



Executive Summary Outputs and Recommendations Related to the Cybercrime Law No. (17) of 2023



The National Centre for Human Rights

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The National Centre for Human Rights closely followed the initial stages of the enactment of Cybercrime Law No. (17) of 2023, emphasizing the need for specific legislation to regulate the digital space and address emerging crimes within the framework of constitutional and human rights standards in line with international human rights principles.

In this regard, the Centre actively engaged in public dialogue during the law's early legislative phases, conducting a thorough review of the draft law's provisions within the framework of the Jordanian Constitution and international human rights standards. The Centre issued a statement on the law, met with the Legal Committee of the House of Representatives, and provided its observations on the proposed draft. Later, the Centre engaged with the Legal Committee of the Senate, which incorporated several of the Centre's recommendations. The Centre appreciated this response at the time.

Based on its mandate under Law No. (51) of 2006 and its amendments, which focus on the protection and promotion of human rights, the Centre continued monitoring the application of this law to ensure it upholds constitutional rights and international human rights standards, without hindering the country's modernization efforts under its centennial vision. The Centre has taken on this role as the independent national mechanism for the protection and promotion of human rights.

Therefore, the Centre undertook a review of the legislative impact of the law and its implications on society, consulting with relevant stakeholders. The Centre established clear mechanisms to assess the legislative impact of this law over the course of one year since its entry into force on September 12, 2023. On this same date, the Centre launched a public dialogue and hotline for receiving complaints and inquiries regarding the law as part of its assessment of the law's implementation and effects.

The Centre emphasizes that the goal of reviewing the Cybercrime Law is to refine existing provisions to ensure alignment with the Jordanian Constitution and international human rights standards.

Newly Introduced Provisions in the Cybercrime Law

The primary objective of cybercrime laws is to regulate the digital space and establish clear provisions for crimes committed through or involving information systems. The Jordanian Cybercrime Law was enacted to achieve these objectives.

In this context, the Cybercrime Law introduced a wide range of new provisions that played a significant role in protecting individuals from cybercrimes. These include:

- Imposition of stricter penalties for crimes related to pornography, promoting immorality, prostitution, enticing others, or violating public decency.

- Expansion of the material elements of the crimes mentioned above to ensure compliance with technological advancements.¹
- The legislator increased the penalty and considered it an aggravating circumstance if the content relates to children, persons with mental disabilities, or those suffering from psychological disorders²; this provides further protection to these vulnerable groups.
- The Cybercrime Law No. (17) of 2023 introduced provisions addressing existing legal gaps, notably criminalizing any person who uses an information system, website, or social media platform to publish, alter, or manipulate recordings, images, scenes, or videos intended to be kept private, for the purpose of defamation, harm, or personal gain³, thereby ensuring privacy protection in the digital space.
- Criminalizing anyone who extorts or threatens another person to perform or refrain from an act, or obtain any benefit through the use of an information system, network, website, social media platform, or any means of information technology⁴.
- Criminalizing the receipt or collection of funds from the public for investment, management, employment, or other purposes without proper licensing using an information system⁵.

2. On the other hand, the amendments and newly introduced provisions included a set of articles, specifically Articles (15, 16, 17), as follows:

1. The crime of sending, retransmitting, or publishing false information targeting national security and public peace, defamation, insult, or contempt⁶.
2. Criminalizing anyone who disseminates, falsely attributes, or assigns actions that could constitute defamation of character⁷.
3. The crime of inciting sedition, discord, targeting public peace, promoting hatred, advocating violence or its justification, or contempt of religions using the information system⁸.

In addition, Article (25) of the Cybercrime Law states that the person responsible for the effective management of a website, social media platform, account, public page, group, channel, or similar, is liable for unlawful content and subject to the same penalties as those who commit offenses related to such content under the Cybercrime Law.

¹ Article (13/b/2,c)

²13 /b/1)

³ Article (20) of the Cybercrime Law No. 17 of 2023.

⁴ Article (18) of the Cybercrime Law No. 17 of 2023

⁵ Article (23) of the Cybercrime Law No. 17 of 2023

⁶ Article (15) of the Cybercrime Law No. 17 of 2023

⁷ Article (16) of the Cybercrime Law No. 17 of 2023

⁸ Article (17) of the Cybercrime Law No. 17 of 2023

The Hotline Dedicated to Cybercrimes.

The hotline dedicated to cybercrime was launched by the Centre, operating 24/7 starting on September 12, 2023, under the Cybercrime Law No. 17 of 2023. Since its launch, the hotline has received approximately 134 calls. The Centre observed the following regarding the calls:

- Most of the calls received by the Centre were related to consultations on the Law, its application, and the relevant authorities individuals could approach if they became victims of cybercrimes.
- Inquiries were made regarding how to communicate with relevant authorities to file complaints related to cybercrimes, particularly those involving electronic blackmail.
- The cybercrime hotline received three complaints concerning cases related to expressing opinions that fall under Articles (15, 16, 17) of the same Law, all of which are currently under the consideration of the Jordanian judiciary.

Case Numbers

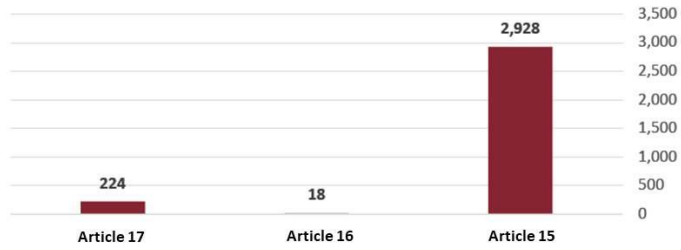
According to the letter from the respected Judicial Council, the total number of cases related to articles (15, 16, 17) amounted to 3,170 cases. It is observed that the majority of cases fall under Article (15) of the Cyber Crimes Law No. (17) of 2023, totaling 2,928 cases. It is worth noting that these cases include personal disputes between individuals concerning defamation, insult, or contempt. Meanwhile, the number of cases related to Article (16) of the law totaled 18 cases, while the number of cases related to Article (17) of the same Law was 224.

As for the number of detainees based on these crimes, according to the letter from the respected Judicial Council, only 232 detainees were recorded from the total number of cases mentioned above.

It is noteworthy that the letter received by the center from the respected Judicial Council indicated that the statistics extracted from the above-mentioned data showed that crimes committed under Article (15) of the same law mostly concerned defamation, insult, and contempt directed at specific individuals. Additionally, there is repetition in the cases mentioned above, as the statistics were prepared at the level of the legal provision, and several cases had multiple accusations under one or more of the aforementioned articles⁹.

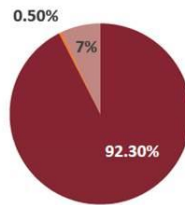
⁹ The Judicial Council Letter No. 3489/30/1/2 dated 20 October 2024.

The chart illustrates the number of cases based on articles (15, 16, 17) during the period from September 12, 2023, to September 26, 2024



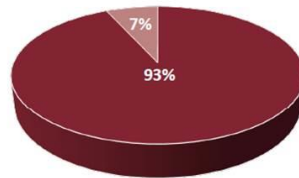
The chart illustrates the number of cases under articles (15, 16, 17) during the period from September 12, 2023, to September 26, 2024

Note: The total number of cases during this period is (3,170)



The chart illustrates the number of cases based on articles (15, 16, 17) during the period from 12/09/2023 to 26/09/2024

Note: The total number of cases is 3,170, and the total number of detainees is (232)



■ Total number of cases ■ Number of detainees

Results and Recommendations

In principle, the Cybercrimes Law represents a necessary tool for regulating and monitoring emerging crimes committed in the digital space.

The recent amendments to the law have introduced several positive developments, addressing existing legal gaps. Among the most notable is the inclusion of a provision related to publishing recordings, images, or videos of matters individuals wish to keep private, thereby protecting the right to privacy in the digital space. Additionally, provisions addressing electronic extortion and threats were introduced, along with harsher penalties for acts committed against certain groups, such as children and persons with disabilities. The law also criminalizes specific acts more precisely, such as electronic extortion, one of the most prevalent cybercrimes.

The National Center for Human Rights, through its monitoring, follow-up, and discussion sessions, found that the main concerns revolved around the legislative drafting of several provisions, primarily Articles (15, 16, 17, and 25), as well as the rules governing criminal complicity.

According to figures provided by the esteemed Judicial Council, the total number of cases related to Articles (15, 16, and 17) during the period covered by the report—from September 12, 2023, to September 26, 2024—amounted to **3,170 cases**. The majority were under Article (15) of the Cybercrimes Law No. (17) of 2023, with a total of **2,928 cases**, while cases related to Article (16) totaled **18**, and those related to Article (17) amounted to **224**.

Regarding the number of detainees based on these crimes, the total number of detainees, according to the Judicial Council's correspondence, reached **232 detainees** for the aforementioned cases.

As for the hotline launched by the Center to monitor the implementation of the Cybercrimes Law, the Center received three complaints, all of which were under judicial review. This is out of **134 calls** received, which primarily sought legal advice on the authorities to approach when facing cybercrimes.

Based on the above and in light of the monitoring conducted and recommendations provided by stakeholders during consultative sessions, the Center reached several recommendations aimed at enhancing and improving the Law, including the following:

- **Promoting Public Dialogue:** To achieve the principle of inclusiveness and believing in the necessity of engaging stakeholders in the legislative process, the Center calls for conducting a societal dialogue to reach a consensus on the key features of the Cybercrimes Law. This ensures a balance between public interest and the protection and promotion of human rights.
- **Relying on General Rules for Libel and Defamation:** Limiting the treatment of libel, slander, and contempt cases to the general rules provided in the Penal Code No. (16) of 1960 and its amendments, as these existing provisions are sufficient and avoid legislative duplication. If this provision remains in the Cybercrimes Law, the

penalties should be reduced to align with the Penal Code to ensure no detention occurs.

- **Revising Legislative Drafting:** Reformulating provisions related to specific crimes, such as character assassination, to ensure clarity, comprehension, and application by individuals. This includes explicitly defining the elements of such crimes to prevent varying interpretations.
- **Defining Hate Speech and Misleading Terms:** Regulating criminal acts, particularly hate speech, and clearly defining its elements in line with Article (20) of the International Covenant on Civil and Political Rights. This includes clarifying terms such as "fake news" in the law.
- **Adhering to General Criminal Legislative Principles:** Complying with general principles in criminal legislation, especially regarding rules of criminal complicity and applying the principle of individualized penalties. The Center calls for revisiting Article (27) of the law.
- **Codifying Permissible Criticism:** Legislating permissible criticism principles established by the esteemed Jordanian judiciary, particularly in its rulings on publications and press cases.
- **Exempting Journalists from Prosecution:** Explicitly stipulating that journalists cannot be prosecuted for their professional work except under the Publications and Publishing Law, which serves as the legal framework governing journalistic work in Jordan.
- **Expanding Alternative Penalties:** Broadening the use of alternative penalties, particularly for certain crimes stipulated in the law, to alleviate overcrowding in correctional and rehabilitation centers.
- **Assessing Economic Impacts:** Studying the economic implications of implementing the Cybercrimes Law, including the nature and value of fines imposed on individuals and entities. The Center emphasizes listening to stakeholders in this regard, including reducing fine amounts for certain crimes and relying solely on fines based on the severity of the offense, which also helps reduce overcrowding in correctional facilities.
- **Enhancing the Right to Information:** Strengthening and activating the Right to Access Information Law to ensure the smooth flow of information to individuals proactively, thereby limiting rumors, misinformation, and fake news.
- **Raising Awareness:** Increasing public awareness of the Cybercrimes Law among individuals and all relevant entities.

In Conclusion,,,

The Center reiterates its structural recommendation, as highlighted in its annual reports, regarding the necessity of institutionalizing an effective national legislative system aimed at ensuring a strong connection between legislation and society. This system should be based on the following key pillars:

1. **Partnership:** Ensuring the involvement of all relevant stakeholders within the legislative process.
2. **Analysis of Social Phenomena:** Conducting impact studies of proposed legislation by analyzing social, economic, cultural, and political phenomena within society.
3. **Rights-Based Legislative Policy:** Adopting a legislative policy that approaches human rights laws by reviewing the matrix of relevant legislation as a unified whole. This approach ensures the protection of rights and freedoms as enshrined in the Jordanian Constitution and international human rights standards.



المركز الوطني لحقوق الإنسان
The National Centre for Human Rights

P.O. Box 5503, Amman 11183, Jordan
Phone: +962 6 5931256 - 5932257 - 5932257
Fax: +962 6 5930072

Website: www.nchr.org.jo
Email: mail@nchr.org.jo

 nchr.org.jo  [jordan_nchr](https://twitter.com/jordan_nchr)  [nchrjordan](https://www.facebook.com/nchrjordan)  [nchrjo](https://www.instagram.com/nchrjo)