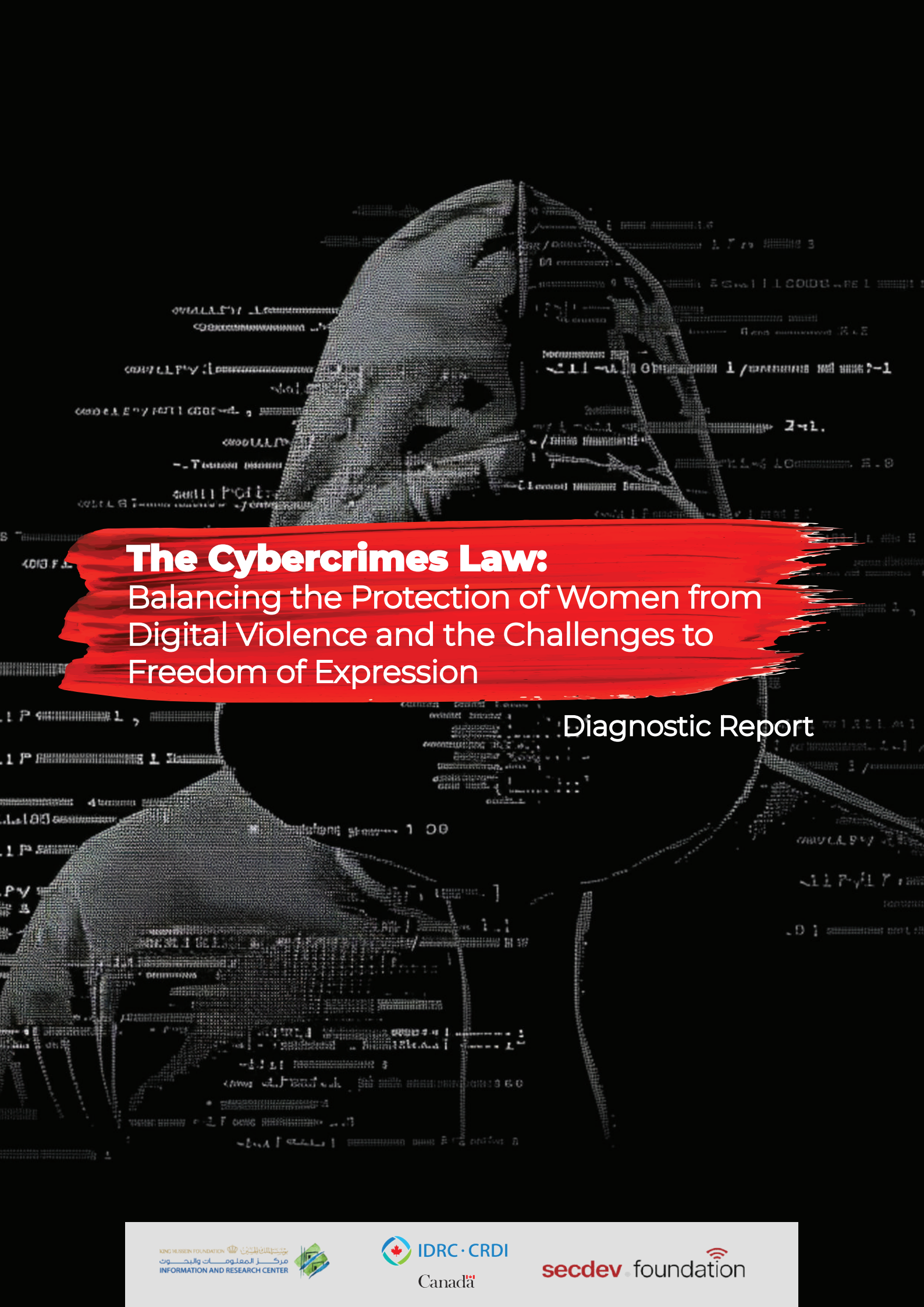




The Cybercrimes Law: Balancing the Protection of Women from Digital Violence and the Challenges to Freedom of Expression

Diagnostic Report

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Contents

02	Executive Summary
04	Introduction
05	Key Previous Studies
06	Self-Inflicted Disgrace in Defamation, Slander, and Contempt Crimes
12	The Judiciary's Definition of Social Media and Privacy Protection
16	Between Permissible Criticism and Criminalization
16	Example 1
18	Example 2
19	Observations
20	The Intersection of Digital Violence and Women's Protection Frameworks
25	Conclusions
26	Bibliography

Executive Summary

The Cybercrime Law No. 17/2023 in Jordan represents a pivotal step in the regulation of digital activity but has provoked considerable public concern, sparking debate over its effects on free expression, privacy, and the protection of vulnerable groups, particularly women. This report provides a diagnostic overview of the law, exploring its potential to both regulate cyber offenses and shape the boundaries of public discourse, individual privacy, and gender-specific protections in the digital space. The analysis draws on a review of previous studies, judicial interpretations, and practical applications of the law to present a comprehensive picture of its implications.

One of the central challenges the law poses is its impact on freedom of expression. By increasing financial penalties and granting the public prosecutor authority to pursue cases involving defamation, incitement, or false information, the law is perceived as a mechanism that may discourage public criticism, especially of government entities. This concern has led to widespread public opposition and demands from civil society groups for

greater transparency and public engagement in legislative processes.

For women, the law's limitations are particularly pronounced, as it does not include specific provisions to combat digital violence directed at women. Despite the rise of online harassment, cyberbullying, blackmail, and other gender-based digital abuses, the legal framework lacks targeted measures to protect women in digital spaces. Prior studies emphasize the need for specialized legal provisions and protections that recognize the unique challenges faced by women online, highlighting a critical gap in the current legislation.

The report also explores the legal concept of “self-inflicted disgrace” and how this principle is applied by Jordanian courts to reduce or dismiss penalties when a victim is deemed to have contributed to the conflict. In cases involving digital violence, this interpretation can discourage victims from seeking justice, as they risk being perceived as partially responsible for the abuse. The application of this principle highlights the need for a balanced approach that prioritizes victim protection while allowing for judicial discretion in cybercrime cases.

Privacy is another area of concern, with recent court decisions interpreting WhatsApp as a social media platform and allowing “electronic patrols” to monitor digital content. These practices raise questions about the boundaries of private and public communications in the digital realm, especially in cases where monitoring occurs without judicial authorization. The report highlights the importance of clear definitions and legal standards to protect the confidentiality of personal communication, which is a constitutional right.

An international perspective reveals that Jordanian standards on permissible criticism of public officials differ from those of international bodies like the United Nations Human Rights Committee. Current interpretations allow broad prosecution of criticisms directed at government bodies, contrasting with international standards that recognize public officials' higher tolerance for scrutiny. Aligning national practices with international norms on freedom of expression could enhance the legal framework's credibility and support open, democratic discourse.

The intersection between digital and traditional gender-based violence is a final area of focus. Digital violence perpetuates many of the same forms of psychological and social harm as physical violence, underscoring the need for comprehensive protective policies. Many survivors of digital abuse hesitate to report cases due to social stigma or fear of retaliation, particularly within a cultural context where honor-related values may amplify family reactions. The report advocates for stronger, culturally sensitive protection systems that offer survivors the support they need without fear of further harm or judgment.

Overall, this report emphasizes the dual need to uphold societal security and to safeguard individuals' rights within the digital sphere. Striking this balance requires legislative revisions to ensure that freedom of expression, privacy rights, and protections for vulnerable groups are preserved, creating a digital environment that is both secure and respectful of human rights.

Balancing the Protection of Women from Digital Violence and the Challenges to Freedom of Expression

Diagnostic Report

1. Introduction

The Cybercrimes Law No. 17/2023 is one of the most contentious pieces of legislation in Jordan, as it is perceived to directly impact individuals' ability to express their opinions through digital platforms, particularly social media. Public opposition to the law has been significant, with many national organizations offering detailed critiques.¹ Some civil organizations have called for a postponement of the law's deliberation and demanded broad public consultations due to its potential negative effects on public freedoms and concerns over constitutional validity. Mass protests were held, calling for the law's withdrawal, and a group of journalists temporarily deactivated their social media profiles in protest.²

The current law replaces Cybercrimes Law No. 27 of 2015. The government justified its proposal as an effort to align with the Arab Convention on Combating Information Technology Offenses³ and international standards, intending to safeguard rights and freedoms from violations such as electronic extortion, incitement to violence and hatred, and religious contempt. Notably, the Arab Convention grants law enforcement broad powers without judicial oversight, such as allowing service providers to share subscriber information based solely on a request from authorities, as stipulated in Article 25. In contrast, Article 18 of the Jordanian Constitution enshrines the confidentiality of communications, prohibiting monitoring, interception, seizure, or confiscation except by judicial order as per legal provisions.

¹ Human Rights Watch, *Jordan: Scrap Draconian Cybercrimes Bill*, 24 July 2023, last visited 2 November 2024.

² Amman Net, *14 Jordanian civil society institutions present a legal study on the draft cybercrimes law*, 28 July 2023, last visited 2 November 2024.

³ Ratified by Law No. 19/2012.

The law addresses several offenses not covered by the convention, such as inciting discord and sectarianism, undermining national unity, spreading false news, defamation, instigating hatred, character assassination, and similar acts, all of which are already punishable under the Penal Code. However, a distinctive feature of this draft law is its significant increase in financial penalties, with fines reaching up to 75,000 Jordanian Dinars (approximately USD 105,000). In certain cases, such as repeat offenses or crimes involving multiple victims, the penalties may be doubled. Furthermore, the public prosecutor has the authority to initiate action independently if the content pertains to official institutions, ministries, or their employees.

In contrast, the convention primarily focuses on system breaches, destruction of systems, misappropriation of funds, intellectual property protection, cyber fraud, privacy violations, unlawful use of electronic payment methods, organized crime, terrorism-related offenses, and international cooperation to combat these crimes.

The steep financial penalties and imprisonment provisions have led many to believe that the law aims to suppress free expression and deter public criticism of government entities. For instance, under the Penal Code, defamation directed at Parliament or one of its members during or because of their duties, as well as against official bodies, courts, public administrations, the military, or any government employee performing their duties, is punishable by imprisonment ranging from three months to two years. However, under the proposed law, the punishment is a minimum of three months' imprisonment and a fine of up to 40,000 Jordanian Dinars (approximately USD 56,000), whereas the maximum fine under the previous Cybercrime Law was capped at 2,000 Jordanian Dinars (around USD 2,800).⁴

Notably, the law lacks specific provisions addressing violence against women in the digital space. While it covers a range of offenses related to defamation, incitement, and cyber-related crimes, it does not include targeted measures to protect women from online harassment, abuse, or threats, which are critical issues in the digital age. This omission has raised concerns among advocates for women's rights, who argue that the law should incorporate protections against gender-based violence online.

2. Key Previous Studies

A study conducted to analyze the legal framework regarding digital violence against women in Jordan reviewed existing legal provisions and addressed related cybercrimes.⁵ The study found that current legal frameworks lack clear and specific provisions to address gender-based digital violence, with Jordanian law still treating these crimes in a general manner without recognizing their unique impact on women. Major challenges include the absence of laws that directly criminalize forms of digital violence, such as cyberbullying, stalking, harassment, and digital extortion, leaving women vulnerable to these types of crimes without sufficient legal protection.

⁴ Article 11 of the previous Cybercrime Law No. 27 of 2015 states: "Anyone who deliberately sends, resends, or publishes data or information via the internet, a website, or any information system that includes defamation, slander, or contempt of any person shall be punished with imprisonment for no less than three months and a fine of no less than 100 Jordanian Dinars and no more than 2,000 Jordanian Dinars."

⁵ Esraa Mohadin, Hussein Al-Saraira, Nadia Al-Saqqaf, *The Reality of Legal Texts and the Treatment of Cybercrimes Against Women in Jordan*, SecDev Foundation, February 2024.

The study emphasized the importance of amending the current Cybercrime Law of 2023 to include specific definitions of digital violence against women and to strengthen penalties to reflect the severe psychological and social impacts these crimes cause. Additionally, it recommended enacting specialized legislation to combat gender-based digital violence, adapting policies to ensure the protection of women and girls, developing effective mechanisms for prevention and response, providing support for victims, training judicial entities on handling digital violence cases, and raising societal awareness about the dangers of this type of violence and ways to prevent it.

Another study analyzing the Jordanian legislative framework regarding technology-facilitated gender-based violence found that digital violence against women in Jordan encompasses various forms, such as cyberbullying, stalking, harassment, and digital extortion. It also includes the distribution of harmful content and the use of technology to inflict psychological and social harm on women and girls.⁶ The study highlights that Jordanian laws, including the Cybercrime Law, insufficiently address gender-based digital violence. Current laws treat cybercrimes in general terms without providing clear definitions or specific penalties for forms of digital violence targeting women, resulting in inadequate protection for women in the digital space.

The study underscores the need to balance combating digital violence against women with safeguarding freedom of opinion and expression, as certain laws may be applied disproportionately to restrict free expression, particularly on issues concerning women's rights and their participation in public life. The study offers several recommendations to improve Jordan's legal framework, such as enacting specific legislation on gender-based digital violence, establishing effective support and protection mechanisms for victims, and training relevant entities to handle these cases. These recommendations could serve as a foundation for integrated policies aimed at reducing digital violence against women and ensuring their digital rights.

Building on previous efforts, this study aims to shed light on certain practical aspects of Jordanian laws related to digital violence against women by referencing judicial rulings and practical applications that contribute to a deeper understanding of the legal framework for protection and the implications of electronic legislation on freedom of expression.

3. Self-Inflicted Disgrace in Defamation, Slander, and Contempt Crimes

Defamation, slander, and contempt crimes aim to protect the dignity and honor of the victim. For the material element of these crimes to be established, the harm suffered by the victim must result solely from the actions of the offender. Therefore, penalties may be waived or reduced if the victim brought disgrace upon themselves or was responsible for it. This principle is reflected in Article 363 of the Jordanian Penal Code No. 16 of 1960, which states: "If the victim has brought disgrace upon themselves by unjustifiable actions, responded in kind to the insult, or accepted an apology willingly, the court may reduce the penalty for both parties, or

for one party, by one-third to two-thirds, or cancel the penalty entirely for defamation, slander, and contempt offenses.” This article serves as part of the legal framework addressing defamation, slander, and contempt crimes.

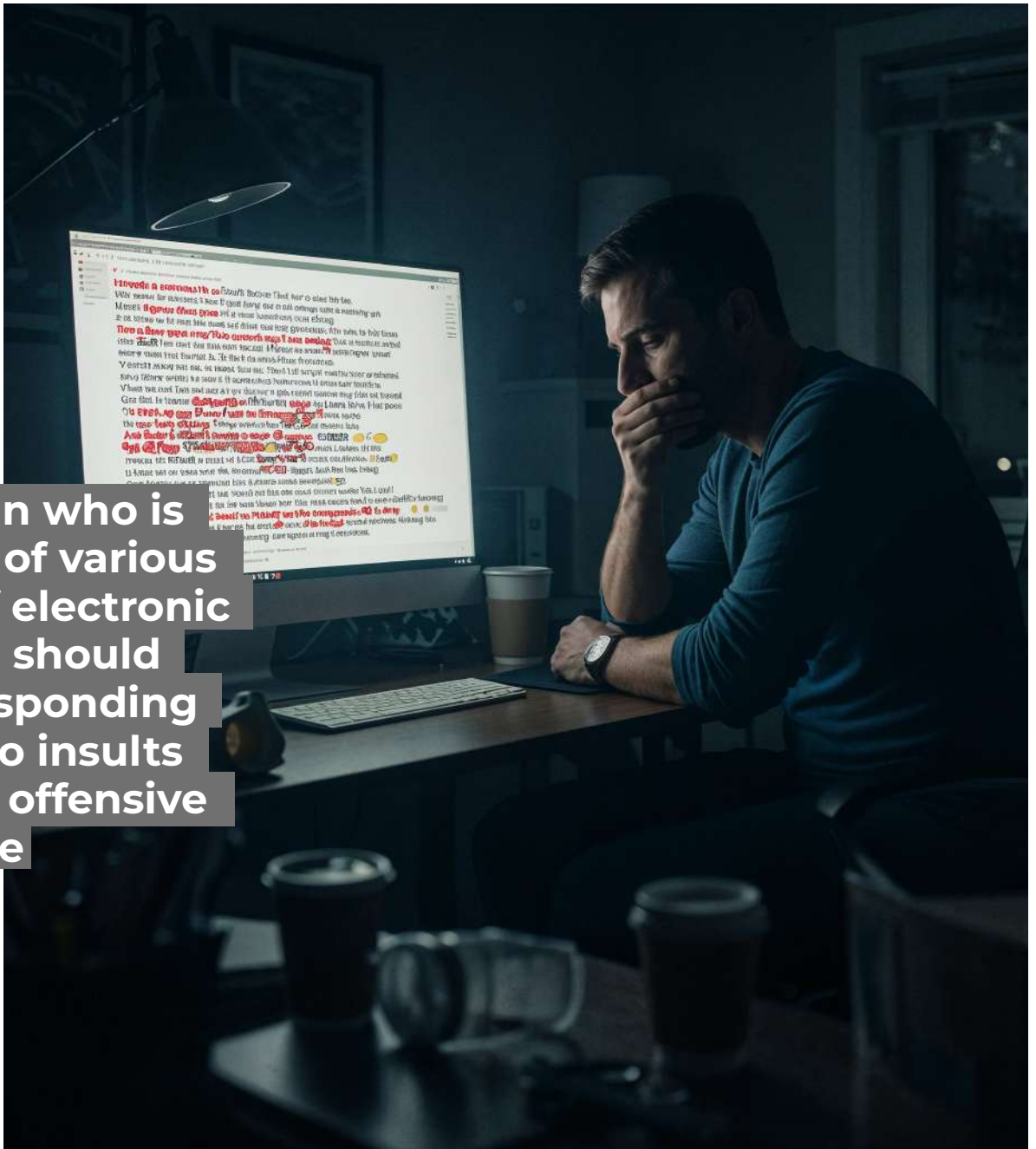
Most applications of Article 363 by Jordanian courts involve the dismissal of penalties against the defendant when the complainant has responded to an insult with similar words or actions or has engaged in unjustifiable actions. Although the court has discretionary authority, Jordanian courts consistently rule to drop the penalty under such circumstances. If similar actions are not proven, there is no basis for reducing or waiving the penalty.

An example of this can be seen in Decision No. 5316/2019 from the Amman Magistrate Court, which states: “The court established, through a report from the Cybercrime Unit, that the complainant also sent insulting messages to the defendant, reciprocating the offense. The complainant,

“

a woman who is a victim of various forms of electronic violence should avoid responding in kind to insults or using offensive language

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by filing the present complaint, fulfills the concept of ‘reciprocal disgrace’ outlined in Article 363 of the Penal Code, in light of the Court of Cassation’s rulings No. 1290/2021 dated 27/7/2021 and No. 1515/2021 dated 26/1/2021. This warrants the complete dismissal of the penalty against the defendant according to Article 363.”

It appears that the Jordanian judiciary adopts an expansive interpretation of actions that can be considered as bringing disgrace upon oneself, particularly when the defendant holds a government position. In Decision No. 861/2003, the Court of Cassation ruled that, during a conversation with the Mayor of Greater Amman, the complainant provoked the defendant by saying, “Are you planning to expel us from this country?” This phrase, directed at the defendant in his official capacity, was deemed contemptuous, implying that the defendant might exploit his position in an arbitrary manner that could even result in the illegal expulsion of individuals from the country, based on his authority. Consequently, the defendant’s response, “You are rude,” was seen as a reaction to the insult directed at him.

The court concluded that the complainant’s words were contemptuous toward the defendant, as they implied the potential for the misuse of his official position to engage in unjust actions. Therefore, the defendant’s response also constituted an insult to the complainant. This interaction led the court to determine that the complainant had, indeed, brought disgrace upon himself, in line with the provisions of Article 363 of the Penal Code.

In Decision No. 17477 of 2022, issued by the Amman Magistrate Court on June 20, 2023, there is an even broader interpretation of the provision. The court considered the existence of a prior relationship between the female complainant and the male defendant to justify the offense directed at her, thereby invoking Article 363 to dismiss the penalty.

The case facts reveal that there was a prior relationship between the complainant and the defendant with the intention of marriage. After this relationship ended, the defendant began contacting the complainant through her phone, WhatsApp, social media, and text messages, directing threats and derogatory insults toward her. These included phrases such as, “You’re cheap, worthless, a sellout,” and other demeaning comments like, “You’re disgusting, worthless, desperate for money, you have no dignity,” along with repeated insults.

The defendant also used offensive language, repeated these insults through voice messages, and sent multiple threatening and extortionate messages. He threatened to publish private photos and videos of the complainant, or ones they shared, on the internet and expose her to her family if she did not resume the relationship or send him additional photos or videos. The defendant demanded money and gifts to refrain from following through on his threats and manipulated her into sending him money repeatedly. Additionally, he threatened her by claiming connections with powerful state officials, including intelligence officers, asserting that no one could harm him or hold him accountable, which left her feeling deeply fearful as a result of his repeated threats.

Among the charges against the defendant was the deliberate act of

sending, resending, or publishing content that defames, slanders, or insults any person, contrary to Article 11 of the Cybercrime Law. According to the court's ruling, all elements of this crime were satisfied; however, the court dismissed the penalty under Article 363, reasoning that the complainant had "brought disgrace upon herself" by engaging in unjustifiable actions and willingly accepting the situation. The court established that there had been a previous intimate relationship between the complainant and the defendant, with an exchange of sexually explicit messages prior to their conflict.

Notably, this decision's application of the "self-inflicted disgrace" concept did not rely on specific statements or actions aimed at undermining the defendant's dignity or honor. There was no clear evidence of reciprocal insults or responses that could be considered equivalent in nature.



Jordanian judiciary adopts an expansive interpretation of actions that can be considered as bringing disgrace



Even assuming there was a non-marital relationship between the complainant and the defendant, this would fall under the crime of adultery, which under Jordanian law cannot be prosecuted unless a complaint is filed by the spouse of the accused, provided the marital relationship is still valid. Additionally, the guardian of an unmarried woman could file a complaint. However, this issue is separate from the complainant's case, and proving such a crime requires a different evidentiary standard.

In all cases, it is evident that this decision deviates from established judicial precedent. Previous rulings by Jordanian courts indicate that unjust actions justifying the application of Article 363 should fall under defamation, slander, or contempt crimes, or be directly related to the original complaint.

In a separate instance, the Amman Court of First Instance, in its appellate capacity,⁷ rejected the defendant's invocation of Article 363 after he verbally attacked a participant in a protest outside the Parliament titled "End Violence Against Women." The defendant directed contemptuous remarks, saying, "May God curse you and those who approved of such an outing and such a protest. If the man of the house had taught you what a guardian means, you would spit on such slogans. Jordan is in a downward spiral; God, bring us a meteor." He also posted an image on social media with a hand holding a sign that read, "Patriarchal society is deadly," accompanied by his caption, "This is where we've ended up; we're now a criminal militia, a danger to society—we should migrate." The majority of comments on his post were offensive and insulting to the complainant.

The court ruled that the complainant's participation in a protest calling for an end to violence against women was a legitimate exercise of her right to free expression, as long as it did not involve insults to any party. Therefore, the defendant's attempt to invoke Article 363 was deemed irrelevant and unfounded, rendering his argument inapplicable to the appellate decision and necessitating its rejection.

Regarding the application of Article 363 in the context of employer-employee relationships, the Jordanian Court of Cassation has taken a strict stance. In Decision No. 4953 of 2019, the court ruled that an employee's act of insulting the employer is grounds for termination without notice, even if the employer had previously insulted the employee. The court found no basis for applying Article 363 of the Penal Code, as this article pertains to penalties and grants the court discretion to reduce or dismiss penalties. In this context, the Labor Law is the applicable legislation. It allows an employee to leave work with full labor rights if subjected to physical or verbal abuse by the employer, even if the employee has also directed insults at the employer.

Based on previous judicial rulings, a woman who is a victim of various forms of electronic violence should avoid responding in kind to insults or using offensive language. Responding with similar insults may legally be viewed as "self-inflicted disgrace," potentially leading to the dismissal or reduction of penalties for the offender under Article 363 of the Jordanian Penal Code. This article grants the court the authority to reduce or drop penalties if the victim has responded in a similar manner or used derogatory language against the aggressor.

In the context of electronic violence, a person may face verbal abuse or threats through social media or messaging apps, where the natural reaction might be self-defense by replying to the abuse. However, such a response could be interpreted by the court as contributing to the escalation and perpetuation of the conflict, potentially viewed as a form of "self-inflicted disgrace," placing both parties on equal footing in the exchange of insults.

By refraining from responding in kind, several positive outcomes can be achieved:

- 1. Protection of Legal Rights:** Avoiding a similar response allows the individual to retain full legal rights, as it prevents the court from reducing or dismissing penalties for the offender. Responding with insults can undermine the seriousness of the case, giving the court grounds to lessen the punishment.
- 2. Avoiding Shared Responsibility:** When an individual retaliates with an insult, it may lead the court to view both parties as participants in the conflict, which can reduce the offender's penalty. Resisting the urge to respond offensively strengthens the victim's position, showing they did not contribute to escalating the situation.
- 3. Focusing Evidence on the Offender:** By not responding in kind, evidence against the offender can be more effectively gathered. Having abusive actions recorded from only one side simplifies the legal process of proving the offense without any ambiguity.
- 4. Preserving the Integrity of the Case:** Responding offensively may undermine the credibility of the case in court. The judiciary considers the behavior of both parties when making a decision, so the victim can maintain a strong, unbiased stance by not contributing to the dispute.

5. Handling Matters Civilly and Legally: Choosing not to retaliate demonstrates a civil approach to the dispute, showing the victim seeks justice through legal channels rather than escalation or revenge. This respectful approach makes a positive impression in court, increasing the chances of a fair ruling.

Instead of responding in kind, victims can take the following steps:

- **Document the Abuse:** Rather than responding, it is more effective to document all abusive messages or posts, recording the date and time of each instance. This documentation serves as formal evidence when filing a complaint.
- **File an Official Complaint:** Victims can approach specialized authorities, such as the Cybercrime Unit, to file a complaint, ensuring the issue is addressed professionally and legally.
- **Seek Legal Assistance:** Consulting a lawyer about the proper course of action and avoiding inappropriate responses helps prevent any legal missteps that could impact the case.

In summary, avoiding retaliation strengthens the victim's position, preserves their credibility in court, and ensures that the penalty remains focused solely on the offender, thus maximizing the chances of achieving full justice.

Conversely, judicial practices that consider the existence of a prior relationship between the victim and the offender pose complex issues that may impact violence cases, particularly in the context of cybercrimes. When a past relationship is used as grounds for reducing the penalty, it can complicate the protection process and weaken the effective application of the law. Such interpretations may open the door for legal perspectives that consider the history between the parties, potentially influencing rulings in cases of digital violence.

The previously mentioned decision seeks to understand the full context of the relationship between the victim and the offender. However, a cautious approach is necessary to ensure that prior relationships are not misused as grounds for reducing penalties or compromising the victim's right to full protection. In this context, focusing on the actions themselves and their impact on the victim remains the foundation for a balanced and fair application of the law. This approach reinforces confidence in the legal system as a tool for protecting rights and upholding justice.



4. The Judiciary's Definition of Social Media and Privacy Protection

The Amman Magistrate Court issued Decision No. 19411/2023 under Article 15(a) of the Cybercrime Law, which states: "Anyone who deliberately sends, resends, or publishes data or information through the internet, information technology, information systems, websites, or social media platforms that contains false news targeting national security and societal peace, or defames, slanders, or insults any person, shall be punished with imprisonment for no less than three months or a fine no less than 5,000 Jordanian Dinars and no more than 20,000 Jordanian Dinars, or both penalties." The court convicted the two defendants of spreading false news, imposing a fine of 5,000 Jordanian Dinars, which is the minimum fine amounting to approximately USD 7,000, in addition to other fees.

The facts of the case indicate that the defendants, who work as drivers for a smart transportation app, published a voice message and a written text claiming that an earthquake with a magnitude of 5.6 would hit the Dead Sea area the following day, covering a range of 50 kilometers and impacting the governorates of Madaba and Balqa. The message urged everyone to take precautions and warned of potential internet, phone, and other communication disruptions. The posts were shared on WhatsApp within a private group for drivers of one of the smart transportation apps. While the decision did not specify the number of recipients, reports estimate that all

app drivers in Jordan totaled approximately 11,600 people in 2023.⁸

It is worth noting that earthquakes are common in the Dead Sea region. For example, in February 2023, a series of over 130 seismic tremors was recorded, one of which reached a magnitude of 4.3 at a depth of 10 kilometers. However, these tremors had no noticeable effects.⁹

The court's decision notably classified WhatsApp as a social media platform, stating that the defendants "published electronic messages through social media using the WhatsApp application..." However, the prevailing opinion is that WhatsApp does not fall under social media; rather, it is an instant messaging application that allows users to send text, voice, and video messages, make voice and video calls, and share images and documents with specific individuals or groups.¹⁰ In contrast, social media platforms enable users to connect with anyone on the platform, join or create interest-based groups, and share photos, videos, links, and updates. Content posted on social media can potentially reach a wide audience, especially if the user's settings allow for public access, whereas anyone can view social media content if permitted by the poster's settings.

Additionally, WhatsApp groups have a maximum capacity of 1,024 participants, whereas social media platforms generally have no such restrictions.¹¹ Finally, messages exchanged via WhatsApp are presumed secure from interception due to end-to-end encryption for messages and calls, along with optional two-step verification.¹²

Returning to Article 15(a), we observe that the material element requires the sending, resending, or publishing of false news through the internet, information technology, information systems, websites, or social media platforms, without explicitly stipulating "publicity," meaning that the false news should be accessible to everyone, as certain other legislations require.¹³ Public dissemination of false news is typically essential to influence public opinion with unlawful objectives, such as disturbing public order, societal peace, or national security. This intent can be understood implicitly, even if not explicitly stated. Excluding news shared through personal messaging is a logical step to safeguard the right to privacy.

The French judiciary has previously ruled that publishing on social media does not necessarily fulfill the requirement of publicity if the publisher's account has a limited number of followers on the relevant platform.¹⁴

Conversely, Article 75 of Jordan's Telecommunications Law No. 13 of 1995 criminalizes spreading fabricated news with the intent of causing panic via any means of communication.¹⁵ However, the law simultaneously protects the confidentiality of communications. Article 56 states that telephone calls and private communications are confidential and must not be breached,

⁸ *Al Mamlaka, the number of smart application vehicles in Jordan is increasing, while the number of public buses is decreasing*, 26 October 2023, last visited 2 November 2024.

⁹ *Aljazeera Net, With over 100 earthquakes recorded, Jordanians are worried about a Dead Sea earthquake, but experts say there's no need to panic*, 9 February 2023, last visited 2 November 2024.

¹⁰ *Investopedia, Social Media: Definition, Importance, Top Websites and Apps*, 31 July 2024, last visited 3 November 2024.

¹¹ *Make Use of, How Many People Can You Add to a WhatsApp Group?* 15 December 2022, last visit 3 November 2024.

¹² *Whatsapp, About end-to-end encryption*, last visited 2 November 2024.

¹³ For example, see Article 304 of the Iraqi Penal Code, which states, "... anyone who broadcasts in a public manner..."

¹⁴ *Hussun, H., & Hassan, H. (2018). The Crime of Broadcasting False News and Rumors: A Comparative Study. Journal of the University of Babylon for the Humanities, 26(7), 248.*

¹⁵ Article 75 of the Telecommunications Law stipulates that 'Whoever, by any means of communication, directs threatening or insulting messages, or messages that are contrary to public morals, or transmits false news with the intent to cause panic, shall be punished by imprisonment for a period of not less than one month and not more than one year, or by a fine of not less than (300) dinars and not more than (2000) dinars, or by both of these penalties.'

under legal penalty. This implies that if someone receives false news through a personal communication channel, they should file a complaint rather than the public prosecutor initiating proceedings independently.

The decision noted that the term “false news” appears in various Jordanian laws. For instance, Article 132 of the Penal Code states: “Any Jordanian who broadcasts abroad, knowingly, false or exaggerated news that may harm the prestige or standing of the state.” In Article 106 of the Securities Law: “It is prohibited for any person to engage in any of the following: a) spreading rumors or promoting them, or providing misleading or incorrect information, data, or statements...” In Article 38 of the Press and Publications Law: “It is prohibited to publish any of the following: ... d) content that includes defamation, slander, or insult toward individuals or infringes on their personal freedoms or contains false information or rumors against them.”

The previous texts used terms such as broadcasting, spreading, and publishing, while the Cybercrime Law employs sending, resending, and publishing.



“Any Jordanian who broadcasts abroad, knowingly, false or exaggerated news that may harm the prestige or standing of the state.”



The decision also provided a definition of “false news” as found in Article 15(a): “A report or collection of deceptive, incorrect news that spreads through the internet without a reliable source, circulated among people with the intent to influence security and social peace; it may have a military, political, economic, or social nature.” The court reached this definition by consulting definitions provided by UNESCO¹⁶ and Egyptian jurisprudence.¹⁷ Notably, the definition requires publication over the internet, whereas WhatsApp relies on the internet for message exchange, but it does not constitute public broadcasting, as explained earlier.

The initiation of proceedings in this case did not result from a complaint by any individual but rather through monitoring by an “electronic patrol” from the Cybercrime Unit of the Public Security Directorate. This patrol detected the voice message, transcribed its content, and initiated legal proceedings.

There is limited information on these patrols, but media reports indicate that they consist of experts from the Cybercrime Unit who monitor content circulating on social media and pursue legal action against content creators if it violates the law, in cooperation with the Public Prosecution Office.¹⁸ From this, it can be understood that the role of these patrols is typically limited to monitoring publicly accessible social media content and does

¹⁶ The decision stated that UNESCO defined fake news as deliberate and carefully planned attempts to confuse or manipulate individuals by providing false information about them, with the aim of harming their reputation and interests.”

¹⁷ The Egyptian Court of Cassation ruled in its decision that ‘for the application of Article 188 of the Egyptian Penal Code, which pertains to the publication of false news and rumors with malice, it is necessary that the news be false, and that the publisher knows of this falsehood and intentionally publishes what is false.’ This is referenced in Hussun, H., & Hassan comparative study, ‘The Crime of Broadcasting False News and Rumors,’ published in the Journal of the University of Babylon for the Humanities, Volume 26, Issue 7, 2018, page 248.

¹⁸ Alghad daily newspaper, Cyber patrols: A necessity for combating crime or a restriction on freedoms? 27 June 2021, last visited 3 November 2024.

not include surveillance of private messages on apps not available to the public, unlike the approach taken in this case.

A review of Jordanian court rulings mentioning electronic patrols shows that they generally monitor information accessible to the public on social media platforms, such as Facebook.¹⁹

According to the decision, the officer responsible for the report indicated that the WhatsApp conversations of one of the defendants were reviewed, revealing that he had sent the voice message to his wife. This action went beyond simply investigating the false news message and encompassed all messages exchanged via WhatsApp.

In 2011, Article 18 of the Jordanian Constitution was amended to state that all postal, telegraphic, telephone, and other forms of communication are confidential and cannot be monitored, accessed, seized, or intercepted except by judicial order under the law. Additionally, Article 88 of the Code of Criminal Procedure stipulates that telephone conversations may only be monitored by an order from the Public Prosecutor if it aids in revealing the truth.

The decision does not indicate that judicial authorization was obtained to monitor or access the defendants' messages. It appears that the constitutional protection of communication privacy may not have been observed in this case.

The Court of Cassation has previously ruled that telephone recordings cannot be admitted or relied upon if they violate Article 88 of the Code of Criminal Procedure, requiring such evidence to be excluded due to illegality.²⁰ In another ruling by the Mafrq Magistrate Court, the court found that the recording, regardless of its content, was unlawful and inadmissible as it was not obtained by the Public Prosecutor but rather by what the complainant referred to as a "good Samaritan." Consequently, the CD and its contents were dismissed as evidence due to the illegality of how it was obtained, in accordance with Article 88 of the Criminal Procedure Code.²¹

In conclusion, examining these judicial decisions is essential for understanding how the Cybercrime Law is applied in practice, particularly in relation to privacy protections on social media and private messaging platforms. These rulings highlight the judiciary's role in balancing the right to privacy with the freedom of individuals to express their opinions in digital spaces. Moreover, they raise critical questions about the scope of authorized monitoring of private content on messaging applications like WhatsApp and the need to differentiate between private and public content on social media. This nuanced understanding is key to interpreting the legal framework around false news and freedom of expression while upholding societal security.

¹⁹ For example, ruling number 2644 of 2023 and ruling number 1667 of 2023, both issued by the Amman Court of First Instance (acting as a Court of Appeal), support this argument.

²⁰ Ruling number 4333 of 2019 - Court of Cassation in its criminal capacity.

²¹ Ruling number 3133 of 2016 - Mafrq Criminal Conciliation Court.



5. Between Permissible Criticism and Criminalization

Permissible criticism is a fundamental aspect of exercising freedom of opinion and expression, allowing individuals and communities to freely voice opinions and critiques. This form of criticism is based on evidence and facts, operating within legal, ethical, and social boundaries. It can take various forms, such as writing, speech, social media, and the arts, and plays a role in holding authorities accountable, as citizens use permissible criticism as a tool to promote transparency and accountability among officials.

A review of judicial rulings reveals a strict approach by the courts in penalizing those who criticize the government or officials through electronic publication. The following examples illustrate this trend:

Example 1

An activist was referred to the Amman Magistrate Court due to a Facebook post coinciding with a truck drivers' strike in Jordan over fuel price hikes. The post included statements such as: "A question to every Jordanian citizen affected by government decisions: What are you doing for your children? Aren't people tired ... I call on our retired military brothers to stand with and support their fellow citizens; we're all in this together with a single demand — don't leave them alone ... I call on free national media to cover and

participate; we're all part of the nation, we're all the people... Shutting down roads or resorting to rioting is intended to end the strike without achieving the people's demands. Be cautious of infiltrators ... Internet outages are expected in parts of the kingdom tonight ... The government is mocking the people; deferring loans, winter aid, and other stunts are no substitute for genuine reductions in fuel prices and a national salvation government. Enough with the farce; the people will no longer stand down..."

Based on this post, the activist faced the following charges:

- Misdemeanor of inciting racial strife, contrary to Article 150 of the Penal Code and in reference to Article 15 of the Cybercrime Law,²²
- Misdemeanor of incitement to unlawful assembly, per Articles 165 and 80/1 of the Penal Code and Article 15 of the Cybercrime Law,²³
- Misdemeanor of defaming an official body under Article 191 of the Penal Code and Article 15 of the Cybercrime Law,²⁴
- Misdemeanor of disseminating false news that could harm the state's prestige and standing under Article 132/1 of the Penal Code.²⁵

Consequently, in Decision No. 2237/2023, the Magistrate Court found the activist not guilty of the four charges brought against him. Dissatisfied with this ruling, the Public Prosecutor appealed to the Amman Court of First Instance. In its Decision No. 1853/2023, the court upheld the Magistrate Court's decision regarding the activist's innocence on charges of inciting sectarian strife, unlawful assembly, and spreading exaggerated news that could harm the state's prestige. However, it did find him guilty of defaming an official body.

It was noted that, in its appellate capacity, the Court of First Instance expanded the excerpt from the activist's post to include phrases not mentioned in the Magistrate Court's decision. These phrases included: "I call on the Jordanian people to stand in support of our brothers who are enduring oppression and injustice in all sectors. I urge you to stop using your private cars next Saturday as an initial step for comprehensive escalation if the government does not respond to the people's demands. This is a message to those in power to appoint a national salvation government and dismiss the current government. Don't leave your brothers alone and await results from your sacrifices while unable to take even the simplest actions... Park your cars in protest," and, "I call on the Jordanian people to, first, declare a National Salvation Council; second, expel the government instead of merely dismissing it; third, refuse to recognize any government decisions."

²² Article 150 of the Jordanian Penal Code stipulates that "Any writing, speech, or act intended to or resulting in inciting sectarian or racial hatred, or inciting strife between sects and various elements of the nation shall be punished by imprisonment for a term not less than one year and not more than three years, and by a fine not exceeding two hundred dinars." Article 15 of the Cybercrimes Law of 2015 stipulates that "Any person who commits any crime punishable under any applicable law by using the information network, any information system, or electronic website, or who participates, intervenes, or incites in committing such crime shall be punished by the penalty prescribed in that law."

²³ Article 165 of the Penal Law states "Whoever participates in an unlawful assembly shall be punished by imprisonment for a term not exceeding one year, or by a fine not exceeding twenty-five dinars, or by both penalties." Article 80/1 of the Penal law states "Any person who incites or attempts to incite another person to commit a crime by giving him money or a gift, or by threatening him, or by fraud or deceit, or by abusing his position of authority or by misusing his official position shall be considered an instigator."

²⁴ Article 191 of the Penal Law states "Whoever defames the Parliament, one of its members while performing his duties or because of what he has done in the performance of his duties, or any official body, court, public administration, or the army, or any employee while performing his duties or because of what he has done in the performance of his duties, shall be punished by imprisonment from three months to two years."

²⁵ Article 132/1 of the Penal Law states "Any Jordanian who, abroad and with full knowledge of the facts, disseminates false or exaggerated news that is likely to harm the prestige or standing of the state, shall be punished by imprisonment for a term not less than six months and a fine not exceeding fifty dinars."

Based on these statements, the court found that the respondent's intent was to openly disparage and mock the government, highlighting what he perceived as its lack of seriousness in addressing issues important to the public—a description the court deemed inappropriate. The term “expel” was considered socially unacceptable, as it implies severe insult; expelling someone from a place implies a profound degree of disrespect. The court noted that people often use gentler language, such as, “Please leave without being forced out,” to soften the tone when requesting someone to leave in a respectful manner.

The court also commented on the word “dismiss” and viewed it as overstepping boundaries, as it implied the respondent saw himself as having the authority to make such decisions independently, without regard for the highest authority. Ultimately, the court determined that the respondent's statements were directed at a specific entity—the government—as an official body.

Example 2

In Decision No. 22600/2023, issued on December 18, 2023, by the Amman Magistrate Court, the defendant was convicted of defaming one of the state's authorities, official bodies, or public administrations due to tweets posted on the platform X (formerly Twitter). In these tweets, the defendant stated: “These submissive regimes are ready to impose blockades, cut off all supplies, and kill anyone who threatens the Zionist state and its project... The weapons stored in Arab warehouses seem only intended to kill Arabs... Only the resistance's weapons work correctly and in the right direction... We are worthless, accepting humiliation; congratulations to us. Glory to the martyrs, glory to the resistance... The people of Amman and Jordan as a whole should have a general strike, just one day, maybe our officials would become real men... One day of dignity and honor is worth a lifetime of humiliation and disgrace.”

In its ruling, the court found the mental element of the crime present, noting: “Among these posts was the phrase, ‘maybe our officials would become real men.’ The court finds in this tweet an expression of ridicule and insult toward state officials, implying they are not men, which the court interprets as contempt for state officials. This statement was made by the defendant willingly and without any defect, constituting all elements of the crime.”

Consequently, the defendant was found guilty of publishing material that included defamation, slander, and insult under Article 15 of the Cybercrime Law, resulting in a sentence of three months' imprisonment and additional fees.

Observations

These recent rulings indicate a strict stance against criticism of official bodies, which contrasts with international standards for freedom of expression. The United Nations Human Rights Committee, under the International Covenant on Civil and Political Rights (ICCPR), and the European Court of Human Rights demonstrate tolerance for criticism of officials and official bodies compared to private individuals. Politicians and public officials, by choosing to work in the public sphere, voluntarily expose themselves to public scrutiny, thus requiring a higher tolerance for criticism, especially within transparent political discourse. Although this tolerance is not explicitly outlined, it has emerged from precedents set by the European Court and quasi-judicial bodies overseeing freedom of expression.

The court's decision did not reference international standards on freedom of expression, despite Jordanian courts traditionally recognizing international treaties as holding a higher legal status than national laws. Additionally, it seems this argument was not raised in the case. Internationally, the ICCPR allows states to restrict freedom of expression through law to protect the reputation of others, but only if three conditions are met: the restriction must be clearly defined in law, aim to achieve one of the legitimate objectives in Article 19(3) of the ICCPR, and be necessary and proportionate to achieving that objective.²⁶ In contrast, the Jordanian Constitution allows this right to be restricted solely through legislation.

In regard to criticism of public officials and government figures, the Human Rights Committee emphasizes that the ICCPR grants exceptional importance to safeguarding unrestricted freedom of expression. Offensive expressions toward public figures are not sufficient grounds to justify sanctions; public officials are subject to criticism and political opposition, even if the opinions expressed are extremely offensive.²⁷ The Human Rights Committee has previously criticized Jordan on this issue and recommended revising national legislation to prevent the imposition of criminal penalties on individuals expressing critical opinions.²⁸

It is noteworthy that, according to Jordanian judicial interpretation, criticism need not be specifically aimed at an individual official or a particular government body for it to result in conviction. General criticism directed at the government or public officials as a collective entity has, in certain cases, been sufficient grounds for legal action. This interpretation suggests that expressions of dissatisfaction or disapproval—even when not personalized—are subject to scrutiny and potential penal consequences under existing laws. The broad application of defamation and cybercrime statutes to general criticisms reflects a conservative approach within Jordan's judicial framework, which tends to prioritize the protection of governmental authority and public order. This judicial stance contrasts with international standards, where criticism of public officials is generally permitted within the scope of freedom of expression, especially as public figures are expected to tolerate a higher level of scrutiny.

²⁶ UN Human Rights Committee, *International Covenant on Civil and Political Rights* 102nd Session, 2011, General Comment No. 34 - Article 19.

²⁷ UN Human Rights Committee, *International Covenant on Civil and Political Rights*, Nineteenth Session, 1983, General Comment No. 10 - Article 19.

²⁸ Human Rights Committee, *Concluding observations on the fifth periodic report of Jordan*, CCPR/C/JOR/CO/5, 2017, paragraph 31.

This interpretation has implications for how individuals express dissent in Jordan, as it places limitations on the ability to critique government performance or policies broadly without fear of legal repercussions.

6. The Intersection of Digital Violence and Women's Protection Frameworks

Digital violence against women is inherently tied to gender-based violence, both of which reflect structural discrimination that erodes women's rights and dignity. Gender-based violence encompasses a wide range of acts that target women specifically because of their gender, while digital violence extends these threats to the online realm, encompassing harassment, abuse, and intimidation via social media and digital platforms. This form of violence includes blackmail threats, cyberbullying, and privacy violations, and serves as an extension of traditional gender-based violence. Its intent often lies in exerting psychological and social control over women, creating an atmosphere of fear and limiting their ability to express themselves freely. By targeting women online, digital violence reinforces harmful social norms and perpetuates the same inequalities that restrict women's rights offline, highlighting the need for comprehensive protection measures in both physical and digital spaces.



In this context, digital violence intersects significantly with traditional forms of violence in its effects, as it can result in psychological, physical, and social consequences that mirror those caused by physical abuse. Victims of digital violence often experience heightened levels of anxiety, stress, and social isolation, similar to the impacts of direct physical or verbal assault. The pervasive nature of online abuse, which can occur anonymously and around the clock, amplifies these effects, often leaving victims feeling vulnerable and unsafe in both virtual and real-life settings.

This overlap between digital and traditional violence highlights an urgent need for robust protective policies and deterrent laws that address the realities of the digital age. Modern legislative frameworks should include explicit provisions against online harassment, stalking, and privacy violations, ensuring that digital violence is taken as seriously as physical violence. Additionally, widespread community education is essential to empower individuals to recognize and confront digital violence, support victims, and create social norms that discourage abusive behaviors.

Building awareness on how to protect women's rights in digital spaces also promotes a safer online environment for everyone. With effective laws, proactive policy measures, and collective societal efforts, a foundation can be laid to ensure women's safety, dignity, and freedom of expression, both online and offline.

Often, victims of digital violence are hesitant to report the abuse they face online, primarily due to concerns over how their family or community might react. This hesitation stems from various factors, including the dynamics of the victim's relationship with the perpetrator, which often began on social media. Perpetrators frequently start by building trust with the victim, using charm and attention to form a seemingly supportive relationship. This initial phase of affection and understanding leads the victim to feel safe sharing personal photos, intimate conversations, or sensitive information. However, this trust can soon be weaponized against her.

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As the relationship deteriorates or the perpetrator's true intentions emerge, the previously shared content becomes a powerful tool for manipulation. The perpetrator may resort to threats of blackmail, using the victim's personal images or private details to exert control. Common threats include posting photos publicly, disclosing sensitive information, or embarrassing the victim among friends, family, or colleagues. Such tactics create a climate of fear and isolation, making the victim feel trapped, vulnerable, and unable to seek help.

This cycle of coercion not only harms the victim's emotional and mental well-being but also perpetuates her silence. Many victims worry that reporting the abuse could lead to further stigma, judgment, or even blame from those around them. In some cases, cultural or social norms exacerbate this fear, as victims may be held responsible for engaging in the initial online relationship or sharing private content. As a result, victims often endure prolonged suffering in silence, fearing that seeking support

could lead to unwanted repercussions in their personal lives.

Ultimately, the combination of manipulation, fear of exposure, and societal pressures underscores the need for a supportive reporting system and comprehensive legal protections that recognize the unique challenges faced by victims of digital violence. Empowering victims to come forward without fear of judgment or blame is essential to breaking this cycle and ensuring they receive the help and justice they deserve.

The fear of family and societal reactions is a significant hurdle for victims of digital violence, often preventing them from seeking help or reporting their abuse. Many victims worry that they will be blamed for their choices, with accusations of “poor judgment” or “excessive trust” in the perpetrator overshadowing the focus on the abuse itself. This attitude shifts the responsibility away from the perpetrator, placing the burden of accountability on the victim. Such victim-blaming is especially challenging in societies where cultural norms and traditions amplify the tendency to hold women responsible for the violence they endure. In these communities, there is often an implicit expectation that women should avoid behaviors perceived as risky or attention-seeking, making them vulnerable to criticism if they become victims of online abuse. As a result, fear of backlash from family or community, or concerns about their reputation, can push victims to suffer in silence



This stigma can have a profound effect on the victim's mental health, reinforcing feelings of guilt, shame, and self-blame. Instead of viewing digital violence as a criminal act perpetrated against them, victims may internalize the abuse, believing that their choices somehow warranted this behavior. In cases where the perpetrator uses blackmail or threats to control the victim, this internalized shame only strengthens the abuser's power, making it more difficult for the victim to break free from the cycle of abuse. Furthermore, the fear of community judgment and loss of social standing, especially in close-knit communities, often dissuades victims from reporting incidents, depriving them of the justice and support they deserve.²⁹

In Jordan, there are measures in place to address these challenges and provide support to victims facing such pressures. If the Cybercrime Unit becomes aware that a victim of digital violence may face family threats or retaliation upon reporting the abuse, they refer the case to the Family and Juvenile Protection Department. This department, aware of the unique cultural and social dynamics at play, offers protection and resources tailored to the needs of these victims. Through specialized counseling and safe reporting channels, the department strives to shield victims from potential familial backlash, working to mitigate the risks associated with reporting.

According to numerous reports, the gender-based violence (GBV) protection system in Jordan faces a range of structural and societal challenges that restrict its effectiveness. Instead of providing the necessary protection, this system can sometimes expose survivors to additional harm, particularly when crucial support services are inadequate. This lack of comprehensive and sustainable support, including psychological, social, and economic assistance, leaves survivors to face cycles of abuse with limited resources, weakening their ability to escape dangerous environments and build secure, independent lives. For many survivors, the absence of holistic support transforms what should be a protective system into a source of further struggle and frustration, compounding the trauma they endure.³⁰

One of the most significant barriers to reporting violence is the shortage of specialized professional support. Many survivors are unable to access psychological and social assistance, as well as economic resources, that could enable them to break free from abusive situations. This deficit is particularly harmful because economic dependence often binds survivors to their abusers, as financial resources are vital for those needing alternative housing, medical care, or therapy to recover from the impact of abuse.³¹ Without these essential forms of assistance, survivors may find themselves trapped in situations where returning to a potentially dangerous environment is the only viable option.

Additionally, survivors face a severe shortage of adequate shelter facilities. The capacity of shelters dedicated to women at risk remains limited, with some facilities struggling to provide quality services. Instead of ensuring sufficient safe spaces, authorities sometimes resort to inappropriate measures, such as administrative detention orders under the Crime

29 Kennedy, Angie & Prock, Kristen. (2018). "I Still Feel Like I Am Not Normal": A Review of the Role of Stigma and Stigmatization Among Female Survivors of Child Sexual Abuse, Sexual Assault, and Intimate Partner Violence. *Trauma Violence & Abuse*. 19.

30 *Jordan GBV IMS Task Force Annual Report 2021*, last visited 1 November 2024.

31 The National Center for Human Rights, *the 20th annual report on the situation of human rights in Jordan*, last visited 2 November 2024.

Prevention Law No. 7 of 1954, issued by local governors.³² This means that a survivor may find herself detained or “protected” in a detention center, which is a blatant violation of her basic civil rights. This practice is often justified under the pretext of “protection,” disregarding the survivor’s rights to safety, dignity, and freedom.

The reliance on detention as a form of protection reflects a systemic gap in the support infrastructure for women at risk, pointing to a critical need for the expansion of safe and accessible shelters. Instead of subjecting survivors to a punitive environment, the protection system should focus on establishing and maintaining specialized shelters equipped to offer psychological, social, and medical support. These shelters should provide women with an environment where they can begin the recovery process in safety, without the fear of further confinement or stigmatization.

Based on the above, it becomes clear how challenging the situation is for survivors of digital violence, shedding light on the reasons behind their reluctance to report the violations and challenges they face. Survivors often experience fear of family and societal reactions that may unfairly hold them responsible or blame them for “excessive trust,” especially when the issue is tied to matters of “honor” according to prevailing societal views.³³ This places the survivor in a difficult position, fearing potential repercussions from family members, which may take the form of physical or emotional punishment, in addition to the digital violence itself, such as blackmail or exploitation.

Beyond family and societal reactions, survivors of digital violence frequently endure profound fear of family retaliation, particularly when the case is perceived as a matter of “honor” by traditional community standards. In some societies, any behavior deemed “out of the ordinary” is seen as a stain on the family’s reputation and dignity. This societal expectation amplifies the survivor’s vulnerability, as she may face violent repercussions from family members, including physical punishment, emotional shaming, or other forms of retaliation intended to “restore” family honor.³⁴

This complex web of fear—of digital exploitation and familial punishment—creates an environment where survivors feel trapped, unable to seek help or protection.³⁵ The combination of these factors leads to a heightened sense of isolation and reluctance to report incidents, as survivors must weigh the risks of retaliation, social judgment, and the possible loss of familial support against their need for justice and safety. This underscores the urgent need for protective measures that account for cultural sensitivities and offer survivors pathways to support without fear of blame, reprisal, or social rejection.

From the above, it is understood that survivors of digital violence face significant challenges when considering reporting the abuse to the authorities, mainly due to fears that their families may find out. If there is a risk that the survivor’s life could be endangered by family members, the existing protection system for survivors of family violence has its own set of challenges, which may not adequately address this specific context.

³² Amnesty International, *Jordan: End arbitrary detention of women who disobey male guardians or have unsanctioned relationships*, 2019. Last visited 2 November 2024.

³³ U.S Department of State, *2023 Country Reports on Human Rights Practices: Jordan*, last visited 2 November 2024.

³⁴ AlQahtani, S. M., Almutairi, D. S., BinAqeel, E. A., Almutairi, R. A., Al-Qahtani, R. D., & Menezes, R. G. (2022). Honor killings in the eastern Mediterranean region: A narrative review. *Healthcare*, 11(1), 74

³⁵ Herrera, Lucía Cholakian, and Laura Guarinoni. “As Digital Violence Increases, So Are the Strategies to Stop It.” *Devex*, 7 March 2024, last visited 3 November 2024.

Additionally, it should be noted that Jordanian judicial rulings sometimes consider the nature of the prior relationship between the female complainant and the male defendant before the exploitation, blackmail, or abuse occurred. This relationship can be used as grounds to reduce the sentence or even dismiss it entirely.

This judicial tendency, combined with the limited effectiveness of protective measures, places survivors in a precarious position, where seeking justice may come at the expense of their safety and well-being. The need for a more responsive and comprehensive protection framework that takes into account both the risks from family reactions and the potential for judicial leniency in cases involving previous relationships is essential to ensuring that survivors are not discouraged from reporting abuse out of fear.

7. Conclusions

This diagnostic report highlights the complex landscape surrounding Jordan's Cybercrime Law No. 17/2023, particularly its impact on freedom of expression, digital violence, and the specific vulnerabilities faced by women online. The following key conclusions summarize the primary insights from each section, emphasizing both the law's strengths and limitations:

- 1. Impact on Freedom of Expression:** The Cybercrime Law has sparked widespread controversy due to its potential to restrict individuals' ability to freely express opinions online. Heightened penalties for defamation, incitement, and spreading false information are perceived by many as tools to suppress public criticism, particularly against government entities. This section underscores the need to balance regulatory objectives with constitutional guarantees of free speech, especially in a digital age where expression is increasingly mediated online.
- 2. Gender-Specific Challenges in Digital Spaces:** Although the Cybercrime Law addresses a range of cybercrimes, it notably lacks provisions specifically aimed at protecting women from digital violence, such as harassment, blackmail, and online threats. Previous studies highlight the vulnerability of women to various forms of gender-based violence online, emphasizing the need for legislation that directly addresses digital abuse targeting women. The absence of gender-sensitive clauses limits the law's effectiveness in safeguarding women's rights and safety in online spaces.
- 3. Judicial Interpretations and "Self-Inflicted Disgrace":** The principle of "self-inflicted disgrace," as applied in defamation and contempt cases, reveals a judicial tendency to consider the prior relationship between the complainant and the defendant. This interpretation can lead to reduced penalties or case dismissals if the victim is deemed to have contributed to the conflict. Such judicial flexibility may inadvertently discourage victims from reporting abuse, especially in cases where the relationship dynamics are complex. This highlights the need for clarity in legal standards to ensure that victim protection is not compromised.

4. **Privacy and Social Media Oversight:** The judiciary's definition of social media platforms and privacy protection raises important questions about the scope of monitoring and permissible oversight. Decisions to classify platforms like WhatsApp as social media and the allowance of "electronic patrols" to monitor digital communications without explicit judicial authorization reflect potential breaches of privacy rights. This section stresses the importance of clear guidelines to delineate private communications from public content, thus safeguarding individual privacy while upholding societal security.

5. **Permissible Criticism versus Criminalization:** The report examines a strict judicial approach toward online criticism of government and officials, contrasting with international standards that allow for a higher tolerance of public criticism of officials. The broad application of defamation laws to general criticism of government figures highlights a conservative judicial interpretation that prioritizes authority over open dialogue. This reinforces the need for alignment with international standards to ensure balanced protection of both reputation and freedom of expression.

6. **Digital Violence Against Women:** The intersection of digital and traditional gender-based violence highlights an urgent need for a more inclusive legal framework that addresses the psychological and social impacts of online abuse. The lack of protective measures for women facing digital violence creates an environment of fear and isolation, often reinforced by societal stigmatization. Comprehensive legislation and societal education are needed to protect women's rights in both digital and physical realms, ensuring a safer environment for free expression.

In conclusion, the report underscores that while the Cybercrime Law aims to regulate digital behavior and protect societal order, its application presents challenges to individual freedoms, particularly for women and those critical of government policies. A balanced approach that incorporates gender-sensitive protections, respects privacy, and aligns with international standards on freedom of expression is essential to create a digital environment that upholds both security and human rights.

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