Palestine 2019
An Overview of Digital Rights
Issues of Palestinians

April 2020
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The expanded use and capacity of technological platforms to shape our world presents both an opportunity and a challenge. Keeping up with the innovations in the field of technology, while at the same time creating frameworks for rights protection has been challenging for domestic and international actors. Digital rights activists globally and in Palestine have been working to educate the public about the need to protect digital rights and to establish needed political and legal frameworks, and international relationships to create a safer, and freer digital life for Palestinians.

Digital rights entail that the human rights laid down in international law and ratified by states should be protected, whether exercised in person, through technologies of today, or through technologies that will be invented in the future. The rights to online privacy and freedom of expression, for example, are really extensions of the equal and inalienable rights laid out in the United Nations’ Universal Declaration of Human Rights.

As an annual report #Hashtag Palestine provides a snapshot of Palestinian digital rights issues with a focus on Palestinians living in Jerusalem, the West Bank, Gaza and Israel. The report looks at the three authorities that are responsible for protecting Palestinian human rights, including Israel, the Palestinian Authority and Hamas. It also looks at several technology companies -- social media platforms, digital economy platforms, surveillance technology companies and tourism companies -- to see how their policies and practices are impacting Palestinian digital rights.

The report has been developed utilizing research and reports published by human rights organizations, journalists and other public serving institutions locally and internationally. It also included additional efforts by several members of Palestinian civil society to obtain relevant data that reflects the reality on the ground. However, there are limitations to the data that the researchers were able to obtain for this report. The arrest information included in the report focuses on some of the obvious examples of digital rights violations, as well as provides in less specific detail the estimated number of violations associated with various social media outlets based
on existing information. To further help accurately document and describe the digital landscape, this research presents qualitative data that speaks to the shared general feelings of cyber vulnerability among Palestinians living as citizens of Israel, in the West Bank and Gaza.

In 2019, Israel, the Palestinian Authority and Hamas continued to utilize technologies in ways that violated Palestinian’s right to privacy, freedom of expression and assembly among other digital rights. In particular, they continued to use information published on social media platforms to profile, track, arrest and interrogate hundreds of Palestinians.

- Israel continued to apply mass surveillance techniques to the Palestinian population, which supported Israel’s illegal occupation as well as the surveillance of Palestinian Citizens of Israel.

- The Israeli authorities poorly managed the export control regime for surveillance technologies allowing Israeli companies to export dangerous technologies to actors responsible for violating human rights around the world.

- Utilizing state and non-state actors, Israel strengthened its abilities to coordinate the spread of misinformation and hate directed towards Palestinians and Arabs online with armies of trolls.

- Israeli elections in April and September contributed to spikes in racism and hate speech online directed towards Palestinians including calls for violence by major politicians and political parties.

- The Palestinian Authority expanded its use of the Cybercrimes law, expanded their censorship of websites related to political dissidents, and to arrest and detain people under broad allegations of “incitement” related to their posts online.

- Hamas continued to use the “Misuses of Technology” Penal Code to arrest and detain Palestinian activists and journalists participating in or covering protests, including against the high cost of living.
Technology companies, who control the modern infrastructure for information sharing, organizing and developing economies, continued to violate Palestinian rights and abuse their right to freedom of expression, privacy, access to markets, and the law of occupation.

- Social media companies continued to utilize erroneous artificial intelligence that discriminates against Palestinian and Arabic content under pretexts of ‘technical errors,’ hate speech, violence and extremist content. In many cases, social media companies took down large amounts of Palestinian content during times of political or social tension.

- Platforms essential for fair and equal participation in the digital economy continued to deny Palestinians access despite on going advocacy and campaigning from governmental bodies, private sector and civil society continued to look for solutions.

- New information about facial recognition technologies inspired widespread public campaigning against Microsoft for their $74 million dollar investment in the Israeli surveillance company AnyVision. Under pressure from activists and investigative journalists, Microsoft opened a human rights investigation into AnyVision.

- NSO Group, an Israeli surveillance company whose software was linked to the high profile extrajudicial killing of the journalist Jama Kashoggi in 2018, was found to have hacked WhatsApp servers to spread malware to 1,400 mobile phones in an attempt to target journalists, diplomats, human rights activists, senior government officials, and other parties.

- Tourist companies continued to promote hotels, tourist sites and other businesses in illegal Israeli settlements contrary to international law and public campaigns directed at the companies.

Palestinian society continued to struggle with issues related to gender based violence and the suppression of the political participation of youth online that included online and offline violence resulting in harassment, assaults, arrests and deaths.
• In 2019, for the first time ‘cyber violence’ was included in the 2019 Palestinian Violence survey conducted by the Palestinian Central Bureau of Statistics, signaling a shift in the cultural perspective and understanding on the subject of gender based violence online (GBVO).

• Palestinian youth and the public responded with outrage to the killing of Israa Ghrayeb by her family members following her post of herself with her fiance during a chaperoned date on social media. The tragedy sent shockwaves throughout Palestinian society, and among women in particular. In the immediate aftermath, Ghrayeb’s death inspired both online solidarity in the form of the #WeAreIsraaGhrayeb hashtag, and a women’s protest calling for tougher legal protections.

• Several members of the Palestinian queer community and the civil society organization alQaws were publicly attacked and persecuted by the Palestinian Authority, as a result of announcements of events and activities that they were conducting on social media.

• One of the first studies about youth’s political participation online, “Silenced Networks” was published by 7amleh. The research found that many Palestinians have experienced their content being taken down, online harassment, interrogations and arrests. Overall, this is contributing to a “chilling effect” in which youth are afraid to exercise their rights and begin practicing self-censorship and self-deterrence, minimizing their activism online and contributing to an overall shrinking of space for political participation.
Authorities
The Israeli government’s policies and practices continue to create systemic disparities in human rights including freedom of expression, privacy, political participation, access to education and economic opportunities among others. Impacting both Palestinian Citizens of Israel and Palestinians living under occupation, Israeli authorities continue to control many aspects of Palestinians lives and their ability to safely and freely access the internet. In order to contextualize the current situation found in Israel it is important to note that under Israeli law, the right to freedom of expression is not protected under the Israeli Basic Laws. In fact, the right to freedom of expression is only safeguarded by the Israeli supreme court decision in 1954 in the case of “the people’s voice”¹ and Israel’s obligation as a state party under Article (2) of the ICCPR.² This lack of domestic law safeguarding expression is often pushed aside in favor of a national security argument in which speech is limited by the perceived threat it represents to the status quo. This reality is particularly oppressive to Palestinians in a context in which they must call for an end of the occupation and demand the actualization of their rights.

In 2019, the environment became particularly dangerous for Palestinians, as Israel undertook two parliamentary elections in April and September, with mainstream politicians inciting violence against Palestinians in order to gain supporters and attack political opponents. 7amleh’s annual report on racism and hate speech online found a trend of violent discourse during the election. This included an 8% rise in violent discourse against Palestinians during elections. This led to an increased sense of fear, even among the youngest Palestinians, and contributed to an overall chilling effect. As a young person in a focus group about freedom of expression

¹ The people’s voice v. Ministry of Interior, 73/53 (SC 1953).
said, “The State [Israel] can interpret [the law] as they wish, so they trap us in this.” Laws are unclear and being applied in a discriminatory and unpredictable manner. This “trapping” the participant described can be seen when looking at the double standard that Israel applies to hate speech. Vague definitions of “incitement” have enabled Israeli authorities to arrest, interrogate, prosecute and detain Palestinians for their political participation, while at the same time allowing radical Israeli politicians and other leading figures the freedom to "incite" violence against Arabs and Palestinians.³

**Hate and Misinformation Online**

Israel has coordinated and cooperated with non-state actors to spread campaigns of hate and misinformation about Palestinian human rights defenders and organizations online. At the beginning of 2019, the Israeli Ministry of Strategic Affairs published posters using the hashtag #TerroristsInSuits and spread them across the internet with the support of troll groups and non-state actors.⁴ The campaign was premised on racist caricatures, attempting to paint Palestinian civil society organizations as essentially suspicious and violent, in order to discredit and defund them. The report notably has no date and no named author, does not cite credible sources, and does not withstand academic scrutiny. The office of the European Union (EU) in Israel stated that the report contained allegations that are “unfounded and unacceptable.”⁵

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To support the campaign, Israel developed relationships with many troll groups in the past year. One of the most successful at targeting Palestinian content is the Israeli supported project ACT.IL, which includes an online platform that organizes 15,000 active members and has offices in three countries. Troll groups often are encouraged to share content that includes hate speech directed towards Palestinians. In other contexts, these trolling tactics are not only being used to shrink the space for freedom of expression, but also to create commercial enterprises that profit from hate speech online and influence politics across the globe. In response to growing pressure, in August of 2019, Al-Haq submitted an urgent appeal to the UN Special Procedures regarding the impact of the campaign on their work, including death threats they received on Facebook after the launch of the campaign. Al-Haq called on the UN Special Procedures to take immediate and collective action to halt the ongoing online incitement by Israel and to intervene directly with Facebook to remove content that violates International Human Rights Law and Facebook’s own community standards.

**Censorship**

Adalah - The Legal Center for Minority Rights in Israel and the Association for Civil Rights in Israel have been filing complaints for two years against the Israeli Cyber Unit, for unlawfully issuing requests to social media companies to censor content on their platforms. In November of 2019, the Israeli State Attorney responded that these requests "do not constitute an exercise of governmental authority." According to the office, the unit only makes “voluntary” requests to censor content while the decisions are ultimately made by the social media companies. This response establishes a precedent for a governmental agency to request information without regard to the state’s obligation to protect privacy, as well as attempts to exploit the platform’s community guidelines in order to remove content that could be seen as violating them.

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to create an obligation on social media companies. This is especially concerning due to the fact that as a non-state actor, there are no legal requirements placed on social media companies to uphold and protect human rights. Moreover, this form of censorship is conducted without any legal procedure, is often implemented without the users’ knowledge and without granting users the right to appeal decisions. Adalah and The Association for Civil Rights in Israel argued that the cyber unit cannot submit “voluntary” requests to bypass constitutional and administrative norms, including transparency and due process.¹⁰

Arrests

Israel continued to arrest and interrogate people using information from social media under broad definitions of “incitement.” In total, Israel arrested more than 5500 Palestinians from the occupied territories in 2019. Among them were 889 children and at least 128 women.¹¹

One such arrest included Dr. Barghouthi, a Birzeit University professor of media, on the charge of “incitement on social media sites.”¹² Barghouthi was arrested in an Israeli raid on her house outside of Ramallah and taken to the Ofer detention center where she was interrogated about her use of social media. Her arrest sparked protests and demonstrations on the

¹⁰ Ibid
Birzeit campus, as her arrest was not only seen as unjust, but also as part of a larger Israeli strategy that aims to disrupt Palestinian education. Israeli forces have closed Birzeit University’s campus 15 times (the longest of which lasted 51 months), at numerous times put up checkpoints and roadblocks that turn the fifteen-minute journey from Ramallah to the university’s campus into a two-hour traipse, and frequently arrested students and professors both in their communities and on campus. Her case is currently still under consideration within the Israeli military courts.

In another case, a young woman from Hebron, Fidaa’ Da’mas, was arrested in an Israeli raid on her house in the middle of the night.\textsuperscript{13} A week after her arrest, an indictment charge was issued containing an article about her social media use. The military prosecution claimed that Fida’ had an “extremist” Facebook account and that she shares material that encourages terrorism and violence. Her trial and questioning revolved around her written posts and images that she shared which the military prosecution considered to prove Fida’s approval of the resistance forces and her appreciation for martyrs. The indictment also contained details of the amounts of “likes” and “shares” the posts had. For this, the Israeli military court sentenced Fida’ to 95 days of actual imprisonment and 7 months with suspension for 4 years after her release. This shows how if the Israeli military prosecution is not satisfied by the charges that the court issues, it uses administrative detention as an additional way of punishment. This is a misuse of administrative detention procedures, and a contradiction to the international humanitarian law.

Palestinian Authority
Violations of Palestinian digital rights continued despite the Palestinian Authority’s obligation to protect the right to freedom of expression and privacy as a signatory to the International Covenant on Civil and Political Rights (ICCPR). Restrictions to freedom of expression have been carried out as a part of enforcing the amended Cybercrimes Law by Decree No. (16) of 2018 (first published in July 2017 and later amended in May 2018). The law drew widespread criticism from human rights organizations and other governmental and non-governmental stakeholders for the potential violations to the right to freedom of expression and the right to privacy. The provisions of the law contain loose, and vague terms and provisions which could lead to possible misinterpretation and misuse by the authorities.14

Civil Society actors called on the Palestinian Authority to abide by its obligations under Article (2) of the International Covenant on Civil and Political Rights to protect Palestinian digital and human rights.15

Censorship

In October 2019, the Palestinian Authority's Ramallah magistrate court ruled to block 59 more Palestinian websites, including social media and news sites. With 59 more websites being added to the list of websites blocked by the PA, there are now nearly 100 websites that Palestinians cannot access.15 This highly criticized decision was taken under the controversial Cybercrimes Law framed as a security measure to maintain public peace. Civil Society actors called on the Palestinian Authority to

abide by its obligations under Article (2) of the International Covenant on Civil and Political Rights to protect Palestinian digital and human rights. The websites and news sites blocked provide alternative information to the public and are critical of the Palestinian Authority and or the ruling political party, Fatah.

**Arrests**

As of April 2019, the Palestinian Authority held 1,134 people in detention and between January 2018 and March 2019, it detained 1,609 persons for insulting “higher authorities” and creating “sectarian strife,” charges that in effect criminalize peaceful dissent. 752 of these detentions were related to social media posts. The ICHR received 213 complaints of arbitrary arrest, 140 complaints of people held without trial or charge pursuant to orders from a regional governor, and 138 complaints of torture and ill-treatment at the hands of PA security forces, as of September. Some of the cases of arrest were related to criticism of the Palestinian Authority. The Palestinian Authority Preventative Security forces detained Yousef Faqeeh, a journalist from Hebron, who was questioned about his political affiliations and a Facebook post that he wrote criticizing the consolidation of power within the Palestinian Authority.

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Hamas

Despite the fact that Hamas has a duty to apply and act in line with International Human Rights Law, given their exercise of government-like functions and territorial control, Hamas continued to severely constrain the political rights of Palestinians in Gaza. Hamas continued to severely constrain the political rights of Palestinians in Gaza. Gazan journalists, bloggers and activists continue to face repression, usually at the hands of the Hamas government’s internal security apparatus.

Censorship

Hamas continued to use Article 262 from the “misuse of technology” of the 1963 Penal Code and the 2009 amendment. Article 262 is in violation of the text and spirit of Article 17 of the ICCPR, which provides for the right of every person to be protected against arbitrary or unlawful interference with his privacy, family, home or correspondence as well as against unlawful attacks on his honor and reputation. The 2009 amendment to the penal code criminalizes the “misuse of technology” to promote or disseminate “indecent” or “inciteful” content to justify most of its arrests and interrogations. These terms are so vague that they serve as catch-alls for Palestinian activists and journalists who use social media.

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20 Ibid

to express their views; even the charge of “indecency” effectively includes any public criticism of Hamas officials, their governance, or their policies.22

“Hamas utilized social media data to conduct mass arrests of nearly 1,000 Palestinians during demonstrations against the high cost of living.”

**Arrests**

Between January 2018 and March 2019, Hamas detained 4,235 people, including 66 for social media posts or for allegedly violating broadly worded offenses such as “harming revolutionary unity” and “misuse of technology” to oppress dissent or opposition.23 In particular, Hamas utilized social media data to conduct mass arrests of nearly 1,000 Palestinians during demonstrations against the high cost of living in March 2019.24 This included arrests and torture of several journalists and activists who were summoned by Hamas' internal security forces in March for questioning about their coverage of protests and their posts on Facebook.25 also attacked by 10 masked men who asked him to delete the pictures he had taken of the protest and posted on social media. When he refused, they resumed the beating and forcefully seized his cell phone.26 An editor of the news agency Al-Hadaf.

24 Ibid.
25 Ibid.
Tech Companies
Social Media
Social Media

Social media companies continue to digitally discriminate against Palestinian content and utilize artificial intelligence to take down large swaths of Palestinian and Arabic content under pretexts of ‘technical errors,’ hate speech, violence and extremist content. In many cases, social media companies took down large amounts of Palestinian content during times of political or social engagement. In 2019, most Palestinian content takedowns came from Facebook (950 violations), followed by WhatsApp (26), Twitter (15), Youtube (13) and Instagram. The violations include the deletion of 101 pages, 165 accounts and 4 groups, as well as the blocking of 390 pages and accounts. Most of these accounts and pages belong to activists and journalists. In one case, Whatsapp, a division of Facebook, banned 100 Palestinian journalists and activists from the service after these accounts were used to document Israeli abuses and violations during its bombardment of Gaza in November 2019 which had resulted in the deaths of 34 Palestinians, including women and children, injuring approximately 111 others. In another case, the “Palestine Today” news agency claimed that the supervisors of its WhatsApp group accounts had been blacklisted and suspended after covering the Israeli offensive on Gaza. At the same time, 7amleh’s annual report on racism and hate speech online found that there was one violent post in Hebrew against Arabs and Palestinians online nearly every minute, revealing double standards in the application of content moderation standards and that Arabic in particular, is likely to be discriminated against.

Palestinians responded to discrimination by social media companies with profound activism and worked together through online campaigns and advocacy to pressure social media companies to be more transparent and accountable. Among the chief concern expressed by activists is that Facebook’s artificial intelligence is automatically flagging, blocking, limiting and deleting users’ posts and accounts if they include names of Palestinian political parties or the word “martyr” as hate speech or promoting violence online without sufficiently understanding the context in which they were posted.29 Palestinian journalists and activists in cooperation with Sada Social Center called on users to tweet using the hashtag #FBblockspalestine to highlight the threat posed by Facebook against Palestinian content and to make raising awareness of Facebook’s double standards in its management in dealing with Palestinian and Israeli incitement on its site.30 In response, Facebook has been working with Palestinian civil society organizations in order to better monitor the application of artificial intelligence in the Palestinian context and to address how policies related to counterterrorism and hate speech are suppressing Palestinian freedom of expression disproportionately.

29 Ibid
Digital Economy

The digital economy can potentially provide many economic opportunities. However, Palestinians in the West Bank and Gaza continued to be blocked from many of the major financial and e-commerce platforms. Palestinian access to international payment gateways is very restricted, making it impossible for Palestinians to access some of the most recognized and widely used freelancing and e-commerce platforms. Even with continued advocacy on the part of the Palestinian Authority and civil society, Palestinians continued to face barriers to entering the digital economy.

As 7amleh has reported, PayPal, the most globally recognized digital platform for transferring money in the world, does not offer its services to Palestinians in the West Bank and Gaza. Over the course of 2019, 7amleh and other digital rights activists continued to advocate for access to PayPal. This included a roundtable discussion in February 2019, in an effort to support the ongoing civil society efforts designed to raise awareness and place pressure on PayPal to change their discriminatory policies. Sam Bahour, part of the founding team of the #PayPal4Palestine campaign stressed that even though alternative payment services to PayPal have been created, it is the Palestinians right to have access to PayPal, the world’s biggest online payment service. Furthermore, the importance of a continuation of a campaign for PayPal to start operation in Palestine was stressed, as well as setting up direct meetings with PayPal. That being said, even with sustained efforts on the part of local and international civil society and the Palestinian Authority, PayPal has not made a public statement to clarify

nor taken action to change its policy.

In the meantime, local companies have been working to develop national digital payment platforms. In October 2019, Jawwal, the West Bank and Gaza’s largest mobile network provider, partnering with the National Electronic Payment Company, announced the establishment of a new company, Jawwal Pay, an integrated e-wallet solution to improve national financial technology services. However, these local solutions still are unable to integrate with many international marketplaces and e-commerce platforms. For example, one of the most commonly used e-commerce platforms globally, Shopify, is being used in the West Bank and Gaza, but does not support the use of any Palestinian payment gateways.

Surveillance Technologies
**Surveillance Technologies**

The impact of surveillance technologies on human rights is undeniable. Surveillance of individuals - often journalists, activists, opposition figures and critics of dominant forces - has been shown to lead to arbitrary detention, torture, and extrajudicial killings. There is a lack of legal standards to address surveillance globally which is impacting the work of human rights defenders worldwide and affects all population rights. Surveillance technology companies continued to develop and test software on the Palestinian population in cooperation with the Israeli government and potentially other state and non-state actors.

For example, the Israeli company NSO Group’s technology was used to target Emirati human rights defender Ahmed Mansoor, who has been in prison in the United Arab Emirates since March 2017, as well as the now-deceased journalist Jamal Khashoggi, civil activists in Mexico, and staff of Amnesty International.\(^3^4\) To date, NSO Group has not received punishment or restrictions from Israeli regulators who have to approve all sales.

**Spyware**

NSO Group, also known as Q Cyber Technologies, is an Israeli-based company that develops and sells spyware technology. Their flagship spyware, Pegasus, is among some of the most sophisticated spyware available on the market and can infiltrate both iOS and Android devices.\(^3^5\) Despite the company’s

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argument that it sells its spyware strictly to government clients only, and all of its exports are undertaken in accordance with Israeli government export laws and oversight mechanisms, in recent years there has been an increasing number of cases uncovered by human rights groups that illustrate how NSO’s technology has been used to violate the digital rights of political dissidents, lawyers, journalists, and human rights defenders including the killing of Jamal Khashoggi.36 In May of 2019, WhatsApp discovered that attackers were able to install surveillance software onto both iOS and Android phones by ringing up targets using the app’s phone call function. The malicious code, developed by NSO Group, could be transmitted even if the users did not answer their phones, and the calls often disappeared from call logs37. Citizen Lab, an interdisciplinary laboratory based at the Munk School of Global Affairs & Public Policy, University of Toronto, supported WhatsApp in their investigation of the incident. The results of their research identified over 100 cases of abusive targeting of human rights defenders and journalists in at least 20 countries across the globe and provided WhatsApp with a legal basis for a lawsuit.38

**Facial Recognition**

In 2019, several technology giants including Microsoft developed public relations campaigns that stress the ethical superiority of their facial recognition technology in response to public pressure to ensure that facial recognition technology is not being developed and used in ways that violate human rights. In contradiction with their own guiding principles on facial recognition technology, in June of 2019, Microsoft made a $74 million dollar investment in AnyVision, an Israeli facial recognition company led by former Israeli military and intelligence personnel. This investment led to public outcry by activists and civil society actors, who pointed to evidence that AnyVision has been identified as wielding its software to help

36 Ibid
enforce Israel's military occupation.\textsuperscript{39} AnyVision equated its technology to something similar to biometric identification used at airports and has denied that its facial recognition technology has been developed with Israel and used to surveil Palestinians in the West Bank, claiming that it is only used on Israeli border crossings and at checkpoints.\textsuperscript{40} However, AnyVision was identified as the recipient of 2018’s Israel Defence Prize, while not publicly named as the winner due to the classified nature of the surveillance project.\textsuperscript{41} Additionally, one of the company’s technology demonstrations shows that the facial recognition system has been used to track suspects through occupied East Jerusalem and activists have spotted dozens of cameras ‘deep inside the West Bank’.\textsuperscript{42}

Even with global coordinated efforts from a number of civil society organizations\textsuperscript{43} including public petitions, it was only in November, after an investigative report into the deal broke in NBC News\textsuperscript{44} that Microsoft responded and decided to investigate whether the use of facial recognition technology developed by Anyvision complied with its ethics and principles.\textsuperscript{45}

\textsuperscript{41} Ibid
\textsuperscript{43} Ibid
Geo-Spatial Mapping

Palestinian digital rights are being violated by companies producing online maps. Several maps continue to display misinformation about Palestine that is in violation of international human rights law. The development of accurate maps is not only essential in terms of navigation, but also in order to accurately represent political agreements. Not accurately reflecting space is tantamount to providing a false narrative that is neglecting to recognize Palestinians' existence and in effect limits their human rights.

For years, Google Maps has been at the center of Palestinian digital rights campaigns due to the misrepresentation of law, land and people. Many activists see the Israeli narrative of space being dictated through Google Maps and double standards being applied when it comes to visibility on the map and ability to safely use the navigation features. For example, many illegal Israeli settlements in the occupied West Bank are visible on the map, while many historic Palestinian villages in the West Bank are omitted. In addition, there is no recognition of movement restrictions and restricted roads for Palestinians. Instead, the map treats users as if they are Israelis that can move freely throughout both Israel and the West Bank. This depiction effectively ignores the checkpoints and barriers to movement that exist for Palestinians, while at the same time normalizing Israeli settlements which are illegal under international law. By refusing to accurately map the realities on the ground, Google Maps promotes the narratives of Israeli annexation and digitally erases the Palestinian identity from the map. This is further illustrated when it comes to their listing of Jerusalem, as the capital of Israel, which ignores the contested status of the city and is contrary to the UN General Assembly Resolution 181.
However, Google continues to privately and publicly argue that their map is a-political and has “nothing to do with Middle Eastern politics. When data sources that we are unaware of are brought to our attention, we look to see if they’re of sufficient quality to add to the map.”46 The latest data sources about Palestine that Google added were from GISrael (Israel) and a UAE based company.

In order to have access to a safe map that reflects the reality on the ground, Palestinian entrepreneurs developed Doroob. Doroob Navigator’s algorithm combines reports from users with manual inputs by engineering staff to help drivers avoid checkpoint traffic and circumvent settlements, which most Palestinian vehicles cannot enter.47 While other apps might say the only way to drive between certain Palestinian cities is to cut through a settlement, Doorab is trying to change that. This innovation not only promises to ensure drivers are able to better navigate the space but actively pushes for the recognition of the limitations that have been placed on movement for Palestinians and travelers within the occupied West Bank.

“Google continues to argue that their map is a-political and has nothing to do with 'Middle Eastern Politics' but as is clear from the latest datasets from Israel and the UAE Google is using, their map is very political”

47 Ayyoub, R. (2019, August 20). Reuters. (Palestinian app helps drivers avoid Israeli checkpoint bottlenecks https://reut.rs/34M5uQ
Tourism
Tourism

The world’s leading digital tourism companies – Airbnb, Booking.com, Expedia and TripAdvisor – all include listings for properties or attractions in illegal settlements on their various website despite Israel’s settlements being illegal under international law. Tech company support for enabling business in Israeli settlements has a negative impact on a vast number of human rights of the Palestinian population. This has been extensively documented by the United Nations and independent international organizations, including Amnesty International and many Palestinian and Israeli organizations. Any basic preliminary risk assessment by the companies would reveal that any business activity in or with settlements would inevitably contribute to sustaining an illegal situation, as well as a regime that is inherently discriminatory and abusive of the human rights of Palestinians. All four companies claim to operate under high ethical values and respect for the rule of law. However, none of these standards appears to influence the companies’ decisions in relation to settlement listings. In doing business with settlements, all four companies are contributing to, and profiting from, the maintenance, development and expansion of illegal settlements, which amount to war crimes under international criminal law. Their promotion of Israeli settlements on occupied Palestinian territory as a tourist destination also has the effect of “normalizing”, and legitimizing to the public what is recognized under international law as an illegal situation.

In 2018, Airbnb announced that it would delist rental properties located in Israeli settlements in the occupied West Bank following public advocacy efforts that highlighted how the company was profiting from businesses in settlements. This was seen as a win among activist and human rights organizations that worked to encourage the company to reverse this
policy of including property listings within Illegal Israeli settlements, and align their policies with international law. At the same time, American-Israeli settlers supported by Israeli legal organizations, sued Airbnb for discrimination. In response, Airbnb reversed its decision and agreed to add listings in settlements back to their platform.53 Furthermore, on the company’s website, Airbnb stated that it has always opposed the BDS movement and has never boycotted Israel, Israeli businesses, or the more than 20,000 Israeli hosts who are active on the Airbnb platform.54 At the same time, Palestinian-Americans from two Palestinian villages, whose properties are the very properties that settlers have listed on Airbnb, filed counterclaims against the settlers with the support of the Center for Constitutional Rights, arguing that their actions constitute war crimes, crimes against humanity, and discrimination on the basis of religion and national origin.55

As a form of compensation, the company announced that it would donate all of the profits gained from settlement listings to humanitarian groups. In response Al-Haq and 146 members of the Palestinian Non-Governmental Organizations Network (PNGO), in the West Bank including East Jerusalem and the Gaza Strip, refused all funds from Airbnb, and called upon humanitarian groups across the world to boycott Airbnb.56 In May 2019, the global coalition behind the #DeactivateAirbnb campaign asked people around the world to deactivate their Airbnb accounts on the 71st

anniversary of the Nakba, the first of several waves of forced displacement by Israel over the course of Palestinian history. The main claim of activists is that “Israeli settlements are considered war crimes under international law and are responsible for the displacement of Palestinians and the theft of their land.” Therefore companies, such as Airbnb continuing to do business in these settlements are contributing to the economic viability of settlements and are normalizing Israeli annexation of Palestinian land.

TripAdvisor is the second-most visited website (after Google) by foreign tourists arriving in Israel, with over a quarter (more than 800,000 people) saying that they consulted the site for attractions, tours, restaurants, cafes, hotels or rental apartments before arrival. In a recent Amnesty International report, TripAdvisor was found to be promoting locations in illegal Israeli settlements in the occupied Palestinian Territories. TripAdvisor responded by claiming that "[t]he listing of a property or business on TripAdvisor does not represent our endorsement of that establishment". Yet the company does make a profit from listings including those in illegal Israeli settlements. In June 2019, on world refugee day the CEO of TripAdvisor published an op-ed urging businesses to help address the global refugee crisis and pledging to donate millions of dollars to humanitarian organizations "to support and help refugees rebuild their lives and reclaim their futures". While this may be supportive of refugees in other parts of the world, TripAdvisor's business continues to contribute to the plight of Palestinian refugees, which itself is the source of one of the world's largest refugees communities.

58 Ibid
59 Ibid
Palestinian Society
Gender Based Violence
Gender Based Violence

An inclusive, safe, and gender-friendly internet is a fundamental building block of a free and open society. However, women and members of the LGBTI communities often face a range of gender-based violence, discrimination and attacks online that range from unequal access to the internet, online harassment, violent threats, hacking and blackmail, to hate speech. To frame gender-based violence as a human rights violation implies an important conceptual shift, which recognizes that the survivors of such acts are not exposed to violence by accident, or because of an in-born vulnerability. Instead, this form of violence is the result of structural, deep-rooted discrimination which the state has an obligation to address.

The internet is used for widespread and systematic discrimination against women and girls and LGBTI persons, and it is an arena for multiple, recurring and interrelated forms of gender-based violence. Considering this global trend, it is not surprising that cyber-violence would also be higher among these vulnerable groups, as the online space is a reflection of the society itself.

According to a recent 2018 7amleh study on gender based violence against Palestinian women in the online space, one out of every three Palestinian women are subjected to violence and harassment on social media and other internet platforms. The reasons provided for the level of violence experienced by women and girls online have been linked to drivers such as conservatism, sextortion, social oppression and privacy violations on the net. As a result, many Palestinian women exercise self-censorship, which inhibits their digital rights as they are unable to use the internet freely, in particular social media platforms. The research furthermore found a

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need for further research in this field to fully understand the impact of gender based cyber violence.

In 2019, for the first time cyber violence was included in the 2019 Palestinian Violence survey conducted by the Palestinian Central Bureau of Statistics, signaling a shift in the cultural perspective and understanding on the subject. Cyber violence online was recognized as representing a new form of violence experienced by individuals of all age groups within the Palestinian society due to the widespread use of the Internet. The results showed that 8% of currently or previously married women (18 - 64 years) experienced a type of gender based violence online by others through their use of social media networks, while 4% of currently married or previously married women were subjected to theft of their online bank accounts or email accounts in Palestine.69

10% of youth (10 - 29 years) who have never been married experienced a type of violence online by others through their use of social media networks, as 6% were subjected to theft of their online bank account or email accounts.70 Furthermore, 7% of currently married or previously married men (18-64 years) experienced at least one type of cyber violence by others through their use of social media networks and 9% of children (12-17 years) experienced a form of cyber violence by others through their use of social media networks. This study focused on the occupied West Bank and Gaza and did not concentrate on the experience of Palestinian Citizens of Israel.

That being said, cases of gender based violence online continued in 2019 and resulted in deaths in Palestine. One example is 21 year old Israa Ghrayeb, who posted a selfie video of herself with her soon-to-be

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70 Ibid
fiancé during a chaperoned date. When the video was shared with her family, they reportedly beat her so severely that she fell from the second floor balcony of the family home. She was later beaten to death while recovering in the hospital, and could be heard screaming during the attack in footage circulated online. The tragedy sent shockwaves throughout Palestinian society, and among women in particular. In the immediate aftermath, Ghrayeb’s death inspired both online solidarity in the form of the #WeAreIsraaGhrayeb hashtag, and a women’s protest calling for tougher legal protections. In response, after years of advocacy, the Palestinian police forces have established a cybercrime division dealing with such cases, whereas civil society throughout 2019 has been increasing efforts to raise awareness on cyber violence online through workshops and campaigns.71

In 2019, the LGBTI community in Palestine also faced high levels of discrimination and gender based violence online. Virtually every country in the world retains legal provisions that impinge on the rights of transgender people exposing them to some of the highest rates of violence of any group of people in the world.72 Violence that the LGBTI community faces is often classified as hate crimes, which are often explained away as acts taken to protect traditional social norms of masculinity and femininity. The UN Special report on "The Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity", pointed out the importance of social integration as it relates to the ability of LGBTI persons to access and express themselves freely in public space.73 While limitations to

public space appear to exist at all times and in all places, they manifest in particular with regard to the ability of LGBTI persons to freely assemble through marches, such as those held to commemorate the International Day against Homophobia, Transphobia and Biphobia, or pride marches, obstacles to which are reported in vast regions of the world. Not raising obstacles to the rights to freedom of assembly and expression, and ensuring particular vigilance and prevention with regard to hate crimes during pride marches, are among the fundamental obligations of states in that respect.

In August of 2019, Al Qaws, a Palestinian organization focused on the rights of the queer community, announced on their Facebook page a gathering in Nablus focused on discussing gender pluralism in the city and promoted a “queer camp” to be held at the end of August. In response to this online announcement, the spokesperson for the Palestinian Authority police, Louai Irzeqat, issued a statement concerning Al Qaws' activities in the West Bank. This first-ever statement about Al Qaws declared that the PA police would prohibit any event organized or held by Al Qaws for Gender and Sexual Diversity in Palestinian Society, claiming that it goes against “traditional Palestinian values,” and that the organization includes “foreign agents.” The statement went further, calling on citizens to complain about any “suspicious” activities and for the persecution of Al Qaws staff and activists. Following, the Palestinian Human Rights Organizations Council (PHROC) called on the PA to provide protection to Palestinians without discrimination, pointing out that the PA police’s statement violated the provisions of the amended Palestinian Basic Law, relevant Palestinian legislation as well as constituted a breach of the indivisibility of the international human rights framework, particularly the principles of equality and non-discrimination. The PHROC further articulated that the PA police had not upheld their constitutional and legal functions and responsibilities regarding the enforcement of the law and upholding the

74 Ibid
75 Ibid
rule of law.\textsuperscript{77} In response to the positive popular and institutional support which helped to eliminate any doubts concerning the legitimacy of alQaws, the PA retracted their statement and changed their strategy from publicly attacking the organization to persecuting activists and individuals. Recognizing their actions are unjustifiable, in an attempt to establish a “legal” case, the PA arrested these individuals under the Cybercrimes Law and other spurious charges.\textsuperscript{78}

\textsuperscript{77} PHROC Calls on the Palestinian Authority to Provide Protection to Palestinians without Discrimination. (2019, August 21). Retrieved from https://cutt.ly/vtkxs9W/

\textsuperscript{78} AlQaws’ Post-Police Statement: The Persecution and Restrictions Continue. (2019, October 30). Retrieved from https://cutt.ly/itKxgc4
Youth
**Youth**

In an ever-connected world, online platforms are essential to communicate people’s conditions, rights, and demands to those in decision-making positions. Equally, they help to breach the boundaries of oppression and segregation and unite communities together in collective struggle. Throughout Palestine and the MENA region, social media networks are seen as critical tools for political participation and the promotion of political reform and human rights protection. In the absence of official channels for civic engagement, social media provides a crucial platform for young people to access information, organize themselves and express their opinions.79

Understanding the importance of youth rights protection within the digital sphere, 7amleh published the research, ‘Silenced Networks: The Chilling Effect among Palestinian Youth in Social Media’ in October 2019 in order to provide reliable evidence on which to base strategies for promoting political participation among Palestinian youth online. This study showed that Palestinian youth are increasingly disenfranchised and often feel that their political participation has little to no impact on creating change. Further evidence showed that youth see a need to be selective in their political participation, in particular regarding the issues and topics they engage with, online.

Beyond their preferences, it is important to recognize the large effect the existing legal and political environment has on Palestinian youth’s political activism online. Many Palestinians have experienced their content being taken down, online harassment, interrogations and arrests by the state of Israel, the Palestinian Authority and Hamas for exercising their right to freedom of expression on the internet. Overall, this is contributing to a “chilling effect” in which youth are afraid to exercise their rights and begin practicing self-censorship and self-deterrence, minimizing their activism online and contributing to an overall shrinking of space for political

participation. Due to the general atmosphere of repression, a secondary chilling effect is also taking place, in which the repression of journalists and influencers, as well as friends and family, is leading to further self-censorship and political disengagement online.

This trend is not entirely new as Palestinians have been arrested for political participation for decades, and the repression continues until today. Authorities routinely arrest Palestinians posting on social media networks and use interrogation, detention and legal persecution as a tool to deter them and others from sharing content online.
About 7amleh

7amleh - The Arab Center for the Advancement of Social Media is a non-profit organization focused on protecting the human rights of Palestinians in the online space. Our programmes build the capacity of Palestinians to safely access the internet, run effective digital campaigns and advocate for digital rights and human rights. 7amleh's team works across Jerusalem, Gaza, the West Bank and Israel and regularly cooperates with local and international partners.

Trainings & Workshops: Working with civil society organizations, grassroots initiatives, media professionals, human rights defenders and activists to strengthen their digital security, campaigning and digital campaigning capacity. 7amleh has trained hundreds of people in Palestine and throughout the MENA region in digital security, digital campaigning and storytelling.

Campaigning: Coordinating and managing public campaigns, utilizing digital resources, on various issues related to Palestinian rights. Campaigns include research reports, infographics, videos and other materials. One of our most successful online campaigns in 2019, was focused on gender based violence online and organically reached 1,000,000 Palestinians in the Gaza Strip, Jerusalem, Israel and the West Bank.

Research & Advocacy: 7amleh works with civil society to develop evidence based advocacy strategies to change the policies of states and technology companies. On a weekly basis we monitor digital rights violations including arrest, content takedowns, hate speech and surveillance among other issues impacting Palestinians. In 2019 we published research focused on the right to access economic markets, freedom of expression for youth and the digital occupation of the Palestinian ICT Infrastructure.

Palestine Digital Activism Forum: On an annual basis 7amleh hold a week long conference (in 2020 it was digital in response to corona) to enhance multi-stakeholder dialogue with members of government, private sector, civil society and educational institutions among others. More information about PDAF can be seen at the www.PDAF.ps website.