

Position of the National Centre for Human Rights on the Digital Media Regulation Bylaw of 2026, Issued Pursuant to Article (50) of the Press and Publications Law No. (8) of 1998 and Article (32) of the Audiovisual Media Law

The regulation of digital media has been undertaken in accordance with the provisions of the Constitution and with the applicable legal provisions. The draft of the proposed Digital Media Regulation is consistent with the Press and Publications Law and the Audiovisual Media Law in that it does not encroach upon the guarantees established under those two Laws; by way of illustration, the draft Regulation does not introduce criminal penalties, nor does it affect the fundamental guarantees provided for under those two Laws, and it has, on the other hand, included a provision affirming the protection of intellectual property.

On that basis, there is nothing to preclude the issuance of the Regulation pursuant to Article 50 of the Press and Publications Law and Article 32 of the Audiovisual Media Law.

The observations on the draft Regulation are set out below, as follows:

First: General observations

1. The methodology of preparing the Regulation: at the outset, the Digital Media Regulation is among the important regulations in respect of which broad consultations ought to have been held with the entities concerned, with a view to arriving at a consensual formulation consistent with the Jordanian Constitution and with international human rights standards, and to involving all the specialised entities concerned.

Text of the Article as set out in the original Article	Comments of the Centre	Justification for the proposed amendment
Article (2): Definitions Digital media	It is necessary to clarify the boundaries of "digital media" so that ordinary	The definitions are broad and encompass multiple domains, and the human rights risk lies in practical application, in that they

Text of the Article as set out in the original Article	Comments of the Centre	Justification for the proposed amendment
Digital publication Digital audiovisual broadcasting Digital content creator Artificial intelligence platforms	personal content is not encompassed by it — such content ought not to be treated as media work subject to licensing.	may extend to the content of a person who is not a media professional as though it were digital content, which may restrict freedom of expression.

Second: As to the substance of the Regulation, the most prominent general observations are as follows

1. The definitions set out in Article Two may give rise to restrictions inconsistent with international human rights standards and are susceptible to interpretation and application, given their breadth and lack of precision.
2. Article (17/b) provides that the content shall not "contain any violation of the applicable legislation"; the criterion of non-violation of applicable legislation is, however, a broad and elastic criterion that is not consistent with the restrictions that may permissibly be imposed upon freedom of expression under Article 19 of the International Covenant on Civil and Political Rights. Paragraph (c) of the same Article is, moreover, unnecessary in the light of the existence of legislation governing all the criminal acts set out in that paragraph.
6. Article (18) refers to a set of elastic expressions, such as "the fundamental values of society", which are characterised by a lack of clarity and give rise to the difficulty of imposing restrictions that are unregulated and not legally defined, and that are capable of being interpreted in differing ways, thereby opening the door to a broad and unjustified restriction of freedom of expression. Any restriction ought instead to be framed in precise and specific terms — such as the term "public morals", which is regarded as a comprehensive yet precise term — and in a formulation consonant with the Jordanian Constitution and with the International Covenant on Civil and Political Rights.

[The numbering of the observations follows that of the Arabic original, which passes from item 2 to item 6.]