

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
AL JOR 1/2017

28 July 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **blocking of the local website "Namdi.net" by Jordanian authorities, in relation to the launching of two petitions and publishing of information related to human rights violations during June and July 2017.**

According to the information received:

"Namdi.net" is a website that was created in June 2017 by Jordanian human rights defenders and journalists, with the intention of providing an online platform for individuals and groups to launch petitions addressed to decision-makers concerning human rights issues in the Arab world. The petitions accepted and sponsored by the platform are based on human rights standards, including the protection of pluralism and diversity, as well as the fight against violence, including incitement to hatred.

On 14 July 2017, the Audiovisual Media Commission of Jordan blocked the website "Namdi.net", impeding internet users in Jordan to access it through any Internet service provider. The decision is said to have been based on the Press and Publications Law, which has received international criticism for sanctioning the expression of dissident opinions, for imposing restrictions on online news content, and for requiring news websites to obtain licenses to operate.

Since "Namdi.net" was launched in June 2017, it hosted two petitions. One made a call on the Government of Jordan to publicly demand the release of a Jordanian in the United Arab Emirates, while the second one requested the Parliament to reject amendments to the Penal Code criminalizing worker strikes. Both calls gathered significant support online.

We express serious concern at the alleged blocking of "Namdi.net" by the Audiovisual Media Commission of Jordan, which seems to be linked to its function as a platform for human rights defenders and journalists to launch petitions addressed to the Government concerning human rights issues. We are concerned that these actions, if

confirmed, interfere with the right to freedom of expression and have the effect of restricting civil society space, including the right to information on matters of public interest, and that they reduce the space for interaction with the Government.

While we do not wish to prejudge the accuracy of these allegations, they would appear to be in contravention of the right to freedom of opinion and expression, as established by article 19 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Jordan on 28 May 1975. Article 19 protects everyone's right to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media. It is subject only to narrow exceptions that must be provided by law and necessary to protect one of an enumerated set of legitimate objectives.

As has been interpreted by the Human Rights Committee in its General Comment 34 (CCPR/C/GC/34), article 19's guarantees extend especially to political discourse, commentary on one's own and on public affairs, discussion of human rights and journalism, among others (paragraph 11). Article 19 also protects all forms of expression and the means of their dissemination, including all forms of audio-visual as well as electronic and internet-based modes of expression (paragraph 12). The UN General Assembly and Human Rights Council have each repeatedly emphasized that human rights apply both offline and online (A/RES/68/167 and A/HRC/RES/12/16). General Comment 34 also notes that "any restrictions on the operation of websites, blogs or any other internet-based (...) information dissemination system (...) are only permissible to the extent that they are compatible with paragraph 3". It adds that "it is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government" (paragraph 43).

Under article 19(3), limitations may only be adopted when provided by law and where they are necessary for the respect of the rights or reputations of others, or the protection of national security, public order, public health or morals. It should be added that, under article's 19(3) requirement of legality, it is not enough that restrictions on freedom of expression are formally enacted as domestic laws or regulations. Instead, restrictions must also be sufficiently clear, accessible and predictable (CCPR/C/GC/34). The requirement of necessity also implies an assessment of the proportionality of restrictions, with the aim of ensuring that restrictions "target a specific objective and do not unduly intrude upon the rights of targeted persons". The ensuing interference with third parties' rights must also be limited and justified in the interest supported by the intrusion (A/HRC/29/32). Finally, the restrictions must be "the least intrusive instrument among those which might achieve the desired result" (CCPR/C/GC/34).

In addition, it is pertinent to recall that last year, in its resolution 32/13, the Human Rights Council condemned the adoption of any measures intended to prevent or disrupt access to or dissemination of information online in violation of international human rights law, and called on all States to refrain from and cease such measures.

Finally, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society

to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, article 6 (b) and c) provides that everyone has the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, and to study, discuss, form and hold opinions on the observance of these rights.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for blocking “Namdi.net” and explain how this action is compatible with Jordan’s obligations under article 19 of the ICCPR.
3. Please explain what the criteria for granting or denying licenses for websites to operate under the Press and Publications Law are, and explain how these are compatible with Jordan’s international human rights obligations. Furthermore, please provide additional information on the grounds for imposing sanctions or restrictions under this law, and explain their compatibility with international human rights standards.

We would appreciate receiving a response within 60 days. Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration

While awaiting a reply, we urge your Excellency’s Government to take all necessary measures to ensure that the right to freedom of expression is fully respected in Jordan. Moreover, we request that your Excellency’s Government adopt effective measures to prevent future restrictions on internet services.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders