

ACHRS' answer to OHCHR's call for submissions to the thematic report of the Special Rapporteur on Freedom of Opinion and Expression to the UN Human Rights Council: "Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters"

1. In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.

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2. Are there **restrictions** or other **challenges** to **freedom of expression** or access to **information that affect the delivery of public services and achievement of economic, social and cultural rights** in your country? **Which groups** of people are most affected by these restrictions and in what ways? What **measures** would you recommend to address their problems?

In Jordan, there are a number of legal mechanisms that ensure a certain level of freedom of expression and access to information. These include Jordan's ratification of the International Covenant on Civil and Political Rights (ICCPR), the Arab Charter for Human Rights (ACHR), the Convention on the Rights of the Child,¹ as well as domestic laws such as the 1990 Jordanian National Charter, the 2007 Access to Information Law, and the more recent 2015 Press and Publication Law and the Cybercrime Law.^{2 3} In one way or another, each of these agreements or domestic laws grant Jordanian citizens the right to freely express their opinions as well as the access to information.

Despite the existence of these legal guarantees, however, particular restrictions and challenges to these rights do remain. Challenges to complete freedom of expression come in the form of certain exceptions to the law. For instance, Jordanian law does not protect any criticism of the king, nor does it allow any speech that may be perceived as defamatory, inciting instability or conflict with other countries, criticizes Islam or Christianity, amongst other similar exceptions to the freedom of expression.⁴ More restrictions to the freedom of expression were instituted in 2011 through constitutional amendments that allowed the government to limit the freedom of expression during "states of emergency, amongst other provisions."⁵ Restrictions to the access of information also exist. On a structural level, not all Jordanians are afforded equal access to the resources necessary to access information. For instance, internet access across the country is variable according to socio-economic status, gender, and geographic location; unequal internet access is further

¹Rasheed TI-JO. (2020). Access to Information: Importance and Challenges. Rasheed TI-JO Research Series: Human Rights. Vol.1.

<https://rasheedti.org/wp-content/uploads/2020/06/Access-to-Information.pdf>

² Omar, Y. (2021). Access to Information in Jordan. TIMEP, Tahrir Institute for Middle East Policy., <https://timep.org/explainers/access-to-information-in-jordan/>.

³The Jordanian National Charter. (1990). <http://www.kinghussein.gov.jo/charter-national.html>

⁴ Human Rights Watch. (2021). World Report 2021: Rights Trends in Jordan. <https://www.hrw.org/world-report/2021/country-chapters/jordan>.

⁵ Freedom House. (2022) Jordan: Freedom on the Net 2022 Country Report. <https://freedomhouse.org/country/jordan/freedom-net/2022>.

exacerbated by a tax on mobile internet services.⁶ Other restrictions to the access of information from government sources include the blockage of information requests for “sensitive social and religious matters.”⁷ Procedural bureaucracy poses a challenge to access to information from the government; moreover, the agency in charge of responding to requests for information, “the Information Council, has been criticized for its lack of independence.”⁸

Journalists, members of the media, and political activists are mostly affected by the restrictions on the freedom of expression. They are subjected to harassment or receive gag-orders from government or security officials when what they publish or share is deemed as unacceptable.⁹ ¹⁰ Self-censorship amongst members of the press is a common result of these treatments.¹¹ Restrictions on access to information affect all Jordanians.

One recommendation for improving the freedom of expression is increased compliance with the international charters that Jordan has already ratified. Recommendations for improving access to information include reducing the mobile internet tax for low income individuals, streamlining the processes for requests of information, and increasing the independence of the institutions responsible for releasing government information.

3. What factors affect the right to expression and information of women and girls, indigenous peoples and other poor and marginalized communities and their access to information and communications technology in your country? What legal, policy or other measures has the government taken to overcome these problems? How effective are these measures and what improvements would you recommend?
 - a. factors affecting rights to expression and information and access

Syrian refugee women in Jordanian refugee camps suffer significantly from lack of access to information and communications technology. One UN Women study identifies a number of hurdles inhibiting digital access¹²: local digital infrastructure, affordability, security structures, and sociocultural norms. Internet access in the refugee camps is of bad quality and residents often cannot get a clear signal. This has implications for digital access as well as cost as residents have to regularly buy new data bundles.

Furthermore, these women feel inhibitions related to sociocultural norms when trying to access the internet. One testimony reveals: “There are spots across the camp where you get better connectivity, mostly the Shabab [male youth] go there and stand next to each other closely. We [women] don’t go.” Another testimony explains: “Women are too embarrassed to go and stand like that. Only the young men can do that.”

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Omar, Y. (2021). Access to Information in Jordan. TIMEP, Tahrir Institute for Middle East Policy., <https://timep.org/explainers/access-to-information-in-jordan/>.

⁹ Human Rights Watch. (2021). World Report 2021: Rights Trends in Jordan. <https://www.hrw.org/world-report/2021/country-chapters/jordan>.

¹⁰ Freedom House. (2022). Jordan: Freedom on the Net 2022 Country Report. <https://freedomhouse.org/country/jordan/freedom-net/2022>.

¹¹ *Ibid.*

¹² UN Women. (2020). Gender and the Digital Divide in Situations of Displacement: The Experiences of Syrian Refugee Women in Al-Azraq and Al-Za'atari camps.

Jordanian women, even if they are highly educated and have their own computers, use the internet less often than men do. One study finds this is due to social and cultural norms¹³, e.g., as most Jordanian men do not believe women should have full access to computers or the internet.

To bridge the gender digital divide, more awareness sessions are needed to unlearn these gender biases. The Jordanian government can contribute to this by making (higher) education more gender neutral and helping to provide women with equal access to ICT.

4. What have digital companies done to promote safe and uninterrupted online access to timely and pluralistic information and communications of women and poor and marginalized communities? How can information and communication technology companies better engage with governments and communities to promote sustainable development?

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5. What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development? Where have there been successes, or conversely challenges, with facilitating access to information and data relating to sustainable development in relation to a) governments and b) companies?

UN initiatives to provide children and refugees with digital access, e.g. distribution of tablets among disadvantaged adolescents, have helped to bridge the digital divide somewhat among disadvantaged populations¹⁴.

Jordan is enjoying a steadily growing ICT sector as students flock to ICT university courses and the job market continually has new positions to fill. However, women are drastically underrepresented in ICT¹⁵, as they are generally on the job market. This gap in employment rates between men and women reflects discriminatory labor laws causing a wage gap. Men are paid 41% more than women in private sector employment and 26% percent more in public sector positions. Additionally, sociocultural norms cause women to opt out of a career in favor of housekeeping. Women frequently face dismissal when they become pregnant. When they do retain their positions, they become subject to discriminatory maternity leave policies. Women are also not allowed by law to work long hours and night shifts, which may inhibit them from joining the workforce in the ICT sector that may require long working hours.

6. What role does the media play in promoting sustainable development in your country? What challenges and threats do journalists face in accessing public information or reporting on or criticizing development policies?

¹³ Abu-Shanab, E., & Al-Jamal, N. (2015). Exploring the Gender Digital Divide in Jordan. *Gender, Technology and Development*, 19(1), 91–113. <https://doi.org/10.1177/0971852414563201>

¹⁴ Jones, N., Alabadi, T., Alheiwidi, S., Al Amaireh, W., Shareef, Q., Alshammari, F., ... & Presler-Marshall, E. (2022). Tackling digital exclusion among disadvantaged adolescents in Jordan. https://www.gage.odi.org/wp-content/uploads/2022/01/Tackling-digital-exclusion-among-disadvantaged-adolescents-in-Jordan_final-3.pdf

¹⁵ UN Women Jordan Country Office. (2014). Jordanian women in the ICT space. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

The media in Jordan does play a role in promoting sustainable development projects, however, there are significant systematic restrictions in place for reporting on development projects.

Jordan has ratified the International Covenant on Civil and Political Rights, with Article 19 endorsing the right to freedom of expression^{[1][2]}. We do see the media promoting sustainable development stories, for example with ARIJ, which is a media foundation promoting investigative journalism in Jordan^[3]. The organization provides support for journalists to deliver investigative stories on sustainable development in Jordan. Between September and December 2022, they published a series of articles looking at the right to health and education in Jordan for marginalized children^[4]. There is also the Jordanian Media Institute (JMI) which is a non-profit founded to enhance the performance of journalists and media practitioners in Jordan^[5]. In 2021, alongside UN Women, JMI hosted a training course to promote women's economic empowerment. Working with fifty practicing journalists with experience in covering women's issues in Jordanian media^[6].

In contrast, journalists face a range of challenges in accessing public information and reporting on development projects. Reporters Without Borders ranks Jordan 120th in 2022 in the World Press Freedom Index^[7]. And Freedom House World Freedom report in 2022 gave Jordan a 1 / 4 on the question "are there free and independent media"^[8]. These restrictions can be seen through policies implemented by the state. On the 25th of April 2022, the Parliament amended Article 225 of the Jordanian Penal Code, further increasing the punishment for journalists who publish news on criminal investigations before their official announcement, from a fine to now a jail time of three months^[9]. These restrictions are further increased with the Cybercrime Law of 2015, which sets out penalties for any journalist who intentionally, sends, resends, or publishes libel or slander^[10]. These two pieces of legislation impedes journalists' ability to criticize development projects in Jordan. Finally, all journalists are required to join the state-controlled Jordanian Press Association^[11]. This is stated in Article 10 of the Press and Publication Law, that only journalists which are members of the JPA may practice journalism, and media outlets can only hire from the JPA's list of registered journalists^[12]. This mandatory requirement means that true independent media is significantly reduced and influenced through the JPA. It is these legislative restrictions which affect journalists' ability to provide scrutiny on development policies in Jordan, leading to the low scores of press freedom by The Press Freedom Index and Freedom House.

[1] "International Covenant on Civil and Political Rights", United Nations, Accessed January 31st 2023, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[2] "United Nations Human Rights Mechanism Jordan's Engagement" United Nation, Accessed January 31st 2023, https://jordan.un.org/sites/default/files/2023-01/UN%20Human%20Rights%20Mechanisms%20Jordan%27s%20Engagements_English.pdf

[3] ARIJ, Accessed January 31st 2023, <https://en.arij.net/about-us/>

[4] "Right to Health and Education: Jordan marginalized children are kept out", ARIJ, Accessed January 31st 2023, <https://en.arij.net/investigation/rights-to-health-and-education-jordan-marginalized-children-are-kept-out/>

[5] Jordanian Media Institute, Accessed January 31st 2023, <https://www.jmi.edu.jo/en/About-JMI>

[6] "The Jordan Media Institute and UN Women work with the media to promote women's economic empowerment", JMI, Accessed January 31st 2023, <https://www.jmi.edu.jo/en/jordan-media-institute-and-un-women-work-media-promote-women%E2%80%99s-economic-empowerment>

[7] Reporters Without Borders, Accessed January 31st 2023, <https://rsf.org/en/index>

[8] "Freedom in the World 2022", Freedom House, Accessed January 31st 2023, <https://freedomhouse.org/country/jordan/freedom-world/2022>

[9] "Jordan: Crackdown on Jordanian Journalists Persists: Release Adnan Al-Rousan", GCHR, Accessed January 31st 2023, <https://www.gc4hr.org/news/view/3114>

[10] "Jordan: Government Crushes Civic Space", Human Rights Watch, Accessed January 31st 2023, <https://www.hrw.org/news/2022/09/18/jordan-government-crushes-civic-space>

[11] "Jordan", Reporters Without Borders, Accessed January 31st 2023, <https://rsf.org/en/country/jordan>

[12] "Jordan Media Assessment White Paper", USAID, Accessed January 31st 2023, https://pdf.usaid.gov/pdf_docs/PA00WQVP.pdf

7. What laws, policies and other institutional measures exist in your country to protect investigative journalism and whistleblowing? How effective are they and what further measures should be taken to protect journalists and whistleblowers? Where possible, please provide concrete examples of investigative journalism or whistleblowing related to sustainable development, e.g. exposure of corruption or misuse of natural resources.

While there are general protections for journalists through the various mechanisms that allow for and protect the freedom of expression and press (see answer to Question 2), there are much more explicit protections for whistleblowers through Jordan's 2016 Integrity and Anti-Corruption Law.¹⁶ In line with its anti-corruption efforts, Jordan first protected whistleblowers through the Anti-Corruption Commission Law No. of 2006 after ratifying the United Nations Convention against Corruption in 2005; Jordan was also party to the Arab Anti-corruption Convention of 2010.¹⁷

Through the Integrity and Anti-Corruption Law, the Integrity and Anti-Corruption Commission is in charge of protecting all whistleblowers and handling their cases.¹⁸ The six explicit goals of the Commission are: "1. protecting them in their places of residence 2. not disclosing information related to their identity and whereabouts 3. Allowing them to give their statements and testimonies through the use of modern communication technologies to ensure their safety 4. protecting them at their workplaces and shielding them from any discrimination, mistreatment or arbitrary dismissal 5. providing them with shelters when necessary 6. and taking any action or necessary procedure to ensure their safety."¹⁹

There have been several cases whereby the Commission has protected whistleblowers from retaliatory attacks by their superiors by ordering their reinstatement to their position post retaliatory firing. That being said, however, there have also been cases where the Commission's recommendations have been ignored. Researcher Victoria Yacoub of the Arab Reporters for

¹⁶ Integrity and Anti-Corruption Law No. (13). (2016). <https://jiacc.gov.jo/EBV4.0/Root Storage/EN/EB Blog/integrity and anti corruption law of 2 016.pdf>

¹⁷ Yacoub, V. (n.d.). Policy Paper: Protecting Whistleblowers within Jordanian Law. Arab Reporters for Investigative Journalism. <https://en.arij.net/materials/protecting-whistleblowers-within-jordanian-law/>

¹⁸ *Ibid.*

¹⁹ Integrity and Anti-Corruption Law No. (13). (2016). <https://jiacc.gov.jo/EBV4.0/Root Storage/EN/EB Blog/integrity and anti corruption law of 2 016.pdf>

Investigative Journalism offers examples (pages 16-18) of successful and unsuccessful protection of whistleblowers through existing mechanisms in Jordan.²⁰

8. What do you believe are the key issues in relation to sustainable development in addition to or instead of the bullet points above that deserve attention by this mandate? Do you have any specific recommendations that you think the Special Rapporteur should make in her report?

As an organization ACHRS believes that a key issue concerning sustainable development is that of academic freedom. The protection and development of academic freedom is a key influencer in allowing sustainable development to take place. Academic freedom allows for self-reflection, knowledge generation and a constant search for improvements in people's lives and social conditions^[1]. Academic freedom must be seen to be a vital pillar in upholding Freedom of Expression, and allowing for the right to seek, receive and impart information and ideas of all kinds across borders.

The Academic Freedom Index 2022 by the V-Dem Institute and FAU has shown the Middle East's academic freedom level substantially declining and sitting well below the world average^[2]. This reduction in academic freedom directly impedes Freedom of Expression and as a result the goal of sustainable development.

Attention must be drawn to the necessity of academic freedom in supporting Freedom of Expression and delivering sustainable development.

^[1] "Promotion and protection of the right to freedom of opinion and expression", UN General Assembly, Accessed February 2nd 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/197/86/PDF/N2019786.pdf?OpenElement>

^[2] "Academic Freedom Index 2022", V-Dem Institute, Accessed February 2nd 2023, <urn:nbn:de:bvb:29-opus4-186129>

²⁰ Yacoub, V. (n.d.). Policy Paper: Protecting Whistleblowers within Jordanian Law. Arab Reporters for Investigative Journalism. <https://en.arij.net/materials/protecting-whistleblowers-within-jordanian-law/>