

IGF 2016 Workshop Report Template

Session Title	Mapping digital rights in the Middle East and North Africa: A new visual tool for comparative analysis
Date	5 December 2016 (Day 0)
Time	09:00 – 10:00 AM
Session Organizer	<ul style="list-style-type: none"> • Noha Fathy, project lead, Internet Legislation Atlas (ILA), iGmena (Hivos) • Hanane Boujemi, director of iGmena (Hivos)
Chair/Moderator	Hanane Boujemi
Rapporteur/Notetaker	Hamza Ben Mehrez, project lead, Internet Policy Analyst (IPA), iGmena (Hivos)
List of Speakers and their institutional affiliations	<ul style="list-style-type: none"> • Noha Fathy • Niels ten Oever, head of digital, ARTICLE 19 (ILA partner) • Walid Al-Saqaf, Internet Society board member (ILA advisory board member)
Key Issues raised (1 sentence per issue):	<ul style="list-style-type: none"> • Overview on ILA indicators methodology: What are ILA indicators? What are the key findings of applying these indicators on MENA countries? • Gaps and ambiguities in existing laws and regulations in MENA countries in relation to international human rights standards. • The significance of ILA tool to the MENA region: how the indicators can help different stakeholders working at the grassroots level? • How supporting an initiative like ILA could complement the legal analysis that ARTICLE 19 is conducting to the MENA region and its efforts to promotion freedom of expression?
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	A presentation on Internet Legislation Atlas project that covered ILA indicators to assess Internet legislation vis-à-vis international human rights standards. The presentation also outlined the legal landscape of freedom of expression and privacy in the MENA countries.
Please describe the Discussions that took place during the workshop session: (3 paragraphs)	The session commenced with Ms. Boujemi providing an overview of ILA: an initiative to compile and make accessible the laws that govern the Internet and compare national legal frameworks with internationally recognized human rights standards. The ILA facilitates comparison between countries to identify best practices and opportunities for improvement. Ms. Boujemi mentioned that users can use the comparative tools ILA has to

offer in order to compare laws within the Middle East and North Africa (MENA) as well as across regions, allowing for deeper understanding of the similarities and differences in approach. This was followed by Ms. Noha Fathy, ILA project lead, who introduced the ILA visual tool for comparative analysis and assessment on the MENA, and specifically how it applies to certain countries in the region within its scope. The tool is a set of quantitative indicators that allow Internet users to assess domestic legal instruments that regulate the digital space. The 100+ indicators are grouped under five themes: 1) Constitutional protection; 2) Content restrictions; 3) Media and Internet actors; 4) Surveillance and privacy of communications; and 5) Access to the Internet and net neutrality. Ms. Fathy added that the indicators help outline gaps and ambiguities in existing laws and regulations in relation to international human rights standards. This allows stakeholders to pinpoint advocacy opportunities regarding Internet-related law and policy in each country, drawing on international human rights standards. In this vein, Ms. Fathy shared the key findings of applying such indicators to several countries in the MENA region, and she also mapped Internet legislation in the region. One of the key challenges concern the draconian cybercrimes and antiterrorism laws that restrict online freedoms and rights, which are common throughout the region. Vaguely worded criminal laws with fuzzy language of provisions, i.e. visiting immoral websites, sending abusive messages, etc., is yet another challenge. Damaging national unity and peace and/or threatening national security are also some of the pretexts proscribed in many pieces of local legislation, which impose restrictions that are neither necessary nor proportionate. This situation stifles digital rights with the absence of the rule of law, digital oversight, and legal safeguards for human rights, and they also impose great threats to end users.

Mr. Walid Al-Saqaf, Internet Society (ISOC) trustee and ILA advisory board member, highlighted the fact that ILA can be useful for the grassroots communities who do not have the legal background to understand complex laws, policies, and legislation. He described ILA as a legal Wikipedia that provides crucial information that helps citizens and stakeholders understand legal issues that matter to them. From the perspective of ISOC, which is helping to ensure the Internet is used for the citizen, people do not understand the legislation in their society, how they are enforced, or the power that information available online can be used to guide new legislation and the means to reform what we

	<p>have in our Internet governance ecosystem. Mr. Al-Saqaf stressed that ILA allows users to compare between countries; thus, the content on this platform is very crucial, and civil society should produce objective assessments as well as use this tool to develop legislation and policy. The problem is that Internet governance stakeholders work in silos – that is, within their respective fields and stakeholder groups. ILA helps them improve access and see from different angles, not only from an economic and political sense, but also the grassroots perspective to serve as a resource. He emphasized that ILA can be used for the benefit of society, as well as used by the government, private sector, and civil society if they seek legal consultation. Now there is a reference of how to use those laws by individuals and groups in the legal local environment of the MENA counties that ILA covers, and ILA hopes to foster change on the ground.</p> <p>Mr. Neils ten Oever, head of digital at ARTICLE 19, underscored how Article 19 of the Universal Declaration of Human Rights (UDHR) provides a description of the Internet. He added that the Internet empowers and increases the importance of and the right to have open standards. Yet, there are different layers of accountability to regulate the Internet. This should be done at the intersection between law, public opinion, markets, and Internet architecture since using one mode of regulation will not fix everything. For instance, citizens cannot rely on the legal aspects without considering the infrastructure or the human rights aspects. On the other hand, citizens cannot keep the judiciary accountable if they do not know the law. To this aim, ILA endeavors to be an encyclopedia at the disposal of different stakeholders. It also invites community members to contribute to and develop it.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<p>The panel concluded the session by stressing that ILA also increases the knowledge of stakeholders, empowers them to take the lead in promoting rights-based Internet policies in their local context, engage in regional and global discussions on Internet law, and connect them to resources that can more effectively facilitate change.</p>