

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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JORDAN'S NEW PROPOSED CYBERCRIMES LAW WILL STRONGLY UNDERMINE DIGITAL RIGHTS

We, the undersigned organizations and individuals, are seriously concerned about Jordan's draft cybercrimes law currently being debated in the Jordanian Parliament.

The draft legislation will jeopardize digital rights, including freedom of expression and the right to information, and will ultimately fail in achieving the Jordanian government's stated goals of tackling "disinformation," "hate speech," and "online defamation."

Due to the repressive, ambiguous, and complex nature of the proposed law, Jordanian legislators must consult with civil society groups to explore alternative, right-respecting ways of addressing legitimate concerns around hate speech and disinformation, which are not unique to Jordan.

The draft, which is intended to replace Jordan's 2015 cybercrimes law, consists of 41 articles (compared with the current law's 15 articles) and several provisions threatening freedom of expression, the right to information, and the right to privacy, as well as tightening government control over the internet.

There are several reasons that the draft law fails to meet international human rights standards and principles included in various digital rights conventions already ratified by Jordan:

1. IT USES OVERLY BROAD, VAGUELY DEFINED TERMS

Articles 14, 15, 16, 17, and 19 of the draft use imprecise, vague, and undefined terminology, such as "fake news," "promoting, instigating, aiding or inciting immorality," "online assassination of personality," "provoking strife," "undermining national unity," and "contempt for religions." Such language fails to meet international law requirements for legal texts to be formulated with sufficient precision to allow individuals to regulate their conduct accordingly.

Such vague provisions open the door for Jordan's executive branch to punish individuals for exercising their right to freedom of expression, forcing the judges to convict citizens in most cases. Indeed, Jordanian authorities have a track record of using vague and overly broad criminal provisions to suppress free speech and assembly, most notably within the 1954 Crime Prevention Law, the 1960 Penal Code, the 2006 Anti-Terrorism Law, and the 2015 Cybercrime Law.

2. IT WILL HAMPER FREE EXPRESSION AND ACCESS TO INFORMATION, AND INCREASE ONLINE CENSORSHIP

Under article 24 of the draft law, anyone who publishes the names or pictures of law enforcement officials online, or any information or news about them that may offend or harm, without prior authorization, faces a minimum prison sentence of three months and a fine ranging from 5,000 JDs (USD 7,049) to 25,000 JDs (USD 35,246).

These provisions effectively criminalize any speech that may offend law enforcement officials. However, the right to share offensive content and to publicly criticize officials is central to international freedom of expression standards, as set out in the International Covenant on Civil and Political Rights, which Jordan has ratified. This article could reinforce self-censorship and censorship, by limiting the general public's ability to speak out on law enforcement officials' behavior and allowing only a selected, pre-authorized group to speak on certain topics. This article could also prevent law enforcement officials and governmental authorities from being held accountable for the decisions they take, impeding Jordanians' ability to participate fully in political processes and civic life.

Article 33 also restricts people's ability to express their opinions online, as it allows the competent public prosecutor or court to order any website, social media platform, or person responsible for a public account to remove or block content deemed to have violated the law, to temporarily ban the user or publisher, and to hand over relevant information, including users' personal data. If they fail to comply, authorities can block the websites, social media platforms, or services from the national network, or block access to the violating content. Non-compliance or violation of orders can also result in fines ranging from 15,000 JDs (USD 21,147) to 30,000 JDs (USD 42,295).

3. IT WILL WEAKEN ONLINE ANONYMITY

Article 12 envisions a penalty of at least six months in prison or a fine ranging from 2,500 JDs (USD 3,524) to 25,000 JDs (USD 35,246) for anyone "circumvent[ing] the IP address by using a fictitious address or an address belonging to a third party, or by any other means, with the intent of committing a crime or preventing its discovery" possibly through the use of VPNs, proxies, and Tor.

While sometimes it may be legitimate to restrict the right to anonymity in order to identify criminal suspects and prevent or prosecute criminal activity, any restrictions on encryption and anonymity must be targeted, necessary, proportionate, and made on a case-by-case basis. This article will force individuals to choose between keeping their identity secure and being able to express their opinions freely online.

In his 2015 report on encryption, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that, "Encryption and anonymity provide individuals and groups with a zone of privacy online to hold opinions and exercise freedom of expression without arbitrary and unlawful interference or attacks." This is especially relevant for political opponents, human rights defenders, or investigative journalists, whose participation in public discourse will be restricted if the draft is adopted in its current version.

4. IT INTRODUCES NEW CONTROLS OVER SOCIAL MEDIA

Article 37 would require social media companies with more than 100,000 subscribers in Jordan to have offices in the country, in order to respond to requests and notices by judicial authorities and government officials. The penalty for non-compliance would include banning advertisements on the platform and gradually restricting bandwidth via internet throttling to make the platform slow or unusable.

This presents serious risks to the right to freedom of expression. At a time when people in Jordan are already deprived of spaces and forums to express their opinions, the government wants to further its power to all platforms of expression, through the passing of ambiguous and repressive laws. Given Jordan's judicial system lacks independence and is frequently used to prosecute human rights defenders, activists, journalists, and political opponents, this law offers a dark prospect of Jordan's civic space.

We, the undersigned organizations, urge the Jordanian parliament to reject the draft law and to safeguard the digital rights of all people in Jordan.

1. Access Now
2. Advocacy Initiative for Development (AID)
3. Africa Media and Information Technology Initiative (AFRIMITI)
4. Amnesty International
5. ARTICLE 19
6. Center for Advancement of Rights and Democracy (CARD Ethiopia)
7. Cinamji
8. Electronic Frontier Foundation (EFF)
9. Gulf Centre for Human Rights (GCHR)
10. Human Rights Watch (HRW)
11. i freedom Uganda Network
12. Innovation for Change (I4C) South Asia
13. INSM foundation for Digital Rights in Iraq
14. Jordan Open Source Association (JOSA)
15. Kandoo
16. Kijiji Yeetu
17. Masaar

18. Miaan Group
19. Paradigm Initiative (PIN)
20. PEN America
21. SMEX
22. The Tor Project
23. Takatoat
24. Ubuntu team