, website owners, and other internet users face a range of possible fines for violating the law. 142

In early 2014, a law was passed to limit the jurisdiction of the quasi-military State Security Court to terrorism, espionage, drug felonies, treason, and currency counterfeiting. The court had previously tried journalists, protesters, and other critics of the government.143 However, amendments to an antiterrorism law passed in mid-2014 essentially reversed that move by expanding the definition of "terrorism" to include a broader range of activity.144 In addition to offenses such as attacking members of the royal court or provoking an "armed rebellion," the definition of terrorism now includes any acts that "threaten the country's relations to foreign states or expose the country or its citizens to retaliatory acts on them or their money," an offense that had already been listed in the penal code.145 The law also explicitly penalizes the use of ICTs to promote, support, or fund terrorist acts, or to subject "Jordanians or their property to danger of hostile acts or acts of revenge."146 Rights activists complain that these draconian provisions can be used to prosecute critics of the regime, including those active online.

#### C3 0-6 pts

# Are individuals penalized for online activities, particularly those that are protected 3 / under international human rights standards?

Score Change: The score improved from 2 to 3 because no long prison sentences were handed out to online users during the reporting period, though people continued to be arrested for their online activities.

A number of individuals were arrested, prosecuted, and imprisoned for their online activities during the reporting period. Since September 2019, at least seven activists have been detained, mostly on charges related to social media posts that are critical of Jordanian leadership. 147

In August 2020, several individuals were detained for their online activities in relation to the arrests of leading members of the Teachers' Syndicate, which had been staging protests throughout the summer. 148 On August 3, a man from the northern city of Jerash was summoned by the cybercrime unit after voicing his support of the protests on Facebook. He was detained for inciting an illegal gathering but a court ordered his release on the same day. He was once again detained by the governor and held for two nights before being released after his father signed a pledge that this son would no longer support the union or protests on social media, on pain of a 50,000 dinar (\$70,500) fine. 149

Individuals are still prosecuted under Article 118 of the penal code, which punishes anyone who engages in acts, writings, or speeches that disturb Jordan's relations with a foreign state. A notable case was that of Emad Hajjaj, a *Al-Araby Al-Jadeed* cartoonist, after he published an online cartoon criticizing the diplomatic deal between the UAE and Israel, and mocked Prince Mohammed bin Zayed. He was arrested on August 26, 2020 and charged with "disturbing relations with a sister country" under the antiterrorism law. If found guilty, Hajjaj would have faced five years in prison. He was released on August 30 following public outcry and his case was downgraded from terrorism to libel, for which he could still face up to three years in prison under the cybercrimes law (see B8).150 Hajjaj was previously sued and subjected to harassment and death threats in 2017 over a cartoon that was considered offensive to the Greek Orthodox Church.151

The publisher of the JO24 website, journalist Basel Okour, was detained for a couple of hours after publishing a series of news stories about the teachers' arrests, after a gag order was issued that prohibited local media from reporting on the protests (see B5).152

Members of the political opposition were detained during the reporting period. In September 2020, Badi al-Rafaiah, a senior member of the Islamic Action Front (IAF), was detained on lèse-majesté charges of "insulting the head of a foreign state" because of a six-month old Facebook post. The detention's timing was considered suspicious, given that it preceded the November 2020 parliamentary elections, in which the IAF took part. 153 Al-Rafaiah was released on bail after several days. In December 2020, one of the leaders of the Partnership and Salvation Party, Mohamad al-Majali, was prosecuted on three lèse-majesté charges including insulting a state institution and "influencing the electoral process" after he published a Facebook post presenting a legal opinion about the electoral proceedings. 154

In July 2020, former MC director Mohammad Qteishat noted that "the number of cybercrime cases rose markedly during the period of the [COVID-19] lockdown." 155 On December 24, 2020, authorities arrested journalist Jamal Haddad over an editorial in Alwakaai, in which he questioned government officials' ability to access COVID-19 vaccines before the general public. 156 He was released on bail after several days in detention. 157

Several activists and government critics were arrested and prosecuted for social media posts, often on charges of insulting the king, in a crackdown that began in March 2019. In October 2019, Moayyad al-Majali was detained for insulting the king through an article on a local news site and was accused the following month of insulting the queen in a Facebook post. Al-Majali, who was a Ministry of Justice employee, was held in a prison in Amman awaiting trial as of that November, while bail requests were rejected. 158

According to a Human Rights Watch (HRW) report, Abdul Kareem Shraideh, a lawyer and the head of the Amman-based Arab Organization for Human Rights, was detained by a police unit specializing in "electronic crimes" on September 2, 2019 after publishing a video on Facebook that discussed corruption and high levels of poverty in Jordan. He was charged with criticizing the king and released after two weeks pending the trial. 159

Malek al-Masha'leh was arrested on January 26, 2020 after sharing videos on Facebook from political opponents based abroad. He was charged with "undermining the political system" under Article 149 of the penal code. 160 Additionally, Abdullah al-Khalayeh, an activist associated with the *hirak* Bani Hassan coalition, was detained in October 2019 and later arrested on charges of "undermining the political regime" after posting videos criticizing the king and queen on his Facebook page. 161

Meanwhile, on April 14, 2020, Selim Akash, a Bangladeshi journalist and reporter for Jago News, was arrested and accused of violating telecommunications and antiterrorism laws. After a case was filed against him by the Embassy of Bangladesh in Amman for posting news on Facebook about the conditions faced by Bangladeshi migrant workers during COVID-19 lockdowns, the Ministry of Interior issued a deportation order for Akash, with no date set for his deportation. 162

In May 2020, animal rights activist Ali Sarsour was detained over his social media activity. Sarsour was charged with lèse-majesté for insulting an official entity after he claimed to share the surname of Queen Rania. In another post, Sarsour stated that he named his dog after a former health minister. He was detained for over 60 days before receiving bail. 163

In April 2019, a court sentenced activist Abdullah Wreikat to one year in prison for criticizing the king in a tweet. 164 In the same month, activist Sabri al-Masha'leh was sentenced to two years in prison after being convicted on lèse-majesté charges for four Facebook posts published in February that allegedly insulted the king. The sentence was later reduced to one year. 165

The General Pardon Law, which went into effect in February 2019, pardoned hundreds of individuals who had been convicted in 2018 of defamation, slander, and contempt under the Cybercrime Law, in addition to numerous other offenses. 166

# C4 0-4 pts

## Does the government place restrictions on anonymous communication or encryption? 2/4

In 2021, there were multiple reports of restrictions on virtual private networks (VPNs), as several circumvention tools were reported blocked by service providers (see B1).

Cybercafé customers must supply personal identification information before they use the internet (see C6).

SIM card registration is mandatory for all mobile phone users. 167 In 2018, the TRC announced that a biometric system for mobile and internet SIM card registration would be established, requiring users to submit their fingerprints. 168

## C5 0-6 pts

## Does state surveillance of internet activities infringe on users' right to privacy? 3/6

State surveillance in Jordan threatens users' right to privacy. Many Jordanians reportedly have a long-standing belief that "someone is listening in" on their phone calls. This attitude has carried over to the internet, where it is believed that security services closely monitor online comments, cataloging them by date, internet protocol (IP) address, and location. 169

Article 18 of the constitution protects the right to privacy, but allows for surveillance "by a judicial order in accordance with the provisions of the law." The antiterrorism law permits the prosecutor general to order surveillance upon receiving "reliable information" that "a person or group of persons is connected to any terrorist activity." 170

Under Article 18 of the 2011 constitutional amendments (see C1), judicial approval was added as a precondition for censorship or confiscation of private communications. 171

Months before the alleged coup attempt of April 2021, Jordanian authorities were in negotiations with the Israeli firm NSO Group to obtain spyware technology. According to reports, the Jordanian intelligence service had been monitoring Prince Hamzah's communications for months. 172 It is unclear if the authorities purchased spyware during these talks, though Jordan is suspected to have acquired spyware from the NSO Group in the past. 173 In a 2018 Citizen Lab report, Jordan is listed as one of 45 countries impacted by Pegasus, software developed by the NSO Group. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and the opposition. 174 A Saudi operator of Pegasus known as KINGDOM reportedly surveilled targets within Jordan and 11 other countries. 175

New regulations published in 2018 allow authorities to monitor users of ride-sharing apps, such as Uber, by obtaining direct access to their personal and geographical data (see C6). In 2018, the legality of the surveillance of phone calls became the subject of public debate for the first time. The discussion was triggered by reports about a security officer who inappropriately spied on private phone conversations. 176

In August 2020, the government mandated the use of the COVID-19 contact-tracing app Aman, which has access to the geolocation data of its users. Concerns have been raised regarding the privacy implications for users. 177 Specifically, the app lacks transparency and was not independently audited. Additionally, the data collected is not managed by an official entity that can be held accountable in the case of any privacy infringement. 178 According to the Jordan Open Source Association, the information security and privacy guarantees were insufficient and unsatisfactory. 179 As of April 2021, the app was no longer mandatory. 180

#### C6 0-6 pts

# Does monitoring and collection of user data by service providers and other technology 2 / companies infringe on users' right to privacy?

Service providers and technology companies are required by law to assist the government in monitoring user communications. The Telecommunications Law requires that telecommunications providers take appropriate measures to enable the retention of user communications upon judicial or administrative order. 181

Jordan lacks a privacy law. In May 2021, the MoDEE issued a draft data protection law that aims to regulate how personal data is collected, used, and published. However, the latest draft had not been introduced to the parliament. 182 A previous draft failed to ensure the independence of the proposed Data Protection Authority (DPA) which would be comprised of members of the government and the security forces, among others. 183

During the COVID-19 national vaccination program, the personal data of vaccinated people were shared to telecommunications companies without their consent. The data of vaccine recipients, including their names, phone numbers, and vaccination dates, were reportedly used to promote telecommunications services via short-message service (SMS) texts according to the Jordanian Open Source Association's April 2020 statement. 184

In May 2018, the Ministry of Transportation published new instructions for licensing ride-hailing apps, such as Uber and Careem, which allow the ministry, as well as judicial and security bodies, access to the companies' servers and databases without a court order. 185 With the data from the companies, the government can track the movements and activities of users.

According to a 2019 report published by the London-based ImpACT International for Human Rights Policies and Access Now, some ISPs clearly violate customers' privacy by collecting intrusive user information without prominently disclosing that fact or explaining how the data are used. 186 In absence of a personal data protection law, some tech companies state in their privacy policy that, by using their application, users give permission for the company to share user data with authorities if required to do so. 187

Since 2010, cybercafés have been obliged to install security cameras to monitor customers. Café owners are required to retain the browsing histories of users for at least six months. 188 Authorities claim that these restrictions are necessary for security reasons. Although enforcement is somewhat lax, the once-thriving cybercafé business is now in decline due to the restrictions, as well as increased access to personal internet connections. Cybercafés are required by law "to take all procedures and arrangements" to ensure that customers are not accessing terrorist-related material, though there is little guidance on what actions would be legally permissible. Furthermore, clauses within mobile phone contracts give Jordanian companies the right to terminate service should customers use their phones in any way that is "threatening to public morals or national security." 189

#### C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

Journalists and other internet users continued to face harassment in retaliation for their online activities during the reporting period.

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On August 4, 2020, online journalist Khaleel Qandeel was stopped by a plainclothes police officer while covering a Teachers' Syndicate protest in Russeifa. After being questioned over his photography, Qandeel, who works for the online edition of the *Al-Sabeel* newspaper, was accused of taking unauthorized photos of police officers, which is illegal. Qandeel deleted the photos from his mobile phone, but it was later confiscated by the police officer who brought him to a police station. In the station, Qandeel was asked to show to the officer his social media accounts, but he refused to show his Facebook account and WhatsApp messages to the officer. Qandeel was later charged with participating in an unlawful gathering, impersonating a journalist, and not adhering to social distancing rules under Defense Order No. 11. A court found him innocent of the first charge and not guilty of the others. 190

According to the State of Media Freedom Index published by the Center for Defending Freedom of Journalists in 2020, at least 22 journalists and media personnel working for online outlets faced some violation during their coverage of the November 2020 parliamentary elections. In 11 cases, photographing or shooting videos of the voting process were not allowed by the head of the polling station or by electoral authority representatives. In one case, Ayman Abu Tinah, a journalist with Jawharat Arab News, was asked to delete content by police officers in Madaba. In addition, Ayman Fdailat from Al Jazeera Net and Ghaith Tall from Sawaleif both reported being intimidated when covering the vote-counting process, by police officers in Amman in the first case and by election officers in Irbid in the latter.191

During the COVID-19 lockdown, photographer Muhammad Maghaida from *Al Ghad* was forbidden to livestream the arrival of Jordanian students stranded abroad in May 2021; Maghaida was beaten and mistreated by security guards and was forcibly expelled from the airport. 192

#### C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

Cyberattacks against politicians' online accounts and news sites have been reported in recent years. 193

In September 2020, several public figures, including former ministers, public officials, and journalists, were victims of a series of WhatsApp phishing attacks. The accounts of former Petra news agency director Ramadan al-Rawashdeh, former minister Muhammad Obeidat, and Investment Commission head Khaled al-Wazni were all compromised. The Public Security Directorate reported it was able to recover some of the accounts. 194

The hacking of politicians' social media accounts is not uncommon. For example, the Facebook profile of the former Islamist parliamentarian Saleh al-Armouti, was hacked in July 2019<u>195</u> and again in October 2020.<u>196</u> The Facebook profile of Naser Nawasreh, the deputy head of the Teachers' Syndicate, was hacked in October 2019.<u>197</u> The identities of these hackers are unknown.

In November 2018, former lower-house speaker Atef Tarawneh confirmed that his Facebook profile had been hacked. 198 The Facebook account of Tarek Khoury, then a parliamentarian and the former president of the Al-Wehdat SC football club, was hacked in March 2019. The perpetrator was reportedly a supporter of a rival club. 199 In a more recent case, the Facebook page of the Jordan Football Association was hacked in May 2021. 200

Official institutions are also targets of cyberattacks. For instance, the website of the Amman Chamber of Commerce was hacked in March 2021, though its database, which contains a directory of Jordanian firms, was left intact. 201 Previously, in July 2019, the official website of the Constitutional Court was compromised by an "international hacker." A picture with phrases insulting the Jordanian state and security forces was put in place of its home page. 202

Although Jordan passed a cybersecurity law in 2019, no tangible impact was felt due to the delay in implementation. 203 The law calls for the establishment of the National Center for Cybersecurity (NCC) to enforce its provisions and protect the national infrastructure from cyberthreats. 204 A NCC head was named January 2021 via royal decree. 205

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