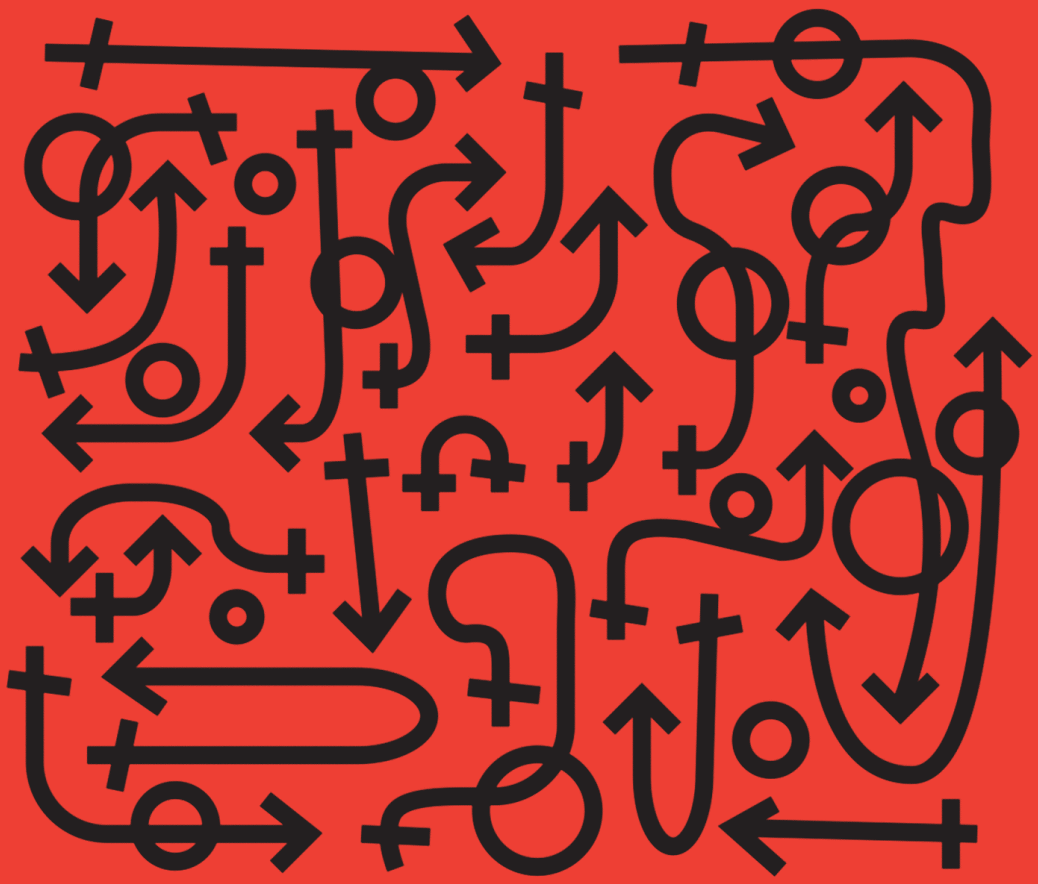
GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



Association for Progressive Communications (APC)
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Global Information Society Watch 2015
Sexual rights and the internet

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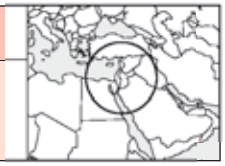
PALESTINE

SEEKING JUSTICE ONLINE



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Introduction

Marginalised Palestinian communities are carving out space for sexual expression online despite obstacles from a patriarchal society as well as, in some cases, their representatives. One obstacle – faced by women in general, regardless of their public profile – is online harassment and sexual blackmail. Palestinian women say their abusers, whom they identify as predominantly male, frequently take advantage of societal strictures to prevent them from reporting harassment to the authorities and their families.

New efforts to assess and clamp down on such unique obstacles to access could arguably result in increasing women's share of employment in the Palestinian information and communications technology (ICT) sector and beyond. In response to online crime, the Palestinian Authority has intensified efforts to fight harassment on the internet. Its civil police force has created a 50-officer unit to target online abusers without dragging their victims into the spotlight. Some critics say other security agents are engaged in many of the practices the government claims to fight.

Policy and political background

In Palestine, according to a recent United Nations (UN) report, many laws are outdated or do not address current issues around domestic violence.[1] The Palestinian parliament has not been able to enact laws since 2007 when political violence split the West Bank and Gaza Strip into the control of separate regimes. A series of reconciliation attempts over the years remain unimplemented. As a result, modernising legislation regulating the ICT sector is not on the horizon.

At 17%, Palestine has one of the lowest penetration rates of women in the general economy.[2] Numerous factors are responsible generally but women face additional risks online, which should be considered a contributing factor to the lack of female representation in the Palestinian telecommunications field. Increased connection to internet technologies has been a double-edged sword for many Palestinian women. Despite connecting them to platforms which encourage self-expression, the ease of sharing photographs and videos as well as personal information has left many vulnerable to blackmail and even violence.

Microwork: Empowerment or strangulation?

The disempowerment of women online can be seen not only as a consequence of the failure of authorities to counteract criminality online. It is also true that women do not share an equal role in the ICT sector in general, including at private companies. This contributes to disempowerment online. While officials say some Palestinian technology companies employ an equal number of men and women, few women can be found in their highest ranks.[3] Most work in secretarial or service-related tasks, while men manage, experts say. Like in the rest of the world, men occupy most of Palestine's top technology positions. One strategy being debated in Palestine for increasing women's representation in the Palestinian technology sector is the field of microwork.[4] The term refers to online tasks performed by multiple workers contributing to a single product. In the West Bank, one such project is being implemented by infoDev, which describes itself as a research group for ICT-related development.[5]

A 2013 World Bank feasibility study on bringing microwork to Palestine found that it had potential for reducing unemployment and underemployment of youth and women. Among the reasons cited were its ease of entry, flexibility in skills requirements, and ability to overcome movement and access restrictions in the occupied territories.[6] The study

1 UN Women. (2014, 11 November). In Palestine, specialized prosecutors ensure women survivors' access to justice. palestine.unwomen.org/en/news-and-events/stories/2014/11/public-prosecutors

2 UN Women. (2014, 21 November). Leading the police service, ending violence against women her motto. beijing20.unwomen.org/en/news-and-events/stories/2014/11/woa-wafa-muammar

3 Contradictory reports on this gender breakdown exist, for instance, at: Paltel Group. (2012). *Annual Report 2012*. www.paltel.ps/admin/Upload/file/Annual-Report2012en.pdf

4 https://en.wikipedia.org/wiki/Microwork

5 www.infodev.org/en/index.html

6 World Bank. (2013). Feasibility Study: Microwork for the Palestinian Territories. siteresources.worldbank.org/INTWESTBANKGAZA/Resources/Finalstudy.pdf

concluded that the territories benefited from certain characteristics including a young, tech-savvy population – it noted Palestine's 35% Facebook use among the population – along with competitive numbers of English-language speakers and relatively inexpensive internet and broadband. According to a 2015 United Nations Development Programme (UNDP) report on poverty and food security in the Palestinian territories, increasing microwork in the digital economy could address both issues: "As it is based on online, digital products and services, microwork can be performed remotely, anywhere, anytime – therefore providing viable jobs despite the Israeli-imposed restrictions on labour-related movement. Jobs in microwork could thus address the high levels of under- and unemployed women outside of Palestine's cities, especially."[7]

Proposals for increasing microwork have faced scepticism, however. Mark LeVine, a professor of Middle Eastern history at the University of California, Irvine, describes the potential benefits of microwork as elusive and illusory. He argues that such proposals not only neglect the fundamental role of the Israeli occupation in holding back the Palestinian economy, but could even serve the occupation's interests. Economists have repeatedly identified the occupation as the primary obstacle preventing Palestinian development. Microwork centred on the internet or mobile phones "would allow Palestinians literally to work from their jail cells, offering them subsistence wages to engage in work that neatly fits into the parameters of the occupation," LeVine wrote in a critique of a World Bank study on the type of work being offered to marginalised sectors. He added: "In so doing, whatever meagre benefits it produces, microwork will provide Israel with even more power to continue with the territorial strangulation of the West Bank" and the blockade of Gaza.[8]

Police unit's profile grows

Another initiative appears to be having a clear impact on public perceptions of online crime, especially against women. Even critics of the Palestinian Authority's priorities toward the ICT sector say the police's unit for monitoring online harassment against women has been a successful endeavour. Current and former government officials as well as outside observers have lauded its achievements in a relatively short period of time. Multiple Palestinian women and female activists interviewed for this report agreed that, in terms of perception, the seven-year history of the Family and Juvenile Protection Unit has led to public awareness of the phenomenon of harassment and blackmail of women online.

Palestinian officials say the accomplishments are not merely perception: "The statistics speak for themselves. We went from 55 domestic violence cases reported in 2012 to 3,660 in 2013," said Wafa Muammar, head of the online police unit, which has about 50 officers in its ranks.[9] She insists that progress on the issue on a societal level is reflected in the priorities of the civil servants who protect these communities. "Police are the reflection of society. Our society looks positively at a woman who endures her husband's atrocities. If she speaks publicly about it she becomes an outcast. Many women avoided going to the police because lodging a complaint with the police could bring on a big loss – she could lose her children, her family and the respect of the people in society," she says. Now that the unit exists, though, "we are changing perceptions and making combating violence against women a national cause."

The online unit receives training and financial support from the European Union,[10] and its members are frequently trained and updated on best practices in the field. In June, for example, members of the unit received special training from the Spanish police in two areas: risk identification and assessment, and management procedures for protecting victims and witnesses of gender-based violence. They were also trained on developing case management software used by the Family and Juvenile Protection Unit to identify main questions for alleged victims to be included in a final database. The database is expected to be used in an effort to streamline day-to-day work by police and prosecutors.[11] This is intended to mitigate the current fractured state of record keeping across Palestinian governorates.

Reminders of the existence of Muammar's unit abound online as the civil police allocate considerable resources to public relations efforts aimed at solidifying the perception among the populace that they have a competent police force acting on their behalf. The unit, like others within the civil police force, maintains up-to-date online information for

7 UNDP. (2015). *Palestine Human Development Report*. www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PHDR2015Poverty.pdf

8 LeVine, M. (2013, 12 April). In Palestine, 'death' by a thousand micro jobs. *Al Jazeera*. www.aljazeera.com/indepth/opinion/2013/04/201348101128647355.html

9 UN Women. (2014, 21 November). Op. cit.

10 European Union. (2005, 14 November). EU Council establishes Police Mission in Palestinian Territories. eu-un.europa.eu/articles/en/article_5290_en.htm

11 EUPOL COPPS. eupolcopps.eu/en/node/4849

the public.[12] It is frequently reminding internet users in the occupied territories of its existence and participation in even the most minor developments in its specialised jurisdiction. On its website in the last week of August, for instance, the unit had published accounts of a town hall-style event in Bethlehem focusing on child labour and a summer camp for children on online risks and how to protect themselves from predators online, and a Jenin summit for security officers on international standards for respecting the rights of juvenile defendants. These reports, despite their dry content, are published frequently by local media. In addition to the news media, the civil police heavily update social media accounts.[13] The message from the Family and Juvenile Protection Unit is clear: We exist, and we're getting better.

But the constant output of such media concerning the unit's day-to-day activities is the result of an atypical public relations effort which may be creating an impression that it is more active than its resources allow. This is part of a strategy designed to serve the unit's logistical goals, not only its public profile. Seeding constant reminders about the unit, even if individually small, is a step that authorities hope will make a dent in the almost incomprehensibly low estimates of the rates of reporting online crimes to the police. Muammar, the head of the online unit, insists that the number of prosecutions is rising fast. But they only represent a fraction of the cases that women's rights activists and development experts say are occurring every day. According to one study, only about 10% of cases reach the stage of an actual investigation. Until victims are able to safely report crimes, anxiety about speaking up will continue to prevail.

Changing these perceptions will take time, as the risks are great. In a UN report on women's access to justice published last year, the authors cited the findings of focus groups in which women recounted the process of seeking redress for online crimes.[14] "It was surprising that the young college women in the focus group were able to map, deconstruct, and discuss societal reactions in detail while sharing stories of women victims/survivors and deviant and criminal men and women. They pointed out that disclosure of victimization is very challenging for women, and therefore they thought that women should first seek ways to access justice inside their communities. Only if that failed, and with carefully planned steps, should they seek the help of external agencies."

Access to justice

The issue of the internet in maintaining strictures on Palestinian women cannot be accurately assessed outside the framework of Israel's occupation. The UN has concluded[15] that Israeli military laws continue to have extensive effects upon the ability of Palestinian women to seek justice for online crime. Palestinian women's ability to seek justice is impacted by travel restrictions and differing jurisdictions depending on where they live in the occupied West Bank. For example, the Palestinian police have no ability to carry out investigations or arrests in Area C, the 60% of the West Bank under full control of the Israeli military.

Recent disclosures from intelligence-agency whistleblowers in Israel as well as the United States (US) have widened debate about the extent to which surveillance on Palestinians can be justified. Earlier this year it came to light that the US was supplying Israeli intelligence agencies with information collected on Palestinians. Such sharing is fairly routine. However, according to James Banford, a US-based expert on the National Security Agency (NSA), information is usually first "minimised" – names and other identifying information removed – before it is transferred to a foreign country. "But when sharing with Israel, the NSA evidently did not ensure that the data was modified in this way," he wrote in a US newspaper column. Banford said that the intercepts named "countless" Arab- and Palestinian-Americans whose relatives in Israel and the Palestinian territories could become targets based on the communications.[16]

This disclosure has added fuel to a debate in Israel, where a dramatic refusal by Israeli agents to continue bulk collection of data on Palestinians has painted a bleak portrait of information security in Palestine. In September 2014, a group of intelligence officers from Unit 8200, considered Israel's equivalent of the NSA, sent a public letter to their commander explaining their refusal to surveil innocent Palestinians. They specifically noted discomfort with the unit's spying on sexual practices. According to some of the nearly two dozen officers who signed the letter, data collected on Palestinians in the occupied territories could include

12 www.palpolice.ps/ar/content/specialized-departments/family-protection-unit

13 https://www.facebook.com/Palestinianpolice1; https://twitter.com/pal_police

14 UN Women. (2014). *Access Denied: Palestinian Women's Access to Justice in the West Bank of the Occupied Palestinian Territory*. az804972.vo.msecnd.net/~/media/field%20office%20palestine/attachments/publications/2014/access%20denied_en.pdf?v=1&d=20150310T090056

15 Ibid.

16 Bamford, J. (2014, 16 September). Israel's N.S.A. Scandal. *The New York Times*. www.nytimes.com/2014/09/17/opinion/israels-nsa-scandal.html?_r=0

information on sexual preferences, infidelities, financial problems or even family illnesses.[17] Rather than remove sensitive information such as details about Palestinians' sex lives, however, the Israeli agents say they were instructed to record damaging details.

"The Palestinian population under military rule is completely exposed to espionage and surveillance by Israeli intelligence," read one portion of the letter.[18] "Contrary to Israeli citizens or citizens of other countries, there's no oversight on methods of intelligence or tracking and the use of intelligence information against the Palestinians, regardless if they are connected to violence or not. While there are severe limitations on the surveillance of Israeli citizens, the Palestinians are not afforded this protection. There's no distinction between Palestinians who are, and are not, involved in violence." It is hard to overstate the danger of collecting such information. Societal taboos are such that sex outside of marriage for women, or homosexual relations with either gender, could put victims of surveillance at risk of violent reprisal. This is the suspected purpose, as the agents pointed out. The information collected in this manner could be used to extort or blackmail Palestinians into becoming collaborators with Israel.

On top of this, many Palestinian activists say the US-funded security services in Palestine – which are separate from the police and include intelligence units – do a fair share of spying on their population's private sexual practices and have even used the internet to extort gay Palestinians.[19] "We copy the Israelis, and we do a better job sometimes," said Mashour Abu Daka, the former Palestinian minister of telecommunications. He noted allegations that the Palestinian Authority's security services used surveillance as a political tool, with consequences far more complex than mere harassment. Speaking to GISWatch, Abu Daka said he knew of cases while he was minister in which at least one senior Palestinian official reported being the victim of an online defamation campaign run by intelligence agents. "There are cases you don't read in the news. You only hear about them by talking." He said women were more often victims of surveillance but "these (cases) don't reach the courts" because of the perception by many victims that the process could be more traumatising than the crime itself.

Conclusions

Around the world, access to ICTs has opened up opportunities for marginalised communities to challenge and transform societal norms. However, the availability of technology in the Palestinian context is insufficient for women if patriarchal strictures stand between them and access to justice. Despite anecdotal evidence of the internet as an avenue for women to seek justice, Palestine's statistics tell the real story. In 90% of the cases cited by the UN report on women and justice, the main source of the threat was within the family. ICTs will not reach their full potential until basic safeguards are taken to protect marginalised communities online.

Action steps

The following advocacy steps can be suggested for Palestine:

- The Palestinian parliament should meet as soon as possible in the event a reconciliation government is formed that is able to pass ICT legislation.
- In the absence of reconciliation, internet authorities should coordinate policies to ensure freedom of access to services in the West Bank and Gaza Strip.
- Labour officials, ICT authorities and women's groups should evaluate the impact on marginalised communities before microwork initiatives are initiated.
- EU countries should continue funding the civil police's Family and Juvenile Protection Unit while insisting on transparency about its true impact.
- Israel should withdraw to its internationally recognised boundaries and respect Palestinian police jurisdiction over crimes committed against women online.
- Israel should investigate allegations by members of its intelligence community and punish any who ordered surveillance against innocent civilians.
- Palestinian prosecutors should anonymously investigate allegations that security forces surveil and extort vulnerable Palestinian communities.
- The US should review its funding and training of branches of the security forces suspected of spying on marginalised communities.

17 Levy, E. (2014, 12 September). Palestinians hail 8200 protest letter: Proof some Israelis reject occupation. *Ynetnews*. www.ynetnews.com/articles/0,7340,L-4570340,00.html

18 The Guardian. (2014, 12 September). Israeli intelligence veterans' letter to Netanyahu and military chiefs - in full. www.theguardian.com/world/2014/sep/12/israeli-intelligence-veterans-letter-netanyahu-military-chiefs

19 O'Connor, N. (2013, 19 February). Gay Palestinians Are Being Blackmailed Into Working As Informants. *VICE*. www.vice.com/en_uk/read/gay-palestinians-are-being-blackmailed-into-working-as-informants

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Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LBGTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

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