

Position Paper

Freedom of Speech and Expression in Jordan: A Fundamental Framework for Protecting Civil Society Rights

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Paper Conclusions:

- It is clearly evident from analyzing the recommendations related to freedom of speech and expression in the fourth Universal Periodic Review of Human Rights that there is an urgent need to reform laws that restrict freedom of expression in Jordan. The repeal or amendment of specific legal provisions, such as those in the Cybercrime Law, is a fundamental step to ensure that national legislation aligns with international human rights standards.
- Achieving the required reforms heavily depends on the presence of strong political will from the Jordanian government. Merely accepting the recommendations is not enough; it must be followed by actual implementation, including taking concrete measures to ensure freedom of expression and protect civil society rights.
- The international community plays a crucial role in supporting freedom of expression in Jordan by providing technical support and continuous monitoring of the Jordanian government's adherence to the accepted recommendations. This role enhances international pressure on the government to implement the required reforms.

- Civil society organizations, journalists, and activists in Jordan are the key actors in defending freedom of expression. Strengthening their capacities through training, alliances, and advocacy campaigns is essential to address the legal and social challenges that limit the exercise of freedom of expression.
- To ensure the effectiveness of the reforms, the Jordanian government must adopt a transparent and inclusive approach in formulating and implementing policies related to freedom of expression. Engaging civil society in this dialogue ensures that the policies are fair.
- Despite the progress that can be achieved through the implementation of the recommendations, future challenges remain. These challenges include internal resistance to fundamental reforms and ongoing pressures on press and expression freedom. Therefore, continuous efforts by all stakeholders are essential to ensure the protection and promotion of freedom of expression in Jordan.

Introduction

Freedom of expression is not just an individual right but also a vital tool for civil society to engage in public discourse, defend rights, and support transparency and accountability. Without this freedom, it is difficult for civil society to fulfill its role in monitoring the government and contributing to the development of public policies. Freedom of expression is a fundamental right that forms the cornerstone of democratic societies, allowing individuals and groups to express their opinions and feelings without fear of retaliation. In Jordan, freedom of expression is an integral part of human rights and a key component of an active civil society. However, these right faces increasing challenges and pressures, raising concerns about the state of civil liberties and civil society rights in the country.

The current context for freedom of speech in Jordan

The Jordanian Constitution includes freedom of expression as a fundamental right, with Article 15 stating that "The State guarantees freedom of opinion, and every Jordanian has the right to express their opinion freely." However, there are restrictions on the exercise of this right, manifesting in legislation and laws that may limit or constrain individuals' ability to express themselves freely. These laws include the Press and Publications Law, the Cybercrime Law, and the Public Meetings Law, all of which contain provisions that could be used to restrict freedom of expression.

Some legislation presents obstacles to freedom of expression, as it stipulates criminal penalties for those who criticize the government or disseminate information deemed harmful to national security by the authorities. These laws often contain vague and broad terms that can be interpreted in various ways, creating an environment of fear and self-censorship.

The media plays a vital role in supporting freedom of expression; however, journalism in Jordan faces ongoing challenges, including censorship, website blocking, and other pressures from the government. These pressures have led to a decline in media freedom in the country, undermining journalists' ability to perform their role in conveying information and fostering public debate.

The International Community and Freedom of Expression

On January 25, 2024, Jordan appeared before the United Nations Human Rights Council in Geneva for a review of its human rights record. Jordan accepted 204 recommendations, with approximately 22 recommendations specifically directed at enhancing freedom of expression in Jordan. Jordan accepted most of these recommendations, 16 in total, while expressing reservations on 6 of them, as shown in Table 1.

Recommendation number	Recommendation	Status
136-41	Adopt measures to end civil rights violations, particularly freedom of expression.	Accepted
136-44	Develop an effective national strategy to combat cybercrime while ensuring freedom of speech and expression.	Accepted
126-45	Take further steps to ensure that the 2023 Cybercrime Law is consistent with international human rights standards and does not undermine the right to expression.	Accepted
136-46	Review relevant legislation to ensure alignment with the right to freedom of expression.	Accepted
136-47	Enhance freedom of expression in Jordan by reassessing recent amendments to the Cybercrime Law to ensure legislative alignment with international human rights standards.	Accepted
136-48	Revise Articles 11 and 23 of the Cybercrime Law to guarantee freedom of expression for journalists, media workers, and social media users.	Accepted
136-49	Review the Press and Publications Law to ensure effective enforcement of the right to freedom of expression and press freedom.	Accepted
136-51	Intensify efforts to combat all forms of restrictions on civic space and prevent harassment, threats, and assaults against journalists, activists, and citizens for their peaceful expression of opinions.	Accepted
136-53	Ensure unrestricted access to the internet, as well as privacy of online communications, for all individuals, and the secure flow of information without infringing on freedom of opinion and expression.	Accepted

136-54	Ensure freedom of expression in both the digital and physical spaces according to international commitments.	Accepted
136-55	Protect freedom of expression and the press by revising restrictive laws and ensuring a safe environment for journalists.	Accepted
136-56	Ensure the full ability to exercise of freedom of opinion and expression for everyone, without undermining the country's right to monitor and prevent illegal activities.	Accepted
136-57	Take necessary steps to ensure full protection of the right to freedom of opinion and expression and freedom of association, and guarantee a safe and enabling environment for civil society.	Accepted
136-58	Facilitate favorable conditions for civil society organizations, journalists, and other media workers to exercise their rights freely concerning freedom of opinion and expression, freedom of association, and peaceful assembly.	Accepted
136-59	Take concrete measures to prevent threats, assaults, and harassment targeting journalists and civil society actors, investigate such acts, ensure justice is served, and end impunity.	Accepted
137-38	Ensure national laws protect the right to freedom of expression, association, and peaceful assembly, including amending the penal code that regulates internet use.	Noted
137-39	Protect freedom of expression by revising the Cybercrime Law to align with the Kingdom's international obligations, including the International Covenant on Civil and Political Rights.	Accepted
137-40	Reform the 2023 Cybercrime Law to avoid restricting freedom of expression.	Noted
137-41	Repeal Articles 13 and 14 of the Cybercrime Law.	Noted
137-42	Amend laws that hinder the free exercise of freedom of expression, especially the Cybercrime Law enacted in 2023.	Noted
137-43	Amend the Anti-Terrorism Law and the Cybercrime Law to repeal provisions criminalizing expression.	Noted
137-44	Ensure and protect the right to freedom of expression by amending all provisions that criminalize the legitimate exercise of freedom of expression, particularly in the Penal Code, the Press and Publications Law, the Anti-Terrorism Law, and the Cybercrime Law, in accordance with the obligations outlined in Article 19 of the International Covenant on Civil and Political Rights.	Noted

Table 1 shows that the Jordanian government accepted the majority of recommendations related to enhancing freedom of expression, such as adopting measures to combat civil rights violations and amending relevant legislation to ensure freedom of expression. Many of the accepted recommendations focused on reviewing and revising current laws, particularly the Cybercrime Law and the Press and Publications Law, to ensure alignment with international human rights standards.

The accepted recommendations also included enhancing protection for journalists, activists, and civil society organizations from threats and harassment and ensuring unrestricted access to the internet. However, there was a clear reservation regarding substantive legal reforms, such as repealing specific provisions of the Cybercrime Law and amending anti-terrorism laws and the Penal Code, and any repeal or amendment of legal provisions that criminalize the legitimate exercise of freedom of expression. This indicates Jordan's reluctance to make significant changes in this area.

Recommendations

The commitment of the Jordanian government to implement the recommendations accepted during the Universal Periodic Review represents an important step toward enhancing freedom of expression and protecting civil society rights. However, the greatest challenge remains in translating these commitments into tangible realities through comprehensive legal reforms and ensuring a safe and supportive environment for freedom of opinion and expression. This can be achieved through coordinated efforts between the international community, civil society, and the government to implement concrete reforms that ensure respect for this fundamental right.

Recommendations for the Jordanian Government:

- Commit to reviewing and reforming laws that restrict freedom of expression, such as the Cybercrime Law and the Press and Publications Law, to ensure alignment with international human rights standards, and repeal provisions that criminalize the legitimate exercise of freedom of expression.
- Ensure a safe environment for journalists, activists, and civil society organizations to carry out their work without fear of harassment or retaliation, by strengthening legal protection mechanisms and ensuring accountability for those responsible for violations.
- Promote transparency in the formulation and implementation of policies related to freedom of expression and ensure civil society's participation in the national dialogue on these issues to guarantee fair and just policies.

Recommendations for the International Community:

- Enhance technical support for civil society organizations and journalists in Jordan to develop their capabilities in defending their rights and exercising freedom of expression effectively, including training on the use of legal tools and advocacy.

- Monitor and assess the Jordanian government's commitment to implementing the accepted recommendations, and report any regressions or new violations of freedom of expression.

Recommendations for Civil Society:

- Work on forming alliances and networks among civil society organizations, journalists, and activists to strengthen joint efforts in defending freedom of expression and addressing legal and social challenges.
- Organize public awareness campaigns on the importance of freedom of expression as a fundamental right essential for protecting human rights and promoting democracy, and develop advocacy campaigns around restrictive laws and the need for their amendment.
- Continue to monitor and document violations related to freedom of expression, and prepare periodic reports to be presented to international and local bodies to pressure for concrete legal reforms.

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