



Access Now and ARTICLE 19 Joint Submission to the United Nations Human Right Council on the Universal Periodic Review Fourth Cycle for Jordan

About Access Now

Access Now is an international organization that works to defend and extend the digital rights of users at risk around the world. Through representation around the world, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the continued openness of the internet and the protection of fundamental rights. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organization, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

About ARTICLE 19

ARTICLE19 is an international human rights organisation which works around the world to protect and promote the right to freedom of expression and information. With an international office in London and regional offices in Tunisia, Senegal, Kenya, Mexico, Netherlands, Brazil and Bangladesh, and other regional programmes and national offices, ARTICLE 19 monitors threats to freedom of expression in different regions of the world, as well as national and global trends, develops long-term strategies to address them and advocates for the implementation of the highest standards of freedom of

¹ Access Now, <https://www.accessnow.org/>, 2023.

expression, nationally and globally.²

1. The Universal Periodic Review (UPR) is an important United Nations (UN) mechanism aimed at addressing human rights issues across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable under international law. Access Now and ARTICLE 19 welcome the opportunity to contribute to Jordan's Fourth review cycle.

This submission addresses the following themes:

- Cooperation with international human rights mechanisms
- Freedom of expression
- Freedom of association and peaceful assembly
- Right to privacy
- Attacks on and harassment of bloggers, journalists and HRDs

Introduction

2. Access Now and ARTICLE 19 highlight that the human rights situation in Jordan cannot be detached from the political and constitutional regime characterized by a democratic deficit.
3. The system of governance, in Jordan, is a hereditary constitutional monarchy and executive power is exercised by the King who exercises power through his ministers who are answerable to the parliament.³ The Constitution⁴ provides that the king signs, executes and can veto all laws,⁵ and can suspend or dissolve parliament.⁶

Based on Article **36** of the Constitution "The King appoints members of the Senate and appoints the Speaker from amongst them and accepts their

² ARTICLE 19, <https://www.article19.org/>, 2023.

³ Article **26** from the Jordanian Constitution provides that "The Executive Power shall be vested in the King, who shall exercise his powers through his Ministers in accordance with the provisions of the present Constitution."

⁴ The Constitution is available online at:
<https://www.refworld.org/pdfid/3ae6b53310.pdf>

⁵ Article **31** of the Constitution.

⁶ Article **34** of the Constitution.

resignation.” Despite his broad powers, the King enjoys total political and penal immunity, which is contrary to the democratic principles of separation of powers and accountability.⁷

The independence of the judiciary is enshrined in the 1952 Constitution of Jordan. In fact, Articles **97 and 101** of the Constitution states that judges are independent and forbid any interference in the judiciary affairs.

In early 2022, Jordanian Parliament introduced new electoral and political parties laws based on the recommendations issued by the Royal Committee to Modernize the Political System convened by Jordan’s King Abdullah II in 2021.⁸ The recommendations stressed on the need for “full respect for human rights and the creation of a safe space for fundamental freedoms that would enable political participation.” But the new laws contained over broad terms that can be used to limit political parties activities.⁹

The weak separation of powers and the omnipotence of the king has negatively influenced the functioning of the institutions and consequently the human rights situation in the country.

4. Jordan’s human rights record is full of legal, judicial, physical and digital violations. The situation with regard to freedom of expression, the right to peaceful assembly, and the right to privacy has deteriorated since the last UPR in 2018. Highly restrictive legislation, and administrative and judiciary decisions with dire consequences has routinely been used to target journalists, activists, and political opponents.

We therefore urge that the right to freedom of expression, the right to freedom of association, and the right to privacy are given prominence in the Fourth UPR cycle.

Cooperation with international human rights mechanisms

⁷ Article **30** of the Constitution stipulates that “The King is the Head of the State and is immune from any liability and responsibility.”

⁸ <https://arabcenterdc.org/resource/a-new-cycle-of-reform-in-jordan/>

⁹ HRW, 2023 report, available online at:

<https://www.hrw.org/world-report/2023/country-chapters/jordan>

See also, TIMEP, Latest Political Reforms in Jordan: Systemic Changes on the Horizon?, available online at:

<https://timep.org/2022/05/25/latest-political-reforms-in-jordan-systemic-changes-on-the-horizon/>

5. In the period under review, cooperation with international human rights mechanisms has not improved.
6. First of all, while Jordan accepted a recommendation to create a national mechanism for implementation, reporting and follow-up on the recommendations from the universal periodic review, the treaty bodies and the special procedures of the Human Rights Council,¹⁰ it merely “noted” the recommendation of specific actions such as abolish the death penalty, restore without delay the moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights,¹¹ or to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.¹²
7. Jordan has acceded to a number of United Nations human rights treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1975.

Despite outstanding, repeat visit requests from the Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and on the rights to freedom of peaceful assembly and of association, none were facilitated to visit the country in the period under review.¹³

Recommendations

¹⁰ Rec 135.20, Create a national mechanism for implementation, reporting and follow-up on the recommendations from the universal periodic review, the treaty bodies and the special procedures of the Human Rights Council, Portugal. (Supported)

¹¹ Rec 137.9.13, Abolish the death penalty, restore without delay the moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, France. (Noted)

Rec 137.9.7, Following our recommendations in 2013, take the necessary measures to remove the death penalty from the Jordanian legal framework, Argentina. (Noted)

Rec 137.9.12, Establish a moratorium on the abolition of the death penalty, Switzerland. (Noted)

¹² 137.13.2, Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Columbia. (Noted)

¹³ Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Last reminder of visit request was made on September 17, 2021.

Special Rapporteur on the rights to freedom of peaceful assembly and of association: Last reminder of visit request was made on November 26, 2020.

More information available online at:

<https://spinternet.ohchr.org/Search.aspx?Lang=en>

- Accept all outstanding visit requests of special procedures, and cooperate fully with special procedures to ensure the visits take place.

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- Put an immediate moratorium on application of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights

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- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
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Freedom of expression

8. During the 2018 UPR, Jordan accepted numerous general recommendations to bring national legislation into line with international human rights standards regarding freedom of expression and freedom of the press.¹⁴

However, Jordan has not kept its commitments made during the previous cycle concerning freedom of expression. The national legal framework continues to be repressive and to be used to curb the right of individuals to express themselves freely. Jordanian authorities continue to prosecute journalists, bloggers, HRDs

¹⁴ Rec 136.18, Re-evaluate the recent amendments to the Press and Publications Act, the law on cybercrime and the Criminal Code to ensure that legislation and practice are in conformity with international human rights law and standards, in particular the right to freedom of expression under article 19 of the International Covenant on Civil and Political Rights, Austria. (Supported)

Rec 136.17, Review its legislation and practices with the aim of ensuring that all persons and civil society actors, including human rights defenders and journalists, can freely exercise their rights to freedom of expression, association and peaceful assembly, both online and offline, as provided for by international human rights law, Lithuania. (Supported)

Rec 136.2, Amend laws that impede freedom of expression and information, France. (Supported)

Rec 135.71, Ensure that all domestic legislation is in compliance with the International Covenant on Civil and Political Rights, particularly in relation to the right to freedom of expression, Norway. (supported)

Rec 135.26, Review the Press and Publications Act in order to fully guarantee the right to freedom of expression, Spain. (Supported)

Rec 135.69, Promote dialogue with civil society organizations, human rights defenders and other relevant stakeholders in order to reform current legislation on freedom of expression, Italy. (Supported)

Rec 136.6, Form a committee of independent experts to consider amendments to media-related legislation and institutions, Sweden. (Supported)

and others for what they publish online and offline based on several draconian laws.

9. Article **15** of the Constitution stipulates that "(i) The State shall guarantee freedom of opinion. Every Jordanian shall be free to express his opinion by speech, in writing, or by means of photographic representation and other forms of expression, provided that such does not violate the law.

(ii) Freedom of the press and publications shall be ensured within the limits of the law.

(iii) Newspapers shall not be suspended from publication nor shall their permits be revoked except in accordance with the provisions of the law.

(iv) In the event of the declaration of martial law or a state of emergency, a limited censorship on newspapers, publications, books and broadcasts in matters affecting public safety and national defense may be imposed by law.

(v) Control of the resources of newspaper shall be regulated by law."

Despite the constitutional basis of the right to freedom of expression, it remains insufficiently protected because the Article **15** refers to the law without any constitutional safeguards, which gives the possibility to the parliament to introduce limitations to the freedom of expression which are against the three part test enshrined in paragraph 3 of **Article 19** of the ICCPR.

Jordan received recommendations to reform its Criminal Code, Cybercrime legislation, as well as the Press and Publications Act, to guarantee the right to freedom of speech and expression.¹⁵

The Criminal Code

10. The Penal Code criminalizes various forms of speech that are protected by the internal human rights law.

¹⁵ Rec 122.88, Reform the laws on counter-terrorism, anti-cybercrime and associations, as well as the law on press and publications, to guarantee the right to freedom of speech and expression and freedom of peaceful association, to fully reflect commitments under international human rights law, Finland. (Noted)

Rec 137.43, Remove the definition of "hate speech" from the proposed amendments to the cybercrime law and eliminate criminal penalties for defamation in the proposed amendments to be more in line with international human rights law, United States. (Noted)

For example, Article **132** allows for the prosecution of citizens who broadcast fake or exaggerated news that would undermine the prestige of the state, or be addressed against the king or the crown prince or one of the throne regents. The same article provides an imprisonment between 6 months and one year.¹⁶

Such incrimination is at odds with Article **19** from the ICCPR because it contains vague terms such as “the state’s standing or its prestige”, or “exaggerated news”. The UN Human Rights Committee considers in its **General Comment No. 34** that restrictions on the right to freedom of expression “must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly” and “may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution”.¹⁷

In **2016**, the UN Special Rapporteur for free expression emphasized that the use of broad terms is inconsistent with the requirement of precision since they “allow officials excessive discretionary power in determining their meaning.”¹⁸

11. Another provision that can be used to limit the freedom of expression is enshrined in Article **195**. It punishes with 1 to 3 years of imprisonment any person who dared to insult the King or posted pictures or drawings in a way that

¹⁶ Article **132** stipulates that “1-Any Jordanian, who knowingly spreads, outside the country, false or exaggerated news which might weaken the state’s standing or its prestige, shall be punished by imprisonment for no less than six months and a fine for no less than fifty dinars (JD50).

2-If the above mentioned was directed against His Majesty the king or the crown prince or one of the throne regents, the perpetrator shall be punished by imprisonment for no less than a year.”

¹⁷ Human Rights Committee, General comment No. **34/2011**, available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>

¹⁸ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on contemporary challenges to freedom of opinion and expression, September **6, 2016**, A/71/373, para 13.

would undermine his dignity.¹⁹

This article contravenes international standards, which consider that adopting harsher penalties based on the status of the victim violates the right to freedom of expression and contradicts the principle of equality between individuals. In this context, the UN Human Rights Committee has expressed concern “regarding laws on such matters as, lese majesty, desecration, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honor of public officials, and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration.”²⁰

The Jordanian legal framework relating to freedom of expression contains other laws that have been frequently used to prosecute individuals for exercising their right to freedom of expression. Many bloggers, journalists, HRDs and political opponents of the regime have been subject to judicial prosecution under the Anti-Cybercrime law.

The Cybercrime Law

¹⁹1. Whoever commits one of the following offenses shall be punished by imprisonment from one to three years:

a. Dared to insult His Majesty the King.

b. Sent a written or an oral message or a picture or a comic drawing to His Majesty the king or posted such message, picture or drawing in a way that would undermine the dignity of His Majesty. The same penalty shall apply if he/she incited another person to any such act.

c. Broadcasted in any way what is stipulated in subparagraph (1/b) of this article and disseminated it among the people.

d. Falsely accused His Majesty of an act or a say or circulated such accusations among the people.

2. Whoever commits one of the offenses stated above against Her Majesty the Queen or the Crown Prince or one of the Crown Trustees, he / she shall be punished with the penalties stated in paragraph (1) of this article.”

²⁰ UN Human Rights Committee, General Comment **34** of **2011**, available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsrdB0H115979OVGGB%2BWPAXiks7ivEzdmLQdosDnCG8FaQQQ8NtR0qo4QbSwsZswN%2B9bC7%2FEzsK6tod9c78bXmcQ6AhdwIYbPRQT9A3SJawC8>

12. According to statistics available by the National Center for Human Rights in **2022**, there were 4030 court cases on the basis of Article **11** of the Cybercrime Law.²¹

Article **11** stipulates a penalty for anyone who intentionally sends, re-transmits, or publishes data or information through the information network, website, or any information system that involves slander, libel, with imprisonment for a period of no less than three months and a fine of no less than 100 JDs (141 USD) and a maximum of 2,000 JDs (2,820 USD).²² The authorities also frequently use article **15**, which criminalizes use of the internet or information network to carry out acts that are punishable by other legislation.²³

The provisions of Article **11** conflict with international freedom of expression standards. The UN Human Rights Committee, in its **General Comment No. 34**, calls on states to consider decriminalizing defamation and emphasizes that imprisonment is never a proportionate penalty. The threat of imprisonment exerts a profoundly chilling effect on freedom of expression, and cannot be justified on the basis of paragraph 3 of **Article 19** of the ICCPR.

Access Now and ARTICLE 19 are concerned that the Jordanian Cybercrime Law provides ample scope for exactly what international freedom of expression standards caution against, and thus constitutes a harmful tool for deterring

²¹ Report is available online at:

<https://www.nchr.org.jo/ar/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D8%B3%D9%86%D9%88%D9%8A%D8%A9/>

²² Article 11 provides “Anyone who intentionally sends, re-transmits, or publishes data or information through the information network, website, or any information system that involves slander, libel, or contempt of any person shall be punished by imprisonment for a period of no less than three months and a fine of no less than (100) JDs and not more than (2000) JDs.”

²³ Article 15 stipulates “Whoever commits any crime punishable under any legislation in force by using the information network, any information system or website, or participates, interferes or incites its commission, shall be punished with the penalty stipulated in that legislation.”

See also:

<https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space>

public debate about matters of public interest.²⁴

The media legal framework

13. Media freedom is subject to several legislations in Jordan.²⁵ The main laws are:

- Law No. 26 of 2015 on Audiovisual Media,²⁶
- Law No. 8 of 1998 Press and Publications Law.²⁷

14. Under Jordanian legislation, the creation of media outlets is subject to prior permission, which goes against international standards.

For example Article **11** from the Press and Publication impose a mandatory registration requirements for the print media.

3 special international mandates on freedom of expression – the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression – stated in a Joint Declaration of 18 December 2003 that “Imposing special registration requirements on the print media is unnecessary and may be abused and should be avoided.”²⁸

²⁴ During the previous UPR, Jordan received a recommendation on Article 11 of the Cybercrime law.

137.26, Respect journalists’ right to freedom of expression by restricting the trial of journalists for “publications crimes” stipulated in the Criminal Code to civilian courts, and by amending article 11 of the cybercrime law, to narrow the definition of hate speech, Canada. (Noted)

Rec 136.6, Revise and specify the definition of incitement of hatred in the amended 2011 law on cybercrime, Sweden. (Supported)

²⁵ Other regulations are available online at:

<http://www.mc.gov.jo/Pages/viewpage?pageID=99>

²⁶ Available online at:

http://www.mc.gov.jo/echobusv3.0/SystemAssets/PDF/Law/2119bd3d-4fde-4f8e-897e-462f602ccf30_%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A7%D9%84%D8%A7%D8%B9%D9%84%D8%A7%D9%85%20%D8%A7%D9%84%D9%85%D8%B1%D8%A6%D9%8A%20%D9%88%D8%A7%D9%84%D9%85%D8%B3%D9%85%D9%88%D8%B9%20%D8%B1%D9%82%D9%85%2026%20%D9%84%D8%B3%D9%86%D8%A9%202015.pdf

²⁷ Available online at:

http://www.mc.gov.jo/echobusv3.0/SystemAssets/PDF/Law/129722ac-2d49-4921-b11b-ddc3b9fea03b_Press%20and%20Publication%20Law.pdf

For a legal analysis, see:

<http://www.law-democracy.org/live/wp-content/uploads/2013/06/Jordan.PPLamendments.pdf>

²⁸ Available online at:

<https://www.osce.org/files/f/documents/5/5/99558.pdf>

The UN Human Rights Committee stressed in **General Comment No. 34** that “regulatory systems should take into account the differences between the print and broadcast sectors and the internet, while also noting the manner in which various media converge. It is incompatible with Article 19 to refuse to permit the publication of newspapers and other print media other than in the specific circumstances of the application of paragraph 3.”

15. Moreover, several news websites were banned by the Media Commission.

The Commission had banned 45 news websites in 2019 under the pretext of “expired licenses.” A few years before, 291 local news websites were also banned for “failing to secure a license from the General Administration of Press and Publication” within the grace period granted to the website owners to settle their legal affairs, as part of the implementation of the Press and Publication Law.²⁹

Such practice goes against international standards. The UN Human Rights Committee has confirmed that “Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3. Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.”³⁰

²⁹ SMEX, Freedom Of The Press In Jordan: Regulatory Amendments Or Restrictions To Online Speech?, Available online at:

<https://smex.org/freedom-of-the-press-in-jordan-regulatory-amendments-or-restrictions-to-online-speech/>

³⁰ Human Rights Committee, General comment No. 34/2011, available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/453/31/PDF/G1145331.pdf?OpenElement>

Platform blocks and internet shutdowns

16. In Jordan, authorities are regularly blocking social media platforms in the face of protests and unrest. While truck drivers led protests against rising fuel prices in mid-December 2022, and authorities were already imposing daily mobile shutdowns in the southern cities of Maan and Karak, the government also separately ordered a ban of TikTok, which was being used to livestream the ongoing protests.³¹ The shutdown appears to have been timed to repress public demonstrations and the exercise of free expression.

Jordan's Public Security Directorate stated that the ban was a result of TikTok's misuse and its failure to deal with content that "incites to violence and chaos." While the Jordanian Minister of Telecommunications stated in a media interview that TikTok would be blocked until it agrees to their conditions to "control content," there are reports that TikTok has been in negotiations with the government to lift the ban. Jordanian authorities previously blocked Facebook Live during 2021 protests regarding COVID-19 restrictions. They also blocked Clubhouse, the social media audio chat platform, the same year, and it remains blocked to this day. Jordanian authorities have also intensified VPN blocking in the last few years, and many popular VPN services and servers remain inaccessible.³²

17. In a continuation of their devastating yearly routine, authorities blocked social media during Tawjihi (the General Secondary Education Certificate) exams throughout June and July. This practice is illegal, as these actions directly conflict

³¹ Access Now, Weapons of control, Shields of impunity, 2023. Available online at: <https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

See also:

<https://www.accessnow.org/press-release/jordanprotests/>

³² Ibid.

with the country's constitution, which prohibits stopping any means of communication without a judicial order. In this case, both the Telecommunications Regulatory Authority and the Ministry of Education in Jordan are violating the rights of citizens by blocking the internet by an administrative, not judicial, decision.³³

Blocking applications that could affect exams and cutting access to the internet in Jordan remains harmful, illegal, and disproportionate, failing to meet international human rights standards.

Recommendations

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- Repeal Articles 132 and 195 of the Penal Code.
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- Repeal Article 11 of the Cybercrime Law.
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- Repeal the mandatory prior licensing requirements for print media and news websites.
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- Repeal Article 49 (g) which imposes blocking as the penalty for any violation of the Press and Publication Law.
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- Refrain from platform blocks and internet shutdowns.
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³³ Access Now, Empty promises: more internet shutdowns during exams in MENA. Available online at:

<https://www.accessnow.org/empty-promises-shutdowns-exams/>

See also:

<https://www.accessnow.org/mena-internet-shutdowns-during-exams/>

Freedom of association and peaceful assembly

18. During its last UPR, Jordan received recommendations to amend its legislation on public gatherings and freedom of association.³⁴ However, the legal framework still suffers from several legal loopholes.

19. The Freedom of association and peaceful assembly is guaranteed based on Article **16** of the Constitution which stipulates that "(i) Jordanians shall have the right to hold meetings within the limits of the law.

(ii) Jordanians are entitled to establish societies and political parties provided that the objects of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution.

(iii) The establishment of societies and political parties and the control of their resources shall be regulated by law."

Despite this constitutional basis, Access Now and ARTICLE 19 are concerned that there are tight state controls on CSOs' activities and on the right of peaceful assembly.

20. Since 2011, Jordanians no longer need prior permission to hold public gatherings or demonstrations, instead they must submit a simple notification to the governor. However, the Crime Prevention Law of 1954 has been invoked to arrest

³⁴ Rec 137.57 End the use of administrative detention and introduce legislation to guarantee access to a lawyer from the point of arrest, Norway. (Noted)

Rec 137.38, Repeal the law on associations in order to streamline the administrative processes which restrict the activities and the funding of civil society organizations, Switzerland. (Noted)

Rec 137.37 Further advance the amendments of the Act on Public Gatherings by creating an independent bureau to receive complaints regarding meetings and gatherings that have been shut down without explanation, Sweden. (Noted)

Rec 136.10, Limit the use of administrative detention, respecting the rights of prisoners as specified in article 9 of the International Covenant on Civil and Political Rights, Ireland. (Supported)

and prosecute peaceful demonstrators.

These provisions would significantly limit the ability of civil society organizations in Jordan to operate, granting the government broad discretion to either prohibit the creation of organizations whose objectives violate “national security, public safety, public order, public morals, or the rights and freedoms of others”.

The Crime Prevention Law of 1954 contains wide powers to use administrative detention in contravention of rights obligations. Under article 3, local governors are allowed to take action against anyone “under their jurisdiction,” allowing officials to circumvent the criminal justice system to detain people by administrative order with limited judicial review. In February 2022, the authorities arrested 11 political activists based on this law.³⁵

A dramatic example of the harm done by laws restricting the right to peaceful assembly and association occurred in September 2019, when a crisis erupted between the Jordanian Teachers’ Syndicate and the government, during which the teachers organized a sit-in in the capital, Amman, to demand a pay raise. The security forces responded by breaking it up with force. The crisis escalated after the security services arrested dozens of the protesting teachers, who decided to go on an open strike, which lasted for a whole month.³⁶

In 2019, the Jordanian security services have prevented activists from reaching a sit-in held against the gas agreement with Israel.³⁷

21. Moreover, the labor law restricts the freedom of association as it contains several restrictions to form trade unions.

The Associations Law of 2008 requires in its Article 7 an implicit “prior permission” to create an association.

³⁵ HRW, Jordan: Government Crushes Civic Space, 2022. Available online at: <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space>

³⁶ Euro-Med Human Rights Monitor, Jordanian government erodes freedoms still further by targeting teachers' union, 2020. Available online at: <https://euromedmonitor.org/uploads/reports/jordaneeacheren.pdf>

³⁷ Euro-Med Human Rights Monitor, Euro-Med calls for protecting Jordanians' right to peaceful assembly, 2019. Available online at: <https://euromedmonitor.org/en/article/3067/Euro-Med-calls-for-protecting-Jordanians%27-right-to-peaceful-assembly>

Based on HRW report, in 2019, Jordanian authorities created a centralized committee under the Prime Minister's Office to assess and decide foreign funding approval requests, but representatives of donor states and local NGOs confirmed in 2022 that the committee has done little to simplify the restrictions. In September 2022, the Community Media Network, a local NGO, filed a complaint with the National Center of Human Rights over authorities' arbitrary rejection of a 25,000 Jordanian Dinar (35,200 USD) grant from the German development agency to produce a campaign to raise awareness about recycling.³⁸

Recommendations

- Amend the public assembly law of 2004 in accordance with Article 21 of the ICCPR;
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- Amend the law of association in compliance with international standards, including allowing NGOs to function without impediments such as prior authorization, funding control and administrative dissolution;
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- Repeal the Crime Prevention Act No. 7 of 1954.
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Right to privacy

³⁸ HRW, Jordan Report 2022. Available online at: <https://www.hrw.org/world-report/2023/country-chapters/jordan>

22. As part of the 2018 UPR, the government received recommendations related to the right to privacy.³⁹

The Constitution enshrines in its Article **18** that “All postal, telegraphic and telephonic communications shall be treated as secret and as such shall not be subject to censorship or suspension except in circumstances prescribed by law.”

The right to privacy is protected in the major international legal instruments Jordan has ratified. Communications surveillance interferes with the right to privacy, and therefore should only be executed in strict compliance with international human rights law and under impartial, competent judicial oversight, as articulated by the Human Rights Council⁴⁰ and the International Principles on the Application of Human Rights to Communications Surveillance.⁴¹

Pegasus phone hacking revelations

23. Access Now and Article 19 are extremely concerned about the use of Pegasus spyware created by the Israeli surveillance company NSO Group. This product can exploit technical vulnerabilities in a victim’s device to covertly gain access to the device and extract data, including text messages, emails, media, microphone, camera, passwords, voice calls on messaging apps, location data, call logs, and contacts. The spyware can also potentially allow an attacker to activate the phone camera and microphone, to spy on an individual’s calls and activities. As such, Pegasus not only enables the surveillance of the target, but also the target’s communications and interactions with other people.⁴²

On March 16, 2021, Hala Deeb’s phone was compromised by Pegasus. Traces of process names linked to Pegasus were identified on her phone, including

³⁹Rec 136.15, Enable unrestricted access to the Internet for all members of society by ensuring cybersecurity and the safe flow of information, without violating freedom of expression or the right to privacy, Estonia. (Noted)

Rec 135.68, Ensure that all surveillance of communications is conducted with respect for the right to privacy and in compliance with Jordan’s human rights obligations, Iceland. (Supported)

⁴⁰ See, e.g., A/HRC/RES/34/7, “The right to privacy in the digital age,” 7 April 2017, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/34/7

⁴¹ See <https://www.necessaryandproportionate.net>

⁴² Access Now and Front Line Defenders, Unsafe anywhere: women human rights defenders speak out about Pegasus attacks, 2022. Available online at:

<https://www.accessnow.org/women-human-rights-defenders-pegasus-attacks-bahrain-jordan/>

"bluetoothfs," "JarvisPluginMgr," and "launchafd."⁴³

The available evidence strongly indicates that illegal surveillance has occurred through the use of Pegasus in Jordan and that the authorities have not conducted an effective investigation into the matter.

Data protection bill

24. In their 2019 study, ImpACT International for Human Rights Policies and Access Now explained how customer privacy is routinely violated by the most prominent Jordanian ISPs. The research showed that ISP companies are collecting often intrusive user information, without prominently disclosing that fact or explaining how the data are used.⁴⁴

25. Jordan has, currently, no data protection law. Submitted by the government in January 2022, the Data protection draft has gone through various stages and periods of stalemate since its first iteration in 2014.⁴⁵

The draft contains several problematic provisions that could undermine the right to privacy but also the right to freedom of expression and press.

Article 16 of the draft provides that Personal Data Protection Council shall be formed under the chairmanship of the Minister and the membership of each of the following:

"1- The Information Commissioner as Vice-Chairman.

2- The Commissioner General for Human Rights.

3- Two representatives of the security agencies, to be named by the directors of those agencies, at the request of the Minister.

⁴³ Hala Ahed Deeb has worked with a number of human rights and feminist organizations to defend women's rights, workers' rights, and freedoms of opinion, expression and peaceful assembly in Jordan. She defends prisoners of conscience in Jordan and is a member of the legal team defending the Jordan Teachers' Syndicate, one of Jordan's largest labor unions, which the Jordanian government dissolved in December 2020 in response to mass protests. Deeb also headed the legal committee of the Jordanian Women's Union and continues to defend women victims.

See: <https://www.accessnow.org/women-human-rights-defenders-pegasus-attacks-bahrain-jordan/>

⁴⁴ ImpACT and Access Now, Violated privacy: Internet companies' handling of customers' personal information, 2019. Available online at:

<https://www.accessnow.org/wp-content/uploads/2019/11/privacy-study-on-Jordan-Eng.pdf>

⁴⁵ Access Now, To the Jordanian Parliament: amend the data protection bill, safeguard human rights. Available online at:

<https://www.accessnow.org/press-release/jordanian-parliament-data-protection-bill/>

4- Four persons with expertise and specialization, to be named by the Minister.”

Such composition would undermine the independence of the Council as it's dominated by the executive. The membership of 2 representatives of the security agencies is a relevant example of what the spirit of the Council will be.

According to the GDPR principles, the Data Protection Authority (DPA) must be independent to fulfill its duties. It is acceptable, however, that nominations to sit on the DPA board come from the government or the executive branch in general, but they must be confirmed by the parliament after audition, and the ministry cannot be part of the DPA or decide who can and cannot sit in the authority board.⁴⁶

26. On another hand, Article 6 poses a serious problem from a freedom of expression standpoint as it can be used to ban investigative journalism and other journalistic activities. It provides a list of activities where there is no legal requirement to obtain prior consent or inform the person concerned to process its data.⁴⁷

Investigative journalism is based on searching for violations related to public interest matters and collecting the necessary information (documents, bills,

⁴⁶ Access Now, Policy brief: How to strengthen Jordan's data protection law, 2022. Available online at: https://www.accessnow.org/wp-content/uploads/2022/05/Access-Now-Policy-Brief_Jordan-Data-Protection-bill-vs-GDPR.pdf

⁴⁷ Article 6 stipulates that “A- Processing is considered legal and legitimate, and may be carried out without obtaining the prior consent or informing the person concerned in the following cases:

1- Processing that is carried out directly by a competent public authority to the extent necessitated by the implementation of the tasks entrusted to it by law, or through other contracting parties, provided that the contract includes observance of all the obligations and conditions stipulated in this law and the regulations and instructions issued pursuant thereto.

2- If it is necessary for preventive medical purposes, medical diagnosis, or health care evaluation by a person licensed to practice any of the medical professions.

3- If it is necessary to protect the life of the person concerned or to protect his vital interests.

4- If it is necessary to prevent or detect a crime by a competent authority, or to prosecute crimes committed in violation of the provisions of the law.

5- If it is required or authorized by any of the legislations or in implementation thereof, or by a decision of the competent court.

6- If it is necessary for the purposes of scientific or historical research, provided that its purpose is not to take any decision or action regarding a specific person.

7- If it is necessary for statistical purposes, national security requirements, or public interest.

8- If the object of processing is publicly available data from the person concerned.

B- It is not permissible to keep the processed data after the end of the purpose of the processing, unless the legislation stipulates otherwise.”

contracts...etc) to prove the hypothesis from which the journalist started. During the information compilation process, the journalist may be in possession of personal data that is used to prove serious breaches, financial corruption, or other wrongdoing related to matters of public interest. Based on Article 6, any investigative journalist can find himself/ herself/ themselves subject to legal consequences on the pretext of infringing on personal data.

The **Explanatory Report of the Convention 108** (Convention for the Protection of Individuals with Regard to the Processing of Personal Data) explains in its para.96 the necessity to respect fundamental rights including freedom of expression and press. It says that "Littera b. concerns the rights and fundamental freedoms of private parties, such as those of the data subject himself or herself (for example when a data subject's vital interests are threatened because he or she is missing) or of third parties, such as freedom of expression, including freedom of journalistic, academic, artistic or literary expression, and the right to receive and impart information, confidentiality of correspondence and communications, or business or commercial secrecy and other legally protected secrets. This should apply in particular to processing of personal data in the audio-visual field and in news archives and press libraries. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly."⁴⁸

In their 2023 **Joint Declaration on media and democracy**, the freedom of expression mandate holders⁴⁹ said that "data protection laws should be designed and applied in ways not interfering with media freedom, for example by establishing disproportionate obstacles to investigations and reporting."⁵⁰

Recommendations

⁴⁸ Available online at:

<https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1>

⁴⁹ The United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa.

⁵⁰ Available online at:

<https://www.article19.org/resources/world-press-freedom-day-joint-declaration-on-media-freedom-and-democracy/#:~:text=On%20%20May%202023%2C%20the,Access%20to%20Information%2C%20and%20the>

-
- Ensure prompt, impartial, and independent investigation into the allegations of hacking through the use of Pegasus software, and hold individuals accountable for such illegal surveillance;
-
- Guarantee the independence of the Personal Data Protection Council;
-
- Include freedom of expression and the press in the list of exceptions enumerated by Article 6.
-

Attacks and harassment of bloggers, journalists, HRDs, political opposition and media outlets

27. During the 2018 UPR, Jordan received several recommendations to protect women, bloggers, journalists, HRDs, political opponents of the regime and to ensure freedom of the media and a space for civil society free from interference, threats and intimidation.⁵¹ However, Attacks and harassment have continued to occur.

28. As highlighted in previous sections, the legal framework in Jordan significantly restricts the exercise of the rights to freedom of expression, and freedom of association in the country. In particular, for dissenting voices, including

⁵¹Rec 137.62, Create legislative and social conditions to allow the de facto empowerment of Jordanian women and launch awareness campaigns on women's rights, Angola. (Noted)

Rec 136.14, Guarantee freedom of expression and halt the detention of all writers, journalists and website editors based on charges related to freedom of expression, and abolish the Criminal Code articles which place impermissible restrictions on freedom of expression both offline and online, Czechia. (Supported)

Rec 135.101, Continue to conduct awareness-raising campaigns to address violence against women, Malta. (Supported)

Rec 135.103, Fully implement all measures to prevent any and all violence against women and girls and bring the perpetrators of such violence to justice, Australia. (Supported)

Rec 135.72, Ensure a safe and enabling environment for journalists and media workers, and ensure freedom of the media and a space for civil society free from interference, threats and intimidation, Slovakia. (Supported)

Rec 135.31, Consider the elaboration of a comprehensive strategy to modify and eliminate all attitudes and stereotypes that discriminate against women, Turkey. (Supported)

Rec 135.9, Recognize the important work of human rights defenders facing discrimination or marginalization and ensure effective protection against the threats and violence they face, Iceland. (Supported)

journalists, human rights defenders, and members of political opposition groups, speaking out carries considerable risks ranging from arbitrary detention under the abovementioned laws and provisions within the penal code, to physical attacks, gender based smear campaigns and harassment. Those from marginalized or otherwise discriminated against groups, women defenders and journalists, face additional and particular threats.

Judicial harassment

29. Several human rights defenders, bloggers and political activists have been subject to judicial harassment. Charges range from “disturbing relations with a foreign state” to “lese Majesté”, and from “undermining the political regime” to “blasphemy”. Emblematic cases in the period under review include:
- On December 5, 2022 security force raided the home of the politician and environmental expert, **Sofyan Altal**, and arrested him with the political activists **Abdul Khalifa Altawahiya**, **Omar Abu Rasaa**, and the photojournalist **Mohammed Abboud** as they prepared to broadcast a TV episode that was supposed to address internal issues.⁵²
 - On August 15, 2022 the prominent Jordanian columnist **Adnan Al-Rousan** was arrested based on **Article 11** of the Cybercrime law for “offensive to the national approach and fabric, and insulting the cohesion of Jordanian society and state institutions”.⁵³
 - On 24 May, 2022 the security forces arrested the activist **Anas Al-Jamal** without a warrant. On 29 May, 2022 Al-Jamal was brought before the Public Prosecution and charged with “disturbing the peace of relations with a foreign country” due to a post he wrote on Facebook in 2020.⁵⁴
 - On March 7, 2022 **Taghreed Risheq**, who is the Arabic media manager for Democracy for the Arab World Now, was detained at Amman's Queen Alia International Airport for a tweet she published on January 13, 2022. Risheq, who

⁵² Euro Med Human Right Monitor, Detention of journalist and three politicians is unjustified assault on freedoms. Available online at:
<https://euromedmonitor.org/en/article/5470/Jordan:-Detention-of-journalist-and-three-politicians-is-unjustified-assault-on-freedoms>

⁵³ GCHR, Crackdown on Jordanian Journalists Persists. Available online at:
<https://www.gc4hr.org/release-adnan-al-rousan/>

⁵⁴ Euro Med Human Right Monitor, Repeated targeting of activist Anas Al-Jamal reflects securitisation of political protests. Available online at:
<https://euromedmonitor.org/en/article/5212/Jordan:-Repeated-targeting-of-activist-Anas-Al-Jamal-reflects-securitisation-of-political-protests>

is the (DAWN), was informed that a defamation complaint had been filed against her for a violation of Article 11 of Jordan's cybercrime law.⁵⁵ On March 14, 2022 the Amman Penal Court dismissed the criminal complaint against her.⁵⁶

- In September 2021, the Public Prosecution Office of Amman raised several lawsuits against Dr. **Zulaikha Abu Risha** over her Facebook posts in August 2021 expressing her opinion that the voices of people who recite the Quran or perform the call for prayer should be harmonious and that their calls should sound good to the ears. Subsequently, she was brought before the Amman Criminal Court as a defendant on the grounds of having committed the crime of insulting the religious feelings of others as stipulated in **Article 278** of the Penal Code.⁵⁷
- **Kameel al-Zoubi** was arrested on October 24, 2021 for posting on his Facebook page that the wife of Jordan's prime minister, Bisher Khasawneh, receives a salary of 5,000 JD (7,000 USD) from an official agency. He was charged based on Article 11 of the Cybercrime law for spreading fake news.⁵⁸
- **Fares Sayegh**, general manager of Roya TV, and news director Mohammad al-Khalidi were arrested on April 10, 2020 based on a "news report."⁵⁹
- **Moayyad al-Majali**, an employee at the Ministry of Justice and an independent researcher, was arrested on October 13 2019, because he had been looking into state property registered under the king's name. He was accused on November 3, 2019 of insulting the queen for a Facebook post concerning the alleged use of state land.⁶⁰

Online Gender based violence

30. Jordan accepted several recommendations to conduct awareness-raising campaigns to address violence against women, to implement all measures to

⁵⁵ IPI, Two journalists detained under cybercrime law. Available online at:

<https://ipi.media/jordan-two-journalists-detained-under-cybercrime-law/>

⁵⁶ Democracy for the Arab World Now, Court Dismisses Criminal "Cybercrime" Suit, Lifts Travel Ban, against DAWN's Arabic Media Director Taghreed Risheq. Available online at:

<https://dawnmena.org/jordan-court-dismisses-criminal-cybercrime-suit-lifts-travel-ban-against-dawns-arabic-media-director-taghreed-risheq/>

⁵⁷ ARTICLE 19, Authorities must guarantee poet Zulaikha Abu Risha's right to free expression. Available online at: <https://www.article19.org/resources/jordan-authorities-must-guarantee-poet-zulaikha-abu-rishas-right-to-freedom-of-expression/>

⁵⁸ Middle East Eye, Journalists calling out corruption muzzled by cybercrime laws. Available online at:

<https://www.middleeasteye.net/news/jordan-journalists-citizens-draconian-cybercrime-laws>

⁵⁹ HRW, Free Speech Threats Under Covid-19 Response. Available online at:

<https://www.hrw.org/news/2020/05/05/jordan-free-speech-threats-under-covid-19-response>

⁶⁰ <https://www.hrw.org/news/2019/11/28/jordan-new-arrests-activists>

prevent any and all violence against women and girls and bring the perpetrators of such violence to justice, and to elaborate a comprehensive strategy to modify and eliminate all attitudes and stereotypes that discriminate against women.

Jordan has ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), which applies to gender-based violence against women that occurs on the Internet.⁶¹ However, it has not ratified the Optional Protocol to CEDAW, which grants the CEDAW Committee the power to hear complaints from individuals and groups related to violations of CEDAW by a state party. Jordan has also developed a National Strategy for Women in Jordan, 2020-2025⁶², providing for the establishment of effective mechanisms to prevent, protect and respond to gender-based violence, including in digital spaces. However, women, and in particular women journalists and activists, are increasingly subjected to gender-based violence online. Several online smear campaigns against jordanian women occurred without any concrete state remedies. As a result, women who defend women's rights and democracy, continue to be attacked through gendered information disorder campaigns.

In June 2023, **Hala Ahed**, a jordanian lawyer and a well known defender of freedom of expression and women's right, was subject of a smear campaign on Twitter. This campaign followed the announcement on 13 June 2023 about the organization of a training course that she is facilitating on the concept of feminism.⁶³

In August 2021, **Zouleikha Abou Richa**, poet and journalist, was subject of an online campaign with death threats after she expressed her opinion that the voices of people who recite the Quran or perform the call for prayer should be harmonious and that their calls should sound good to the ears.⁶⁴

⁶¹ United Nations Committee on the Elimination of Discrimination against Women (2017) CEDAW, General Recommendation No. 35 on gender-based violence against women, updating, Recommendation n°19, article 20.

⁶² National Strategy for Women in Jordan, 2020-2025. Available online at: <https://women.jo/sites/default/files/2021-12/The%20National%20Strategy%20for%20Women%202020%20-%202025%201122021%20%282%29.pdf>

⁶³ See:

<https://www.gc4hr.org/gulf-centre-for-human-rights-expresses-full-solidarity-with-human-rights-defender-hala-ahed/>

⁶⁴ See:

<https://www.article19.org/resources/mena-stop-censoring-the-voices-of-women-human-rights-defenders/>

Access Now and ARTICLE 19 underline the importance of adopting the necessary measures to tackle gender based violence and to create an environment for women free from interference, threats and intimidation.

Recommendations

- Cease the legal harassment and arbitrary detention of human rights defenders, journalists and other media workers;
-
- Effective implementation of the National Strategy for Women in Jordan, 2020-2025, to create an enabling secure environment for women to exercise their right to freedom of opinion and expression, including online;
-
- Bring the perpetrators of gender based violence to justice;
-
- Ensure that political leaders, officials and/or authorities condemn and refrain from committing attacks on women activists and journalists;
-
- Ratify the Optional Protocol to the Convention Eliminate all forms of discrimination against women.
-



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