Development of Cyber Legislation in the Arab Region

By

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The views reflected are those of the author and do not necessarily reflect the views of UNCTAD
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in the Arab Region

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Cyber Legislation in the Arab Region

- There is a serious gap between Arab countries and developed countries in cyber legislation
- All countries acknowledge the need of Cyber Laws for promoting the Information Society;
- **Most countries lack a full and homogenous package of cyber laws;**
- Arab countries enacted quite a number of cyber laws between 2010 and 2014;
- There are various gaps among Arab countries in the field of Cyber Legislation.
- Enforcement of cyber laws is very weak
• Models for Cyber Legislation in ESCWA Member Countries (EMCs), 2007
• Template for Cyber Legislation in EMCs, 2008
• Application of the template in Bahrain and Syria

• Project: Regional Harmonization of Cyber Legislation to Promote Knowledge Society in the Arab World (2009-2012)
ESCWA Activities in Cyber Legislation

• Policy Note: Development and Harmonization of Cyber legislation in the Arab Region, 2013

• Capacity Building Workshop on Promoting a Safer cyberspace in the Arab region, 2014

• Policy Recommendation on cyber safety and combating cybercrime in the Arab region, 2015
ESCWA objectives in the field of Cyber Legislation

• To Improve the status of cyber legislation in the ESCWA and Arab region and to bridge the gaps

• Foster regional integration in this field to enhance the development of Knowledge Society

And also

• To promote the use of ICT applications in government and in economic and social activities

• To enhance regional and cross-border business and trade
THE STATUS AND CHALLENGES OF CYBER LEGISLATION IN THE ARAB REGION
Cyber Legislation in the Arab region

According to ESCWA studies that covers 18 Arab countries.

- Most countries **have e-transaction and/or e-signature laws**, and some have e-Commerce law.
- Cyber Crime Laws are developing well in the Arab World.
- Many countries **do not** have laws for:
  - **Personal data processing protection**,  
    - Except in Tunisia, Morocco and Dubai
  - **Rights to access information & freedom of expression**
  - IPR on issues related to cyber space
  - e-Payment and consumer protection require enhancement
Challenges in the Arab Region

• **Absence of standardized references for cyberspace regulatory and legal issues.** There is need to:
  → clarify responsibilities/role of various institutions.
  → harmonize cyber laws & terminologies at national level

• **Obstacles in formulating and updating cyber legislation at national level.** There is need to:
  → put in place efficient mechanism for formulating and endorsing cyber legislation
  → collaborate with varied expertise
  → categorize cyber legislation issues and especially emerging issues (cloud computing, social media)
Challenges in the Arab Region

• Difficulties in enforcing cyber laws and the absence of procedural decisions and regulatory instruments. There is a need to:
  ➔ Develop the institutional structures,
  ➔ Improve juridical procedures and public prosecutors.
  ➔ Build capacity of judge, lawyers and prosecutors
  ➔ Enhance regional cooperation
Challenges of e-Commerce laws in the AR

- Selected countries don’t have till now e-Commerce laws (Lebanon, Jordan, Sudan, Kuwait, ….)
- Economic system and economy law hinders e-commerce spread (Syria, Yemen)
- Poor recognition of e-document
- The electronic authentication certificates and PKI are not adopted yet in many countries
- e-payment regulations and e-payment system are still weak
Challenges of e-Commerce laws in the AR

- Regulation of Internet Service Providers (ISP) requires enhancement
- Consumer protection laws are incomplete or not existent
- Legal Obligations on companies that sell on-line need improvement
- Inappropriate ICT infrastructure (broadband) in many countries.
ESCWA’s Cyber Legislation

Main Activities
Regional Harmonization of Cyber Legislation in the Arab World (2009-2012)

- Reports on country status
- Expert meetings

ESCWA Cyber Legislation Directives

- Capacity building workshops
  - National & regional
- Advisory services
  - 10 countries
- Media, online portal & app
Regional Harmonization of Cyber Legislation

• Create the momentum in the Arab region for the development of cyber legislation

• Preparation of **ESCWA Cyber Legislation Directives and other materials** for assisting member countries in their efforts for formulating cyber laws

• Building Capacity of decision makers in the Arab countries on the importance, the need and the formulation of cyber legislation.

• Assisting member countries in the **deployment and the customization** of ESCWA directives at national level.
• The Directives are the basis for the harmonization of Cyber Legislation in the Arab region.

• ESCWA was inspired by the EU experience for the preparation of its directives.

• ESCWA considered the efforts made in the Arab region including those of the Leagues of Arab States
• Organized 3 Regional Expert Group Meetings and 6 capacity building workshops (national and regional) on “Cyber Legislation for promoting Knowledge Society in the Arab World”

• Target groups: ICT experts, Legislators, Lawyers and Judges
Advisory services for the use of ECLD

ESCWA offered **advisory services to 10 member countries**, for the application of ESCWA Directives at national levels. Examples:

- **Oman**: Assessment of Cyber Legislation in Oman and identification of gaps.
- **Palestine**: review e-transaction law and new article on Cyber crime to be added to the Penal Code.
- **Syria**: Review four draft of cyber laws: Cyber Crime, e-Transaction, IPR & Personal Data Protection
- **Jordan**: to review the e-Transactions and propose Personal Data Protection Law.
- **Bahrain**: Detailed assessment of CL and identification of gaps.
Framework for the Development of Cyber Legislation in the Arab World

- Encouraging government for enacting and implementing full package of cyber laws.

- **Raising Awareness and capacity building on the formulation and implementation of cyber laws.**

- Including Cyber Legislation in the curriculum for legal and ICT colleges

- Regional harmonization of cyber legislation taking into account ESCWA Cyber Legislation Directives.

- **Enhancing and improving the legislative procedures in the Arab countries.**
Project website

Thank You

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