

Does the Cybercrime Law impose limits on Freedom of expression or is it an additional tool to safeguard Freedom of expression?

Freedom of Expression

In Jordan

May Shalabieh

From First Place to Crackdown

Executive Summary

Despite its achievements, Jordan has witnessed a number of challenges including Cybercrime law which brought up a debate whether it is safeguarding freedom of expression or whether it is a threat in disguise.

Introduction

The Cyber Crime Law of 2023 has created an earthquake among journalists ,activists, caricaturists and even citizens; raising the question whether the new Cyber Crime Law further ensures Freedom of Expression or is a threat in disguise. The law came as an update to the Information System law which came as a temporary law in 2015 due to the fact that there was no parliament then.

Tik tok for instance has been banned in Jordan, placing restrictions on freedom of expression.

Public Security Directorate banned Tik Tok temporarily because of misuse in December 2022. As far as the Jordan News Agency is concerned, the “poor” handling of posts has resulted in posts that include violence.

Despite the fact that Jordan was the first Arab Country to have the Freedom of Information Law in 2007 which was considered a breakthrough, today Jordan is witnessing a crackdown in freedom of expression.

It is sad to witness a crackdown in “important democratic gains” where Jordan took the lead in the media landscape

- Assessment of Media Landscape in Jordan-

One of the reasons of this crackdown is the relatively new Cyber Crime Law in 2023, which faced a lot of resistance in the Jordanian street; especially that the government had promised a national dialogue on the draft law which never saw the light. This and the National Center for Human Rights (NCHR) had presented recommendations concerning the draft Cybercrime Law.

Article fifteen of the constitution ensures freedom of opinion, hence all laws must be in line with the constitution. Yet there is huge debate whether the Cyber Crime law ensures freedom of expression or not.

The law of 2023 came as an amendment to the Cyber Crime Law of 2015, the amendments brought forth more strict regulations and restrictions to freedom of expression which has affected journalists, activists, caricaturists, photographers and even normal citizens. All stand in the front line concerning the latest Cyber Crime Law only came with several amendments which intended to be in place of the previous law of 2015 yet with numerous restrictions.

In addition according to the Global Expression Report by Article 19 of 2024, Jordan is ranked as highly restrictive. While the ranking of Freedom House for 2024 is that Jordan is not free after it was ranked as partially free.

Overlapping in the Cyber Crime Law and the Penalty Law, especially concerning speech and defamation are creating complications and confusion more than actually defining rights and responsibilities of citizens.

This policy brief aims to shed light on the key challenges facing freedom of expression, and propose recommendations to enhance freedom of expression as a basic political and civil right..

According to freedom house Jordan has been ranked as not free after it was ranked partially free in 2020

The Problem of Freedom of Expression in Jordan

This has also had its tolls on both civil and political rights, and on political participation among youth which happen to form over %60 of the Jordanian population.

Challenging circumstances continue to increase and prevail whether for the journalist or average citizen.

Legal restrictions snowball especially with the Cybercrime Law, which unfortunately failed to define “fake news” for instance. The law, which was put in force in 2023 has resulted in a number of arrests, although article 15 of the constitution guarantees the freedom of opinion and expression for every Jordanian.

Every Jordanian has the right to freely express their opinion be it by writing, photography, speech or other means of expression, yet specifications of national security and morality, which are exemptions, need to be further specified.

According to Article 19, the Cybercrime Law has woken up the monster of self – censorship and fear among Jordanians.

Proposals in this area are meant to expand social inclusion, religious freedom, political and cultural development, equality under the law, access to health care, freedom of assembly, freedom of speech and a free and responsible media sector.

- National Agenda

Recommendations

- Utilize article number 95 of the constitution which states that ten members of parliament (or senate) can suggest a draft law. This in turn means that it is possible to lobby with ten MPs concerning a more flexible law that combines articles from the

Penal Code and the Cyber Crime Law in a way that further ensures Freedom of expression..

- Ensure protection of the fourth estate.
- Awareness campaigns concerning freedom of Expression as one of the civil and political rights according to the international covenant, ratified by Jordan, making sure to target different segments of society.
- Conduct a national dialogue among media stakeholders concerning the Cyber Crime Law.
- Specify vague terms in the laws and in the constitution such as “assassination of character.

Conclusion

Jordan has made a good start when it comes to freedom of expression and democratization, these are pillars that can be amended and built on for a stronger and freer Jordan.

Bibliography

1. Article 19, Marking a Year of Oppression, Fresh Calls to Scrap Cybercrime law, 2024, available at <https://www.article19.org/resources/jordan-fresh-calls-to-scrap-cybercrime-law/>
2. CATO Institute, Fraiser Institute and the Friedrich Naumann Foundation, Human Freedom Index, Freedom Index Scores,2024, available at <https://worldpopulationreview.com/country-rankings/freedom-index-by-country>
3. 7iber Cyber Cybercrime law : how does the government control the online platform,
4. Freedom House, 2022, available at <https://freedomhouse.org/country/jordan/freedom-world/2022>
5. Human Rights Watch, Events of 2023, 2023, available at <https://www.hrw.org/world-report/2024/country-chapters/jordan>
6. National Agenda,2005, available at <http://www.jordanpolitics.org/en/documents-view/65/national-agenda/41>
7. Jordan News, National Center for Human Rights Discusses Cyber Crime Law, August 2023, available at <https://www.jordannews.io/Section-109/News/National-Center-for-Human-Rights-discusses-Cybercrimes-law-30365>

8. [Jordan Times, Tik Tok in talks with Authorities Following Temporary Ban in Jordan, January 2023](https://www.jordantimes.com/news/local/tiktok-talks-authorities-following-temporary-ban-jordan), available at <https://www.jordantimes.com/news/local/tiktok-talks-authorities-following-temporary-ban-jordan>
9. [The Royal Hashemite Court, the Constitution, 2022](https://rhc.io/en/jordan-governing-system/jordan%E2%80%99s-constitution), available at <https://rhc.io/en/jordan-governing-system/jordan%E2%80%99s-constitution>
10. UNESCO, Assessment of Media Development in Jordan based on UNESCOs Media Development Indicators, 2015 available at <https://unesdoc.unesco.org/ark:/48223/pf0000234425>
11. U.S. Department of State, 2022 Country Reports on Human Rights Practices: Jordan, available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/jordan/>