



SPACES OF VIOLENCE AND RESISTANCE: WOMEN'S RIGHTS IN THE DIGITAL WORLD

THE SCENARIO IN THE MENA REGION



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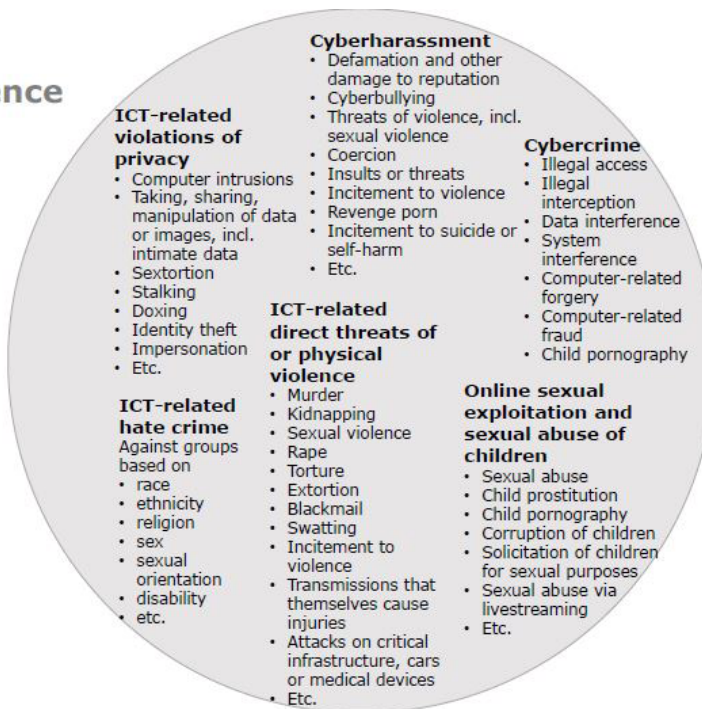
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Online Violence Against Women and Girls: The Scenario in the MENA Region

Cyberviolence



Source: Council of Europe (2018) 'Mapping study on cyberviolence (Draft); <https://rm.coe.int/t-cy-2017-10-cbg-study/16808b72da>

1. EXECUTIVE SUMMARY.

Violence against women refers to harmful acts committed against individuals based on their gender; it is a global phenomenon and a violation of human rights.¹ Violence against women (VAW) is sometimes used synonymously with gender-based violence (GBV). Although the broader term of GBV includes violence against both men and women, its most common form is violence against women.² VAW is an overt expression of deeply rooted gender inequalities and gender-based discriminations that are inherent in societies globally. For this reason, among others, this study focuses on the hegemonic norms that facilitate (or obstruct adequate prevention of and protection from) online violence against women in the MENA region, rather than a broader study of all aspects of online gender-based violence. It will first provide general observations and commonalities relating to online gender-based violence in a number of countries in the MENA region, more specifically in the partner countries of the European Union's Southern Neighbourhood (excluding Israel and Libya); Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Syria, and Tunisia. After the provision of overall conclusions and observations, the second part of this report is dedicated to detailed case studies of each country, based on available data and first-hand experiences recounted during the author's interviews.

The report's focus is on *online* violence against women and girls: at present this is an area that is under researched and mistakenly considered as a phenomenon wholly separate to "real world" violence. With Internet access increasing across the globe, so too are incidents of online VAW, and it is increasingly important to shine a spotlight on this form of gender-based violence. In a report on the analysis of online violence and violence facilitated by information and communications technology (ICT),³ the

1. UNESCWA, Gender Based Violence, <https://www.unescwa.org/our-work/gender-based-violence>

3. Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, <https://digitallibrary.un.org/record/1641160?ln=en>

Special Rapporteur on violence against women, Dubravka Šimonović, provides a valuable analytical framework to approach GBV from a human rights perspective. Although the phenomenon is quite new and is often described using varied terminology—'technology-facilitated violence', 'ICT-facilitated violence against women', 'cyber violence', 'online violence', 'digital violence', 'online violence against women' are currently used as synonyms—it is acknowledged that the prohibition of GBV must include careful attention to its perpetration in online spaces.⁴ In addition, the UN Human Rights Council resolution on the promotion, protection, and enjoyment of human rights on the Internet (2016) leaves no room for interpretation: the rights people have offline should also be protected online. This necessarily includes the right of women to be protected from online forms of gender-based violence.

One of the problems linked to work to address online VAW, is that in law, as well as in public discourse, it is often seen as separate to physical or bodily VAW. In reality, online VAW can be considered an extension of gender-based violence in the more traditionally understood sense:⁵ it is caused by, and perpetuates, the same social norms and structural discriminations as "offline" societies. According to a UN report,⁶ women are 27 times more likely than men to be harassed online, and 73 per cent of women have endured cyber violence. Furthermore, incidents of VAW can start online and result in physical violence, or the latter can be extended to the online space: a study of cyber stalking based on data from the UK, for example, found that over half (54 %) of the cases involved a first encounter in a real-world situation.⁷ Despite a lack of research that acknowledges

4. CEDAW, General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 (2017), <https://www.ohchr.org/en/hrbodies/cedaw/pages/gr35.aspx>

5. European Parliament, Cyber Violence and hate speech online against women (2018), [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU\(2018\)604979_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf)

6. Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, https://www.ohchr.org/EN/HRBodies/HRC/Session38/.../A_HRC_38_47_EN.docx

7. European Institute for Gender Equality, Cyber Violence Against Women and Girls (2017), <https://eige.europa.eu/publications/cyber-violence-against-women-and-girls>

this relationship, women's rights organisations⁸ report that there is a clear connection between online and offline VAW.⁹ The UN also recognises that cyber violence is as damaging to women as physical violence, making it clear that prevention of and protection from the former should have the same importance as the latter.¹⁰ However, one in five women Internet users live in countries where online VAW is unlikely to be punished, leaving victims of online VAW with little recourse to report incidents or hold perpetrators to account. Since the digital space reverberates systemic gender-based discriminations, women human rights defenders, journalists, and politicians are especially susceptible to information and communications technology (ICT)-related violations linked with their engagement in the public sphere and their visibility online.¹¹ Moreover, intersecting identity factors may make marginalised women, such as trans women, women with disabilities or non-white women, an easy target for perpetrators due to an additional layer of 'vulnerability' that can be attacked online with behaviours amplified by anonymity and impunity.^{12/13}

This report aims to analyse the issue of violence against women in the digital space. There are clear reasons why increased research and focus on this issue are needed. As more regions and populations gain access to the Internet and social media, cyber violence against women and girls is becoming an increasingly serious concern at the global level. It is a fact that women, provided that they have access to the internet, are more likely to be harassed online than men. The phenomenon is worsened for specific categories of women which are particularly marginalised, such as LBT women. Online VAW is a by-product of structural gender inequalities and discriminations which impact women's and LGBTIQ+ persons' lives, grows and adapts to new means of communication and information. The forms of online VAW vary: cyber stalking, 'revenge-porn', gender-based slurs and harassment, slut-shaming, sextortion, death threats, doxing, and electronically enabled trafficking. At present, such acts severely undermine women's

enjoyment of human rights on the Internet and the fundamental freedom to engage in public debate.

This study focuses on eight countries in the MENA region - Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Syria, and Tunisia - with the inclusion of a case study on Turkey. This region is characterised by inadequate or conflicting legislation and deep patriarchal norms which affect the understanding of VAW in a social and legal framework and perpetuates the culture of impunity. The majority of women do not report online VAW and, when they do, they do not always receive adequate follow-up and support. In many cases, women are simply not aware of laws and procedures to report violence, or, if they do attempt to report incidents, are not taken seriously or accused of 'provoking' violent behaviours. Generally speaking, a lack of trust in the system and in the usefulness of reporting violence pervades all the countries. Moreover, there is a close link between online VAW and VAW offline across the countries analysed: victims of physical violence are frequently stalked or bullied online, and online violence can escalate into physical violence.

Although online VAW is a growing phenomenon in the region, it is a relatively new research area that has no standard definition or conceptualisation. Women with better access to the digital world, such as young, educated women seem to be more exposed to cyber violence, particularly on social media. In addition to this, intersecting identities and forms of discrimination can worsen online VAW and repercussions for victims. In that regard, women who are challenging rigid gender norms, such as LBT women, public women and unmarried women, face heightened risks of specific forms of online violence. In all countries analysed, men and the State are the main perpetrators of online violence.

However, more research is needed to determine the types of online violence for each victim profile, the sociological type of perpetrators of violence online, and the relative extent and impact of the issue across different social groups and ages.

Contextual differences can be observed across the countries, especially in those countries like Syria where online violence is closely connected to the conflict setting, or in Palestine where the occupation exacerbates the repercussions of VAW in the digital space. However, common trends can be identified to provide a basis for further research or to new action plans at the national, regional, EU, and global levels. The core common trends are the following:

8. Association for Progressive Communications, Online gender-based violence: A submission from the Association for Progressive Communications to the United Nations Special Rapporteur on violence against women, its causes and consequences, (November 2017), https://www.apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV_0_0.pdf

9. Lewis et al., 'Online Abuse of Feminists as An Emerging form of Violence Against Women and Girls', *The British Journal of Criminology*, Volume 57, Issue 6, (Nov. 2017), <https://doi.org/10.1093/bjc/azw073>

10. UN Women, 'Urgent action needed to combat online violence against women and girls, says new UN report' (24 Sep. 2015), <https://www.unwomen.org/en/news/stories/2015/9/cyber-violence-report-press-release>

11. Human rights Council, 'Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein' (21 Jun. 2018), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23238&LangID=E>

12. Lewis et al., 'Online Abuse of Feminists as An Emerging form of Violence Against Women and Girls', *The British Journal of Criminology*, Volume 57, Issue 6, (Nov. 2017), <https://doi.org/10.1093/bjc/azw073>

13. Some definitions and descriptions contained in international policy instruments can help us better understand the nature and extent of the issue and frame it in the broader context of GBV and online violence: see annex 1.

A LEGAL VACUUM

Although most countries have ratified international conventions, such as CEDAW, there is no supremacy of international law over the national legal framework per se. At a domestic level, national legal provisions do not address violence against women in a comprehensive and consistent way. First, some countries do not have a stand-alone law to prevent and combat VAW (e.g. Egypt and Palestine). However, those who have adopted a law provide an incomplete definition of VAW—which often overlooks cyber violence and is limited to the family context—and/or protection measures that are difficult to access. Second, there is a lack of consistency between legal provisions and objectives/actions set in the national strategies to combat VAW, resulting in a disconnection between theory and actual implementation measures. Third, cyber issues are often circumscribed to cyber-crime or media laws, which are not designed to be gender sensitive. Fourth, there is no judicial coherence and effective prosecution relies on judges who are obliged to draw from different sources (e.g. domestic violence protection laws, penal codes and cyber-crime laws), in order to ensure protection of the victim and punishment of the abuser. In fact, there is not always harmonisation between criminal procedure and legal provisions, and between personal status laws and the other codes. Fifth, governments throughout the region seem to make use of laws with a different purpose than the one originally intended: cyber-crime laws and online hate speech provisions are often used to silence dissent and undermine freedom of expression (e.g. in Palestine, Jordan, Algeria, Morocco, Turkey and Egypt).

These five conditions create obstacles to accessing justice and contribute to instilling collective mistrust toward state agents.

AN ILL-DEFINED ROLE OF IT INTERMEDIARIES AND SOCIAL MEDIA

Most online attacks against women and LGBTIQ+ persons in the MENA region occur on social media. Such attacks may come from the State or individuals. IT companies and social media play a role in protecting users from content involving violence, such as hate speech, cyber-bullying, and violent extremism. Social media adapt their rules in each country and region and often rely on self-governance, but governments are increasingly keen on regulating social media platforms through ad hoc agreements or specific bills. In one respect this could be seen as a step forward: inadequate responses from social media administrators do not promptly remedy any situation of gender-based violence, suggesting that State governance is needed to ensure adequate protection and remedy. However, these agreements or bills often give the State the power to monitor online content and ask IT companies to remove 'illegal' content or block websites; this situation has serious implications for journalists, human rights defenders, and feminist groups in particular.

WIDESPREAD SELF-CENSORSHIP AND IMPUNITY FOR PERPETRATORS

A common reaction to online VAW is self-censorship. Women and girls who are victims of violence do not to speak up and adopt do-it-yourself solutions because they are afraid of social/family judgement, do not know their rights or know too well that the legal framework in their country is inadequate to protect them and/or prosecute perpetrators of VAW.

THE INTERNET AS A SPACE PROVIDING OPPORTUNITY

Digital platforms and devices represent a unique opportunity for women and activists to reshape social norms, share alternative narratives, unite and empower women. The digital space represents a relatively free space in restricted contexts for women and girls, such as patriarchal societies in general, but also and more particularly in the region, authoritarian or conflict-affected countries. Most NGOs believe it is important to educate women about their digital rights and safety to enable them to use this space to access knowledge and services as well as enjoy their rights. This opportunity became even more obvious in 2020, during the COVID-19 lockdown, when girls needed computers to access education and when victims of violence resorted to the Internet to access support services or helplines. Finally, it goes without saying that action should be taken to combat the trivialisation of online violence, as well as educating men and boys to respect women's access to public spaces and control over their own bodies, internet included.

Key Recommendations to (international) actors: The UN, EU, State actors and civil society

- Urge the UN Human Rights Council, the Council of Europe, and the League of Arab States to discuss the adoption of a regional framework containing a governance and regulation policy for IT intermediaries, specifically social media platforms, as well as the establishment of an independent judiciary council, for the following purposes: Implement cyber safety rules to protect privacy and prevent cyber violence and hate speech online against women, including a clear report mechanism for VAW incidents. Improve the cooperation between social media platforms and law enforcement authorities to hold aggressors accountable for VAW. Adopt restrictive measures against the States or platforms that do not comply with the agreement and commit abuses against persons who exercise their human rights and fundamental freedoms on the Internet.
- Call on governments throughout the region to launch consultative groups involving feminist organisations, in collaboration with the national commissions for

women and the Special Rapporteur on violence against women, to agree on a roadmap aimed at overcoming shared shortcomings in the legal system to eliminate all forms of VAW, cyberviolence included. The roadmap should contain:

- a defined timeline to adopt or amend VAW laws and propose a comprehensive definition and penalty for all forms of violence against all women and girls.
- consistent implementation and evaluation measures of VAW legal provisions.
- the binding recommendation to integrate a gender perspective in all laws and policies.
- Encourage further research in the region to collect more data on the extent and forms of online VAW, its impacts on women's rights and their lives, as well as the profiles of survivors and perpetrators. Research should make use of harmonised regional data collection mechanisms.
- Multiply the opportunities for good practice exchanges between civil society organisations and for the implementation of trans-national projects, and with the support of DG NEAR and the EU Delegations in the Southern Neighbourhood, as well as the Regional Programme on Ending Violence against Women in Turkey, for the following purposes:
 - Raise men and boys' awareness of the impact of digital violence against women and girls and the digital gap.
 - Hold public officials accountable for prevention, punishing, prosecuting, and providing remedies for online VAW.
 - Advise public officials on gender-sensitive approaches to cybercrime.
 - Raise women and girls' awareness of laws and services for online VAW victims.
 - Train women and girls on digital literacy and knowledge of procedures to report incidents and seek assistance on social media platforms.
- Ensure the effective inclusion of Syrian women and gender perspective in any peace and transitional justice process as well as documentation of VAW and human rights violations.

2. REGIONAL TRENDS

2.1. TECHNOLOGY AS A DOUBLE-EDGED SWORD FOR GENDER EQUALITY IN THE DIGITAL SPACE

Over the past decade, cyber safety and the concept of gender-based violence in the digital space have gained momentum in the Middle East and North Africa (MENA). The uprisings that took place in 2011 kicked off a decade of online activism, where blogs, social media, and technology became a tool of resistance and free expression for those who were previously marginalised, such as feminists and women in general. However, a significant problem persists in that gender inequalities prevail and have found resonance in what has become an extension of the public space: the digital world. Popular and revolutionary campaigns on social networks led authoritarian regimes to attempt to censor platforms and content online. For example, in Egypt or Syria, the opposition was, and still is, the victim of cyber-attacks carried out by the government. In countries where the uprisings were more successful, like Tunisia, online tools contributed to the birth of a new generation of pro-democracy, feminist activists. At the same time, it also unleashed conservative narratives, hate-speech, and violence online.

Although digital threats are similar globally, the regional, political, social, and economic contexts play an important role in how online gender-based violence is enacted and perceived. For example, gender-based violence in Syria occurs in a conflict-affected country and should be analysed through a lens of transitional justice. In this particular context, technology-facilitated communications also allow civil society groups, comprising women activists, to collect and share documentation on the various human rights violations and war crimes committed against Syrian people and Syrian women in particular.

Despite historical and socio-political differences, these countries have all experienced the digital world being used as a place for feminist resistance and solidarity, allowing for new counter-narratives on gender equality and women's empowerment to be disseminated. Simultaneously, offline gender-based violence - interpersonal, inter-partner, inter-familial and State violence included- has spilt over into the digital world. Gender-based violence must, therefore, be understood as a continuum between offline and online violence. Thus, if not indicated otherwise, the terminology of gender-based violence will be used to encompass all forms of violence, including those facilitated by technology. Online gender-based violence will exclusively refer to forms of violence enacted in the digital space or facilitated by digital tools.

Recently, some countries of the MENA region have introduced legal provisions related to online forms of gender-based violence. Egypt and Morocco have added amendments criminalising the use of electronic devices and social media for sexual harassment (respectively, to the Penal Code¹⁴ and the Law on Violence Against Women¹⁵). Some countries, such as Lebanon and Jordan, have launched cybercrime units, through which women can report online harassment directly to the police. Although these units were not designed to be gender-sensitive, it would appear that their positive interaction with civil society organisations and women victims of online gender-based violence has gradually influenced them to apply a gender perspective to their work.

Information and communication technologies (ICTs) provide

14. Egypt, Penal Code, Law No. 58 of 1937, art. 306 bis, sourced from: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=99319

15. Morocco, Law No. 103.13 on Combating Violence against Women, <http://www.arabwomenorg.org/MediaFiles/Landing/files/morocco-law.pdf>

many opportunities for women, be they professional, educational, or related to feminist activism. However, the latter can also engender backlash online, in the form of hate speech, trolling, harassment, or mobbing, which can deter women from accessing the digital space and further shrink the space available for feminist civil society organisations. To date, only 36.9 per cent of women in the Arab region access and use ICTs compared to 46.2 per cent of men.¹⁶ Despite the progress that has been made towards closing this gap, Internet penetration rates remain higher for men (47.7 per cent) than for women (39.4 per cent).¹⁷

Ensuring gender-inclusive access to the Internet entails raising men's awareness of violence enacted online as being violence in its own right, women's understanding of their rights, and the resources available to exercise their rights and acquire new skills. The Internet can offer an alternative space for women and girls, where otherwise rigid gender norms can be bypassed and reinvented. Furthermore, the digital world offers emerging professional opportunities that are reshaping traditional concepts of work and requiring new skills.

However, a recent report by the United Nations Economic and Social Commission for Western Asia¹⁸ points out that ICTs can also reinforce existing stereotypes and create new forms of gender-based violence in the absence of a clear policy to regulate providers and usage. In the broadest overall terms, modern technologies such as the Internet, social media, and smart devices can facilitate gender-based violence and have contributed to the spread of new types of gender-based violence, the most common of which are:

- stalking and electronic stalking
- electronic blackmail
- electronic sexual harassment
- surveillance and spying on computers
- illegal use of technology and the Internet to obtain images and videos
- threats
- trafficking of persons for unlawful sexual purposes
- impersonation of well-known persons to entrap women (used most often in online chat forums)

Furthermore, individuals use technology to target others, and States use it to conveniently and efficiently monitor and censor their citizens online. Countries like Egypt, Palestine, and Jordan have made extensive use of cyber-crime laws and online hate speech laws to silence dissent under the guise of national security protection and reduction of fake news. In many countries in the region, the State is the principal perpetrator of gender-based violence online. Governments of the region often fail to protect their citizens' data from IT platforms. In other cases, IT platforms directly collaborate with authoritarian regimes, exposing citizens to arbitrary governmental use of personal data and infringement of freedom of speech online. Bilateral agreements or regulations between governments and social media providers infringe women's fundamental rights and freedom of expression and movement on the Internet.

These developments are concerning, but there are ways to begin to address the problem of ICTs facilitating online gender-based violence. The same report from the United Nations Economic and Social Commission for Western Asia recommends stronger cooperation between governments and the relevant stakeholders to make the online world a safe space for women. It also recommends embedding a gender perspective in national ICT policies and including a transformative approach to ICTs in national gender policies.

16. Badran, *Achieving Gender Equality in the Arab Region amidst the Changing World of Work* (Beirut, 2017), http://ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_549618.pdf

17. ESCWA, *Information-communication-technologies-prospects-promoting-gender-equality in the Arab Region* (United Nations 2019), <https://www.unescwa.org/publications/information-communication-technologies-prospects-promoting-gender-equality>

18. *Ibid.*

2.2. ONLINE GENDER-BASED VIOLENCE DURING THE COVID-19 PANDEMIC

Reflecting a worryingly global pattern, the COVID-19 pandemic and the confinement measures implemented throughout the MENA region have led to a dramatic increase in gender-based violence cases. Forced cohabitation, difficulty in reaching service providers or the police, exacerbation of patriarchal norms, economic anxiety, and movement restriction are but a few explanations for the surge in violence. These factors have also led to a rise in gender-based violence online. An additional concern is that authoritarian regimes in the region have used the pandemic as a pretext to further target and police young women and their online behaviours. However, at the same time, technology has provided crucial support for women's rights organisations, making it possible to continue working to support women outside of physical premises, and offering an avenue for women victims of violence to reach out for help.

The impact of COVID-19 and the connected confinement measures can be seen in the data collected by NGOs and governments in the area. In Jordan, for example, the Directorate of Family Protection announced a 33% increase in cases of domestic violence reported during the first month of confinement. In Tunisia, from the beginning of lockdown until May 2020, 6,693 cases of violence had been reported to the national telephone number responding to instances of verbal, moral, physical, and sexual violence.¹⁹ In Morocco, NGOs reported an increase in technology-facilitated violence amongst adolescents and university students. Amongst the causes were more online screen time and Internet use due to remote schooling and movement restrictions, and "boredom" on the part of online abusers. The forms of violence reported included harassment, unwanted communications, and publication of photos digitally altered to be sexual.²⁰ Moreover, NGOs faced challenges in communicating remotely with women victims of violence. Many of

them lack the necessary skills to use ICTs or do not have computers, phones, or an Internet connection. An assessment of the situation in Jordan, done by UN agencies, revealed that 23 per cent of respondents did not have the Internet at home. This figure increased to 35 per cent for households headed by women.

Governments and NGOs alike have taken action to respond to this situation. Several governments of the MENA region have implemented initiatives to integrate women in the decision-making process for responses to the COVID-19 crisis, through close cooperation between UN Women and national ministries or National Councils of Women. National women's organisations have been equally fundamental in pro-actively documenting the phenomenon and integrating a gender perspective in their recommendations. Feminist organisations throughout the region have repeatedly advocated for governmental measures to address the impact of COVID-19 on gender-based violence. Mobilising for Rights Associates has also published a list of NGOs and services that can help women file their complaints in Morocco.²¹

Despite the potential drawbacks involved in using ICTs, technology plays an essential role in facilitating an immediate response to guarantee women's rights in emergencies, through existing and new online platforms. In Tunisia, for example, a mobile application called Ahmini allows women in rural areas to benefit from the National Security Fund.²² These initiatives offer the opportunity to implement policies that can improve women's access to technologies and improve digital literacy rates.

19. OECD, COVID-19 dans la région MENA : impact sur les inégalités de genre et réponses apportées en soutien aux femmes (2020), <http://www.oecd.org/coronavirus/policy-responses/covid-19-dans-la-region-mena-impact-sur-les-inegalites-de-genre-et-reponses-apportees-en-soutien-aux-femmes-f7da7585/>

20. MRA, the Impact of Covid-19 on Violence against Women in Morocco (2020), <https://mrawomen.ma/wp-content/uploads/doc/Coronaviolence%20final%20report%20-%20English.pdf>

21. MRA, 'Coronavirus-resources for women victims of violence', <https://mrawomen.ma/coronavirus-resources-for-women-victims-of-violence-2/>

22. Tiss, 'Tunisie Telecom - CNSS: Couverture sociale des femmes rurales via mobile payment' (8 Mar. 2019), <https://www.leconomistemaghreb.com/2019/03/08/tunisie-telecom-cnss-couverture-sociale-des-femmes-rurales-via-mobile-paiement/>



2.3. ONLINE VIOLENCE AGAINST LGBTIQ+ PEOPLE IN THE MENA

There are different dimensions to look at to give a comprehensive assessment of the online violence LGBTIQ+ people face online in the MENA region. First of all, legally, while some countries in the region prohibit discrimination based on sex and gender, none expressly prohibit discrimination on the grounds of sexual orientation or gender identity. In fact, most countries in the region have laws that either prohibit or are used to punish same-sex conduct and limit forms of gender expression and identity.²³ Moreover, there is no legal recognition of diverse gender identities other than “female” or “male”.

Egypt, for example, does not have a law regulating sexual conduct or gender expression. However, the regime routinely criminalises and persecutes LGBTIQ+ people using several Penal Code provisions, such as Article 178,²⁴ which punishes anyone who distributes materials, including photographs, which violate ‘public morals’, or provisions from the 2018 cybercrime law pertaining to public morality, family values, and decency. A prosecution using Article 178 could result in imprisonment for up to two years and a fine of up to 10,000 Egyptian pounds (US \$566). Article 534 of the Lebanese penal code²⁵ prohibits types of sexual intercourse which are ‘contrary to the order of nature’ whereas persons found guilty of ‘criminal homosexual acts’ (using Articles 333 and 338 of the Penal Code²⁶) face imprisonment and fines. Jordan does not criminalise sexual intercourse between persons of the same sex, however the penal code contains vague ‘morality’ provisions that could abusively target consensual same-sex conduct or expression of sexual orientation. Terms like ‘public indecency’ and ‘unnatural acts’ are invoked across all legislations to monitor and oftentimes punish the conduct of LGBTIQ+ people.

In this legally restrictive context, where different regimes incite a general social animosity against LGBTIQ+ people in the region, the digital space can represent a “safe

space” for many LGBTIQ+ people, especially LBT women. Moreover, for LGBTIQ+ activists, online platforms are crucial to fostering movements and solidarity initiatives.

However, as is the case for women challenging rigid gender norms online, there have been instances where governments in the region, and/or individuals, use technological means to track and persecute LGBTIQ+ persons. For instance, in Morocco, a campaign of “outing” took place in April 2020, when people created fake accounts on dating applications and endangered users of these apps by sharing their private information.

Similarly, in Egypt there have been examples of technology being used by agents of the State to facilitate persecution of LGBTIQ+ people. LGBTIQ+ campaigners have noted that since 2013, the Egyptian police have used technology, specifically gay dating apps, to track users, gather photographic evidence of ‘obscurity’, and arrange fake meetings. This has led to prosecutions on the grounds of ‘debauchery’ or ‘public indecency’ for which judges can impose lengthy jail sentences.²⁷ In September 2017, several people raised a rainbow flag during a Cairo performance by the Lebanese band Mashrou’ Leila and posted pictures on Facebook, leading to an intensification of the campaign against LGBTIQ+ people.²⁸ Following the concert, the Supreme Council on Media Regulation silenced Egyptian media so that they could not publicly express support for LGBTIQ+ rights or campaigns.²⁹ In addition, the government unleashed a wave of arbitrary arrests and torture of LGBTIQ+ people: 33 people were detained, with some ultimately facing criminal charges,³⁰ and reported assaults and being subjected to forced anal examinations in custody. Sarah Hegazi, a lesbian activist and one of those who raised the rainbow flag, was jailed and tortured for promoting ‘sexual deviance’. She later committed suicide in Canada. The violence incited by the Egyptian regime continued on social media, where conservative people called on others not to pray for Hegazi.³¹

23. Human Rights Watch, ‘Audacity in Adversity: LGBT Activism in the Middle East and North Africa’ (16 Apr. 2018), <https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa>

24. An English translation of the penal code is available here:

https://www.unodc.org/res/cld/document/criminal_code_of_egypt_english_html/Egypt_Criminal_Code_English.pdf

25. Lebanon, Penal Code, https://www.unodc.org/res/cld/document/lebanon-penalcode.html/Lebanon_Penal_Code_1943.pdf

26. Algeria, Penal Code, http://www.arabwomenorg.org/MediaFiles/Landing/files/algeria_law_punish.pdf

27. The Guardian, ‘Jailed for using Grindr: homosexuality in Egypt’ (3 Apr. 2017), <https://www.theguardian.com/global-development-professionals-network/2017/apr/03/jailed-for-using-grindr-homosexuality-in-egypt>

28.

29. Human Rights Watch, ‘Egypt: Mass Arrests Amid LGBT Media Blackout’ (6 Oct. 2017), <https://www.hrw.org/news/2017/10/06/egypt-mass-arrests-amid-lgbt-media>

30. BBC, ‘Egypt “escalates LGBT crackdown” after rainbow flag display’ (3 Oct. 2017), <https://www.bbc.com/news/world-middle-east-41482001>

31. The Conversation, ‘Suicide of Egyptian activist Sarah Hegazi exposes the “freedom and violence” of LGBTQ Muslims in exile’ (10 Jul 2020), <https://theconversation.com/suicide-of-egyptian-activist-sarah-hegazi-exposes-the-freedom-and-violence-of-lgbtq-muslims-in-exile-141268>

3. COUNTRY CASE STUDIES IN THE MENA REGION

3.1.

A DIVERSION VIA
ISTANBUL: ONLINE
GENDER-BASED VIOLENCE
IN TURKEY





Although Turkey is not strictly part of the MENA region, the similarity in legal and situational contexts between Turkey and the Southern Neighbourhood states, the influence which Turkey has in the region, and the noticeable backlashes to women's rights currently taking place in the country provide compelling reasons to include this additional analysis in a regional report on online gender-based violence.

LEGAL FRAMEWORK

Turkey has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),³² the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),³³ and the Convention on Cybercrime (Budapest Convention). Despite this, online gender-based violence is not conceptualised as a criminal offence under Turkish domestic law. Furthermore, there is no specific article defining domestic violence as a crime. However, various forms of VAW are penalised under the Turkish Penal Code.³⁴

32. OHCHR, 'Ratification Status for Turkey', https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=179&Lang=EN

33. Since the time of writing, President Erdoğan of Turkey has declared the country's withdrawal from the Istanbul Convention. This presents an extremely worrying decision which will likely negatively impact women's rights, exposing them to increased violence and impunity (both on and offline).

34. OHCHR, Follow-up Shadow Report, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TUR/INT_CEDAW_NGS_TUR_32493_E.pdf

There are some mechanisms in national laws that enable prosecution of online VAW as a criminal act:

- In the penal law, Article 123 establishes that when someone persistently makes phone calls with the aim of disturbing a person's peace and harmony, the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year, upon the complaint of the victim. Article 125 punishes acts against someone's honour, dignity, or prestige: whereby if the act is committed by means of an oral, written, or visual medium message addressing the victim, the penalty of imprisonment for a term of three months to two years or a judicial fine shall be imposed. Article 132 punishes the violation of the confidentiality of communications: penalties (imprisonment) are severe if the violation occurs through the recording of the content or unlawful advertising without the consent of the party involved.
- In the Law No. 6284, namely the Law to Protect Family and Prevent VAW, stalking is mentioned as an act of violence and victims can demand protective and preventive cautionary decisions from the police, the governor, or the family court.³⁵ However, there is no provision on stalking as a crime in the Turkish Penal Code, contrary to the framework set by the Istanbul Convention. The utilisation of any of the aforementioned articles in the Penal Law to prosecute can be problematic as none of these include the specific wording to define the offence of stalking. The government is expected to pursue a legal reform on this issue, but it is not on its agenda for the time being, in spite of intensive campaigning on the part of women's rights organisations.

Other national laws, such as Law No. 5651 on the Regulation of Internet Broadcasts and Prevention of Crimes Committed through Such Broadcasts as well as the Law on the Protection of Personal Data, could also be amended to better address online VAW offences.

Nurcihan Temur, feminist activist, reports that Turkish laws are vague and open to interpretation regarding the offences of online VAW. For example, cyber harassment

35. Istanbul 5 zleşmesi, Shadow NGO Report (2017), <https://www.morcati.org.tr/attachments/article/441/turkey-ngo-shadow-report-grevio.pdf>

consisting in the exchange of sexual content without consent should fall under the scope of Article 105 of the Penal Code, which deals with sexual harassment - 'If a person is subject to sexual harassment by another person benefiting from the convenience offered by post or electronic communication tools'.³⁶ However, this relies upon a specific interpretation of the wording of this Article, which can, and often is, contravened to exclude such crimes from the protection afforded by the penal code.

ONLINE FORMS OF VAW

Human rights defenders are more likely to be subjected to online harassment. Temur explains that, 'In Turkey, human rights defenders can experience violence targeting their intersecting identities. Hate speech and direct threats of violence targeting community members is increasing especially from anonymous or fake name Twitter accounts. In some contexts, this can put them at risk for online and offline violence'.³⁷

Human rights defenders might not want to report the crime as legal provisions are not clear, or because they can be detained or prosecuted as a result of the posts they shared. This limitation of freedom of speech online is often solved by using the complaint mechanisms of the platform where the incident took place, or by closing the account.

'Human rights defenders and even politicians of the opposition parties, especially women members of the parliament are constantly harassed because of their political stand-point', say Berfu Şeker and Ezel Buse Sönmezocak from Women for Women's Human Rights - New Ways Association. 'Discriminatory domestic laws, arbitrary administrative measures and the hostile approach of State officials towards the LGBTIQ+ community have a huge impact on high-level homophobia in the society' and, therefore, the related acts of lynching, torture, rape, ill-treatment, domestic violence, and harassment of LGBTIQ+ persons.³⁸

Seker and Sönmezocak explain that 'The concept of gender-based violence is not used in the Turkish legal system at all, allegedly because the term of "gender"

36. Toplumsal et al., 'Cinsiyetçi Dijital Şiddetle Mücadele Rehberi' (18 Dec. 2019), <https://www.tbid.org.tr/blog-tr/tbid-ve-altbilden-cinsiyetci-dijital-siddetle-mucadele-rehberi/>

37. Karaman, Semanur, 'A call for peace and end to violence against Turkey's dissenting women' (23 Sept. 2015), <https://www.awid.org/news-and-analysis/call-peace-and-end-violence-against-turkeys-dissenting-women>

38. European Commission, Turkey Progress Reports

refers to LGBT. Since there is high-level homophobia and transphobia in Turkish society, any reference to gender identity is deliberately excluded from Turkish legal provisions, causing insufficient reporting and protection for victims of hate crimes, and thus the impunity of perpetrators. In fact, a vague judicial and political approach to hate crimes against LGBTIQ+ people contributes to impunity towards crimes committed on the basis of discrimination in relation to sexual orientation and gender identity. The Law on the Turkish Human Rights and Equality Authority as well as the Turkish Penal Code demonstrate the deficiency of Turkish legislation for the fight against homophobic ideology and prejudice-based crimes.³⁹

This deficiency is also reflected in the lack of support available to LGBTIQ+ people. They are not able to access support services such as Violence Prevention and Monitoring Centres (VPMC) or shelters unless they hide their sexual orientation or gender identity: 'Lesbian and bi-sexual women are welcomed to the shelters if they suppress their sexual orientations at the expense of being subjected to discriminative practices that will complicate their residence in the shelter'.⁴⁰

Protecting the digital space as a place for women's empowerment and freedom of expression remains pivotal. Nurcihan Temur highlights that new amendments should be adopted to frame online harassment against women within Internet law. Raising awareness of the nature of online crimes and women's rights also matters: 'Women's consultancy centres and barrister organisations should become expert in this area' Temur states, while gender-sensitive training on cyber VAW should be regularly organised for public officials. Media literacy is also key to ensuring digital safety at different levels.

Mainstream media are full of gender stereotypes reinforce discrimination and censor representation of LGBTIQ+ people. 'However alternative media channels of feminist groups or other alternative political media channels try to dismantle these stereotypes. Local productions on online movie platforms such as Netflix and Blu tv also provide a space for alternative representations', say Berfu Şeker and Ezel Buse Sönmezocak.

39. KAOS GL Association, Homophobia and Transphobia based Hate Crimes in Turkey (Ankara, 2020), <https://kaosgldernegi.org/images/library/2020nefret-suclari-raporu-2019-eng.pdf>

40. Istanbul 5 zleşmesi, Shadow NGO Report (2017), <https://www.morcati.org.tr/attachments/article/441/turkey-ngo-shadow-report-grevio.pdf>

The roles of IT intermediaries and tech companies are vital in implementing consistent governance and policies and in ensuring a safe virtual environment. Twitter and tech companies are male-dominated environments in Turkey, making it even more important that they take a proactive approach to understanding women's experiences online. It is necessary for all segments of the Internet industry, including platform providers and policy makers, to work together to improve online safety for women.

However, Nurcihan Temur warns that online safety should not be achieved through censorship, such as the social media bill which the government issued in July 2020.⁴¹ According to this bill, social media companies have been obliged to register an office in Turkey and local representatives who can be held accountable in legal affairs.⁴² Companies that refuse to open an office face having their internet bandwidth reduced by up to 90 per cent. Social media companies will also be asked to store users' data in Turkey: 'The bill aims at social media censorship and particularly to silence dissenting voices, including those of women and women's rights organisations'.

As online VAW is a relatively new topic in Turkey, there are few quantitative or qualitative research studies that measure public attitudes towards gender-based violence and its effects on women's lives. The need for more research is clear: a 2018 study found that the most common forms of violence to which young women are exposed include dating violence, cyber harassment, cyber stalking, social media harassment, and cyber bullying.⁴³ Nurcihan Temur, co-author of research and guidelines for women's associations,⁴⁴ points out that although 60 per cent of women are already victims of online violence, so far researchers have mostly focused on cyber bullying and, to date, there is no official data on online VAW in Turkey, nor any unit specialised in supporting victims of online VAW.⁴⁵ Temur's findings show that the reactions of the respondents who were exposed to cyber violence were to 'forget the event'. Most of them resorted to 'do-it-yourself solutions', and so deleted the undesired

messages, blocked followers on social media, hid social network profiles, and changed social media profiles or email addresses.

CIVIL SOCIETY INITIATIVES

In Turkey, the current best practice consists of civil society-led activities, particularly training on online VAW and digital security. Women's associations and private sector actors are quite active in this field. For example, the industrial conglomerate Koc Holding prepared a guidance document on gender equality in communications for both internal and corporate use. A good example of the work being done by women's associations are the training sessions organised by European Women's Lobby for Turkey. These are part of the #HerNetHerRights project, aiming for a safer web for all women and girls.⁴⁶ More online safety training could also help reduce the digital gap. According to the results of a study by TÜİK in 2018, computer and Internet usage rates are, respectively, 68.6 and 80.4 per cent for men in the 16–74 age group, but only 50.6 and 65.5 per cent for women in the same age group.⁴⁷ Helping women feel confident in the safe usage of the Internet is one way to address this disparity.

For their part, Kadın Koalisyonu (the Women's Coalition group),⁴⁸ a platform established by independent women's organisations, seeks to transform the existing political culture and discriminatory policies to ensure equal participation of women in all spheres free from violence. Nurcihan Temur has already contributed her insights to the network through a presentation, focussing particularly on virtual VAW affecting women politicians and activists.⁴⁹ This presentation took into account common women's reactions to online violence, that is to say fear, disappearing from the Internet, changing phone and city, and changing work or social life routines.

41. Akdeniz et al., 'Turkey's new social media bill aimed at 'silencing dissenting voices and making money' (22 Jul. 2020), <https://bianet.org/english/politics/227842-turkey-s-new-social-media-bill-aimed-at-silencing-dissenting-voices-and-making-money>

42. Yackley (for Politico), 'Turkey's Social Media Law: A Cautionary Tale' (2021), <https://www.politico.eu/article/turkeys-social-media-law-a-cautionary-tale/> (last accessed on 13/04/2021).

43. Yüksel-Kaptanoğlu, Kadınlara Yönelik Şiddet ve Toplumsal Cinsiyet Eşitliği (2018), <http://www.ceidizleme.org/medya/dosya/105.pdf>

44. Toplumsal et al., Ibid. & Temur, Toplumsal Cinsiyete Dayalı Siber Şiddet (2019), <https://atesbocekleri.info/kilavuz.pdf>

45. Temur, 'Another Form of Gender Based Violence: Cyber Violence', Master Thesis, Department of Psychology, January 2018

46. European Women's Lobby, #HerNetHerRights. Resource Pack on ending online violence against women and girls in Europe (2017), https://www.womenlobby.org/IMG/pdf/heretherrights_resource_pack_2017_web_version.pdf

47. TÜİK, Hanehalkı Bilişim Teknolojileri Kullanım Araştırması, <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=27819>

48. <https://www.facebook.com/KadinKoalisyonu>

49. http://kadinkoalisyonu.org/wp-content/uploads/2019/02/sanal_siddet_kadin_koalisyonu_nurcihan-temur.pdf



3.2. MOROCCO

CONTEXT

According to the results of the national survey on VAW carried out in 2019 by the High Commission for Planning,⁵⁰ 6.1 million Moroccan women have been victims of violence in the marital context and 1.5 million women have experienced cyber violence.⁵¹ However, only an estimated 10.5 per cent of VAW acts, all forms included, were recorded by the police or other competent authorities. This figure dropped to 8 per cent in the case of domestic violence. The survey also found that young, educated, or single girls living in cities are the demographic most likely to be victims of cyber violence. Interestingly, more than half of the women surveyed did not know about Law 103.13,⁵² adopted in 2018, to protect women from all forms of violence, and less than half were informed about institutional structures in place to support victims, instead relying on services offered by civil society organisations. A conclusion drawn from the research was that seventy per cent of victims of online

50. ONU Femmes Maroc, 'Premiers résultats de l'enquête nationale sur la violence à l'encontre des femmes réalisée en 2019 par le Haut-Commissariat au Plan' (14 Jan. 2020), <https://morocco.unwomen.org/fr/actualites-evenements/actualites/2020/01/enquete-hcp-2019>

51. Maroc Diplomatique, Maroc: 1,5 million de femmes victimes de "cyber-violence" (10 Dec. 2019), <https://maroc-diplomatique.net/maroc-15-million-de-femmes-victimes-de-cyber-violence/>

52. Human Rights Watch, 'Maroc : Une nouvelle loi contre les violences faites aux femmes' (26 Feb. 2018), <https://www.hrw.org/fr/news/2018/02/26/maroc-une-nouvelle-loi-contre-les-violences-faites-aux-femmes>

violence prefer to remain silent and do not seek help. In addition to piracy and broadcasting of private pictures or videos in retaliation or using them to blackmail victims financially or sexually, recurrent cases of digital violence also include sexual harassment through digital media.⁵³

LEGAL FRAMEWORK

Law 103.13 Concerning Combating VAW⁵⁴ (2018) defines VAW as any discriminatory act, based on gender, that can cause physical, psychological, sexual or economic damage to women, and penalises sexual harassment in public spaces and on social networks by introducing new Penal Code provisions specifically addressing technology-facilitated VAW. Article 503-1-1 expands the Penal Code's definition of sexual harassment to incorporate written messages by phone or any other electronic device, recordings, and procurement or creation images of a sexual nature for sexual purposes. Article 447-2 penalises the distribution of someone's messages and photos, without prior consent, and the dissemination of false allegations aimed at harming or defaming someone's private life, by any means including digital tools. Article 447-3 increases the penitentiary and pecuniary punishment if such acts are committed against a woman due to her sex.

53. France 24, 'Human rights activists seek to break the silence on digital violence against women in Morocco', <https://www.france24.com/ar/>

54. Royaume du Maroc, Bulletin Officiel No. 6688 (2018), http://www.sgg.gov.ma/BO/FR/2018/BO_6688_Fr.pdf?ver=2018-07-11-124300-213

However, Law 103.13 has significant shortcomings, as many women's organisations have reported: it does not provide a clear definition of all forms of violence and the implications of the digital space for VAW.⁵⁵ The existing law is also difficult to apply. In fact, although ad hoc governmental units are mandated to address victims' needs, it is up to victims to initiate criminal proceedings.⁵⁶ Therefore, reporting can be extremely difficult in a context where domestic violence is to a certain extent culturally accepted and when some groups of women (those who are illiterate, refugees, or in rural communities, for example) are not aware of or cannot exercise their rights. In addition to this, women do not feel protected by the law, because, unlike in Lebanon and Tunisia, restrictive injunctions in Morocco can be issued only in conjunction with a criminal proceedings or divorce. Furthermore, no injunctions apply if the couple reconciles, which leaves space for interpretations in the context of forced confinement due to COVID-19 restrictions.

ONLINE FORMS OF VAW

Unsurprisingly, local organisations have earned the trust of women, who rely on their networks and grassroots programmes to receive the legal and social assistance that the State fails to provide. For instance, Mobilising for Rights Associates (MRA), was the first to promote state responsibility in the issue of technology-facilitated VAW through a 2019 action research report which maps prevalent forms and impacts.⁵⁷ According to the report's findings, young girls are often victims of forms of violence linked to new technologies, and more than half of the victims of cyber-violence are afraid of speaking up because they feel ashamed.⁵⁸ The MRA action research report found that common forms of online violent behaviours against women include stalking, creating or disseminating revenge porn, doxing, insults and defamation, blackmail, and non-consensual sharing of private images or communications. Technology-facilitated gender-based violence is characterised by its frequent and repeated nature and is omnipresent across various online spaces, most frequently via messaging applications, phone calls, text messages, and social media platforms. As can be seen in other countries in the region, online and offline VAW are closely interconnected: initial online violence often escalates into physical violence,

55. Maisterra, 'La loi 103-13 déjà mise à rude épreuve', <https://femmesdumaroc.com/societe/la-loi-103-13-deja-mise-a-rude-epreuve-56369>

56. Royaume du Maroc, Examen national approfondi de la mise en oeuvre de la Déclaration et du Programme d'action de Beijing, après 25 ans, https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/morocco-beijing25_report_fr.pdf

57. MRA, Virtual Violence: Real Harm - Promoting State Responsibility for Technology-Facilitated Gender Based Violence against Women in Morocco Action Research Report (2019), <https://mrwomen.ma/wp-content/uploads/doc/TFGBV%20Report%20Final%20English.pdf>

58. El Watan, 'Violences virtuelles au Maroc : Des féministes et associations se mobilisent' (14 Mar. 2020), <https://www.elwatan.com/pages-hebdo/magazine-pages-hebdo/violences-virtuelles-au-maroc-des-feministes-et-associations-se-mobilisent-14-03-2020>

physical acts may be recorded and circulated online, and domestic violence often comprises controlling behaviours which are facilitated by the use of technologies.

Common reactions reported were to change profiles or phone numbers or cancel their participation in online spaces. Several victims attempted suicide, others left school, quit or lost their jobs, or were forced to relocate from the city they lived in. They were convinced that filing a complaint would be pointless for a number of reasons, including fear of possible retaliations from the family or the police, or accusations that women themselves provoked the abuse and were to blame for it. In fact, only 10 per cent of women who had experienced online VAW reported these incidents to public authorities. This lack of confidence in public authorities is not helped by the fact that law enforcement does not pursue complaints in the absence of proof of the aggressor's identity, which represents a challenge in the case of online violence and anonymous abusers.

CIVIL SOCIETY INITIATIVES AND WAYS FORWARD

The 'Stop digital violence' campaign by the Tahadi Association aims to inform victims about their rights and to break the cycle of silence: 'this initiative comes out of the strong belief that the public space, particularly the digital space, is a step forward in the achievement of gender equality. The project is based on our willingness to work with all parties involved in the sphere of the digital violence, in particular the public authorities (e.g. justice and police) and service providers (Moroccan Telecom, Orange, Inwi) as well as experts in digital security, specialised lawyers and researchers, with the aim to take actions for the elimination of gender-based digital violence'. The campaign makes use of innovative education and communication tools, such as the YouTube channel 'Nafidat Tahadi', and of a multi-level and site structure comprising a mobile unit for schools, a reception desk, and a service for legal and psychological assistance targeting online VAW. The project uses technology for the benefit of women: a mobile application offers a database of legal references and an accessible space to file a complaint. Seven video episodes entitled 'La loi de BASMA', were also circulated on the YouTube channel, 'La loi de BASMA', which depicts cases and stories of online violence. In the near future, it will coordinate an analysis of gender-based digital violence in Morocco and two roundtables on the impact of online VAW on women's lives. These analyses and discussions are incredibly timely: VAW increased exponentially during the COVID-19 lockdown: from March 16 to June 30, 2020, the association handled 750 cases of violence, 45 of which expressly concerned acts of cyber violence against women.

Bouchra Abdou explains that cyber violence against women is an extension of violence against women and girls in the real world. For her, 'the origin of this violence remains the patriarchal system of structures and social relations in which men dominate and oppress women. In this cultural system, women are the storehouse of morality, which gives legitimacy to social censorship of women. Technologies facilitate acts of violence through their accessibility, and they offer opportunities for their users to remain anonymous and have more chances to escape punishment. So, it can be said that technologies allow perpetrators to be more aggressive and inflict more damage on their victims and give potential aggressors more opportunities to act against women.'

It is, therefore, encouraging, though insufficient, to see the measures that the Moroccan government has been taking to fight against gender-based stereotypes and discrimination in public discourse, particularly following the adoption of the National Charter for the Improvement of the Image of Women in the Media in 2005 and the Governmental Plan for Equality (ICRAM 2, 2017-2021).⁵⁹

However, NGOs warn that one of the reasons why women struggle to get justice is that the national legal framework, including Law 103.13, does not comply with international conventions, contrary to the supremacy of international conventions ratified, as set in the 2011 Constitution.⁶⁰ Furthermore, some public policies—including the Governmental Plan for Equality—do not lay out clear implementation measures to protect women's rights. Additionally, national mechanisms established to protect women's rights are not operative or do not have the necessary resources to operate: this is the case for VAW specifically as well as the more general Law No. 79.14 founding the Authority for Parity and the Fight against All Forms of Discrimination.⁶¹

Among the latest steps taken by the government to combat all forms of VAW, in September 2019, the National Commission for the Care of Women Victims of Violence was inaugurated, with the aim of coordinating the various actors and bodies involved in combatting VAW. In March 2020, a number of ministries and the High Authority for Audio-visual Communication signed the Marrakesh Declaration in support of the fight⁶². The Moroccan government is also finalising the 2020–2030 *National Strategy for Combating Violence against Women*⁶³. The text includes, among its main axes, the prevention of violence and discrimination against women and girls, as well as protection from all forms of violence against women in all settings and in all stages of life. It also proposes giving a regional dimension to the policy of combating VAW and stronger regional coordination among the parties involved. Lastly, in March 2020, Morocco's government approved Law 22–20 related to fighting against cyber-crimes, such as spreading false news and blackmailing, with a focus on social media and similar networks.⁶⁴ The law was supposedly enacted to fill the legal gaps in the field of cyber violence (though with no specific gender dimensions), without prejudice to the constitutionally guaranteed freedom of digital communication as part of the freedom of speech act. However, human rights organisations fear that the law is a 'Trojan horse' which will further restrict freedom of expression in the country⁶⁵.

59. Royaume du Maroc, Examen national approfondi de la mise en oeuvre de la Déclaration et du Programme d'action de Beijing, après 25 ans, https://www.uneca.org/sites/default/files/uploaded-documents/Beijing25/morocco-beijing25_report_fr.pdf

60. ADFM, CEDAW 2020: Rapport parallèle des ONG au 5ème et 6ème rapports périodiques du gouvernement marocain, download available at : <https://tbinternet.ohchr.org>

61. Royaume du Maroc, Bulletin Officiel No. 6644 (2018), <https://adala.justice.gov.ma/production/legislation/fr/Nouveautes/autorit%C3%A9%20pour%20la%20parite%20et%20la%20lutte%20contre%20toutes%20formes%20de%20discrimination.pdf>

62. HACA, 'S.A.R La Princesse Lalla Meryem préside à Marrakech la cérémonie' (9 Mar. 2020), <https://www.haca.ma/fr/actualites/sar-la-princesse-lalla-meryem-pr%C3%A9side-%C3%A0-marrakech-la-c%C3%A9r%C3%A9monie-de-c%C3%A9l%C3%A9bration-de-la>

63. Amrani, Yousra 'Le gouvernement planche sur la finalisation de la stratégie nationale de lutte contre la violence faite aux femmes' (29 Mar. 2019), <https://lematin.ma/journal/2019/gouvernement-planche-finalisation-strategie-nationale-lutte-contre-violence-faite-aux-femmes/313286.html>

64. Hatim, Yahia, 'Morocco Enacts New Law to Fight Fake News', Cybercrime (19 Mar. 2020), <https://www.morocoworldnews.com/2020/03/296735/morocco-enacts-new-law-to-fight-against-fake-news-cybercrime/>

65. EuroMed Rights, 'Maroc, non au choc liberticide en période de crise sanitaire' (4 May, 2020). <https://euromedrights.org/fr/publication/maroc-non-au-choc-liberticide-en-periode-de-crise-sanitaire/>



3.3. ALGERIA



LEGAL FRAMEWORK

Algeria faces a number of the same challenges as Morocco regarding the implementation of adequate and fit-for-purpose legislation. The law provides a framework for gender equality and the criminalisation of gender-based violence: Article 32 and 34 of the 2016 Constitution and domestic violence Law No. 15-19 of 2015 amending the penal code, respectively.⁶⁶ Nonetheless, the legal framework fails to ensure VAW prevention or the implementation of protection measures.

Some steps have been taken to improve legal provisions regarding VAW: with the criminalisation of domestic violence, new criminal offences against women can be punished, such as verbal or emotional abuse and sexual harassment of a woman at home or in a public place. In 2007, Algeria adopted a national strategy to combat VAW⁶⁷, with the support of UNFPA, which introduces a life-cycle dimension into all sectors of intervention and aims to reconcile the main national and trans-national elements in its referential framework (i.e. Islamic equality principles, constitution, policy priorities and international

commitments). However, in 2011, the report of the UN Special Rapporteur acknowledged that de jure and/or de facto discrimination against women still permeate⁶⁸ all social spheres through the perpetuation of patriarchal attitudes and stereotypes in society, and may arguably still persist even though Algeria has formally ratified international and regional conventions—such as CEDAW, together with the Optional Protocol and the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Furthermore, the delegate minister responsible for the family and the condition of women is also responsible for advancing women's rights and implementing the national strategy to combat violence against women. They have made recommendations pertaining to the establishment of reception centres for victims of violence and new mechanisms to self-empower women to register their complaints and providing guidance to victims through special police units and trained women officers.

The Strategy to Combat Violence against women recommended the establishment of reception centres for victims of violence and of new mechanisms to self-

66. UNDP, Algeria Gender Justice & The Law (2018), <https://arabstates.unfpa.org/sites/default/files/pub-pdf/Algeria%20Country%20Assessment%20-%20English.pdf>

67. République Algérienne Démocratique et Populaire, Future CEDAW/C/DZA/3-4 (2009), https://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.DZA.3-4_fr.pdf

68. Human Rights Council, Mission to Algeria (2011), <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/country%20report/africa/algeria/algeria%20srvaaw.pdf?vs=5933>

empower women to register their complaints and to provide guidance to victims through special police units and trained women officers. However, in practical terms, insufficient specialised shelters continue to be of concern, and women's rights organisations report the lack of support measures for victims of sexual violence and insufficient information on compensation mechanisms and prosecution of perpetrators. Domestic violence is the prevailing form of violence in ⁶⁹ and is severely underreported: 59 per cent of married women say that violence inflicted by a husband is acceptable. Women's rights' concerns are often framed within the context of family. Single mothers and women living on their own are more likely to be subjected to public defamation.

ONLINE FORMS OF VAW

In Algeria, VAW in the digital space is not properly conceptualised and regulated. There are laws in place to prevent violence in the digital space in general, but these ignore gender-specific situations. Law No. 09-04 sets specific rules for the prevention and fight against offences related to information and communication technologies.⁷⁰ This law illustrates specific cases in which authorities can resort to monitoring digital communications and Internet service providers can be obliged to remove illegal content (e.g. to support investigations and prevention of offences against national security).

After some recent high-profile incidents⁷¹ involving hate speech and misogynistic campaigns against women on social media,⁷² Algerian authorities have paid more attention to cyber violence against women. The Minister of Communication and spokesperson for the Government, recently spoke out against cyber harassment and hate speech on social media as an unacceptable phenomenon that jeopardises social cohesion and public debate by

generating collective censorship and self-censorship.⁷³ In 2018, public authorities adopted Law No. 20-05 on the prevention of and fight against discrimination and hate speech.⁷⁴ The law sets up a national observatory and punishes persons who advocate for any group or activity that calls for discrimination and hatred, and any individuals who own sites or electronic accounts promoting visual or verbal communications which cause discrimination and hatred in society. Under the law, all victims benefit from full legal assistance, and both victims and witnesses can access protection procedures (Article 19). Furthermore, the public prosecutor can authorise the localisation of the suspected person, the accused, and the device used to commit the offence using technological means of information gathering or communication or technologies specifically designed to this effect (Article 27). Again, however, these provisions contain no gender-specific clauses.

In 2018, judicial authorities took charge, for the first time, of a VAW case: that of Rym the jogger, a girl attacked by a group of young people because she was jogging just before breaking the fast during Ramadan.⁷⁵ When Rym decided to speak out about the event on social media sites, misogynistic messages which escalated to calls for the enactment of violence against women started to circulate in response. One of the perpetrators went so far as to incite Algerians to assault unveiled women with acid. Seeing such hate-filled messages generated a movement of solidarity within society, resulting in Internet users helping the police to find and block the accounts of the authors. The Algerian Minister of Justice, for his part, publicly stated that 'the utilisation of social media and networks to spread violence against women' would be met with public action to identify⁷⁶ and these words were ultimately successfully defined through.

69. Féminicides Algérie, <https://feminicides-dz.com/>

70. Journal Officiel De La République Algérienne Démocratique et Populaire N° 47, <http://www.sante.dz/ans/fr2009047.pdf>

71. Sellami, Yasmine, 'Violences sexuelles en Algérie : la société est-elle complice?', Jeune Afrique (12 Oct. 2020), <https://www.jeuneafrique.com/1056993/societe/violences-sexuelles-en-algerie-la-societe-est-elle-complice/>

72. IntyMag, '#Bonne nouvelle Fini l'impunité Pour Les Algériens Qui Prônent La Violence Contre Les Femmes Sur Internet' (19 Jun. 2018), <https://intymag.com/bonne-nouvelle-fini-limpunite-pour-les-algeriens-qui-pronent-la-violence-contre-les-femmes-sur-internet/>

73. Algérie Presse Service, 'La "violence expressive" via les réseaux sociaux "menace" le tissu social national' (17 Oct. 2020), <http://www.aps.dz/algerie/111223-la-violence-expressive-via-les-reseaux-sociaux-est-inadmissible-et-menace-le-tissu-social-national>

74. Journal Officiel De La République Algérienne Démocratique et Populaire, Journal Officiel No. 25 (2020), https://www.mfdgi.gov.dz/images/pdf/textes_reglementaires/F2020025.pdf

75. Algeria Watch, 'Appels au lynchage des femmes: "Aucune clémence ne sera manifestée à l'égard des auteurs"' (20 Jun. 2018), <https://algeria-watch.org/?p=68264>

76. Ibid.

77. Algérie Presse Service, 'La "violence expressive" via les réseaux sociaux "menace" le tissu social national' (17 Oct. 2020), <http://www.aps.dz/algerie/111223-la-violence-expressive-via-les-reseaux-sociaux-est-inadmissible-et-menace-le-tissu-social-national>

CIVIL SOCIETY INITIATIVES

However, as in cases of cyber laws being used to censor activists, this law to prevent discrimination can also be used by the State to assert its ideology. Amina Cheballah, activist in the Algerian feminist association Tharwa N'fadhma N'soumer highlights the controversial application of this law: 'The new law 20-05 has been used to obstruct the freedom of expression, as is the case of Walid Kechida, one of the founders of the Hirak Memes Facebook group, who has been in detention since last March'.⁷⁸

'The pandemic has also been used to confine women to the role of housewife reiterated in the public discourse that went so far as to blame them for the country's financial and economic crisis.

Furthermore, violence is amplified by economic and social factors specific to the environment in which women live.⁷⁹ Sub-Saharan migrants, Berber-speaking women, or black Algerians from the south, face significant discrimination in society generally, which may also manifest in experiencing unequal access to justice when they are the victims of violence. This was the case when police refused to investigate the gang rape of Marie Simone, a Cameroonian migrant. An online petition and statement by Femmes Algériennes Revendiquant leurs Droits (Algerian Women Claiming their Rights) eventually led to the complaint being filed, but this highlights the overlapping layers of discrimination that must be unpicked to ensure fair legal support for all women.⁸⁰

'Cyber-feminism has been in force since the start of the revolution of February 22, 2019 - (the) anniversary of the mass demonstrations that lead to the removal of President Bouteflika from power in April 2019 (Hirak). Through their pages, Algerian feminist associations raise awareness against the silence of the victims and serve as a direct intermediary between survivors and a collective of lawyers and psychologists', says Amina Cheballah. In her opinion, digital mass reporting of offences has proven to be very effective in intimidating and dissuading attackers.

Online safety is a priority for feminist activists to enable their work and protect content creators as well as their audiences: Cheballah explains, 'most of our posts are closed to the public and are restricted to a preselected 'safe' community in order to protect us'.

The Wassila/Avife Network is a good example of a women's rights organisation using technology to further their purpose in Algeria.⁸¹ Created in 2000, the network's aim is to provide medical, psychological, and legal support to victims of violence and is accessible through its Facebook page.⁸² In addition to multidisciplinary support for women, the network pays close attention to reshaping public discourse and public opinion, thanks to regular collaboration with the media and advocacy activities which reinforce the role of law in the restoration of gender equality. Amongst their initiatives, they published guidelines to educate health professionals to recognise and report cases of violence, as well as the publication of a manual to train journalists on awareness to stereotypes contained in public discourse.

78. Walid Kechida was arrested on charges of having insulted the Algerian government, religion and morality through satirical posts on social media. In January, Kechida was sentenced to three years in prison. For information see:

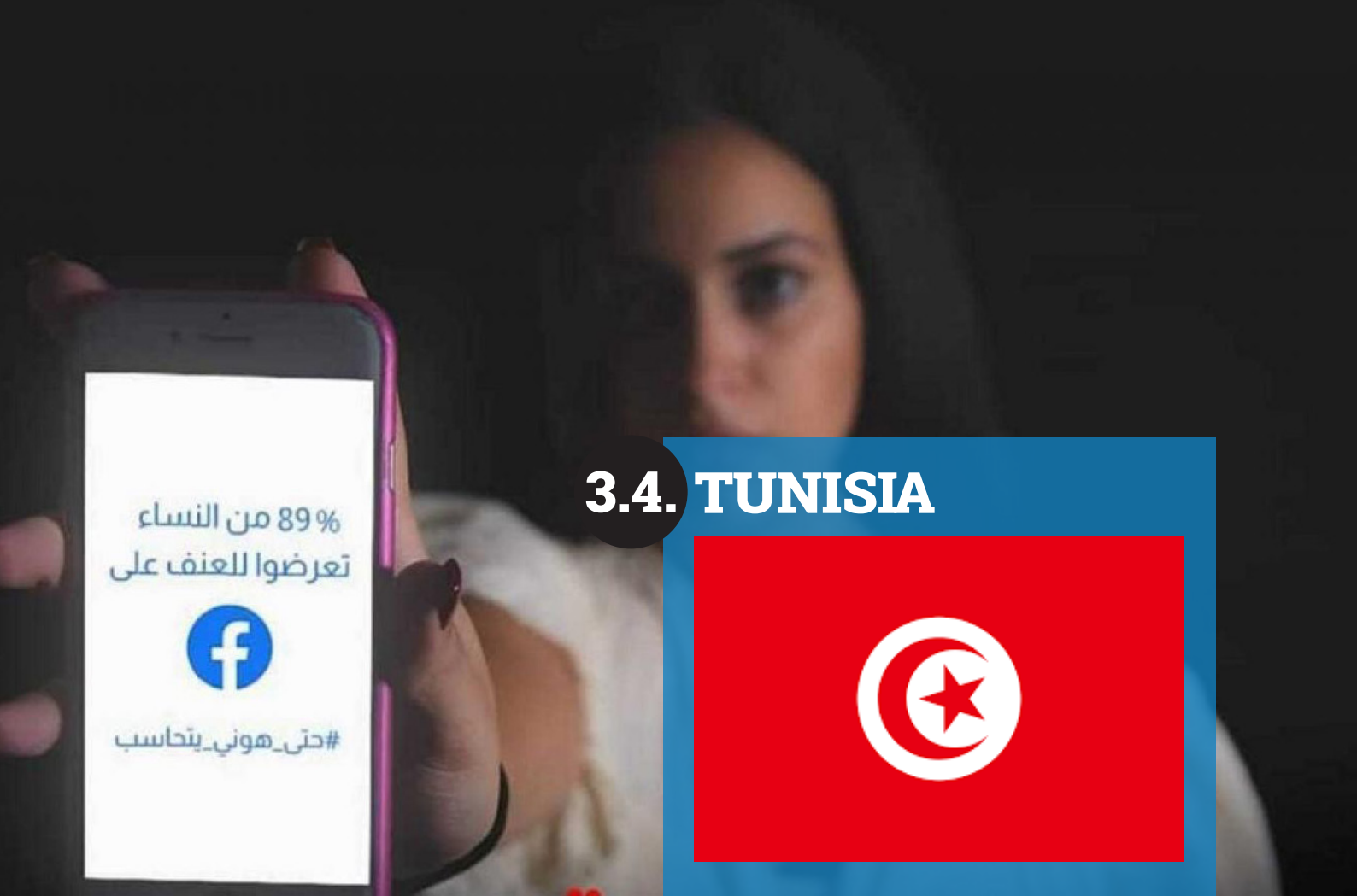
<https://www.arabnews.com/node/1787061/middle-east>

79. Ghorbani, Mégane, 'Combating violence against women in Algeria: Mobilizing and challenges', Awid (2 Dec. 2015), <https://www.awid.org/news-and-analysis/combating-violence-against-women-algeria-mobilizing-and-challenges>

80. Ghorbani, Mégane, 'Combating violence against women in Algeria: Mobilizing and challenges', Awid (2 Dec. 2015), <https://www.awid.org/news-and-analysis/combating-violence-against-women-algeria-mobilizing-and-challenges>

81. Djerbal, Dalila lamarene, Oussedik Fatma, 'Le réseau Wassila, un collectif algérien pour les droits des femmes et l'égalité', Nouvelles Questions Féministes, 2014/2, Vol. 33, <https://www.cairn.info/revue-nouvelles-questions-feministes-2014-2-page-136.htm>

82. <https://www.facebook.com/ReseauWassila/>



3.4. TUNISIA



LEGAL FRAMEWORK

Tunisia is one of the countries with the most advanced legal framework to protect women from violence. Yet, since the pro-democracy uprisings in 2011, cyber-harassment has become a more common phenomenon; many women activists, politicians, and journalists have experienced gender discrimination and defamation campaigns. The National Union of Tunisian Journalists points out that there are fewer physical attacks but there is more violence on the Internet and on social networks, particularly against women.⁸³ Many well-known faces have made headlines for being victims of stalking and cyber violence, like the feminist blogger Lina Ben Mhenni, or recently Rania Amdouni.⁸⁴ Mounira Balghouthi, Marsadnissa project coordinator and researcher explains that in Tunisia, 'The situation of violence against women in the cyberspace reflects the patriarchal culture prevailing in the society as well as the gap between laws and reality. Actually, it is not a matter of insufficient legislation, but laws must be activated and properly applied.'

The legislation itself is impressive: Law No. 2017-58 concerning the eradication of VAW (2017)⁸⁵ addresses all forms of violence and discrimination against women and suggests a comprehensive framework to prevent violence, protect and support survivors—legally, physically, and psychologically—prosecute perpetrators, and apply increased penalties. This law conceptualises VAW as any physical, moral, sexual, or economic harm against women, rooted in gender-based discrimination, comprising acts that cause violations of human rights and freedoms, in the public or private sphere. Furthermore, it urges all media to be aware of VAW, of the ways to combat it, the need to train staff adequately to recognise it (Article 11), and bans the dissemination, by any means and types of media, of stereotyped ideas and pictures to the detriment of women.

In the text of the law, the State also committed to developing and monitoring the implementation of national strategies and sectorial programmes with the aim of eliminating all forms of violence against women in the family, social, educational, training, professional, health, cultural, sports, and media spheres. The law also established a National Observatory for Combating

83. Global Voices, 'Les femmes en Tunisie : premières victimes de la haine sur internet' (30 May 2020), <https://fr.globalvoices.org/2020/05/30/251040/>

84. Malik Ben Salem, 'Icône des manifestations en Tunisie, la militante Rania Amdouni harcelée en ligne', (18 February, 2021). <https://www.courrierinternational.com/revue-de-presse/lgbt-icone-des-manifestations-en-tunisie-la-militante-rania-amdouni-harcelee-en>

85. Journal Officiel de la République Tunisienne No. 65, Loi organique n° 2017-58, <http://www.legislation.tn/sites/default/files/news/tf2017581.pdf>

Violence against Women, under the supervision of the Ministry in charge of women's affairs, which conducts research and fieldwork to investigate cases of violence and publishes an annual public report to assess the application and efficacy of the measures adopted.

An example of its efficacy is that on May 8, 2020, an unprecedented judgement made use of Article 33 of this Law to issue a restraining order in favour of victims of cyber harassment which developed into physical harassment.⁸⁶ The case shows the possibility of using consistent legal provisions to cover both offline and online cases of harassment and attacks.

The post-revolutionary achievements in terms of freedoms and women's participation in society have been particularly important in Tunisia. On the one hand, women's visibility in the 2011 protests exposed them to gender-based discriminatory campaigns. On the other hand, these achievements inspired the idea of equal responsibilities between men and women, a commitment to the eradication of VAW in the 2014 Constitution (Article 46),⁸⁷ and drove the participatory process underlying the national strategy to combat VAW across the life cycle.⁸⁸ This strategy institutionalises the action of civil society and the various sectors involved, while recognising the responsibility of the State to ensure sufficient financial and operational resources. The strategy also acknowledges the role of technology in women's empowerment, and the importance of media to foster collective mobilisation in favour of behavioural and institutional changes. In this respect, key actions involve:

- fighting against the legitimisation of violence on the basis of erroneous interpretations of religious texts, family and traditions and values
- engaging men in the fight against VAW
- embedding VAW and human rights in education curricula

Lastly, the strategy recognises the fact that mechanisms to enforce judicial decisions are insufficient and that integrated reception, legal assistance, and monitoring units are lacking, but it also illustrates the positive aspects, such as free access to all judicial bodies and to 'advisor judges' in all courts of first instance.

As in Algeria, Tunisian women may experience discrimination based on gender and race. Against this backdrop, in October 2018, the Tunisian Parliament

adopted the law for the elimination of all forms of racial discrimination, which defines and penalises discrimination and hate speech. However, this legislation does not explicitly cover cases of gender/race-based harassment online. Other legal provisions that are used to cover technology-facilitated offences are Article 86 of the Telecommunications Code—which punishes whomsoever knowingly harms third parties or disturbs their peace of mind through public telecommunications networks—and Article 222 of the Tunisian Penal Code, which states that anyone who threatens another person with an assault that engenders a criminal punishment, irrespective of the means through which this threat is made, shall be punished with imprisonment or a fine.

So, despite a strong legal framework to address VAW, there is—as in other countries in the region—a lack of specific legislation to address *online* VAW, and/or a lack of precedent rulings using the existing legal framework on VAW in online VAW cases, necessitating the use of communications laws or the Tunisian Penal Code to cover this area.

ONLINE FORMS OF VAW

In 2019, the Centre for Research, Studies, Documentation and Information on Women (CREDIF) conducted a study on cyber-violence against women on Facebook and found that many victims of hate speech do not receive immediate assistance from Facebook when they file a complaint, and some prefer to change their settings, delete their profile, or block the account of the aggressor rather than wait.⁸⁹ The study reveals that young people make up the highest percentage of social media abusers, and most offences committed relate closely to the clothing or physical aspects of the woman targeted. This study is the first analysis in the region to observe the incidence and impact of several forms of VAW, including, but not limited to, cyber stalking, revenge porn, gender-based slurs and harassment, 'slut-shaming', unsolicited pornography, 'sextortion', rape and death threats, and 'doxing' (in line with definitions by the European Institute for Gender Equality).⁹⁰

Social media platforms have evolved from instruments for revolution into tools which people can easily use to their dissent toward the radical changes that the uprisings brought about. Mounira Balghouthi explains

86. Global Voices, *Ibid.*

87. Constitutive, Tunisia's Constitution of 2014, https://www.constitutiveproject.org/constitution/Tunisia_2014.pdf

88. Ministry of Women and Family Affairs, Stratégie de lutte contre les violences faites aux femmes (VFF) à travers le cycle de vie, <https://tunisia.unfpa.org/sites/default/files/pub-pdf/STRATEGIE%20VIOLENCE%20fr.pdf>

89. Sayadi, Par Hela, 'Résultats préliminaires de l'étude sur les violences faites aux femmes sur les réseaux sociaux : Mettre fin à la violence en ligne!', La Presse.tn (7 Dec. 2019), https://lapresse.tn/38831/resultats-preliminaires-de-letude-sur-les-violences-faites-aux-femmes-sur-les-reseaux-sociaux-mettre-fin-a-la-violence-en-ligne/?fbclid=IwAR3IEAeVhH7znxQcqqKglrpXra-KD4VFXNgJNaU1pr_1DkvgI8xjr3cPrLw#.Xf0jww6jCac.facebook

90. EIGE, Cyber violence against women and girls (2017), <https://eige.europa.eu/publications/cyber-violence-against-women-and-girls>

that 'The VAW phenomenon in the digital space, in Tunisia, is intertwined with multiple structural factors that exacerbate it, like the freedom of expression stemming from the Tunisian revolution and rise of fundamentalists waves that were hostile to change and to recognising the rights of women and sexual minorities. In addition to this, the ease of creating fake accounts with pseudonyms encourages many people to show off their negative and hidden beliefs'. Despite the many advances, many women still suffer from verbal and racist abuse in private messages, bullying behaviours, blackmailing, and smear campaigns. The implementation of laws needs to be improved, together with the promotion of a community culture based on the values of human rights.

CIVIL SOCIETY INITIATIVES

A number of civil society organisations and NGOs focus on this area of growing concern.⁹¹ Marsadnissa uses the digital space to promote women's rights via the same media as the aggressors to curb the growth of the online VAW phenomenon, while providing women with offline assistance when they face legal issues. Through its activity as a watchdog of judicial decisions, Marsadnissa encourages courts and judges to comply with human rights and international standards. It also raises public awareness of citizens' rights regarding digital violence through sample summations and relevant legal references. Thanks to this platform, users can easily identify decisions and rulings that are effectively supporting women's rights and those that constitute a breach of these rights. In addition, Marsadnissa puts an emphasis on capacity building (e.g. mock trials on the subject of violence against women⁹²) as well as transnational cooperation with other associations—for example, the organisation a national caravan together with the Mobilising for Rights Associates (Morocco), which travelled from Sidi Bou Said to Jendouba in the north of Tunisia, under the slogan



”ناقفو مع بعضنا باش نضمنو حقوق النساء

We stand up against violence and organize/stand together for women's rights”.

According to Mounira Balghouthi, the cyberspace offers new forums for the expression of feminist political resistance. The NGO Aswat Nissa created a Facebook group named 'EnaZeda', a literal translation of the global #MeToo hashtag. This digital space connects a community of thousands of women and provides a platform to freely share their personal experiences and collect testimonials. Technology has permitted the creation of virtual public spaces outside of traditional mechanisms of social control that allow women to regain and reassert their identities and demand justice.

91. <https://www.marsadnissa.tn/>

92. <https://www.facebook.com/CaravaneDroitsFemmesTunisie/>



CONTEXT AND LEGAL FRAMEWORK

As in Tunisia, social media also represented a revolutionary tool in Egypt. In fact, most activists used social media, particularly Facebook, to mobilise people in support of the 2011 protests against the government at the time in Tahrir Square. Social media were, and are still, the main vehicle for the voice of the people and human rights defenders; however, they are not used without issue. Social media have been served to effectively convey a counter-narrative to that of the government and to document human rights abuses. Consequently, therefore, these platforms also became an easy target⁹³. Stepping up this form of surveillance since the revolutionary protests, the government has restricted freedoms in the digital space by strategically shutting down Facebook pages and blocking websites (e.g. that of the independent media outlet MadaMasr). It has put in place common practices of censorship and surveillance legitimised by laws, detaining numerous citizens for reasons linked to digital expression.⁹⁴ A true legal arsenal has been built to substantiate communication-related crimes, such as the

93. Open Technology Fund, 'The Rise Of Digital Authoritarianism In Egypt: Digital Expression Arrests From 2011-2019' (24 Oct 2019), <https://www.opentech.fund/news/rise-digital-authoritarianism-egypt-digital-expression-arrests-2011-2019/>
 94. Library of Congress, 'Government Responses to Disinformation on Social Media Platforms: Egypt', <https://www.loc.gov/law/help/social-media-disinformation/egypt.php>

Law No. 180 (2018) on the Organisation of Press, Media and the Supreme Council of Media and the 2018 Cyber Crime Law. The recent introduction of these laws is motivated by several governmental surveys reporting the 'outsized spreading' of purported disinformation within the country: a study⁹⁵ by the Communication and Information Technology Committee in the Egyptian Parliament, 2017) found that 53,000 rumours deemed false had spread in Egypt in just sixty days and most of these were circulated on social media. The following laws were put in place to address such alleged problems of disinformation and do very little to protect women from violence online:

- Law No. 180 of 2018 grants the Supreme Media Council the right to ban or suspend the distribution, broadcast, or operation of any publications, newspapers, or media outlets containing information that could threaten national security or promote discrimination, violence, racism, hatred, or intolerance. The Supreme Media Council is given the authority to suspend or block any personal website, blog, or social media account that has a high number of followers if it publishes fake news inciting the violation of a specific law or promoting violence or hatred.
- Law No. 175 of 2018 on anti-cybercrime, was

95. Khairy, Amina, 'Trapped in a Sea of Rumours' (11 Jan. 2019), <https://perma.cc/8R75-VVRN>

issued as the first Egyptian legislation to address crimes that take place on the Internet and electronic communication sites, and that would protect women against people who harass and violate their privacy. Article 18, for example, punishes whoever breaches an email, website, or account of an individual, and Article 24 inflicts penalties for the use of fake emails and private accounts to offend a person. Article 25 stipulates that penalties should be applied to whoever publishes—through the information network or information technology—news or pictures that violate the privacy of any person without his/her consent.

However, as in Turkey and Algeria, laws designed to protect can in fact be used to target and persecute. Since April 2020, ten young women TikTok influencers have been prosecuted on the charge of inciting immorality and violating family principles and values.⁹⁶ The fact that a number of these women were, in fact, using social media to appeal for help is particularly concerning. For example, social media influencer Menna Abdelaziz appealed for help on Instagram and said that she had been filmed without her consent, beaten and raped. She had previously been turned away from a police station in Cairo attempting to report the incident, but after posting on Instagram was arrested and accused of 'inciting debauchery'. Another two of the women arrested, Manar Samy and Sama El-Masry, were sentenced to three years imprisonment by the Egyptian courts. Such crackdowns exemplify the duality of information and communications technologies when it comes to women's rights: it is a tool which has the potential to empower women; in the case of the Tiktok women, some were earning a living wage from their activity; which is feared by patriarchal societies, such as the Egyptian one. In this case, the arrest of the Tiktok women should be understood as an attempt to 'fight back' and re-assess men's domination and control over women's bodies, by punishing those whose popularity over young girls is threatening patriarchy and men's privileges.

96. Amnesty International, 'Egypt: Survivors of sexual violence and online abuse among prosecuted women TikTok influencers' (13 Aug. 2020), <https://www.amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-women-tiktok-influencers/>

ONLINE FEMINIST ACTIVISM

Despite these issues, social media have also created opportunities for women to report abuses which they were the unreported victims of. The story of Nadeen Ashraf, who led a digital anti-harassment revolution via the Instagram account 'Assault Police', is particularly inspiring. She gave a voice to an important segment of society, namely, young women who survived sexual harassment and do not usually speak up because VAW is normalised and trivialised: 'I had heard of (and confirmed) that students mobilised and tried reporting Ahmed Bassam Zaki to their school administration, but those in control failed them by not taking proper action. I witnessed women first coming forward about being harassed by him on our university's unofficial Facebook group around 2018, only to be silenced by having their posts deleted later'⁹⁷ As a result of the vocal campaign against the spread of harassment culture launched on Assault Police, the serial offender, Ahmed Zaki, was investigated and successfully prosecuted for indecent assault, and now faces further charges of blackmailing and harassing victims through the misuse of telecommunications devices.⁹⁸

LEGISLATIVE ADVANCEMENTS

Work is being done to improve the legal framework in support of women's rights: the 2014 Constitution ratifies gender equality and protection against all forms of violence. Furthermore, Law No. 50 of 2014 amended the Penal Code (Articles 306 Bis-A and 306 Bis-B) to include crimes relating to sexual harassment and correlative punishments, including imprisonment and fines. Specifically, Article 306 Bis-A takes into account the digital dimension: it punishes the act of accosting others in a private, public, or frequented place by using sexual or obscene gestures, whether by verbal or non-verbal means or through actions, in any manner, including modern

97. Khairat, Farah, 'Meet Assault Police's Nadeen Ashraf: The Student Behind Egypt's Anti-Harassment Revolution' (20 Sep. 2020), <https://egyptianstreets.com/2020/09/20/meet-nadeen-ashraf-the-student-behind-egypts-anti-harassment-social-media-revolution/>

98. Egyptian Streets, 'Accused Sexual Predator Ahmed Zaki Confesses to Blackmail, Intimidation: Egyptian Public Prosecution' (7 Jul. 2020), <https://egyptianstreets.com/2020/07/07/accused-sexual-predator-ahmed-zakis-victims-include-a-child-egyptian-public-prosecution/>

means of communication.⁹⁹ In addition, *The National Strategy for Combating Violence against Women* (2015–2020), drafted by the National Council for Women, is a first attempt to address gender justice and combat VAW in practice by establishing procedures to communicate cases of violence—the hotline for sexual-violence complaints, for example,¹⁰⁰—as well as mechanisms for collecting data on acts of violence, in collaboration with NGOs. The strategy adopts the same VAW definition as CEDAW and adds the socio-economic harm stemming from the act of violence. According to data from the National Council for Women, the most frequent forms of VAW are domestic violence and community violence, especially verbal harassment in the streets. The largest group of victims is made up of married women.

Nonetheless, there is still no specific law to combat VAW, and the legal framework also struggles to integrate technology-facilitated violence in a way that does not equate to a generalised crackdown on individual freedoms. A draft VAW law is being prepared to combat violence against women, and cyber violence is likely to be addressed in this as a result of the increasing evidence about the effects of cyber violence on the life of women. A recent study evaluated the impact of cyber violence on Egyptian women and concluded that about 41.6 per cent of participants experienced cyber violence in 2019, of which 45.3 per cent reported having been exposed to the phenomenon multiple times.¹⁰¹ Out of the 11 offenders who were identifiable by their victims, 10 were men. On social media—which represents the most common place for exposure to attacks—blocking the offender was often the first reaction of victims. None of the victims in this study reported the incidents to the police. The report also contrastingly found that when measuring the rate and frequency of cyber violence exposure specifically, married women seem to be significantly less affected.

99. UNDP, Egypt Gender Justice and the law study (2018), https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html

100. Arab Republic of Egypt,

الاستراتيجية الوطنية
لمكافحة العنف ضد المرأة

<http://www.arabwomenorg.org/MediaFiles/Landing/files/egypt-strategy.pdf>

101. Hassan et al., 'Cyber violence pattern and related factors: online survey of females in Egypt', *Egyptian Journal of Forensic Sciences*, 10, Article 6, (2020) <https://doi.org/10.1186/s41935-020-0180-0>

In fact, published research on online VAW in Egypt is still limited. A government response is urgent but could also generate undesirable effects within the current legal landscape that favours crackdowns on human rights in general, digital rights and social media monitoring in particular. Consequently, in Egypt, it is essential to empower final users regarding digital safety across the scope of IT platforms. It is also essential to take into consideration that economic and social class inequalities could cause disparities regarding women's awareness of their online personal safety and ways to deal with cyber violence incidents.

CIVIL SOCIETY INITIATIVES

The IT company Motoon is providing technical support and advice through advocacy activities in order to maintain the Internet and tech-enabled spaces technology as sites of opportunity for civil society.¹⁰² Motoon was founded by communities of techies, activists, and citizen journalists willing to share knowledge and best practices to solve common problems. They put in place a gender-sensitive programme advocating for more digital literacy and to narrow the gender gap in the field of technology building on users' best practices rather than governance of media platforms. Through scenario-based workshops, they provide women with recommendations on how to use a specific tool in the best way in various situations. The association also drafted a digital security manual which brings together tips and recommendations in accessible language,¹⁰³ supporting the community of women public figures, journalists, and digital activists who are the most frequent victims of hacking and blackmailing. These interventions are part of the 'Noon Tech' programme to empower women in the use of technologies and to normalise their presence in the tech industry in pursuit of equal representation.

To the same ends, Motoon has recently issued a research paper with the New Women Foundation.¹⁰⁴ This report explores the revolutionary use of technology as a battleground contributing to social change and the

102. <https://www.motoon.org/>

103. <https://www.motoon.org/resources/enmdsm>

104. <https://www.motoon.org/resources/techrole-en>

formation of public opinion. The report documents the role of women bloggers posting about unspoken women's issues during the five years leading up to the Uprisings (e.g. the 'We are all Laila' campaign), as well as the post-Tahrir testimonies and social media campaigns turning a spotlight on sexual harassment. The blogging movement also represented the beginning of women's coding of feminist content in cyberspace and have, alongside other forms of social media, contributed to the cause of shedding light on unspoken issues from the point of view of the marginalised as opposed to the mainstream media narrative.

In December 2020, Motoon released the findings of a roundtable with Egyptian feminist activists on technology and its intersection with gender and feminism, in particular how women perceive the cyber-space in terms of challenges and opportunities.¹⁰⁵ A main take-away was that participants viewed the Internet as an extended space between the public and private spheres, a space where personal battles become political battles, a space of new identities and narratives outside of the institutional reproduction of stereotypical gender identities. The Internet is the place where they can share their stories and experiences and build networks of solidarity and support. The findings from the roundtable suggested that the Internet reduces physical barriers associated with accessing knowledge. However, amongst the obstacles in using technology, the group identified the following:

- a male-dominated environment
- no access to a computer or the Internet
- lack of awareness of adequate privacy policies and digital safety
- vulnerability: the way in which women's presence on the Internet and size of their online community reflect the representation of identities and oppression in real life, thus women are more vulnerable to online violence
- electronic censorship from the family, the community, and the State: access to computers or smart phones can be prohibited for women while they are (almost)

¹⁰⁵. <https://www.motoon.org/resources/techandgender>

always available for men. Family and community members monitor what women post on their accounts on social media platforms. The State can block websites, under the pretext of incitement to terrorism, spreading false news using social media, or incitement to debauchery and immorality (with the latter disproportionately affecting women).

Participants listed the experiences of electronic violence they were exposed to: verbal harassment, sending sexual images, threats and blackmail, insults and defamation, hostile reactions to the expression of opinions, attempts to hack social media accounts, bullying, hate messages, incitement of violence against women, discrimination, and racism. A significant problem is that online violence is often not seen as "real" violence because it does not involve physical harm which, in a sense, permits or legitimates the use of extremely hostile language and threats of action that would not be tolerated in offline contexts¹⁰⁶.

An important part of the fight against online VAW is ensuring that women's right to participate in online spaces is accepted as the norm, a discussion which is currently gaining popular traction in Egypt. Equally, as in other countries in the MENA, women activists in Egypt use the same tools as their aggressors to build a counter-narrative— in reaction to the recent TikTok incidents, the hashtag

بعد_اذن_الاسرة_المصرية#

('If Egyptian families permit ...') was sarcastically used to call into question the cultural norms that legitimised the arrest warrants against the women¹⁰⁷ The counter campaign also highlighted that these systematic crackdowns more often than not target women from low socio-economic backgrounds.

¹⁰⁶. Motoon is now planning to analyse current practice of how social media deal with women's online presence through an analysis of the different rules across platforms.

¹⁰⁷. Egyptian Streets, 'Digital Campaign Supports TikTok Women Arrested Over "Egyptian Family Values" Law' (15 Jul. 2020), <https://egyptianstreets.com/2020/07/15/digital-campaign-supports-tiktok-women-arrested-over-egyptian-family-values-law/>



3.6. LEBANON



LEGAL FRAMEWORK

The notions of gender and sex discrimination are not yet fully integrated in the conceptualisation of VAW in the Lebanese legal framework.¹⁰⁸ There are few governmental bodies focusing on the issue of VAW within the public sector (the National Commission for Lebanese Women is an example, but is, unfortunately, not well supported). In addition, cyber violence against women is a relatively new concept in terms of legislation.

Lebanese laws do not define sexual violence, and the Penal Code does not punish all forms of sexual harassment. Most of the measures to formalise VAW and protect women fall under the Law No. 293 Protecting Women and other Family Members from Domestic Violence, approved in 2014.¹⁰⁹ However, the scope for action in this law is limited to the acts of violence or threat within the family context, which may cause physical, psychological, sexual, or economic harm. The law contains some positive elements: the judicial police and the public prosecutor can receive complaints relating to violence and can inform the woman about her right to obtain a restraining order and

108. UNFPA, Situation Analysis of Gender-Based Violence in Lebanon (Lebanon, 2012), <https://lebanon.unfpa.org/sites/default/files/pub-pdf/1-Situation-Analysis-of-GBV-in-Lebanon.pdf>

109. UNDP, Lebanon Gender Justice and the law study (2019), https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html

receive legal assistance. Furthermore, financial resources are allocated to assist victims and to rehabilitate perpetrators. In the event of conflicts arising between the law on domestic violence and personal status laws (multiple religion-based personal status laws), the former takes precedence which is preferable in that it offers a higher level of protection and better recourse to victims of violence.

Nevertheless, ambiguity in this law regarding the narrow definition of offences and punishable crimes leaves decision-making power in the hands of judges.¹¹⁰ In 2017, the Ministry of Justice—in cooperation with the National Commission for Lebanese Women and KAFA (enough) Violence and Exploitation—proposed a draft bill to amend this law to include violence in public spaces in its scope, but the bill is yet to be considered by Parliament. The proposed amendments include a more comprehensive definition of domestic violence based on abuse of power in the family and greater applicability of the law to all forms and consequences of violence.

110. International Commission of Jurists, Gender-based Violence in Lebanon: Inadequate Framework, Ineffective Remedies (2019), <https://www.icj.org/wp-content/uploads/2019/07/Lebanon-Gender-Violence-Publications.pdf>

Some progress has been made in the past few years regarding gender issues in public policies through the involvement of the National Commission for Lebanese Women. The commission followed up on the implementation of *The National Strategy for Women in Lebanon* (2011-2021) with *The National Gender Equality Strategy* (2017-2030). The latter identifies gender-based violence as a priority area. Therefore, the National Commission for Lebanese Women is currently working on the finalisation and implementation of *The National Strategy for Combatting Violence against Women and Girls in Lebanon* (2019-2029).¹¹¹ This national strategy defines its strategic objectives on the basis of the principle of due diligence to eliminate violence against women and imposes obligations on the State to ensure prevention, protection, investigation, prosecution, punishment, and compensation for victims. One of the identified goals is the harmonisation of the legal framework with international standards on gender equality (especially CEDAW) and in relation to the various national legal provisions (e.g. issue a unified personal status law, expand the description of acts of sexual harassment, and adopt a comprehensive law to eliminate VAW).

Furthermore, the National Commission for Lebanese Women has coordinated *The National Action Plan on the UN Security Council Resolution 1325 on Women, Peace and Security*, which includes a section on protecting women from violence. In 2019, it also submitted the progress report on the implementation of the Beijing Declaration and Platform for Action, 25 years after its adoption.¹¹² The document evaluated progress on actions that Lebanon has taken in the last five years to prevent and respond to VAW facilitated by technology, comprising acts of online sexual harassment, online stalking, and non-consensual sharing of intimate images. Further to this work, the Ministry of Social Affairs implemented a national programme targeted at children (with a particular focus on girls and young women,) about protection from abuse and misuse of the Internet. As part of this programme, they organised seminars on digital safety in schools and produced two short video films for television, the first dealing with protecting girls from sexual exploitation on the Internet and the second with the risk of Internet facilitated grooming.

111. NCLW,

الخطة الوطنية لتنفيذ الاستراتيجية الوطنية لمناهضة العنف ضد النساء والفتيات في لبنان (2020),

http://elibrary.arabwomen.org/Content/21698_VAW-NAP-indicators-2020.pdf

112. UNESCWA, The official report on progress made in the implementation and identification of challenges

to implement the Beijing Platform for Action (Beirut, 2019), https://www.unescwa.org/sites/www.unescwa.org/files/page_attachments/lebanon_-_national_report_-_english_-_final.pdf

To date, there is no specific law addressing cyber-crimes in Lebanon, but there is a Cyber Crime Bureau which investigates on a case by case basis and punishes abusers by applying the criminal law procedure and articles of the Penal Code which best respond to the offense in question. This approach does not provide a consistent or gender-sensitive response to online violence and may result in an arbitrary use of the law. Celine El Kik, Support Center Supervisor at KAFA (enough) Violence and Exploitation, suggests that the situation might improve in the future if Parliament approves the draft proposal about gender-based violence and embraces acts of online violence in its definition.

The advances made in the past ten years need to be viewed in the context of a complicated political and legal framework, which consists of a power-sharing system across the 18 religious sects represented in the country and in a series of conflicting circumstances that undermine the possibility of receiving protection from VAW in all cases. For example, there are inconsistencies between criminal law and personal status laws—Lebanese personal law does not criminalise being transgender, but article 534 of the Penal Code, about sexual intercourse contrary to the order of nature, is regularly enforced against trans women.¹¹³

CIVIL SOCIETY INITIATIVES

Perhaps unsurprisingly then, most of the work on VAW is being done by civil society groups. Numerous NGOs offer services ranging from legal assistance to health counselling and capacity building, using technology to help women and stimulate social transformation. Resist Harassment Lebanon, for example, launched an anti-harassment campaign to report the incidence of this issue and encourage women to speak up about it.¹¹⁴

KAFA (enough) Violence and Exploitation is a feminist organisation providing advocacy services and support for VAW survivors, including but not limited to a helpline, shelters, case management, and a support centre made up of social workers, lawyers, and psychotherapists. KAFA integrates gender-equality and non-discrimination in its activities and advocates for implementing fair laws; a good example of this was their advocacy campaign which contributed to the adoption of Law No. 293, in 2014, and the current campaign to amend it and encompass women

113. Human Rights Watch, 'Submission to the Committee on the Elimination of Discrimination against Women on Lebanon' (4 Nov. 2020), <https://www.hrw.org/news/2020/11/04/human-rights-watch-submission-committee-elimination-discrimination-against-women>

114. Resist Harassment Lebanon, 'Adventures of Salwa – The Campaign', <https://qawemeharassment.wordpress.com/>

outside the family context. KAFA has also published a *Model Law on Combating Violence against Women and Girls in Arab Countries*, which proposes the adoption of a general strategy to combat all types of violence against women and girls¹¹⁵ and proposes a model Arab law to combat VAW.

However, NGOs themselves experience online attacks. KAFA is attacked in the digital space because they use media and the public space in their campaigns. Celine El KiK refers to hacking attempts, defamation, and requests coming from fake accounts. She explains that KAFA is currently advocating for a unified civil personal status law so that all women may be equal in the law and therefore receive justice. These campaigns attract attention and criticism, for example from religious communities—online and offline—because they call into question common practices and seek to empower women.

El KiK emphasises that the number of women who turn to KAFA after experiencing forms of online harassment is still very low as compared to other forms of violence, and those who do ask for help often do so as a last resort. KAFA is gradually including 'digital culture' in its awareness sessions and encourages women to learn the strengths (e.g. access to information) and the weaknesses of the digital space (e.g. privacy issues). For example, during legal procedures, women are recommended not to concede to replying to any messages from their aggressor - El KiK explains that these rooted behaviours may, in fact, be used by the accused and the judge as a form of proof that the woman "is still thinking of him" and thereby jeopardise the procedure in progress.

Despite being a relatively recent phenomenon, more and more Lebanese NGOs are raising awareness of cyber violence against women and girls and their right to use the Internet safely. The Fe-Male's collective highlighted that more than a hundred cases of different forms of cyber-violence against women are being reported each month and that during the national lockdown period alone, the percentage of reported cases of general cyber-crimes tripled¹¹⁶ (based on data from the Internal Security Forces Directorate in Lebanon). The most common forms of recorded cyber violence against women are online harassment, exposure to public morals, sextortion, defamation threats, and electronic identity theft, particularly on social media accounts. In November 2020,

Fe-Male launched a 'Screens Do Not Protect' campaign to protect women's right to access and use the Internet safely by focussing on some simple technical precautions to take and by encouraging women to report perpetrators of cyber-attacks.

As part of the 16 Days of Activism against Gender Based Violence, the digital rights organisation SMEX drew attention to the online sphere's reverberation of structural gender inequalities, showing that online privacy threats disproportionately affect women and LGBTIQ+ people.¹¹⁷ SMEX has brought forward the narrative of self-protection and taking back control in order to maximise the use of the digital public sphere,¹¹⁸ in place of self-censorship and giving up control, which reflect traditional narratives of silencing the issue and identifying the woman as the culprit and author of "inappropriate" content. SMEX has recently launched a digital incident-handling system called Digital Safety Helpdesk¹¹⁹ which replicates the experience of traditional hotlines to handle cases of general VAW. This initiative aims to provide a rapid response to digital attacks through threat mitigation and capacity building.

Overall, the situation in Lebanon seems to be typified by conflicting and confusing legislation that is not fit for purpose in dealing with online VAW. However, work is being done to address this, notably by the National Commission for Lebanese Women and by NGOs working in this area. It is also important to note that despite its potential pitfalls, technology is essential in protecting women. KAFA noted that during the COVID-19 lockdown, complaints of violence tripled, and technology was essential in enabling immediate follow-ups on case management.

115. KAFA, *Model Law on Combatting Violence Against Women and Girls in Arab Countries* (2017), <https://kafa.org.lb/sites/default/files/2019-01/PRpdf-103-636773712119795062.pdf>

116. FE-MALE, 'Fe-Male Launches "Screens Do Not Protect" National Campaign', <https://www.fe-male.org/archives/13108>

117. SMEX, 'Online Privacy Threats to Women and LGBTIQ Communities in Lebanon' (30 Nov. 2018), <https://smex.org/online-privacy-threats-to-women-and-the-lgbtqi-communities-in-lebanon/>

118. SMEX, 'How can women protect themselves online?' (30 Jan. 2019), <https://smex.org/how-can-women-protect-themselves-online/>

119. SMEX, 'Digital Safety Helpdesk', <https://smex.org/helpdesk/>



3.7. PALESTINE



ONLINE FORMS OF VAW

In Gaza, the West Bank, and the Occupied Territories, one third of Palestinian women are subjected to sexual violence and harassment online, a recent publication by 7amleh Centre revealed.¹²⁰ The most frequent forms of VAW in the virtual space are sexual harassment and extortion. In the first quarter of 2017, the West Bank registered 850 cases of cybercrime against women.

These results are troubling and suggest that online VAW is a significant problem in women's lives. The report found that in Palestine, victims of cyber violence react similarly to victims in other countries in the MENA region by self-censoring: one in four women closed their social media accounts and withdrew from active Internet participation. The study also found that family plays an important role in women's self-censorship in the specific Palestinian socio-political context where the very existence of Palestinian people and networks is called into question on a daily basis. The study noted that 'there is a strong sense of social and family control among all participants': on the one hand, women often turn to parents in a first attempt to end harassment, but on the other hand, 61 per cent of participants feel excessively guarded by their

parents in their ¹²¹internet usage.¹²² Women and girls are often receiving recommendations to keep their account private. Consequently, women users censor themselves to avoid family interference or societal punishment and critique on social media. Such gender exclusion clearly stems from the same social norms that regulate public life in the real world.

But gender exclusion from the virtual world—including political engagement online—is also the result of a complex external environment, where Palestinian people are afraid of security surveillance of their political and social media activities. Participants in the 7amleh study suggested that they avoid talking politics online as they fear reprisal from state bodies, including both Palestinian and Israeli authorities. This fear appears to be well-founded with a high number of arrests on 'incitement charges' related to social media. In addition, women fear that reprisals will not only target them but may also harm their family members: 'it happened before a lot'¹²³that a woman engages in politics, and they arrest her father or brother. And perhaps in order to save your family from troubles, you remain silent'.¹²⁴ In this context of mistrust towards state institutions (both Israeli and Palestinian) that should guarantee justice, and of fear of being

120. 7amleh, 'One-third of Palestinian young women are subjected to violence and harassment on the Internet' (22 Nov. 2018), <https://7amleh.org/2018/11/22/one-third-of-palestinian-young-women-are-subjected-to-violence-and-harassment-on-the-internet>

121. Ibid.

122. Ibid.

123. Ibid.

124. Ibid. SMEX, 'How can women protect themselves online?' (30 Jan. 2019), <https://smex.org/how-can-women-protect-themselves-online/>

publicly monitored, the family remains the main point of reference for Palestinian women, which affects their access to and use of the Internet even more. In a nutshell, in Palestine, the implications of the Israeli occupation and the patriarchal control are intertwined and feed off each other, producing similar effects in the public and virtual sphere, at the expense of women's freedom of expression.

Shatha Sheikh Yousef, activist, trainer, and project manager at 7amleh, highlighted that the online space is of fundamental importance to connect Palestinian communities who are physically fragmented across territories due to movement restrictions; therefore, digital gender safety and equality are paramount in maintaining the digital space as a place for community-building, solidarity, and advocacy. Identity claims, political issues, and cultural roots are inextricably interconnected in Palestine and make the context of gender-based violence complex: Sheikh Yousef notes that 'Palestinian women cope with a double level of violence due to the patriarchal society and the authorities'. She also explains that in terms of external restrictions due to the political environment, 'Internet infrastructure and telecommunications in Palestine are under control of Israeli authorities - West Bank and Gaza have access only to 3G, for example: this factor inevitably limits Internet access and increases [the] digital gap'. In addition to this, women's level of trust in police is very low. The 7amleh study finds that many Palestinian women and girls who have been sexually blackmailed and extorted on the Internet do not report the incidents because they do not trust the police or judiciary system. 'Palestinian women living in Israel do not feel protected; likewise Palestinian human right defenders are an easy target in Israel', confirms Sheikh Yousef. Moreover, the complex political context does not encourage technology companies and social media providers to take a position on digital safety. 'We know that our governments collaborate with IT intermediaries to monitor our data and violate our digital rights. A Facebook law has recently been debated in the Israeli government. At the same time, social media platforms do not sufficiently support or protect users via a complaints system that could monitor violations and promptly mitigate risks.' The helpline centre managed by the not-for profit women's rights organisation SAWA seems to be a rare pearl: they have established a direct communication channel with Facebook and often lobby for the removal of inappropriate content.

Hate speech against women and sexist comments on public pages are not monitored, especially when directed at against Palestinian women activists and rights defenders. Shatha Sheikh Yousef points out that

social media regularly shut down Palestinian pages and accounts advocating for Palestinian rights and monitor hate speech against Israeli people. However, these capacities are not used to report hate speech against women or LGBTIQ+ people as it is not a high priority for governments to do so. This particular situation does not help Palestinian women to obtain justice, especially given that different groups of Palestinian people fall under the jurisdiction of different authorities. Once again, the context shows multi-layered limitations restricting women's freedom of expression online: Palestinian women's voices are delegitimised both because they are women and Palestinians.

LEGAL FRAMEWORK

The legal system is equally complicated in Palestine and does not facilitate the implementation of measures protecting women's rights. The domestic legal context poses a major obstacle to the alignment of national laws to the CEDAW Convention and principles, due to the multiple legislations regulating Palestinian life—for example, the 1960 Penal Code is in force in the West Bank but the 1936 Criminal Code in Gaza instead protects a similar set of rights. The Palestinian Amended Basic Law of 2002 serves as a temporary Constitution and is the source of all other laws. Article 9 states that, 'Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views or disability'.¹²⁵

Despite this non-discrimination principle in the law, as well as the ratification of the CEDAW Convention without reservations, Palestine has not adopted any legislation on violence against women. A unified Penal Code was drafted in 2003 with some improved protections for women, but was never adopted, and a bill on family violence is currently being prepared which would in theory protect women from domestic and sexual violence.¹²⁶ Different laws regulate family matters relative to each religious group and often even vary within groups according to region: for Muslims, the Jordanian Personal Status Law No. 61 of 1976 is applied in the West Bank, and the Egyptian Law of Family Rights of 1954 is enforced in Gaza (neither of which integrate gender equality).

In 2011, the Palestinian Authority approved a nine-year national strategy to combat violence against women in occupied territories.¹²⁷ This was the first plan to institutionalise women's rights as a developmental

¹²⁵ For the full text of this document, see <http://www.palestinianbasiclaw.org/basic-law/2002-basic-law>

¹²⁶ UNDP, Palestine Gender Justice & the Law, https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html

¹²⁷ Ministry of Women's Affairs, National Strategy for Combating Violence against Women 2011 – 2019 (AR), <http://www.arabwomen.org/MediaFiles/Landing/files/palestine-strategy.pdf>

issue that has repercussions for the whole of society and therefore needs to be addressed across sectors and governmental institutions. The strategy, which defined VAW in line with CEDAW conceptualisation, aimed to set up institutional mechanisms to protect women from violence, including women violated by the Israeli occupation, and to improve services for legal protection and social support for victims of violence. However, as yet, no final mechanisms have been implemented to prevent and combat VAW.

For online matters specifically, the Palestinian National Authority adopted Decree-Law No. 10 regarding cyber-crimes in 2018.¹²⁸ In a similar way to other countries in the region, this law established a cyber-crime unit under the supervision of the public prosecution. It punishes any unlawful access or use of electronic network and data, and the disruption of access to devices and data. However, this law does not have a gender perspective. In addition to this, human rights activists believe that this law restricts the rights to freedom of expression and privacy, because the public prosecutor can intercept and obtain any type of device or data related to telecommunications traffic or its users. Despite improvements, the Independent Commission for Human Rights insists that the reasons and the time limit for blocking websites should be clarified (Article 39) and highlights the absence of the necessary guarantees stipulated in the code of criminal procedure, such as the lack of guarantees of communication surveillance in cases of surveillance of electronic calls and conversations (Article 34).¹²⁹ In fact, the law contains several infringements of the code of criminal procedures: e.g. obligations of the service providers to provide the competent authorities with all necessary data and information of the subscriber that will assist in uncovering the truth, without clarifying the cases covered by 'uncovering the truth'. Articles (32/33) of the Decree-Law allows the inspection of people and information technology devices and the permission to retain and record them, in the absence of guarantees stipulated in the code of criminal procedure (e.g. limitation of the validity of the inspection order and absence of the conditions in which the inspection should take place to investigate a crime that actually occurred—in order to find proof, and not based on suspicions).

128. Decree-Law No. 10 of 2018 regarding electronic crimes, <http://muqtafi.birzeit.edu/en/pg/getleg.asp?id=17018>
129. ICHR, 'ICHR welcomes the issuance of Law by Decree No. (10) 2018 on electronic crimes and introduces a series of observations and reservations' (14 Nov. 2018), [https://ichr.ps/en/1/26/2399/ICHR-welcomes-the-issuance-of-Law-by-Decree-No-\(10\)-2018-on-electronic-crimes-and-introduces-a-series-of-observations-and-reservations.htm](https://ichr.ps/en/1/26/2399/ICHR-welcomes-the-issuance-of-Law-by-Decree-No-(10)-2018-on-electronic-crimes-and-introduces-a-series-of-observations-and-reservations.htm)

Further legislative advances have also met with problems. The drafting of the new family protection law has sparked animated debate in Palestinian society in the past few months. The draft law aims to protect victims of gender-based violence and enhance penalties for physical violence against women. Palestinian women and human rights defenders have been attacked and defamed by religious and political groups for publicly advocating for this new family protection bill.¹³⁰ The Palestinian authority is now hesitant to pass the law and alienate conservative leaders, but, at the same time, has to address an increase in the number of honour killing cases.

CIVIL SOCIETY INITIATIVES

Despite these legislative challenges, there are success stories in Palestine, particularly led by civil society actors. These stories show that community interventions contribute to filling the gaps in the legal system, and to re-shaping predominant social norms that normalise difference of treatment between men and women. As part of its interventions on women's protection from violence, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) organised training¹³¹ to mobilise religious and community leaders to promote protection of sexual and reproductive health rights and enhance the role of media in VAW campaigns. 7amleh (The Arab Centre for Social Media Development) regularly promotes awareness-raising campaigns on urgent issues, such as gender-based violence, by calling into question the common understanding of social phenomena and women's role in society. For example, the campaign entitled 'Harassment is Harassment' presents sexual harassment and electronic blackmail via social media platforms as a form of harassment which is closely interconnected with offline verbal harassment. Such campaigns help Palestinian women to conduct their double fight to make their voices heard in occupied territories and to challenge societal violence or discrimination against them in the public sphere.

130. Abu Toameh, Khaled 'Palestinians: The "Un-Islamic" Family Protection Law, Gatestone Institute (22 Jun. 2020), <https://www.gatestoneinstitute.org/16135/palestinians-family-law>

131. MIFTAH, 'An imam and female preacher tell their success stories after participating in MIFTAH trainings as part of its "Support Women Protection" Project' (16 Jan. 2019), <http://www.miftah.org/Display.cfm?DocId=26535&CategoryId=33>



3.8. JORDAN



CONTEXT

Science and technology are the fastest growing sectors of the economy in Jordan, the population is relatively young and families in Jordan have a high level of engagement with the Internet (88.8 per cent of families have an Internet connection). Women Internet users almost equal their male counterparts—47 per cent versus 53 per cent of males, according to the survey of the use and spread of communications and information technology issued by the Ministry of Communications and Information Technology.¹³² However, such a high level of engagement also goes hand in hand with some of the negative experiences associated with Internet use, including online VAW. Research by Sisterhood Is Global Institute (SIGI) reveals that the most common forms of electronic harassment include stalking, blackmailing, electronic extortion, electronic sexual harassment, surveillance and spying on computers, illegal uses of technology and the Internet to distort images and video clips, human trafficking for illegal sexual uses, and the impersonation of known names.¹³³ Many women use mobile phones and the Internet, exposing themselves to forms of cyber violence in the absence of enough legal protection and

132. SIGI, 'Digital transformation has become a necessity of life ... Are we ready to face its risks?' [press release] (22 Nov. 2020), <https://www.sigi-jordan.org/?p=9282>
133. SIGI, 'Stalking, extortion, sexual harassment, surveillance and espionage are the most prominent crimes of electronic violence against women and girls' (30 Oct. 2016), <https://www.sigi-jordan.org/?p=2442>

societal support. The virtual dimension is increasingly important in Jordan: in fact, in the context of COVID-19, the Internet and electronic devices became even more essential in the context of confinement and the risk of domestic violence.¹³⁴ Yet in the same year, 28 per cent of women who experienced online violence decided to reduce their presence on the Internet.¹³⁵ This highlights the duality of the Internet's potential to facilitate support for women, whilst at the same time being a space in which they are vulnerable to attacks.

ONLINE FORMS OF VAW

Cyber-attacks against women were a reality long before the COVID-19 pandemic, as a study on sexual harassment in Jordan demonstrates:¹³⁶ data on complaints lodged by women show that nearly 44 per cent of women experienced violence from male strangers in cyber-space. Through this study, the Jordanian National Commission for Women aimed to combat widespread societal denial of the occurrence of sexual harassment, which is considered the most prevalent form of violence against

134. SIGI, Covid-19 & Gender Position Paper, 24 March 2020

135. SIGI, 'Cybercrime has forced many women to intentionally reduce their appearance on the Internet' (16 Jan. 2019), <https://www.sigi-jordan.org/?p=4780>

136. SIGI, A position paper on sexual harassment during the Corona pandemic and beyond - implications and recommendations, <https://www.sigi-jordan.org/?p=7874>

women and girls in Jordan.¹³⁷ Its findings revealed that 86 per cent of the victims of harassment cases were young, educated, and unmarried women and that the Internet and social media were the most common means by which the victims and perpetrators heard about incidences of harassment. Just over 80 per cent of respondents experienced one or more forms of cyber sexual harassment. According to the results, the most common reason for harassment and indecent acts against women were their physical appearance. However, most women do not submit a formal complaint against perpetrators, despite the existence of institutional services such as the Cyber-Crimes Unit and the Family Protection Department. Therefore, blocking the abusers in cyberspace was the most frequent response.

The vicious cycle of women's presence online and in the public sphere leading to defamation campaigns aimed at 'putting things back in their proper place' is not new to Jordan, nor to most of the MENA countries. In November 2020, during the parliamentary elections, this reverberation of VAW into the digital space became crystal clear. Due to the pandemic, the electoral campaign was carried out primarily online, increasing women candidates' online visibility. Three out of five women candidates thought that opponents' campaign slogans included stereotypical images of women and 32 per cent of them experienced traditional and electronic attacks on their election campaign, such as insults and bullying.¹³⁸ One case that made headlines involved a harsh bullying campaign on social media against a blind woman who ran for parliament.¹³⁹ In addition to this, COVID-19 added an extra layer of obstacles during the elections because some women could not get to polling stations because of attributed social roles which required them to stay at home caring for family needs.¹⁴⁰

137. The Jordanian National Commission for Women, Sexual Harassment in Jordan (2017), <https://womeninleadership.hivos.org/assets/2018/12/%D9%85%D9%84%D8%AF%D8%B5-%D8%A7%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D8%A9-%D8%A7%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A.pdf>

138. SIGI, 'An Eye on Women: One out of every three female candidates has had her electoral propaganda assaulted electronically and traditionally' (5 Nov. 2020), <https://www.sigi-jordan.org/?p=9171>

139. Teller Report, 'Video .. He got angry in Jordan after bullying a blind woman who ran for parliament' (8 Sep. 2020), <https://www.tellerreport.com/life/2020-09-08-video---he-got-angry-in-jordan-after-bullying-a-blind-woman-who-ran-for-parliament-rjhyAOLVew.html>

140. SIGI, 'Preliminary remarks from the Eye on Women Team on the results of the 19th Parliament elections', <https://www.sigi-jordan.org/?p=9224>

LEGAL FRAMEWORK

Online violence is not explicitly defined as a form of violence in Jordanian laws related to combating VAW, and the main legislative reference for online violence is the cyber-crime law, which is not designed to address gender issues specifically. As in Lebanon, VAW is mainly conceptualised in the context of the family, in the Law on Protection from Domestic Violence, No. 15, issued in 2017.¹⁴¹ The law does not extend protection to all women regardless of their marital status, contrary to the UN Declaration on the Elimination of Violence against Women. Furthermore, this law does not clearly define domestic violence crimes but refers to a definition in the Penal Code (Article 305 and 306). The latter does not clearly address online harassment but criminalises acts of sexual violence and verbal harassment in the public sphere, including slander, defamation, and indecent acts.¹⁴²

In 2019, Jordan approved the cyber-security law repealing the 2015 Electronic Crime Law No. 27 which was intended to criminalise online hate speech and defamation.¹⁴³ This law was withdrawn following widespread criticism about restrictions of freedom of expression and the loose definitions of hate speech and fake news contained in it.¹⁴⁴ Activists launched a social media campaign to convince the government to withdraw the bill, using the hashtag '#withdraw_cybercrime_law'.¹⁴⁵ Under the new law, a national centre for cyber security has been established to safeguard national security and the safety

141. Official Journal No. 3345, Law on Protection from Domestic Violence (AR), http://www.arabwomenorg.org/MediaFiles/Landing/files/Violence_Against_Women_Jordan_2017.pdf

142. UNDP, Jordan Gender Justice & the Law (2019), https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html

143. The Jordan Times, 'MPs pass 2019 cyber security law' (30 Jul. 2019), <https://jordantimes.com/news/local/mps-pass-2019-cyber-security-law#:~:text=AMMAN%20%E2%80%94%20The%20Lower%20House%20on,News%20Agency%2C%20Petra%2C%20reported>

144. Jordan's Parliament, 'Parliamentary people appreciate the withdrawal of electronic crimes',

<http://www.representatives.jo/?q=ar/%D8%A7%D8%AE%D8%A8%D8%A7%D8%B1%D8%A7%D9%B4%D8%B4%D8%B9%D8%A8-%D8%A7%D9%84%D9%86%D9%8A%D8%A7%D8%A8%D9%8A%D8%A9-%D8%AA%D8%AB%D9%85%D9%86-%D8%B3%D8%AD%D8%A8-%D8%A7%D9%84%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%A5%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86%D9%8A%D8%A9#>

145. Araz, Sevan, 'Jordan adopts sweeping cyber-security legislation', Middle East Institute (30 Jan. 2020), <https://www.mei.edu/publications/jordan-adopts-sweeping-cybersecurity-legislation>

of individuals, properties, and information. This centre can block, cancel, or disable the communication network and the information system, including communication devices and private electronic messages, for persons involved in a cyber-crime act.

Despite the law's numerous limitations that led to its withdrawal, the Electronic Crime Law of 2015 has been applied in several court cases to protect victims from technology-facilitated abuses and to prosecute abusers, particularly online sexual harassment through Facebook—e.g. Article 9 on harmful acts and pornography via IT systems, or Article 11 on online defamation. It is hoped that the new cyber security law will further this work, without restricting free speech.

Some progress has been achieved in the past ten years, particularly within the policy framework. The Comprehensive National Human Rights Plan (2016–2025), for example, receives and follows up on complaints of violations of women's rights to equal treatment and access to justice. It also promotes awareness programmes on women's protection from all forms of violence across the governorates, especially rural and marginalised areas. Another illustrative case is the adoption by the Ministry of Social Development of the new shelters programme for women who are threatened and need protection, which replaced the disputed administrative detention for women at risk of violence on the grounds of honour.

WAYS FORWARD

Reem Abu Hassan, advocate for social protection and women's empowerment, and human activist for the Jordanian Society for Protecting Family Violence Victims, described the increasing number of social media attacks against women victims of abuse and the social judgement they experience, often being blamed for the attack they suffered. She also reported that women holding a public office, such as women Parliamentarians, are more likely to be offended against in the media, but activists usually succeed in mobilising the public opinion against these behaviours. Reem Abu Hassan notes some progress related to measures in favour of gender equality and women's vulnerability to cyber-attacks, with the establishment of a Ministerial Committee for Women Empowerment within the government, as well as a cyber-crime unit within the police, in addition to the existing family protection unit. The cyber-crime unit was not created to deal with women's rights, but Reem Abu Hassan believes that it has developed a gender-sensitive attitude as women represent the majority of victims of online forms of violence. Another important development regarding women's empowerment and prevention of violence is *The National Plan for the Implementation of Security Council Resolution 1325 on Women, Peace and Security* (2017). In this respect, the Jordanian Society for Protecting Family Violence Victims is working on training women refugees as mediators on conflict management and the ethics of communication in a high technology civilisation.

Reem Abu Hassan shares her experience (as the Minister of Social Development in Jordan from 2013 to 2016) in the legal and policy update process and talks about the importance of putting everything into context. She explains how international guidelines and standards prove to be pivotal in driving change, but social acceptance is essential for the implementation phase. Therefore, the analysis of compatibility between the cultural context and the standards helps to make the difference. Reem Abu Hassan refers to a symbolic success story: celebrating and championing the tribal

tradition of ensuring protection for women who seek it has been instrumental in the implementation of shelters' protection mechanisms. To this end, religious ethical principles are also brought into the debate to prepare the ground for a change that could resonate well in the local context while advocating for women's rights.

Costanza Matafù, at Solidarity Is Global Institute/ Jordan (SIGI), confirmed that, amidst the efforts to make a gender-sensitive legal framework, the biggest challenge remains a disconnection between theory and practice. Shifting the mind-set is fundamental to improving implementation: 'each component of the community should comprehend how an episode of violence may lead to another type of violence, which might have an impact on people other than the direct victim'. SIGI has long-standing experience in providing adequate legal, psychological, and social support to violence survivors, in building coalitions to advocate for policy and legislative changes, as well as improving society's attitudes and practices towards the respect of women's rights. The 'Salamat' project is entirely devoted to awareness-raising training on digital safety for women and girls and to providing legal support to victims of online violence. Capacity building on digital skills is a key aspect of Salamat's work, to empower women in a context where they may not be aware of the use of technologies and tend not to report violations to the cyber-crime unit because they are concerned about privacy and confidentiality or because they do not know how to file a complaint. Costanza Matafù highlights that the cyber-crime unit has collaborated effectively with SIGI to raise public awareness of their role and commitment to providing a safe setting; nevertheless, women are often still reluctant to speak up and prefer to avoid any

risk of social or family blame, especially in rural areas where women are more subjected to male guardianship and confidentiality is harder to guarantee. SIGI is also responding to mothers' requests for recommendations about parental control and protecting their children from exposure to online violence. In the context of cyber-crime, SIGI has also organised webinars as part of their parental control programmes about safe Internet use in collaboration with the cyber-crime unit.

Asma Khader, lawyer, co-founder of Solidarity Is Global Institute-Jo and currently CEO and consultant of Solidarity Is Global Institute-Jo, cites training on digital literacy for woman activists and NGOs, such as the Youth Tech Festival, which has taken place annually since 2009, amongst SIGI's best practices in relation to digital violence. Trainings have since given rise to a cyber-crime project that provides help to women victims of blackmailing. In 2020, to mark the International Day for the Elimination of Violence against Women, SIGI inaugurated a new project, 'Aman'¹⁴⁶: digital clinics offering several online services and interventions to women and girls exposed to violence and discrimination, as well as a centre for prevention and protection knowledge and a centre for rehabilitation and capacity building. Asma Khader emphasises the relevance of 'digital solidarity' in 2020, when 812 VAW cases were registered in only two months (when 650 is the average estimated number of cases in a year). She feels that more girls need to use digital tools to access education, despite facing potential family disapproval.

146. SIGI, 'Solidarity launches the 16-day campaign to combat violence against women under the slogan "Partners for the good and the bad... Violence is completely rejected."' (25 Nov. 2020), <https://www.sigi-jordan.org/?p=9297>



3.9. SYRIA



CONTEXT

Violence against women is a multi-level issue in Syria. The prolonged conflict (from the pro-democracy uprisings in 2011 to the civil war and beyond) has created favourable conditions for numerous violations and forms of violence: gender-based violence; war crimes, such as sexual violence and slavery perpetrated by Daesh; and abuses from the Syrian security forces, such as arbitrary detentions, rape, torture, and degrading treatments.¹⁴⁷ Syrian women find themselves in a legal void and a context of precarious rule of law, a situation created by the unaccountability of government forces (in compliance with Legislative Decree No. 64/2008), the government's failure to fulfil the obligations related to the international conventions it has ratified, and the international community's failure to halt violations against civilians and address impunity. In this framework, acts of technology-facilitated VAW in Syria should be considered as extensions of offline forms of violence in a conflict setting.

LEGAL FRAMEWORK

Syria has ratified the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Geneva Conventions which establish standards for humanitarian treatment in war (among other conventions). The 2012 Constitution states that citizens shall not face discrimination on the grounds of sex, but the government has not codified any strategy or law to protect women from violence. The Penal Code outlaws torture, but does not contain any offences linked to sexual harassment offences, and it only criminalises rape outside of marriage. Furthermore, the Constitution does not give precedence to international conventions over national laws. After Syria's inaction to comply with the 2014 CEDAW recommendations, the UN established the Impartial and Independent Mechanism for Syria, to support the investigation and prosecution of crimes committed in the Syrian conflict since March 2011, and the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate violations of international human rights law in Syria.¹⁴⁸

¹⁴⁷ Urnammu, 'Situation Report on Violence Against Women (24 Nov. 2017)'; <http://www.urnammu.org/situation-report-on-violence-against-women/>

¹⁴⁸ CEDAW, Concluding Observations on the Second Periodic Report of Syria, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=3&DocTypeID=5

FORMS OF ONLINE VAW

The report on sexual and gender-based violence in the Syrian Arab Republic by the Human Rights Council states that women and girls have been disproportionately affected by the conflict and victimised on multiple grounds.¹⁴⁹ The report documents the war crimes of rape and other forms of sexual violence against women and girls by government forces and associated militias as well as armed group members. The Islamic State has systematically committed the war crimes of torture, cruel or inhuman treatment, and outrages upon personal dignity against women. On several occasions, women being stoned to death were filmed, and these videos were circulated online to terrorise other women. In addition to this, despite thorough documentation of mass gender-based violence, gender violations may be underreported due to cultural norms.¹⁵⁰

In this context, in March 2018, the Syrian Parliament approved a new anti-cyber-crime law¹⁵¹ and established specialised courts of first instance for domestic cyber-crime cases comprising misdemeanour crimes.¹⁵² Terrorist or state security crimes remain within the jurisdiction of the regular courts. There is no available information to evaluate whether this law is currently applied to protect women from violence or to undermine freedom of expression. However, since the beginning of the uprisings in 2011, hundreds of citizen journalists and Internet users have been detained under the Cybercrime Law 17/2012 and the Media Law 108/2011. Subsequently, the new law could unleash further oppression or disinformation about violations against women human rights defenders and activists online, whilst reinforcing the precedent for using the media to create a narrative that does not harm State interests. A recent example that can be cited is the State's emphasis on the causal relationship between

149. Human Rights Council, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic (2018), <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>

150. ESCWA, Syria at War: Eight Years On (2020), <https://www.unescwa.org/publications/syria-war-eight-years>

151. SMEX, 'Syrian Government Passes New Anti-Cybercrime Bill' (14 Mar. 2018), <https://smex.org/syrian-government-passes-new-anti-cybercrime-bill/>

152. Hamijo, Mohammed Manar, 'Justice: a wide spread of information crimes ... a draft law to create special criminal courts and appeals for them and to qualify judges to deal with them' (6 Mar. 2018), <https://alwatan.sy/archives/142115>

the action of armed groups outside of the authority of national law and the increase in violence and crimes against women.¹⁵³ In the simplest terms, by perpetuating and reinforcing this discourse and placing the focus on violations committed by others, the State can detract attention from its own.

Sema Nassar, human rights defender and co-founder of Urnammu, confirms that 'there is no article in the Syrian law that deals with electronic violence against women'; Legislative Decree No. 17 of 2012 applying the Law on Network Communication and Combating Information Crime does not contain specific definitions or provisions on online VAW. Likewise, the terms of reference for the investigation unit of the Cyber-Crime Prevention Department do not mention any service for online VAW. She confirms that the law has been used to cover security services' actions to silence citizens.

As in other countries in the MENA region, it is often difficult to obtain support from authorities to address online incidents, and victims are generally left to their own devices. Raising awareness of the methods used by perpetrators has been the most widely used strategy to limit the harms of these attacks. Alternatively, many activists have addressed and solved the problem with the Facebook administration directly, but this approach can often be protracted and difficult to achieve results from (e.g. defining the settings to control who send requests on Facebook or letting Facebook close the account of an activist in jail).

Nassar also refers to a considerable number of feminist initiatives operating in the field to support VAW victims. However, their impact remains limited for many reasons, including the continuous change in the map of the conflict and the rotation of the various military power centres from one place to another. Furthermore, women who live in refugee camps have less access to empowerment opportunities, including digital platforms. She adds that documenting sexual and gender-based violence is one of the most challenging tasks in the Syrian context, due to

153. Hamijo, Mohammed Manar, 'The emergence of armed groups contributed to the increase in violence against women in Syria'(3 Jul. 2018), <https://alwatan.sy/archives/203603>

the social stigma that accompanies it, reinforced by the patriarchal nature of the Syrian society, in which women are not recognised as active and influential members.

A final concern which Nassar raised is that there is no governmental plan to implement Resolution 1325, on women, peace, and security. Therefore, western governments are working with civil society and feminist organisations to ensure inclusion of Syrian women in the political and peace process. However, such participation should become more integral: Nassar states that currently the 'presence of women in negotiation delegations is boasted despite the very limited role that women play in the process'.

CIVIL SOCIETY INITIATIVES AND WAYS FORWARD

After the first successful criminal complaint on sexual and gender-based violence in detention facilities was filed in Germany in 2020, 80 feminist and human rights organisations launched 'The Syrian Road to Justice' campaign, calling on European governments to investigate and prosecute acts of sexual and gender-based violence by the Syrian security forces in detention facilities.¹⁵⁴ In September 2020, a group of organisations, including Urnammu and the Syrian Women's Network, submitted a complaint to the United Nations Special Procedures on Discrimination and Violence against Syrian Women in Law and Practice.¹⁵⁵ This report demands that the Syrian government put an end to discriminatory legal provisions and practices which maintain gender inequality and a culture of impunity.

In this quest for justice, documentation is a key element for an equal and inclusive transition to a post-conflict phase in Syria. According to the report *Documentation of*

*human rights violations and transitional justice in Syria: gaps and ways to address them*¹⁵⁶, documentation paves the way for accountability for perpetrators and restorative justice for victims. In Syria, justice can actually facilitate a political transition and lead to sustainable peace. Throughout the process, technology has played a pivotal role in creating a safe space for documentation and discussion of next steps with women activists and organisations at the table. In addition, media outlets collected testimonials to build alternative storytelling frameworks on gender-based violence. More research is needed to define the extent of harm caused by online VAW, and the opportunity created by ITCs in broader conflict settings.

¹⁵⁴. Urnammu, '80 feminist and human rights organisations and well-known advocates support call for sexual and gender-based violence to be tried as a crime against humanity by European courts' (18 Jun. 2020), <https://www.urnammu.org/80-feminist-and-human-rights-organisations-and-well-known-advocates-support-call-for-sexual-and-gender-based-violence-to-be-tried-as-a-crime-against-humanity-by-european-courts/>

¹⁵⁵. Urnammu, 'Submission to the United Nations Special Procedures on Discrimination and Violence against Syrian Women in Law and Practice' (16 Oct. 2020), <https://www.urnammu.org/submission-to-the-united-nations-special-procedures-on-discrimination-and-violence-against-syrian-women-in-law-and-practice/>

¹⁵⁶.

ANNEX 1: INTERNATIONAL LEGAL PROVISIONS.

CEDAW SPECIFICALLY TACKLES ICT-FACILITATED VIOLENCE AGAINST WOMEN IN GENERAL RECOMMENDATION NO. 35 ON GENDER-BASED VIOLENCE AGAINST WOMEN, WHICH POINTS OUT THAT THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN KEEPS ITS VALIDITY IN THE DIGITAL SPACE AS THIS IS ONE OF THE SETTINGS WHERE VAW OCCURS. 'GENDER-BASED VIOLENCE AGAINST WOMEN MANIFESTS IN A CONTINUUM OF MULTIPLE, INTERRELATED AND RECURRING FORMS, IN A RANGE OF SETTINGS, FROM PRIVATE TO PUBLIC, INCLUDING TECHNOLOGY-MEDIATED SETTINGS'.¹⁵⁷

- The UN General Assembly resolution on protecting women human rights defenders recalls that 'ICT-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyber-stalking, violation of privacy, censorship and the hacking of e-mail accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights'.¹⁵⁸
- The report of the Special Rapporteur on violence against women defines online VAW as 'any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and

157. CEDAW, General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 (2017), <https://www.ohchr.org/en/hrbodies/cedaw/pages/gr35.aspx>

158. UNGA, Resolution adopted by the General Assembly on 18 December 2013 (2014),

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/181

smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately'.¹⁵⁹

- The Council of Europe Istanbul Convention notably conceptualises VAW and hate speech online in Article 3, (among others), as '[a] violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.¹⁶⁰
- The Council of Europe's Additional Protocol to the Budapest Convention on Cybercrime defines sexist hate speech as 'expressions which spread, incite, promote or justify hatred based on sex'.¹⁶¹ Furthermore, in a report published in 2018, the Council of Europe Cybercrime Convention Committee stated that cyber violence may consist of new forms of violence that do not exist in the physical world and that may have long-term effects, or cause repeat victimisation, after the initial action of the criminal (e.g. a single image posted on a specific date by a specific person can be shared, redistributed, recirculated etc.).¹⁶²

159. Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, https://www.ohchr.org/EN/HRBodies/HRC/.../Session38/.../A_HRC_38_47_EN.docx

160. Council of Europe, Convention on preventing and combating violence against women and intimate partner violence (Istanbul, 2011), <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

161. Council of Europe, Factsheet Hate Speech (2020), http://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf

162. Council of Europe, CyberCrime Convention Committee, Mapping study on cyber violence (Draft) (Strasbourg, 2018), <https://rm.coe.int/t-cy-2017-10-cbg-study/16808b72da>

ANNEX 2:

LEGAL AND POLICY FRAMEWORKS: REGIONAL TRENDS IN THE MENA

In most MENA countries, national legal systems are hybrids formed between codes of colonial origin and religion-based personal status laws. A prime example of this amalgamation process is Palestine, where the Egyptian legal framework is binding in Gaza, Jordanian legislation is applicable in parts of the West Bank, and the Israeli code governs Jerusalem.⁴⁴ However, in terms of personal status laws, Palestinians living in Jerusalem are subject to Israeli civil regulations but Jordanian family law, whereas Muslim populations in the West Bank and Gaza Strip follow two different laws based on Islamic jurisprudence.⁴⁵

In respect of the international legal framework, only Palestine and Tunisia have ratified the Convention on the Elimination of All Forms of Discrimination against Women without reservations. The majority of countries in the region, on the other hand, ratified the Convention with reservations pertaining to provisions which conflict with Sharia principles, local customs, and “traditions”.⁴⁶ Despite ratification of the CEDAW, most countries of the MENA still fail to integrate its provisions into their domestic laws. Legal and policy frameworks in the countries mentioned above are lagging regarding women’s rights and gender equality. To date, legal and policy efforts have been fragmented and disconnected—both in peacetime and during conflicts. Most national reforms have not been developed in coordination with State obligations to due diligence, and constitutions have not always reflected international commitments.⁴⁷ In addition to this, constitutions and domestic laws related to the public sphere are often in contradiction with family and penal codes, as well as personal status laws.⁴⁸

The lack of stand-alone laws addressing all forms of violence

against women in a coherent and integrated way represents a significant gap in the defence of women’s rights in the region. At the time of writing, only Jordan, Lebanon, Tunisia, and Morocco have implemented laws to protect from, and work towards the elimination of, VAW.⁴⁹ Other countries, such as Algeria, Egypt, and Palestine,⁵⁰ have only adopted policy guidelines for limited periods (i.e., VAW national strategies) in response to the Beijing Declaration’s calls for action.⁵¹ Only Egypt and Tunisia have explicitly referred to violence against women in their 2014 Constitutions. Acknowledging the extremely complex ongoing humanitarian crisis in Syria, the country’s 2012 Constitution has not been revised to contain any legal or policy reforms to expressly tackle violence against women. Moreover, numerous legal loopholes are preventing States from appropriately protecting women from violence. In Egypt, for example, as a result of the national strategy to combat VAW launched in June 2015, a directorate now operates within the Interior Ministry which collects incident reports; however, there are no laws in Egypt which recognise, or protect women from, domestic violence.

However, this is not to say that no progress has been made. There have been significant changes, particularly following the uprisings, which marked a milestone for women’s activism offline and online and the advent of new feminist movements in the region.⁵² In Tunisia, for example, women’s rights organisations and activists played an essential role in safeguarding gender equality concerns in the constitutional reform of 2014. Article 46 of the Tunisian Constitution now ensures

equal opportunities for men and women, comprising representation in elected assemblies and recognising the necessary implication of the State in eliminating violence against women. The uprisings in the region have also triggered public debates on controversial “marry the rapist” laws, a set of penal laws that exonerate perpetrators of rape if they marry their victim. In 2014, Morocco abolished Article 475 of its Penal Code; in 2017, Jordan repealed Article 30853 as a result of collective advocacy efforts from lawyers, women’s rights activists and parliamentarians; in 2018, Palestine similarly abolished Article 30854 of the Penal Code which allowed rape perpetrators to avoid prosecution and conviction through this exception.

More recently, even, initiatives to address and redress some of the key concerns expressed above are being pursued. In Tunisia, Palestine, Morocco, and Algeria, discussions around national strategies on VAW have been undertaken inclusively and with a wide range of stakeholders, including police and justice agents, survivors of violence, feminist organisations, researchers, and health providers. As a hard-won result, governments in the region have implemented regional frameworks on violence against women. *The Arab Strategy for Combating Violence against Women 2011-2020*,⁵⁵ for instance, mentions the importance of systematically developing databases and indicators to measure violence against women and trans-regional executive mechanisms that may ensure the implementation of key objectives and more responsive institutions when it comes to adequate and reliable protection from violence. *The Regional Strategy*

on Protection of Arab Women,⁵⁶ for its part, calls for the protection of women and girls from all forms of violence, including in the context of armed conflicts, in line with Resolution 1325 on Women, Peace and Security, the Arab League Charter, the Arab Charter of Human Rights, and the Strategy for the Advancement of Arab Women. The strategy suggests key objectives and actions to develop an action plan that may:

- translate international and regional resolutions into national strategies and programmes.
- encourage concerted regional and international efforts to implement these decisions, ensuring women’s equal participation and integrating the gender equality perspective into these processes.

Lastly, the Arab Convention on Cyber Crime⁵⁷ aims to prevent, investigate, and prosecute technology-facilitated crimes when they are committed or organised in more than one country. The Convention condemns any act involving the intentional infringement and unlawful distribution of data saved on electronic systems. Still, it is important to note that gender perspectives are completely absent throughout—similar to the international treaty on cybercrime (Budapest Convention).⁵⁸ Furthermore, these regional strategies are not as comprehensive as the international human rights framework. They have produced conflicting results that have often not been able to fill the gaps in domestic legal systems regarding violence against women and human rights in general.



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