Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:

INCLUDING CASE STUDIES AND LESSONS LEARNED

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Development of Cyber Legislation in the Arab Region

By

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Development of Cyber Legislation in the Arab Region

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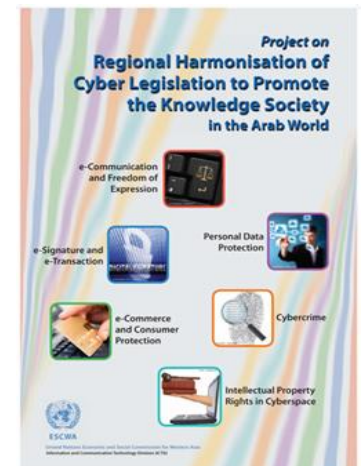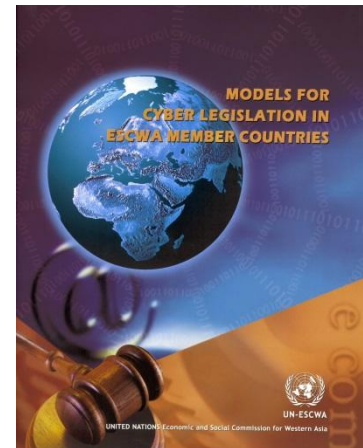
Cyber Legislation in the Arab Region

- 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

ESCWA Activities in Cyber Legislation

- 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**
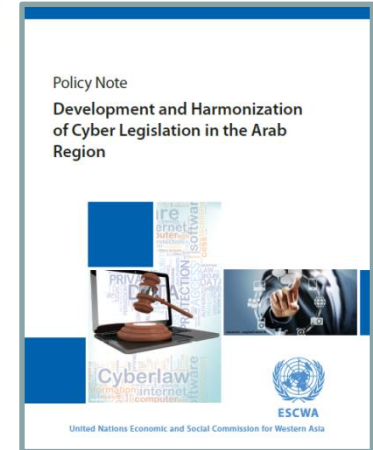
- Policy Recommendation on cyber safety and combating cybercrime in the Arab region, 2015

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
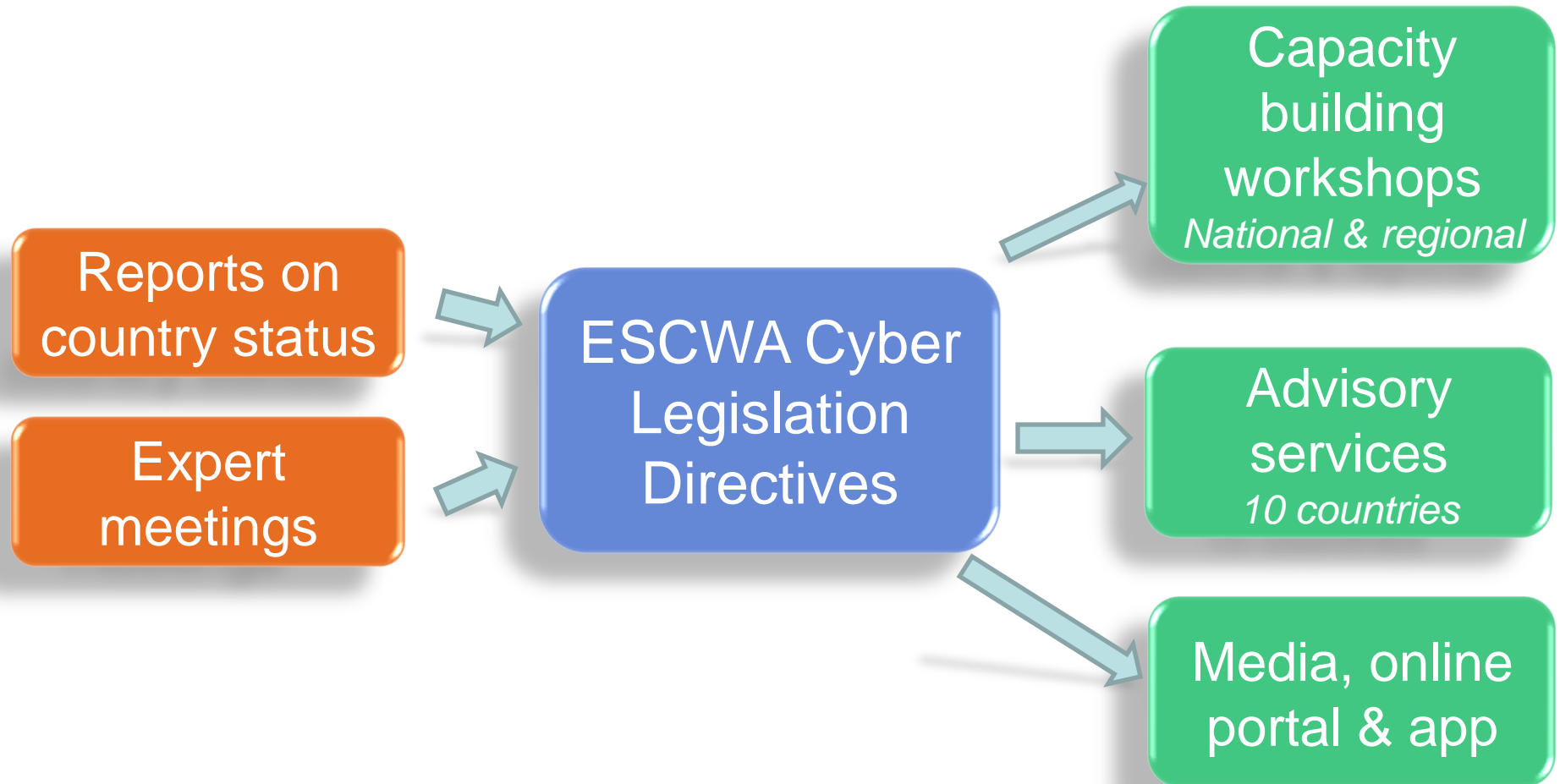
Challenges of e-Commerce laws in the AR

- 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.
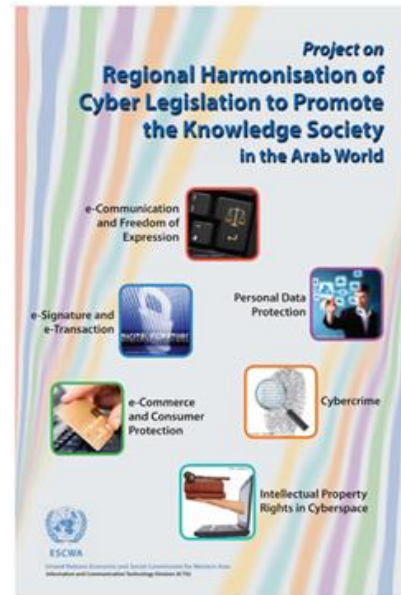
ESCWA's Cyber Legislation

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.

ESCWA Cyber Legislation Directives

- 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

إرشادات الإسكوا للتشريعات السيبرانية

- الاتصالات الإلكترونية وحرية التعبير
- المعاملات الإلكترونية والتوقيع الإلكتروني
- التجارة الإلكترونية وحماية المستهلك
- معالجة البيانات ذات الطابع الشخصي
- الجريمة الإلكترونية
- حقوق الملكية الفكرية في المجال المعلوماتي السيبراني

Awareness and Training

- 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:
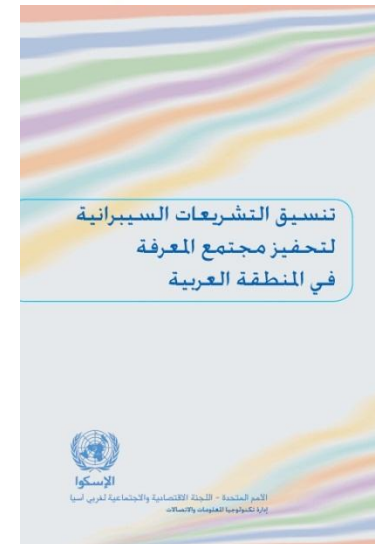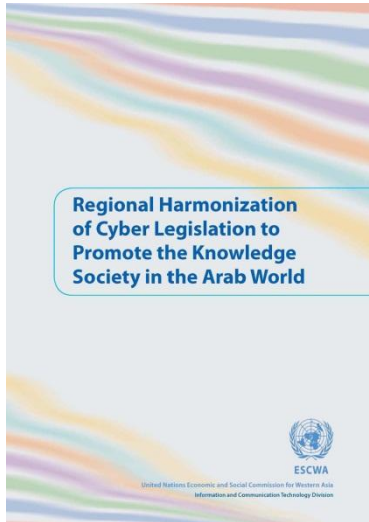
- Oman: Assessment of Cyber Legislation in Oman and identification of gaps.

- 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.

RECOMMENDATIONS &THE HARMONIZATION OF LEGISLATION

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

http://isper.escwa.un.org/FocusAreas/CyberLegislation/Projects/tabid/161/language/en-US/Default.aspx

Thank You

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