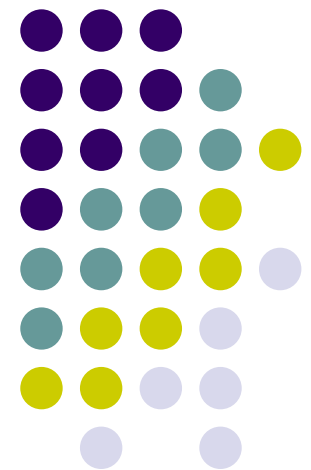


Cyber Legislation in the ESCWA Region Security Issues



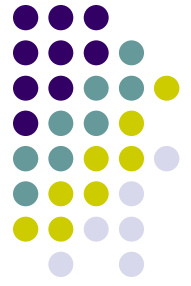
UN-ESCWA

Nibal Idlebi
Team Leader, ICT4D
ICT Division
UN-ESCWA



(UN- Economic and Social Commission for Western Asia)

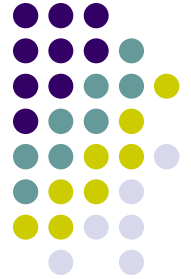
Cyber Legislation in the ESCWA Region



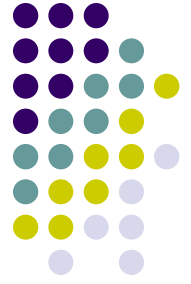
- Cyber legislation is essential for the development of a modern information society.
- Active efforts are essential for the establishment of the enabling environment needed for the effective and ethical use of cyberspace.
- Regional integration is important for improving the electronic transaction between the different countries in the region.

Example: European Union and the Asia Pacific region.

ESCWA Objective



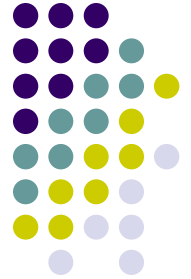
To Improve the status of cyber legislation in the ESCWA region, and to foster regional integration in this field.



ESCWA Activities

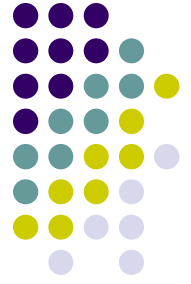
- Study on “Models for Cyber Legislation in ESCWA Member Countries”
- Template for cyber legislation development
- Case Studies: comparing the national legislation system to the template of the cyber legislation
- Workshop on cyber legislation and its implementation
- Preparation of a regional framework for cyber legislation

ESCWA Activities



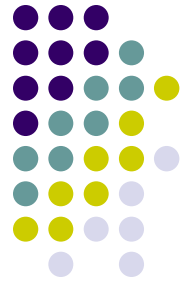
- **Study** on “Models for Cyber Legislation in ESCWA Member Countries”
- **Template** for cyber legislation development
- **Case Studies**
- **Workshop** on cyber legislation and its implementation
- **Regional framework for cyber legislation**
- **Published in 2007 (English, Arabic)**
- **Done, Jan 08**
- **2 done, 11 planned 08**
- **Planned, Sep 08**
- **Planned for 09-**

ESCWA Activities



- The study titled “Models for Cyber Legislation in ESCWA Member Countries”:
 - Reviews the status of cyberspace legislation in the ESCWA region
 - Compares the region’s status to the status of other regions in the world
 - Proposes set of directives for the creation of cyberspace legislation.

Cyber Space



In broad term:

- The electronic space globally shared by everyone and not subject to specific jurisdictions. *Difficult to be regulated.*

In narrow term:

- The electronic space specific for a connected group of users or connected computers (Intranet, LAN etc..). *May be subject to regulation.*

Organization of Cyber Legislation



- International Level:
 - Bilateral and/or multilateral international conventions or directives.
- Regional level:
 - Regional framework and regional directives, such as European Council directives and conventions.
- National Level:
 - National enacted laws, compliant with international / regional conventions and directives.



Main Cyber-related topics

- Electronic Com. & Telecom. Laws
- E-Transactions:
 - E-Records, E-Signature, E-proof etc.
- E-Commerce:
 - E-payment, E-Contracts, E-Signature, Consumer Protection e.g. Publicity
- Intellectual Property Rights:
 - Copyright, data, domain names, computer programs, patents relating to software etc..



Main Cyber-related topics

- Data Protection and Privacy
- Cyber Crime:
 - Internet crimes,
 - Computer crimes
- Censorship and Freedom of Expression in Cyberspace.

Security Issues

Data Protection and Privacy

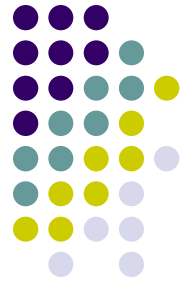


To secure for every individual respect for his right to privacy with regard to automatic processing of personal data related to him.

Main affected data :

- health information,
- criminal justice,
- location information
- genetic information,
- financial information,

Data Protection and Privacy



Data Protection law includes:

- Rules for collecting and processing personal data
- Protection of personal data processing
- Transfer of personal data across borders

Data Protection and Privacy

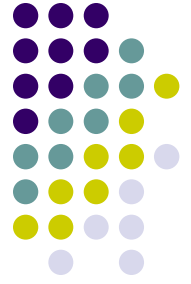
International Legislations



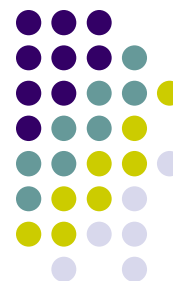
- Several international conventions and directives to protect personal data
 - The council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data Strasbourg, 28.I.1981
 - Directive 95/46/EC of the European Parliament on the protection of individuals with regard to the processing of personal data and on free movement of such data.
- EU member countries have integrated the main principles for the protection and processing of personal data in their local laws.

Data Protection and Privacy (DP&P)

Status in the ESCWA region



- Countries which does not have any rule regulating DP&P:
 - Bahrain, Jordan, Iraq, Kuwait, Oman, Palestine, Saudi Arabia, Syria, Yemen.
- Countries having articles on DP&P:
 - Egypt (Telecom Law) , Lebanon (draft of e-commerce law), Qatar (Telecom Law 2006-Decree 34)
- Countries having specific rule for DP&P:
 - United Arab Emirates (Data protection Law 2007),



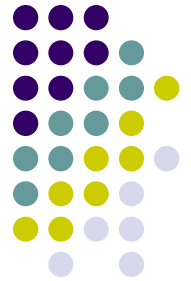
Cyber Crime Laws

To define the nature and main aspects of cyber and computer crime, and to determine the measures to combat cyber crime and protect legitimate interests.

The law acts as a prevention of criminalizing actions that jeopardize the confidentiality and availability of:

- computer systems
- networks
- computer data

Cyber Crime Laws Offences



- Offences against the confidentiality and availability of computer data and systems: illegal access, data interferences misuse of devices
- Computer-related offences: forgery and fraud
- Content-related offences: child pornography, xenophobia, racial content and harmful content
- Offences related to infringements of copyright and related rights

Cyber Crime Laws

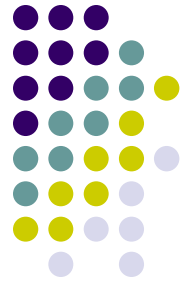
International Legislations



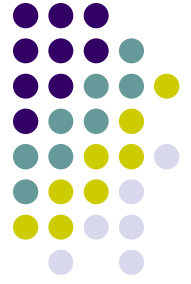
- Several European Conventions and Protocols
 - Council of Europe Convention on Cyber Crime, Budapest 2001
 - Council of Europe Framework Decision on combating serious attacks against information systems, Brussels 2001
 - Additional Protocol Concerning the Criminalization of Acts of a Racist and Xenophobic Nature, Strasbourg 2003
- In United Kingdom, the Computer Misuse Act of 1990 is the main law for the prevention of cyber crime
- In the United States, cyber crime is subject to many laws and regulations

Cyber Crime Laws

Status in the ESCWA region



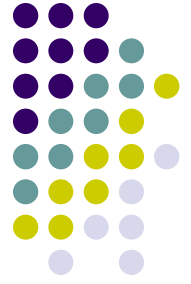
- Many countries have not yet enacted laws on preventing computer crimes
- U.A.E, Federal Law No. 2 of 2006 on combating Information Technology Crimes
- Saudi Arabia passed Law on electronic crime on 2006.
- Bahrain and Qatar drafted the Cyber Crime Law and it will be enacted soon
- Other ESCWA members: rely on penal code, copyright laws to the extent the provisions of which extend to computer crimes



Cyber Crime Laws

Status in the ESCWA region

Topics such as: xenophobic, racial issues, discrimination, religious and certain foreign political matters, are considered to be under the purview of public order and any misbehaviour relating to these topics is accountable under criminal law.



Study Recommendations

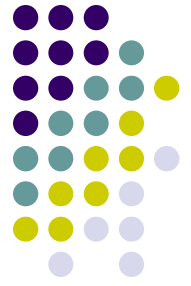
- ESCWA countries need to address Cyber Laws either by :
 - ratifying relevant international conventions
 - enacting national laws that are compliant with international agreements and/or national laws.
- Mechanism for enacting Cyber Legislation
 - Creating a specialized focus group
 - Drafting the first draft of Cyber Law
 - Interviews, workshop and discussion of Cyber Law draft with concerned parties
 - Launching the process for enacting the Cyber Law



Template

for Cyber Legislation Development

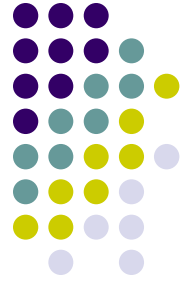
- It considers the following laws:
 - Data Protection and Privacy
 - Cyber Crime
 - Intellectual Property Rights
 - E-Commerce
 - E-Transactions
 - Censorship and Freedom of Expression in Cyber space



Template

for Cyber Legislation Development

- It presents for each Cyber Law:
 - Definition
 - Typical articles and sub-articles
 - Links to related articles in regional conventions
- Demonstration
- [E:\](#)



Case Studies

- Application of the template in ESCWA member countries
- Two case studies are under development:
 - Bahrain: relatively advanced in Cyber Legislation
 - Syria: still in early stage in Cyber Legislation



Future Work

- Application of the template on other ESCWA member countries (11 + 2) *During 2008*
- Training workshop on the development of Cyber Legislation *September 2008*
- Development of Regional Framework for the Cyber Legislation *2009 -.....*

Thank You



UN-ESCWA

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