

POLICY PAPER

Digital Media Regulations in Jordan

*Policy aspects across media
convergence and freedom of expression*



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■ Introduction

Media Convergence: Definition and Dimensions

Media convergence, as defined by Henry Jenkins in his book "Convergence Culture"¹, refers to the process by which different forms of media, such as television, radio, print, and online platforms, merge into a single, unified system, resulting in a convergence of content, technologies, and industries. The integration of digital technologies and the rise of new forms of media has constantly been shaping the way in which we consume, produce, and share information.

One of the key aspects of media convergence is the blurring of boundaries between traditional forms of media. For example, a news article may be published online and then shared on social media, where it is commented on and shared by users. This process creates new opportunities for engagement and participation, but also raises important questions about the role of media in shaping public discourse and the distribution of power within society.

Another important aspect of media convergence is the way it is changing the relationship between media industries and audiences. With the rise of digital technologies, audiences are no longer passive consumers of media content, but active participants in the creation, distribution, and consumption of

¹ Jenkins, H. (2006). *Convergence culture: Where old and new media collide*. New York University Press.

media. This shift is leading to new forms of engagement and empowerment, but also raises important questions about the role of media in shaping public discourse and the distribution of power within society.

The impact of media convergence on human rights, particularly freedom of expression and legislation, has been widely debated in academic circles. On one hand, media convergence has the potential to expand access to information and facilitate greater participation in public discourse. However, on the other hand, the blurring of boundaries between traditional forms of media and the rise of digital technologies have also led to the spread of misinformation and the erosion of privacy. Additionally, the increasing concentration of ownership in the media industry has raised concerns about the diversity of voices and perspectives represented in the media landscape.

Academic literature such as "*Understanding Media Convergence: The State of the Field*" by August E. Grant and Jeffrey Wilkinson², and "*Media Convergence: The Three Degrees of Network, Mass, and Interpersonal Communication*" by Klaus Bruhn Jensen³, offer insights into the theoretical and practical implications of media convergence. These works explore various types of convergence and their theoretical underpinnings, present case studies of convergent journalism in action, and investigate the democracy of weblogs, as well as the implications of media convergence on human rights, communication and democracy.

Media convergence is a complex and multifaceted process that is reshaping the media landscape and changing the way we consume and interact with media. As we have discussed, it has the potential to expand access to information and facilitate greater participation in public discourse. However, it also raises important questions about the role of media in shaping public discourse, the distribution of power within society, and the impact on human

² Grant, A. E., & Wilkinson, J. S. (2009). *Understanding media convergence: The state of the field*. Oxford University Press.

³ Jensen, K. B. (2022). *Media convergence: The three degrees of network, mass, and interpersonal communication*. Routledge.

rights, particularly freedom of expression and legislation. The rapid development of digital technologies and the rise of new forms of media has had a significant impact on these issues and it is crucial to continue to explore and understand these impacts. As the policy paper progresses, we will delve deeper into these issues and examine the implications of media convergence on human rights, freedom of expression, and net neutrality, shedding more light on how the media landscape is being shaped by these technological advancements, in order for us to discuss this issue later on in this paper with more focus on the Jordanian context.

The Impact of Media Convergence on Human Rights

As stated before, despite the fact that media convergence has enhanced freedom of expression in a way or another, yet the rise of new forms of media has had a significant impact on human rights, freedom of expression, and net neutrality. The increasing centralisation of control over the flow of information and the concentration of ownership of media outlets have raised concerns about the potential for censorship and the erosion of press freedom⁴. Furthermore, the rise of digital media platforms has led to the creation of new forms of online surveillance and the potential for the violation of privacy rights⁵.

Media convergence has the potential to enhance freedom of expression by providing more platforms for people to express their views and access

⁴ El-Rayyes, Thoraya (2015). Enhancing Internet Media Freedom in Jordan: *International Lessons for Progressive Internet Regulation*. 7iber.

⁵ Zickuhr, K. & Smith, A. (2012). *Digital Differences*. Pew Research Center.

diverse sources since, as Mansell highlights⁶, the increased availability of digital technologies has enabled them to bypass traditional gatekeepers and produce and disseminate their own content. This has led to an expansion of the diversity of voices and the emergence of new forms of citizen journalism.

Nonetheless, media convergence can also be used as a tool for censorship and the suppression of freedom of expression. In countries where governments exert control over traditional forms of media, the rise of digital and online media has presented new opportunities for censorship and the silencing of journalists.

One of the main ways in which governments control online content is through internet filtering and blocking. In a study conducted by the OpenNet initiative almost a decade ago, it was found that thirty countries (including Jordan) did engage in selective internet filtering, with the majority of the targeted content being related to political and social issues⁷. Moreover, governments may also use legislation to control online content, such as laws criminalising online expression or requiring internet service providers to monitor and remove certain content⁸. In some countries, such as China⁹ and Iran¹⁰, the government has also used cyber-espionage and hacking to monitor and control online content.

This section aimed to briefly provide a general overview of the impact of media convergence on human rights, and set the stage for a more in-depth

⁶ Mansell, R. (2016). *Media Convergence Policy Issues*. Oxford Research Encyclopedia of Communication.

⁷ Deibert, R., Palfrey, J., Rohozinski, R., & Zittrain, J. (2010). *Access denied: The practice and policy of global internet filtering*. MIT Press.

⁸ Renzetti, C. (2013). *Online Censorship and Control*, *The Oxford Handbook of Criminology*. Oxford University Press.

⁹ Diamond, L. (2009). *Liberation Technology*. *Journal of Democracy*.

¹⁰ Dhillon, N., Yousef, T. (2009). *Generation in Waiting: The Unfulfilled Promise of Young People in the Middle East*. Brookings Institution Press.

discussion of the situation in Jordan in the next section, presenting a thorough analysis of the current state of media convergence and its implications for freedom of expression and net neutrality. Subsequently, the paper will present simple and preliminary policy recommendations aimed at enhancing freedom of expression and preserving net neutrality in the context of media convergence.

■ The Jordanian Context

Silenced Voices: The Suppression of Journalists and Activists

Jordan has a complex and nuanced history when it comes to freedom of expression and media freedom. In 2012, the Jordanian government faced criticism for suppressing freedom of expression and for the arrest of journalists and activists¹¹. This was further compounded by the decision to shut down over 200 websites, as they were seen to be in violation of media laws. The action was met with criticism from human rights organisations, who saw it as a violation of the right to freedom of expression and access to information. In 2012, Joe Stork, the Deputy Director of the Middle East division, also called for the release of journalists and activists arrested in Jordan, adding to the growing international concern over the suppression of freedom of expression and media freedom in the country.

Despite the criticism, the state of media freedom in Jordan (especially online) has remained relatively restricted. According to a study published by the Jordan Media Institute in 2016¹², printed media in Jordan was found to be more effective in covering human rights violations when compared to electronic media. The study found that 57% of the content published by

¹¹ BBC News (2013), [Calling on Jordan to lift restrictions on freedom of expression](#).

¹² Jordan Media Institute (2016), [Paper journalism is superior to its electronic counterpart in covering human rights violations](#).

online media was dependent on one source of information, leading to a lack of diversity and independence in reporting. This is further compounded by the fact that freedom of media peaked after the Arab Spring, but this was short-lived, as freedom of expression dropped after the introduction of the Jordanian anti-terrorism law, according to the same study.

The anti-terrorism law has been widely criticised for being used as a tool to exert pressure on media organisations and individuals¹³. This was highlighted in the case of Basel Ekour, the editor of Jo24 news website, who was arrested by Jordanian authorities in the summer of 2020 after covering the protests of the Jordanian Teachers' Syndicate. This was followed by the arrest of Fares Alsayegh, the director of Roya TV, and news presenter Mohammad Alkhaldi, who were arrested for covering labour protests in May 2020 based on the Jordanian anti-terrorism law. Moreover, Emad Hajjaj, a cartoonist, was arrested in the same year after his cartoons (that were published online) were deemed offensive to the Jordanian monarchy¹⁴.

The COVID-19 pandemic also brought further restrictions on freedom of expression, with the introduction of the pandemic defence law. This law was criticised by Jordanian rights organisations for having a negative impact on freedom of expression¹⁵.

In October 2021, newspapers and media in the country were banned from publishing anything related to the Pandora Papers, which revealed sensitive information about the King of Jordan. This was further compounded by the arrest of over 12 activists in March 2022, on charges of "spreading false

¹³ The Gulf Center for Human Rights (2022), *Jordan: The government imposes more severe restrictions on freedom of expression*.

¹⁴ Kuttub, Daoud (2020), *Jordan Claims It Cares About Freedom of Speech, It Just Threw a Political Cartoonist in Jail*, The Washington Post.

¹⁵ Al-Araby Al-Jadeed (2021), *Report: Jordan's measures to confront Corona were marred by violations of freedoms and rights*.

news"¹⁶.

The recent arrests of journalists Daoud Kuttab and Taghreed al-Rishq in March 2022¹⁷ has once again drawn attention to Jordan's ongoing struggle with media freedom. Kuttab was detained after a complaint was lodged over an article he wrote in 2019, while al-Rishq was arrested for a social media post. The arrests were made under the country's controversial Cybercrime Law, which has been widely criticised for being used to restrict freedom of speech and stifle independent journalism. The International Federation of Journalists has called for the reform of this outdated law and for the charges against the journalists to be dropped. The arrests of Kuttab and al-Rishq were just examples of how the Jordanian government's use of vague legislation is limiting media freedom and freedom of expression.

In addition to the aforementioned restrictions on freedom of expression in Jordan, a recent development in April 2022 regarding the freedom of the media has been met with criticism. The Jordanian Parliament passed an amendment to Article 225 of the Penal Code, which increased the penalty for journalists who report on criminal investigations and/or secret trials before they are officially announced¹⁸. This move has been viewed as a negative step, as it places even more restrictions on the freedom of expression of journalists, and undermines their ability to report on sensitive topics without fear of retaliation.

Ultimately, despite the efforts of human rights organisations, the state of media freedom in Jordan remains restricted, with journalists and media organisations facing significant challenges when it comes to reporting on sensitive topics and issues.

¹⁶ The Gulf Center for Human Rights (2022), *Jordan: The government imposes more severe restrictions on freedom of expression*.

¹⁷ International Federation of Journalists (2022), *Jordan: Two journalists arrested under cybercrime law*.

¹⁸ Eisan, Mohammad (2022), *Jordan: Press freedom at stake as parliament seeks jail terms for violating gag orders*, Middle East Eye.

Access Denied: Internet Interference and Website Shutdowns

Over the past years, the Jordanian government has constantly faced criticism for its actions in restricting bandwidth to communication platforms and websites, often during times of protests, according to the latest report by Freedom House¹⁹. In recent years, the restriction of internet access has become a common tactic used by authorities to control the flow of information in the country.

One notable instance of internet interference was in May 2022, when a royal decree was issued to restrict the communications of Prince Hamzah. During this time, Facebook Live was reportedly inaccessible for two and a half hours. This was not an isolated incident, as Facebook Live was also disrupted during the protests and strikes by members and supporters of the Teachers' Syndicate in July and August 2020, as well as during larger demonstrations. Additionally, in March 2021, Facebook Live was throttled during protests that took place in several cities after COVID-19 patients died due to oxygen shortages. In response to these protests, the authorities also blocked Clubhouse, according to the previously mentioned Freedom House Report.

The report has also shed light on another issue that has been the source of criticism, which is the blocking of messaging and communication apps during high school exams. Every year since 2015, the government has ordered ISPs to block access to these apps on days when secondary school students sit for their national exam (Tawjihi). The number of blocked apps reached a high of seven in 2018, including WhatsApp, Messenger, Twitter, and Instagram. Although the restrictions are only in effect in areas surrounding the exam

¹⁹ Freedom House (2022), *Jordan: Freedom in the World 2022 Country Report*.

locations and only during the time of the exams, activists consider them excessively restrictive and lacking a legal basis.

Internet blocking by the Jordanian government is evolving rapidly, and new research has shown that the country has started to throttle internet access instead of blocking it, in an effort to decrease the discoverability of the government's anti-freedom of expression actions. The 2019 'KeepItOn' report by Access Now has detailed internet shutdowns around the world and highlighted the actions of the Jordanian government²⁰.

The restriction of Facebook Live during the protests against the closure of Jordan's Teachers' Syndicate in July 2020 is a prime example of internet interference in the country. Network data from the NetBlocks internet observatory²¹ confirm that Facebook Live video streaming features were restricted on multiple providers and that the restrictions were put in place during the protests, which resulted in the arrest of several participants.

The restriction of internet access in Jordan under the guise of national security raises concerns about freedom of expression and internet neutrality in the country. The Jordanian government's interference in online content and communications has been a recurrent issue, with instances of website shutdowns and restrictions on messaging and communications apps. This lack of transparency around who orders the restrictions and the inconsistent explanations provided by the government have drawn criticism from civil society groups.

Moreover, the recent ban on TikTok²² in Jordan highlights the government's willingness to restrict access to social media platforms, even without clear justification. The fact that these restrictions are carried out in a vague

²⁰ Chen, Caleb (2020), [Jordan uses internet throttling instead of internet shutdowns and blocks to censor websites](#), PiaBlog.

²¹ NetBlocks (2020), [Facebook Live streams restricted in Jordan during Teachers' Syndicate protests](#).

²² NBC News (2022), [Jordan bans TikTok after police officer killed in protests](#).

manner, with no clear indication of who is responsible for the orders, only adds to the concerns about the protection of freedom of expression in the country.

In the next section, we will delve deeper into the legislation affecting freedom of expression and internet neutrality in Jordan, shedding light on the relevant laws and regulations in the country.

An Examination of Jordan's Legislation

The Constitution of Jordan sets forth the rights and freedoms enjoyed by Jordanians, including freedom of expression, but such rights are subject to limitations set forth in national laws²³.

The Cybercrimes Law, enacted in 2015, is the primary law that affects the right to freedom of expression online²⁴. Article 11 of the law regulates aspects of expressive activity on online platforms such as Facebook, Twitter, and blogs. The law criminalises the spread of rumours and hate speech and can be applied to any individual who commits a punishable act using information systems or the internet. In 2019, draft amendments to the Cybercrimes Law were under consideration by the Jordanian Senate that would extend the reach of the law to include applications such as WhatsApp²⁵.

²³ SMEX (2021), [Freedom of expression in Jordan: a right guaranteed by the constitution and restricted by laws?](#)

²⁴ The Gulf Center for Human Rights (2022), [Jordan: Crackdown on Jordanian Journalists Persists: Release Adnan Al-Rousan.](#)

²⁵ Mena Rights Group (2019), [Latest Cybercrime Law amendments once again risk curbing free speech in Jordan.](#)

The Penal Code also affects online freedom of expression. The code includes offences that can implicate online freedom of expression, such as defamation, libel, and the dissemination of false information²⁶. The law applies to anyone, both Jordanian and non-Jordanian, who commits crimes defined in the law's provisions within the territory of Jordan, as well as to any Jordanian who commits such a crime abroad.

The Audio-Visual Media Law as well affects the freedom of expression in Jordan. The law applies to online broadcasters of any audiovisual media production and requires broadcasters to respect human dignity, personal privacy, the freedoms and rights of others, and pluralism of expression. The law can be applied to online broadcasters of any audiovisual media production, including television and radio broadcasts that reach a public or targeted audience using signals, images, sounds, or writings of any form.

In 2021, proposed amendments to media regulations were put forth that imposed new restrictions on freedoms in the country. The Media Commission sent the Prime Minister proposed amendments to the broadcasting and radio and television rebroadcasting licensing system, as well as related licensing fees for electronic news sites, printing houses, publishing and distribution houses, studies and research offices, advertising and periodical offices, and authorization and monitoring of audiovisual works²⁷.

However, the proposed amendments have faced opposition from activists who argued that they violate the existing Audio-Visual Media Law itself and they even do violate to Jordanian constitution. Specifically, the requirement of a prior licence for radio and television broadcasting via the internet is viewed as a violation of the audio-visual media law. This is because broadcasting or “live” via the internet is mostly carried out by individuals and not by companies. As a result, the imposition of a licensing requirement on

²⁶ Dilwani, Tarek (2021), *Overcrowded laws in Jordan restrict freedom of expression on the Internet*, The Independent.

²⁷ Euro-Med Human Rights Monitor (2021), *Jordan: Proposed amendments to media regulations impose new restrictions on freedoms*.

individual broadcasting goes against the principles of the law and limits the freedom of expression in Jordan²⁸.

The aforementioned laws and regulations are merely a few illustrations of the Jordanian government's growing restrictions on the freedom of expression in the context of media convergence. The limitations set forth in these laws not only restrict the freedom of expression but also have a chilling effect on the media, as journalists and media organisations may be hesitant to report on sensitive issues for fear of legal repercussions. This suppression of freedom and media convergence undermines Jordan's democratic values and creates a challenging environment for journalists and media organisations.

²⁸ AlGhad Newspaper (2021), *Legal Review: Amendments to the media regulations violate the constitution.*

■ Recommendations

Pursuing Law Reforms

The preservation of freedom of expression and independent journalism is critical for ensuring a democratic and free society. To achieve this, Jordan must evaluate and potentially revise its anti-terrorism law and Cybercrime Law to ensure they align with international human rights standards and to prevent them from being utilised as instruments of restriction on free speech.

Moreover, The current state of the anti-terrorism law and the Cybercrime Law in Jordan, for instance, is problematic, as they are vague and susceptible to abuse. This leaves room for interpretation and potential misuse by the government, leading to restrictions on freedom of speech and independent journalism. To address this issue, it is also incumbent on activists and concerned parties to work towards amending these laws to provide clarity and prevent abuse. By doing so, they can ensure that Jordan remains a society that values freedom of expression and protects independent journalism.

Protecting the Safety of Journalists, Activists, and Human Rights Defenders

In order to ensure that human rights are respected and upheld in Jordan, it is imperative that all human rights defenders, including journalists, bloggers,

and Internet activists, be protected from reprisals and other restrictions on their work. This includes protecting them from judicial harassment and persecution of their families. To achieve this goal, it will be necessary for the Jordanian government and relevant stakeholders to take proactive measures to ensure the safety and security of these individuals, and to work to create a supportive and enabling environment for the promotion and protection of human rights.

The protection of human rights defenders, including journalists, bloggers, and Internet activists, must also encompass their digital safety. Enhancing their capacity to secure their digital presence against hacking and cyber-attacks is crucial. Civil society organisations have a responsibility to provide support and resources to help these individuals improve their digital safety and respond effectively to security breaches.

Furthermore, it is important for these individuals to have access to reliable sources for assistance in the event of an attack, and for human rights and freedom of press organisations to have established mechanisms for responding to such incidents.

Enhance Media Organisations' Ability to Operate Independently

It is imperative that non-government organisations (NGOs) and digital rights organisations provide necessary support and resources to media organisations in Jordan, in order to enhance their capacity to operate independently and freely. This support can include, but is not limited to, technical assistance, training, and financial support. The provision of such resources can help media organisations to overcome the challenges they face in the current media landscape, including limited access to information

and resources, and can contribute to the protection of media freedom in Jordan²⁹.

Transparency in ISP practices

In order to safeguard the principles of net neutrality and protect the freedom of expression of users in Jordan, it is crucial that Internet Service Providers (ISPs) operate with a high degree of transparency. This includes disclosing their policies, practices, and decision-making processes to users and relevant stakeholders. The lack of transparency in the operations of ISPs in Jordan has been identified as a significant factor contributing to the suppression of freedom of expression and the restriction of access to information. By promoting transparency in the actions of ISPs, it is possible to increase accountability and ensure that the principles of net neutrality are upheld.

Enhancing Digital Literacy

In light of the recent blocking of TikTok in Jordan in December 2022, it is imperative that steps be taken to address the lack of digital literacy among the Jordanian population. The widespread support for this restriction among older generations highlights a concerning lack of awareness regarding citizens' rights to access information and express themselves freely online.

To address this issue, civil society organisations should prioritise supporting digital literacy initiatives that educate citizens on their rights and responsibilities in the online sphere. By promoting digital literacy, we can help ensure that all citizens in Jordan are equipped to exercise their right to freedom of expression and access to information online.

²⁹ UNESCO (2022), *World Trends in Freedom of Expression and Media Development*.