

Media Freedom in Jordan Index 2020

Restricted Media

Executive Summary: Conclusions and Indications

Introduction

A "restricted media" is the conclusion arrived at by the Media Freedom in Jordan Index for the year 2020 after analyzing the responses to the Index questions prepared by the Center for Defending Freedom of Journalists (CDFJ), and after intensive discussion sessions with media, legal, and human rights experts.

Jordan received 227.3 points in the Media Freedom Index out of 570 points. According to the Index criteria, it can be classified as "restricted."

CDFJ sought to build a national index that provides systematic connotations to the reality of the press in Jordan. These efforts are based on an extensive knowledge of the press scene details and the result of issuing the Media Freedoms reports since 2001.

The State of Media Freedoms in Jordan reports relied in previous years on monitoring and documenting violations against journalists (both males and females), in addition to a survey (very closely related to the Index) in which media professionals express their evaluation of the media state in all its aspects and dimensions.

The current Media Freedoms Index was developed on the basis of five main fixed variables that highly affect the media scene and state, in addition to a non-fixed variable related to the effects of the Coronavirus pandemic.

The variables examined by the Index are the political environment, the legislative environment, the right to access information, violations, protection of journalists, and impunity, media outlets' independence, and the freedom of the media in view of the Coronavirus pandemic.

When responding to the questions on the political environment, the Media Freedoms Index (MFI) reaped the result of "restricted." The Index improved when responding to questions related to the legislative environment, classifying it as "partially restricted." Credit for this classification improvement goes to the guarantees in the constitution. The right to access information reaped another "restrained" result, but reverted to the "partially restricted" classification regarding the issues related to violations, protection of journalists, and impunity. The clear reason behind this improvement is that serious violations in Jordan are limited, with their number decreasing this year compared to the past three years. The Index returns to settle at "restricted" where responses to questions on media independence are concerned. The same happened when discussing media freedom in view of the Coronavirus pandemic.

Examining the main variables, questions on the political environment sought to identify the extent to which government support of media outlets in their programs, and the extent to which they and security systems interfere in their work, whether they are keen on preserving the independence of media outlets,

and whether they have the right to prohibit publishing newspaper or radio and television broadcasts.

In the political environment field, the Index explores the role of the Lower House of Parliament in supporting media outlets and its oversight on the executive authority in dealing with the media issue. It highlights the parliament's monitoring of violations which touch on the media work freedom and the extent to which it insists on amending media-restrictive legislation. In the political context, this Index also evaluates the relationship between the media and civil society institutions.

As for the legislative environment, ever since Jordan returned to democratic life in 1989, legislation was used as a tool to restrict rights and freedoms. Realistic studies and information have shown that the continued amendment of legislation was used to restrict the freedom of media outlets.

The Index measures, in the legislative environment, the extent to which laws, regulations, and instructions comply with the principles of the constitution and international conventions that guarantee more freedoms. It delves into the details of legislation and whether they impose freedom-depriving penalties or exaggerated fines which exhaust media freedoms, and whether the laws encourage and contribute to building a media industry and ensure the diversification and variety of media outlets.

The right to access information received the attention of the Index. Although Jordan has ratified the Law Guaranteeing Access to Information since 2007, this law did not help improve the state of the right to access information for the press and society. The law did not give precedence over other laws which impose a cordon of secrecy on information and was replete with exceptions that do not observe international criteria.

Most variables which occupied a large space in the Index are violations, protecting journalists, and impunity. Questions stopped at all details facing journalists in the field and granted weights to many other questions that directly affect the freedom of media work. If Jordan is not witnessing killings or kidnappings of journalists, which is important and very good, other violations are not absent and the Index can reveal them.

The Index stopped at the phenomenon of detaining journalists, security summons, threats, orders to refrain from publishing coverage, physical assaults, and self-censorship which is growing in view of worries by media practitioners. It monitored the impunity phenomenon and movements by law enforcement parties to pursue perpetrators.

The independence of media outlets received the Index's attention. It is connected to the legal environment which permits ownership of media outlets without discrimination, the government's contribution to supporting independent media outlets, not using public funds to affect their independence, and not being biased towards specific media outlets at the expense of the others. What is new in the Index's efforts to identify its ramifications on media outlets is the Coronavirus pandemic, the measures taken, or the restrictions imposed on media outlets reducing freedom spaces in their work and negatively affecting this work.

In spite of the MFI's attention to the specificity of the challenges, it relied on a group of documents and references related directly to the freedom of expression and the media, all of which are recognized by the United Nations' institutions and organizations, in addition to international agreements and conventions ratified by Jordan and published in the Official Gazette, as well as what was mentioned in terms of UN recommendations regarding the freedom of the media in the Universal Periodic Review of Human Rights for Jordan 2018 before the UN Human Rights Commission.

The Index's methodology focused on setting specific objectives in clear formats and texts aimed at achieving measurable results that can be evaluated, through which the current situation can be read, and setting future expectations for the medium and long terms for the state of media freedoms as follows:

1. Monitor the government's implementation of its international obligations and commitments regarding the freedom of expression and the media.
2. Monitor and document progress indicators and/or decline in the state of media freedoms in Jordan at the levels of practices, policies, and legislation.
3. Reveal the priorities that should be studied and discussed with stakeholders regarding the state of media freedoms in Jordan.
4. Draw attention to the main issues that the media freedom may be exposed to in terms of violations and restrictions whether at the local, medium, or long terms.

For the purposes of completing the Index, CDFJ organized and implemented three brainstorming sessions and held a number of in-depth meetings with specialists to acquire detailed responses to questions presented by the Index.

First: Political Environment

The political environment was classified as "restricted" and received 20.7 points out of points which is the total of this section.

This section highlighted the reality of the government support of the media outlets in their programs and work, and the status quo. It relied on a review of the royal decrees, government responses, ministerial statements, and government policies in dealing with media outlets. It stopped for a substantial period of time at the Lower House of Parliament's and civil society institutions' support for the freedom and independence of media outlets.

The Index showed clearly that the political environment restricts the press and does not form a supporting framework for its work.

By scrutinizing the political scene in previous years, particularly 2020, it is clear that government programs do not reveal a political will aimed at strengthening the role of media outlets.

Analyzing the Index's results and documenting expert opinions, the following notes may be recorded:

- The last media strategy by the government was in 2011. It ended 5 years later without achieving any noteworthy results. As a matter of fact, the

government contradicted its recommendations, mainly by amending the legislation to remove restrictions on the media.

- A quick examination of the government statements in dealing with freedoms shows that they are talking about a general context without having a perception or an executive plan connected to measurement indicators or a specific timeframe. Hence, most of the talk about guaranteeing freedoms or amending legislation remained ink-on-paper and did not materialize into practices that preserve media freedom or independence. It is nothing more than rhetoric that is not implemented on the ground or translated into tangible policies or practices.
- The problem with the political environment does not reside in the legislation that turned into a restrictive tool but extends to maintaining silence about the violations against journalists. It was never heard that the government pursued or criminalized a government official who interfered in media affairs or placed controls that prevent security forces' interference and their work.
- The government and the security systems interfere in the work of media outlets, whether owned by the government or what is referred to as "public," and even those considered to be owned by the private sector.
- The government does not offer any tax or customs breaks to media outlets. There may be exceptions in the Media Free Zone. The government continuously ignored demands by the media for tax and customs exemptions to help them confront their economic difficulties.
- The government ignored the establishment of a fund to support the independent media. A diversified independent media is considered a basic demand that preserves society's right for knowledge. It chose to support media outlets that support its policies and blocked any opportunities for possible support for any independent media outlet. It recently relied on judiciary announcements to support the print media and on subscriptions in them, as well as government announcements.
- The government and security systems do not interfere in a raw manner in media outlets. The truth recognized by those close to the press is that the media institutions themselves know what is permitted and what is not, and have set their own coverage and news red lines in their reports.
- After years of direct intervention, media outlets repositioned themselves and editorial managements (chief editors, editors, and desk editors) are performing prior censorship, editing the content and deleting or modifying what they see as a violation of the state and government directives.
- Journalists normally do not reveal whether they were subjected to threats as a direct or indirect result of their work. In some cases, they complain that they lost their jobs because they were keen on preserving the independence of their work and rejecting interference in it.
- Journalists realize that confronting the government's pressure is a difficult task and a path replete with risks. They know that incentives and rewards, as well as "buying the honor", go to media professionals who operate along the government's line. They realize that their institutions will not defend them strongly if they are exposed to dangers.
- Successive parliaments, since democratic life returned to Jordan in 1989, did not adopt a clear strategy to support the freedom of the media.

They did not present a perception for reviewing legislation to make compatible with international standards of the freedom of opinion and expression.

- Lower houses of parliament do not undertake their legislative and oversight roles to support and protect the freedom of the media. Rather, governments use them to pass legislative amendments that exacerbate restricts on the press and media outlets.
- Different parliaments did not take the initiative to present draft laws that support the media. Parliamentary blocs do not express attention to the reality and conditions of media outlets. Attention is directed exclusively at avoiding their criticism and seeking to polishing the house's image.
- Lower houses of parliament do not practice their roles in overseeing government policies and practices toward the press. Never did representatives and their blocs question government policies in dealing with the media in spite of complaints published about interference in the media, and often violations and assaults against journalists.
- Consecutive parliaments themselves are accused more than the government in some cases of placing measures and arrangements that restrict media outlets through restricting the freedom of movement for media outlets' reporters at the houses of parliament.
- The relationship between the media and civil society institutions is not well, and is witnessing mutual shortcomings. The media is not exerting sufficient effort to identify the roles played by civil society institutions and is not using them as independent sources to comment on events and reveal violations. In return, most civil society institutions do not have the knowledge and skills to communicate with the media and offer information important to it and which enrich its reports and stories.
- Some media outlets are used as a platform to attack and "demonize" civil society institutions under the pretext of foreign funding and/or what they refer to as "suspect agendas." Managements of some media institutions do not stop to verify these accusations in spite of common interests between the two parties.

Recommendations

1. Embark on preparing a media strategy with stakeholders that adopts the reform of the legislative environment and sets policies that incubate the media and practices that protect and preserve it, to be accompanied by a timeframe for achievement and measurable indicators.
2. Add texts to legislation to punish and criminalize any officials or government-affiliated institutions who interfere in the media or affect its independence.
3. Enact independent laws for the official and public media institutions that strengthen and dedicate their independence from the executive authority and prevent interference in their editorial policies, and that do not subject their budget approval to swaps for its independence.

Second: The Legislative Environment

The legislative environment received a "partially restricted" result, scoring 43 out of 100 points.

The second part of the Index addressed the reality of legislation and laws governing media institutions and media professionals, as well as the extent to which these laws protect the freedom of expression and the media. The Index examined the texts of laws considered by journalists as a tool for restricting journalism and the extent to which they are compatible with international conventions and treaties.

The Index results showed that the legislative environment is "partially restricted." The following conclusions can be made:

- The legislation turned into tools of restriction. The reality and practice indicate that they stormed and caused the demise of constitutional rights. The problem is further exacerbated when appealing the constitutionality of laws is restricted to the government, both houses of parliament, or is available in sub-appeals in courts.
- Governments resort to ratifying legislative amendments that bring the media to the "house of obedience" when it feels that it rebelled against its authority.
- Legislation governing media work require urgent amendments to be compatible with the constitution and international conventions ratified by Jordan, and to implement the recommendations approved by governments in the Periodic Review of Human Rights in the United Nations, and in line with the royal vision which required a review of press laws and related investments.
- Numerous legislation continued to deal with publishing and press crimes as criminal cases where detention and imprisonment are permitted.
- Media legislation, despite the fact that Jordan ratified the Universal Covenant on Civil and Political Rights, do not observe guarantees stated therein, particularly Article (19). They do not pay attention to all the explanations and comments by the committee involved in the Covenant, which insists that exceptions or any restrictions cannot eliminate the right.
- Jordanian legislation in general, and those related to the freedom of expression and the media, are overwhelmed by the use of legally uncontrolled words and expressions, which can be interpreted in a manner used by the executive authority to restrict media freedom, such as "national security," "national unity," or "causing harm to values and public order."
- Loose and uncontrolled expressions mentioned in some laws such as hate address, national security, and character assassination are the main entry-point to restrict the freedom of expression and the media. They are used randomly to detain journalists.
- The constitution is void of any texts that prevent interference in media work or ratifying laws that restrict freedoms, such as the first amendment in the constitution of the United States.
- Laws related to the media are void of any incentives that could encourage the diversity and pluralism of media institutions. Furthermore, community radio or television stations do not enjoy a series of incentives, and there are no media outlets in the Jordanian scene that express the opinions of religious or ethnic minorities.

- Legislation do not encourage investment in the media. The Press and Publications Law does not permit non-Jordanians to be shareholders in establishing newspapers and websites.
- Civil compensation has become a sword hanging over the necks of journalists, restricting their freedoms and increasing their self-censorship on their media work, depleting media professionals' resources.
- It is not clear if the judicial judgements take into consideration that increasing the value of these judgements by civil compensation may create worries among journalists and even owners of media institutions, which would reduce the presence of the media in discussing contentious public issues, out of fear that lawsuits would be raised against them.
- Jordan has no electronic journalism or investigative journalism associations or societies, or any form for that matter. The Press Association opposes the formation of media umbrellas other than itself, and insists on its sole representation of journalists, reducing the principle of plurality.
- Media professionals do not deal seriously with the journalism code of honor of the Press Association. The Association's council and what is called its "disciplinary councils" do not make an effort to instill professional codes of conduct. It does not take effective measures against media institutions or journalists who violate ethical journalism standards and commit "behavioral violations."

Recommendations

1. Review legislation governing the media and those affecting it to be compatible with constitutional texts, particularly Article (15) and Article (1/128), which prevent the approval of any laws that restrict the freedoms stipulated by the constitution.
2. Give urgency to the amendment of legal articles which impose freedom-depriving penalties in issue of publishing and the freedom of expression, such as the Electronic Crimes Law, the Criminal Code, and anti-Terrorism.
3. Review the law on ensuring the Right to Access Information currently with the Legal and National Guidance committees sent by Dr. Omar Al-Razzaz government, and taking into consideration the recommendations and the draft ratified by the High Committee formed by the former Minister of Culture Dr. Muhammad Aburumman before they were subjected to the amendments at the Opinion and Legislation Bureau at the Prime Ministry.
4. Implement the commitments pledged by the Jordanian governments in treaties and conventions it ratified as related to the freedom of the media, and start to set a plan to ratify the recommendations presented in the Universal International Review of Human Rights related to the media.
5. Address publishing cases as civil and not criminal cases, and observe non-exaggeration in civil compensation judgements so that the right to freedom of expression and the media is not compromised.
6. Approve incentives in legislation that encourage the diversity and plurality of media outlets in society.

7. Cancel the mandatory membership in the Press Association and open the door for trade unions' plurality.
8. Work at passing an urgent law for the Complaints Council that does justice to society from errors by media outlets.

Third: The Right to Access Information

The Right to Access Information Index received 10.7 out of 40 points. According to the Index methodology, this score falls in the "restricted freedom" area.

The third section discusses the right to access information and the extent to which the government and public institutions implement the law guaranteeing access to information effectively, and the extent to which the right is in line with international standards.

Although Jordan was the first Arab country to ratify a right to access information, this law continues to be ink on paper. Those surveyed believed that the right to access information is "restricted."

Based on expert opinion the Index reached a number of indications as follows:

- The Right to Access Information Law does not take precedence over other laws, thus losing its power and effectiveness.
- The exceptions and restrictions imposed on the right to access information are extensive. Article (13) of the law expands in protecting documents and information way beyond what was intended by international standards.
- The Information Council does not have the authority to force public institutions to respond to requests for information.
- Since the law was ratified, public institutions and ministries have not completed the classifications of their information. The ones who did not comply with international standards and best practices.
- Ministries and public institutions did not do what is required to implement the Right to Access Information Law, particularly in procedures to receive requests and respond to them.
- Although the law stipulates the need to publish an annual report about the state of information, the government never announced the report, causing a gap in statistics and detailed reports about the state of information in public institutions.
- Many journalists rarely use the Right to Access Information Law because they do not have confidence in its effectiveness or are not aware of it, or due to the lack of fast mechanisms to deal with their requests.
- The Right to Access Information does not impose penalties on staff and/or officials who refuse to respond to journalists or refrain from answering, or even block information intentionally.
- It is expected that the government's approval of three protocols as part of the fourth executive plan of the Transparent Governments' Initiative is expected to improve the state of implementing the Right to Access Information Law if public institutions committed to implementing them, particularly if accompanied by the ratification of a new law for the Right to Access Information.

Recommendations

1. Enact a new law that ensures the right to access information and which observes international standards and best practices, providing precedence over other legislation, restricting exceptions and is based on the principle of classifying information according to the tests of damage and public interest.
2. Treat information requests submitted by journalists as urgent to encourage them to use the law.
3. Set mechanisms to monitor the implementation by public institutions of the protocols ratified by the government in December 2020 to implement the right to access information, classification, and managing and storing information, and to penalize anyone who does not implement them.
4. Approve a new protocol to ensure the quality of information provided by public institutions.

Fourth: Violations, Protection of Journalists, and Impunity

The Freedom of the Media Index focused on violations, protection of journalists, and impunity, giving it the largest number of points (240 points), because what journalists are subjected to on the ground as they practice their work is what actually indicates the state of freedoms.

The Violations, Protection of Journalists, and Impunity Index received 105.3 out of 240 points. According to the Index methodology, this is "partially restricting."

The Index arrived at the conclusion that based on these results and expert opinions, a number of indications exist as follows:

- Violations are characterized by the fact that they are not serious, with the exception of few. Most indications that took place were concentrated on preventing coverage and blocking information.
- Serious violations (physical assaults) against journalists mostly take place while they are covering protests and demonstrations. They are the result of the absence of policies governing the way law enforcement agencies in areas of tension and crises, and their failure to comply with a code of conduct in the field that includes the right of media professionals for independent coverage without any pressures or interference in their work.
- It is noteworthy that law enforcement agencies (public security and gendarmerie) receive instructions to prevent journalists from media coverage, particularly when clashes occur and force is used with demonstrators.
- Detaining journalists when appearing before the public prosecutor has become a general feature and not an exceptional arrangement in spite of the controls introduced for detention in Article (114) of the Criminal Procedures Law.
- Detention negatively affects the freedom of expression and the media in society, as one of the most prominent results of detention is the increase in the self-censorship phenomenon among journalists, which led to weakening the media sector.

- Detention in some criminal cases may be justified, but in cases of media and social media activists, who own nothing but their opinion, it can only be a prior penalty.
- Public opinion surveys carried out by CDFJ over the past years have revealed that detention as a prior penalty is affecting the freedom of the media, preventing journalists from coming close to highlight numerous cases. It reinforced self and prior-censorship. What applies to professional journalists applies more to social media users who are pursued in accordance with Article (11) of the Electronic Crimes Law in acts of slander and defamation.
- There is no law that obligates security circles (the security center) to provide a lawyer during the initial interrogation. At the public prosecution, however, there is a text in Article (63) of the Criminal Procedures Law. Yet this text suffers from gaps or weaknesses. Furthermore, the law has restricted the lawyer's role who is not allowed to talk except with the public prosecutor's approval. He can, however, submit memoranda.
- In a precedent monitored in 2020 and since the start of the Coronavirus pandemic, it was noted for the first time that there was a request to return journalists who appear before the public prosecutor to the administrative ruler (governor) even if the public prosecution issued a decision releasing them. These procedures form a source of worry among media professionals.
- Media practitioners do not reveal much about security summons they are subjected to. There is no accurate documentation of these cases and their circumstances. Indications that can be felt from monitoring the daily lives of journalists are not a common methodology or a daily practice to which security agencies resort in dealing with journalists and media outlets.
- In some cases, security summons is accompanied by threats to journalists who refuse to succumb to directives. Yet the phenomenon of threatening journalists is not restricted to the security agencies and surpass them, coming from government officials, businessmen, members of the upper and lower houses of parliament, partisan leaders, and normal persons who threaten specific journalists or media outlets. They are always connected to their coverage.
- No movements were monitored from government officials or law enforcement agencies to pursue those who expose the journalists' security to risk by directing threats regardless of their level of seriousness. This renders impunity a common phenomenon.
- Media professionals are subjected to physical assaults as they cover demonstrations and protest areas, particularly field photographers.
- Serious assaults (physical) in Jordan are limited. What was monitored and documented proves that they take place in areas of tension and demonstrations, and if they did take place, security enforcement agencies do not perform an independent investigation to prove that they did take place, and perpetrators are not subjected to accountability and penalty.
- The government does not, as part of an accountability process, pay any compensation to any journalist who was assaulted as a form of equity and reparation.

- Containment efforts in Jordan are the most common feature and the most used. Jordan does not slide into scandalous defamation campaigns with the opposition as is the case in authoritarian countries.
- Chief editors practice prior censorship beyond what is required by the government and security agencies. They implement the principle of "avoid and be in peace." Hence, they are said to have become "more royalist than the King."
- Media outlets' managements are subjected to post-instructions from the government or the General Intelligence indicating that some news items and press reports represent a source of annoyance. Sometimes they delete them to appease influential advertising companies and parties and not only the governments.
- Law enforcement agencies do not implement "protocols" in dealing with media outlets that ensure their right to independent coverage. They prevent journalists from coverage, confiscate photographer cameras and equipment, or force them to delete and cancel photographs taken.

Recommendations

1. Introduce legislative amendments that ensure that perpetrators of violations against media outlets and journalists are held accountable.
2. The judiciary should give attention to the need to embark on an independent investigation in violations against journalists and media outlets as soon as they are detected, or to publish in the media and social media platforms.
3. Law enforcement agencies should adhere to an announced protocol that guarantees the right of journalists to independent coverage in tension and crises areas in a manner that ensures putting an end to assaults and violations journalists are subjected to during their coverage of protests.

Fifth: Media Outlets Independence

Media Outlets Independence received a "restrictive" result, scoring 37.1 out of 100 points.

The fifth part of the Index addressed the independence of media outlets, and the extent to which governments provide support to independent media outlets. It discussed everything considered a means of interfering in media outlets and mitigating their independence, such as government and judiciary advertising, appointment of chief editors in media outlets, interference in content, and editorial policies.

Index results showed a number of indications including:

- Media outlets, whether owned by the government or those in which the Social Security Corporation or even the private sector owns shares, do not enjoy sufficient independence.
- Governments and their security agencies are capable of interfering in different media outlets and directing them, with very few exceptions. Different approaches are used for this purpose, most significantly being a policy of containment and interest reinforcement, and resorting to a "carrot and stick" policy.

- There is no fund to support media outlets as is the case in many countries around the world. Governments do not see that the continuity of media outlets and their diversity are important for reinforcing democracy and the society's right to knowledge.
- Governments use their advertising and subscriptions, in addition to judiciary announcements, distributing them to daily newspapers as some form of support for their sustainability in view of the current tough economic conditions the media outlets are going through. Most likely, however, this type of support affects their independence.
- The appointment of chairmen of boards of directors, managing directors, and chief editors is connected in large media corporations to the absence of "Veto" power over the person appointed. This is one form of interference by the government and its security agencies in media outlets.
- Coverage of contentious issues such as the Teachers' Association represented a test of media outlets' independence.
- In general, media outlets, including public ones, do not receive direct daily instructions on how to cover events and issues. Chief editors, line editors, and the desk know the general line, what is permitted, and what is not permitted. When the issue is hot and sensitive, directives are issued and communications and understandings take place. Real time monitoring of details takes place.
- The issue of banning publication is considered one of the main challenges affecting the independence of media outlets. They are normally used to prevent pursuing a public interest issue with the pretext of not to influence the course of justice or reveal information about the investigations.
- Decisions banning publication are inconsistent with the provisions of the law when they expand in explaining what cannot be published and when they are not compatible with international standards, particularly Article (19) of the International Covenant on Human Rights. This in its turn weakens the image and credibility of local media outlets, reducing their audience, and scarring, to a large extent, their independence particularly when local media outlets comply with decisions banning publication. Information is blocked from public opinion while Arab and international media and social media do not comply with these decisions.
- The extent to which the media outlet is close to the official line provides it with a concession over other institutions. Evidence recurs particularly after the start of the Coronavirus pandemic as government officials rallied to appear on Al-Mamlaka channel in particular, which promoted resentment among other media outlets and is considered a bias that weakens fair competition.
- The absence of a strong and independent trade union system has weakened the independence of media outlets. For decades, the Press Association has not undertaken its role of defending the independence of media outlets and continued to identify with government policies. The government continued to oppose the establishment of any other union-like entity, leaving the Press Association alone in the field.

Recommendations

1. Launch a fund to support the independent media for which an annual budget is allocated to assist media outlets according to announced transparent professional standards, to be managed by a committee of independent experts.
2. The government must refrain from using its advertising, judicial announcements, and subscriptions to influence the independence of media institutions.
3. The government and state agencies must commit to a code of conduct that ensures fair and equitable dealing with media outlets without discrimination.
4. Set policies that encourage public and community media to dedicate the principle that the independent and diverse media is part of the human rights system and a guarantee for society to know the truth and participate in policy-making.
5. Refrain from issuing decisions banning publication.

Sixth: Freedom of the Media under the Coronavirus Pandemic

Media Freedom under the Coronavirus Pandemic Index received 10.5 out of 30 points. According to the Index this result falls within the "Restricted Freedom" range.

The sixth section discusses the Freedom of the Media under the Coronavirus Pandemic reality and the extent to which media outlets and media professionals were affected by the government measures and arrangements approved to confront the ramifications of the Covid-19 pandemic. It discusses the challenges facing media outlets and media professionals alike as a result of issuing Defense Orders emanating from the Defense Law. The Index focused on studying the following sides:

First: Legal and human rights framework of the restrictions imposed on media outlets.

Second: Journalists' passage and movement permits.

Third: Flow of information for journalists.

Fourth: Discrimination and the absence of justice in dealing with media outlets.

Fifth: Losses incurred by media institutions.

Sixth: Surveying the opinions of journalists concerning measures and arrangements taken by the government in dealing with media outlets.

Based on its results and the opinions of experts, the Index arrived at a number of indications:

- Restrictions imposed on some rights in the context of serious public health threats and public emergencies that threaten the life of the nation can be justified when they have a legal foundation and are considered absolutely necessary based on scientific evidence. Their imposition should not be random or discriminatory, and should be for a limited period. They should respect human dignity and be subject to review and balanced in order to

achieve the objective sought. The report did not find the measures and arrangements taken against the media as justifiable.

- Defense Order number (8) imposed restrictions on the freedom of the media and expression. It did not take into consideration Jordan's commitment to the International Covenant on Civil and political Rights.
- From the perspective of international obligations, defense Order number (8) does not fulfil the conditions required by the International Covenant on Civil and political Rights in terms of the applicability of the necessity principle. It was issued to maximize penalties on acts that could be dealt with through current legislation. Its stipulations did not guarantee that its application would be within the narrowest possible limits. Statements mentioned in it could be expanded to touch on the core of the right to peaceful expression. Furthermore, it did not observe the principle of relativity; it stipulated a standard penalty regardless of the act committed or the circumstances related to it or to the perpetrator.
- The right to movement is not available to all journalists although the Media Authority grants permits to journalists based on the recommendation of media institutions.
- Permit issue procedures do not enjoy complete transparency. The criteria adopted are not public and there is no approved and adopted yardstick to identify the numbers granted to media institutions.
- The concentration of information with some ministers and many officials being prohibited from making statements was strongly noted regarding the flow of information during the first few months of the Coronavirus crisis. This continued, though at a slower pace later on.
- Information released by the government and its institutions seemed restricted to the Coronavirus pandemic while public institutions ignored that journalists had other issues they needed answers for.
- Various media institutions complained that the government was not dealing equitably with media outlets, and was discriminating and prioritizing certain institutions at the expense of others, which deprived them of fair competition.
- The government did not provide any compensations to media outlets although they suffered from some of the government's decisions and arrangements.
- CDFJ completed an opinion survey of journalists in its report "Under Lockdown: The State of Media Freedom under the Coronavirus Pandemic." Journalists' positions toward government measures and arrangements can be accessed on the following link: ([Under Lockdown](#))

Recommendations

1. Refrain from the use of the Defense Law and its orders, and the exceptional measures that were used under the pretext of protecting public health and safety because they are not compatible with international standards and have no legal context. They are disproportionate and are not subject to a specific timeframe.
2. Stop all measures and arrangements that affect the rights of journalists to movement because they restrict their opportunities for independent work.

3. Ensure the flow of information to all media outlets equitably and fairly, and encourage officials and those who have the information to reveal it to journalists rather than prohibit and restrict them.
4. Compensate media outlets for the material losses they incurred as a result of the measures the government took since March 2020 as a result of the Coronavirus pandemic.