

حملة - المركز العربي
لتطوير الإعلام الاجتماعي
7amleh - The Arab Center for
the Advancement of Social Media



Hashtag Palestine



2022

7amleh - The Arab Center for the Advancement of Social Media **#Hashtag Palestine 2022**

Researchers: Ahmad Qadi, Mona Shtaya, and Cathrine Abuamsha

Translated from Arabic by Ritaj for Managerial Solutions

The English version is edited by Yasmeen Iraqi and Eric Sype

The Arabic version is edited by Ritaj for Managerial Solutions

Graphic Design: Amjad Badran

This work is licensed under the Creative Commons Attribution-Noncommercial NoDerivatives 4.0 International License.

To view a copy of this license, visit: <https://creativecommons.org/licenses/by-nc-nd/4.0/>

Contact us:

Email: info@7amleh.org

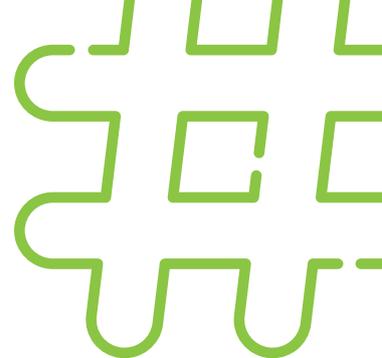
Website: www.7amleh.org

Telephone: +972 (0)774020670

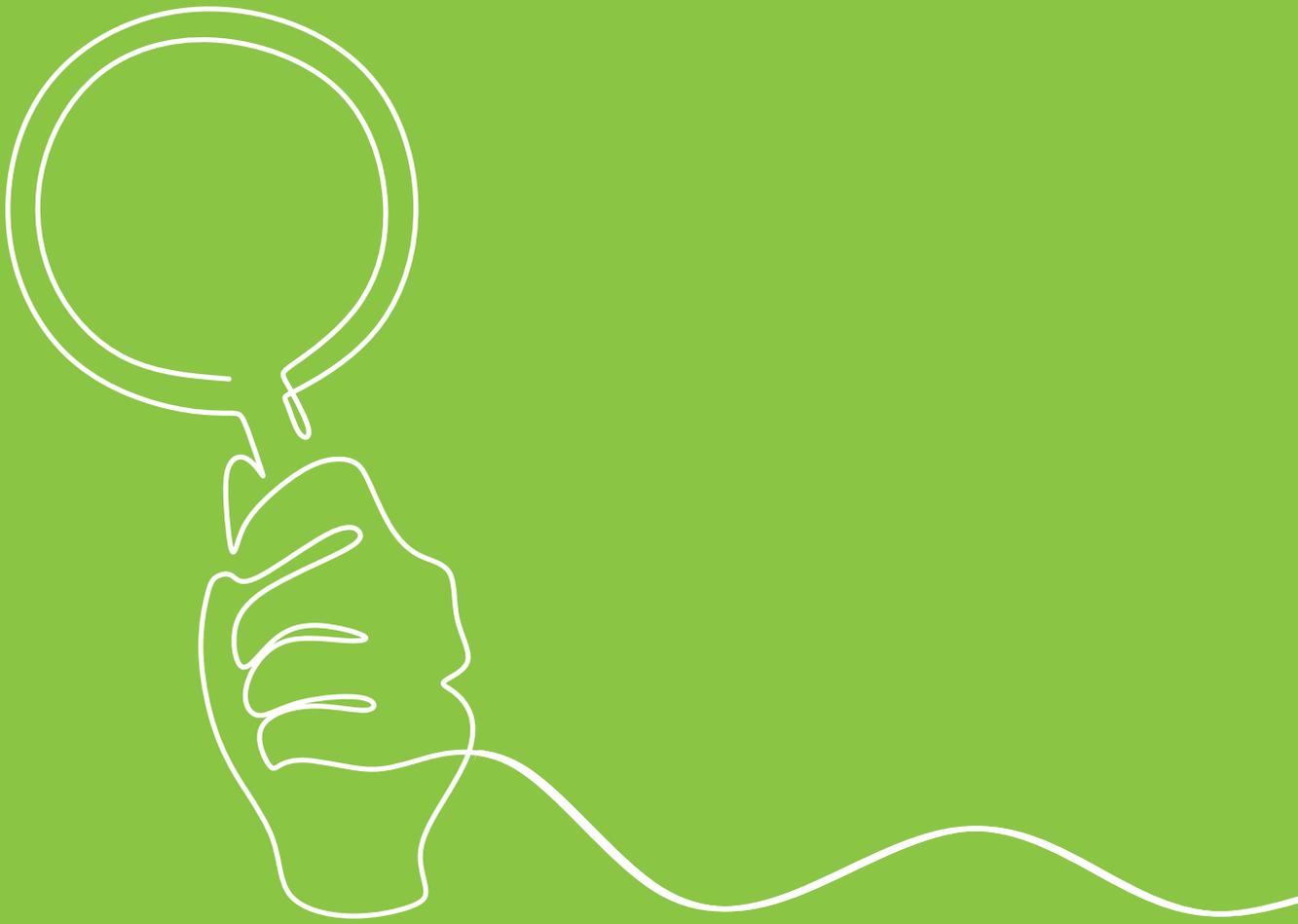
Find us on social media: 7amleh



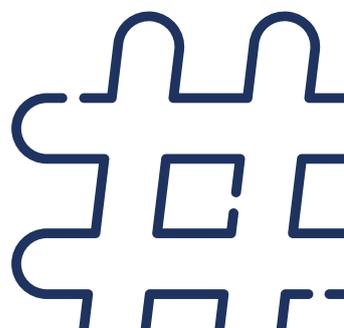
Contents



Executive Summary	5
Introduction	6
Freedom of Opinion and Expression	9
Israeli Authorities	9
The Palestinian Authority (PA) in the West Bank and the De Facto Authority (Hamas) in the Gaza Strip	10
Social Media Firms	10
The Right to Privacy and Personal Information Protection	17
Israeli Authorities	17
The PA in the West Bank and the De Facto Authority in the Gaza Strip	18
Surveillance and Spyware Companies	19
Private Sector	20
The Right to Assembly and Association	22
Digital Economy	25
Discriminatory, Racist, Hate Speech	27
Findings	33
Recommendations	36
Companies	36
Local and International Civil Society Organizations	37
The Palestinian Authority (PA)	37
Third-Party States	38
Annexes	40



Executive Summary





Executive Summary

Through Palestinians' eyes, 2022 was a year full of political twists and turns that had far-reaching effects on the Palestinian digital space, including Palestinian digital rights and freedoms. As the year unfolded, developments and events on the ground took an unprecedented turn in the occupied Palestinian territory (oPt), especially the Israeli military attacks on some Palestinian cities in the West Bank, and a spike in repression and raids over the past months. In response, digital content and discussion among Palestinians and activists expanded internationally across social media, while facing growing censorship and restriction. In 2022, 7amleh documented 1,119 digital violations by social media companies, Israeli authorities, and Palestinian authorities (PA).

Between August 5 and 7, 2022, the Israeli occupation authorities waged a military attack on the Gaza Strip. This was followed by an increase in Israeli military attacks across the West Bank, as well as an escalation in censorship and restrictions on Palestinian digital content by social media giants, which reached a peak in August. As the figures stand, the Palestinian Observatory for Digital Rights Violations (7or)—7amleh's monitoring and documentation database—documented 229 violations in August alone.¹

In Hashtag Palestine 2022, 7amleh maps the most prominent developments in Palestinian digital rights. It also canvasses Israeli and the Palestinian authorities' praxes and policies concerning freedom of opinion and expression, as well as the detention of Palestinians for exercising these rights. The report also places a niche focus on the rights to privacy, personal data protection, as well as assembly and association. Addressing some adverse social practices—including online gender-based hate speech, violence, and smear campaigns—. The report also shines a light on social media's role and impact on Palestinian digital rights in 2022, including the long-awaited conclusions of the Business for Social Responsibility's (BSR) report Human Rights Due Diligence of Meta's Impacts in Israel and Palestine in May 2021. The BSR report scrutinizes Meta's policies in relation to the Palestinian political content-related content during the May 2021 uprising.

Other sections of the report are dedicated to the major developments in spyware and surveillance technology, including the findings of the European Union (EU) Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware to track journalists, politicians, and activists.² It also tackles the serious impact of these technologies on human rights all over the

(1) [The Palestinian Observatory for Digital Rights Violations \(7or\)](#)

(2) [EuroNews.2022. "EU Parliament to Investigate Use of NSO Group's Pegasus Spyware." Last modified on February 23](#)

globe, especially in the oPt,³ providing some context about the legislative evolution that impacts Palestinians privacy today.

Along the same lines, Hashtag Palestine 2022 presents an up-to-date account of the most salient developments, indications, and violations of the right to digital assembly and association. It also comments on major developments in the digital economy. Providing indicators and figures about online hate speech, discrimination, and violence, the report also shows that disinformation continues to spread, especially in the wake of political and social developments, as seen across various social media platforms.

Finally, the report puts forward a set of conclusions and recommendations for readers and relevant authorities in pursuit of a safe, fair, and free digital space for Palestinians.

Introduction

7amleh publishes its Hashtag Palestine report every year in an attempt to provide an overview of the status of digital rights during the year. Hashtag Palestine does this by reviewing patterns of major digital rights violations monitored and documented throughout the year.

This report covers the most prominent updates on Palestinian digital rights and freedoms in relation to the Israeli authorities' practices. Through its database of the news, reports, and research publications, 7amleh also provides an update on major developments related to technology companies.

These accurate analyses and data, provide a foundation for assessing the Palestinian digital rights landscape and help relevant authorities make informed, effective decisions and interventions to protect Palestinians on the internet.

Set to analyze the prominent patterns of violations, Hashtag Palestine diagnoses the Palestinian digital rights status quo in 2022. In doing so, it analyzes quantitative data collected by 7amleh, through [the Palestinian Observatory of Digital Rights Violations \(7or\)](#), throughout the year to extract the most important indicators. From there, the report links violations, which 7or documented, to political and policy developments that unfolded in 2022. It also draws connections with other

(3) [Alaraby. 2022. "Arba duwal Urubiya 'ala aqal tastakhdim barāmj tajasus bi-shakl ghayr qānūny \[At least four European countries use spyware in an illegal manner.\]" Last modified on September 9](#)

events covered in local and international news and reports on Palestinian digital rights. This year's digital weekly news updates included around 1,000 articles that were documented and archived in 7amleh's database. Hashtag Palestine 2022 garners further insights from 7amleh's research and reports, as well as from other human rights organizations' publications. This effort was also supported by a number of interviews with experts.

Hashtag Palestine 2022 depends on 7amleh's reliable indicators, figures, surveys, and qualitative analyses of relevant policies, trends, and practices. All this data is gathered to frame, interpret, and present the quantitative indicators in a meaningful way to come up with a clear and accurate perception of the status of Palestinian digital rights in 2022. Therefore, the report's analytical framework is premised on a reality wherein Israel has absolute control over the physical and nonphysical infrastructure of the internet across historic Palestine. As such, all the interactions and acts of freedom across this infrastructure are subject to Israeli control. And with exclusive control over borders, Israel has the final say on the entry of any electronic device, whether for education, health, finance, communication, or other purposes. Likewise, Israel has exclusive control over internet and telecommunication frequencies, allowing the use of specific internet frequencies in keeping with its priorities and policies. For example, in 2018, the occupying power only permitted the third generation (3G) in the West Bank, and in the Gaza Strip, only the second generation (2G) wireless mobile telecommunications technology is allowed, as it bars the entry of necessary equipment to generate the necessary frequencies for third, fourth, or fifth-generation technology. These restrictions bring about considerable socioeconomic impacts on occupied people.⁴

Given Israel's absolute control over internet infrastructure, any Palestinian political or human rights efforts to protect Palestinians digital rights are severely undermined.

(4) [Anadolu Agency. 2023. "Ghazza al-muḥāṣara tu'āny fajwa raqmiya. \[Sieged Gaza suffers a digital gap.\]" Last modified on January 5](#)



Freedom of Opinion and Expression





Freedom of Opinion and Expression

Israeli Authorities

The Incitement on Social Media bill, also known as the Facebook bill, is currently pending approval in the Knesset. This move might have great impact, including the codification of surveillance and restrictions Israeli authorities have used against pro-Palestinian content over the years. The bill gives Israel the authority to remove or restrict any content online which they deem to be “inciting”, “in support of terrorism” or a number of other politically charged concepts that can be misused to serve Israeli interests to restrict and block Palestinian websites and content.⁵

While the Facebook bill has not been officially enacted, Israel continues to detain Palestinians over social media posts under the pretense of “incitement.” As the figures stand, Israel detains hundreds of Palestinians for social media posts every year: In 2022, 410 Palestinians were detained for social media posts.⁶ In addition, 390 Palestinians were detained in 2021.⁷ On many occasions, the Israeli Police have publicly stated that they took action and arrested Palestinians over social media posts—including minors.⁸

Israel, especially through its Cyber Unit, continues to pressure social media firms to censor the Palestinian content by inundating them with thousands of requests every year. According to the latest data, Israel’s content removal requests spiked during the three weeks between March and April 2022, hitting 800 percent of the usual volume of requests.⁹

Meanwhile, pro-Israel lobbying efforts intensified their campaigns against pro-Palestinian journalists and activists worldwide for posting social media content in solidarity with the Palestine cause. As a result, Deutsche Welle fired several journalists over this issue.¹⁰

For years, extremist Zionist groups have often spearheaded concentrated efforts to put constant pressure on Palestinian activists, journalists, and pro-Palestine advocates in international forums, organizations, and media. By conducting smear campaigns, harming their reputation, and excluding

(5) [Zamleh - The Arab Center for the Advancement of Social Media. 2022. “Position Paper on the Bill for Preventing Incitement on Social Media.” Last modified on April 21](#)

(6) [The Palestine Center for Prisoners Studies. 2022. “7 alāf ḥālat l’ṭiqāl baynahum 164 ’imra’a wa 865 qāṣiran khilāl al-’ām 2022 \[7 thousand detention cases, including 164 women and 865 minors in 2022.\]” Last modified on December 31](#)

(7) [Maan News Agency. 2022. “390 ḥālat l’ṭiqāl ‘ala khalfiyat al-kitāba ‘ala mawaqī’ at-twaṣul khilāl 2021 \[390 detention cases for social media posts in 2021.\] Last modified on January 10](#)

(8) [Al-Arab. “Shurṭat Israel turāqīb shbakāt at-twaṣul: l’ṭiqal shubbān min al-Quds bi-shubhit at-tahrīd wal-’unuf wa-da’am al-irhāb \[Israel police surveils social media: young jerusalemites detained for social media posts under the pretext of incitement and terrorism support.\]” Last modified on April 13, 2022](#)

(9) [The Times of Israel. 2022. “Cyber Unit Reports 800% Increase in Online Terror Incitement amid Recent Attacks.” Last modified April 13](#)

(10) [Ultra Palestine. 2022. “Deutsche Welle tafsil as-sahāfiya al-filāṣṭīniya Māram Sālem \[Deutsche Welle fires Palestinian journalist Maram Salem.\]” Last modified February 7](#)

them from international forums, these endeavors aim to silence any voices criticizing Israel or unveiling its violations against the Palestinian people.¹¹

On this note, Yousef Munayyer, a scholar at the Arab Center Washington DC, underlined, “Now that it has realized it cannot get its narrative into the mainstream, pro-Israel lobbies have pursued a policy of silencing now more than before.” Even yet, Munayyer noted, Israeli lobbying can affect Palestinian online activism. Israel is driven to delegitimize Palestinian political activism and narrative, as well as undermine pro-Palestinian groups.¹²

The Palestinian Authority (PA) in the West Bank and the De Facto Authority (Hamas) in the Gaza Strip

It has been revealed through an investigative report that Palestinian groups with ties to the Palestinian Security Services (PSS) and the Palestinian National Liberation Movement – Fatah are organizing campaigns to report Palestinian social media accounts and pages critical of the PA and its policies.¹³ 7amleh got some of the cases that have been reported for their critical position on the PA’s policies.

Despite the political rift, the PA in the West Bank and the de facto authority in the Gaza Strip carry out comparable arbitrary detentions and frequent summons of activists and journalists over digital activity and expressing opinions online.¹⁴ 7amleh has documented seven arbitrary detention cases by the PA over social media posts and opinions expressed in the digital space.

Social Media Firms

In 2022, BSR published its long-awaited report [Human Rights Due Diligence of Meta’s Impacts in Israel and Palestine in May 2021](#), which examined Meta’s policies and activities regarding Palestinian Arabic and Israeli Hebrew content on its platforms. The report supported 7amleh and other Palestinian and international human rights organizations’ long-held position that Meta is bias against Palestinian content. It is now beyond a reasonable doubt that this bias affects Palestinians’ rights to freedom of speech and expression, assembly and association, non-discrimination and political participation—among other rights.

According to the report, Palestinian content published in Arabic is subjected to disproportionate content policy enforcement compared to Israeli content in Hebrew. Palestinian content on social

(11) https://www.youtube.com/watch?v=nF_uGo9Hw0I.

(12) Interview for research purposes with Yousef Munayyer (scholar at the Arab Center Washington DC). December 13 2022.

(13) Alaraby. 2022. “Istihdāf al-muhtawa al-filastīni: Hamalāt raqmiya yaqūduha muntasibūn ll-sulṭa [Palestinian digital content under attack: PA-affiliated groups spearhead online silencing campaigns.]” Last modified on July 17

(14) Filastin Alan (Palestine Now). 2022. “ Muḥamūn min ajl al-’adālah: 500 ḥālat i’tiqāl was-stid’a naffathatha as-sulṭa fy aḍ-ḍiffa munth bidāyyt. 2022, [Lawyers for Justice: 500 detention cases and summons by the PA in the West Bank since the turn of 2022.]” Last modified on December 9

media that's intended to expose and document human rights violations is not excluded from these algorithms. This cast a shadow over Palestinians' right to share their narrative and to be protected from discrimination. Further exacerbating the issue, inciting, violent content in Hebrew is under moderated.¹⁵ It is important to note that this type of online hate speech is often mirrored in attacks on the ground against Palestinians.

In the midst of the May 2021 uprising, specifically between May 6 and 21, 7amleh observed a spike in racist content against Palestinians on various social media platforms. According to 7amleh's Index of Racism and Incitement, 183,000 conversations that included racism, insults, or incitement against Arabs were documented out of 1,090,000 conversations the report monitored, which addressed Arabs and Palestinians generally on the internet.¹⁶ While the BSR due diligence report highlights several significant findings, its most glaring flaw is that it does not investigate the root causes of Meta's bias against the Palestinian narrative. Israel's slew of requests to Meta to remove Palestinian content is the main cause, according to Mona Shtaya, the Advocacy and Communication Manager at 7amleh. Carried out by the Cyber Unit, these requests dictate the growing, and intentional censorship of Palestinian content, creating skewed content policy enforcement. Shtaya argues that enhanced transparency concerning government complaints about online content is the key to ending this issue. In the coming years, human rights organizations should focus on this recommendation in order to have a clearer understanding of the impact of Israeli requests on the censorship of Palestinian online content.¹⁷

Meta's treatment of the Russia-Ukraine war is a stark contrast. In response to the war, Meta created exceptions to their content moderation policies, including allowing Ukrainian users to post inciting content and call for harm against Russian soldiers and politicians. In its community standards, Meta grants Ukrainians the right to defend themselves in the face of the Russian invasion.¹⁸

Social media companies claim that they abide by US law—including the US anti-terrorism acts—and align many of their policies thereto, such as Meta's Dangerous Individuals and Organizations Policy. Nonetheless, as Shtaya observes, these businesses fail to account for the fact that such legislation is not tailor-made for social media platform businesses or for the cultural and political climates of countries outside the United States. These regulations are inappropriate because they are based on the United States priorities. For example, Meta's dangerous individuals and organizations list is designed according to the US terrorist list; no wonder that Meta's list includes more "dangerous individuals and organizations" from Arab and Islamic countries and the Global South than from the Global North. As a result, in order to adapt to the new digital reality, social

(15) [7amleh. 2022. "Statement Regarding BSR's HRA for Meta on Palestine & Israel." Last modified September 27](#)

(16) [7amleh. 2021. "Index of Racism and Incitement: An Increase in Racism and Incitement against Palestinians & Arabs during the Last Israeli Aggression." Last modified on June 15](#)

(17) Interview for research purposes with Mona Shtaya (Advocacy and Communication Manager at 7amleh). November 27 2022.

(18) [The Verge. 2022. "Facebook Allows Posts with Violent Speech toward Russian Soldiers in Specific Countries." Last modified March 11](#)

media businesses need to reevaluate which parts of anti-terrorism legislation apply and which do not. It goes without saying that existing rules were developed in response to a different reality and cannot be directly imposed onto the very different settings in which social media sites operate.¹⁹

After Elon Musk acquired control of Twitter in 2022, the platform became the center of heated debate concerning freedom of speech and expression, particularly in regard to hate speech. Confusion surrounding new policies and decisions, such as charging for the blue verification mark, laying off around half the staff, and dissolving the Trust and Safety Council, which included human rights organizations from around the world, only served to further fuel these concerns and controversy.²⁰

The dissolution of the Trust and Safety Council, which consisted of about a hundred advisors and advocates, including 7amleh, was the most significant impact in the Palestinian context. This body advised Twitter on how to best protect its users.²¹ The company has already become less responsive to 7amleh's requests as a result of the dissolution of the council and other internal shifts unfolding during this transitional phase.

Freedom of expression and hate speech on Twitter are two of the most often raised issues of concern. However, 7amleh's annual Index of Racism and Incitement shows that the vast majority of Israeli racism, incitement, and violent content against Arabs and Palestinians takes place on Twitter. According to 7amleh's Racism and Incitement Index of 2021, 58% of violent and racist discourse directed at Palestinians was shared on Twitter, making this approach risky for the continued spread of Israeli hate speech if the company's rules continue to tolerate it in the years to come.²²

Among Palestinian users, a survey showed that in 2022, Tik Tok and Telegram saw increased usage compared to previous years, while Facebook saw a slight decrease in its user base. Palestinian social media users have increased to 38% on Tik Tok and 37% on Telegram. This is more than twice as many as the 17.5% of Palestinians who used Tik Tok three years ago.²³

Moreover, the American platform, Reddit, has begun to censor Palestinian content in a similar way to other social media companies. Reddit rode this wave after Amnesty International's report exposed Israel as an apartheid regime. The platform responded by censoring several posts praising the report, although Palestinians rarely use the platform.²⁴

(19) Interview for research purposes with Mona Shtaya (Advocacy and Communication Manager at 7amleh). November 27 2022.

(20) [CNN. 2022. "Twitter Layoffs Continue Under Elon Musk." Last modified December 22](#)

(21) [Tech Crunch+. 2022. "Twitter Disperses the Trust & Safety Council after Key Members Resigned." Last modified December 13](#)

(22) [7amleh. 2022. "Racism and Incitement Index 2021: Increase in Racism and Incitement against Palestinians and Arabs During the Year." Last modified January 17](#)

(23) [Ipoke.co. 2022. "Taqrîr wasâ'il at-twâsul al-ijtimâ'iy L-'âm 2022 \[Digital Palestine 2022: Report.\]"](#)

(24) [The New Arab. "Reddit's Silencing of pro-Palestine Speech Betrays its own Ethos." Last modified March 7 2022](#)

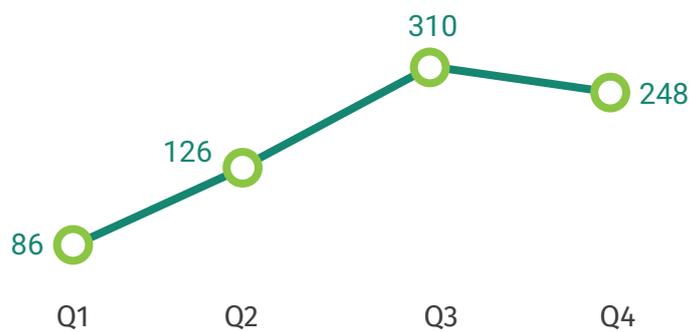
As in the past, social media companies continued their policies of restricting and censoring Palestinian voices and content on their platforms. Content censorship violations documented by 7amleh in 2022 are distributed as follows:

Violations by type:



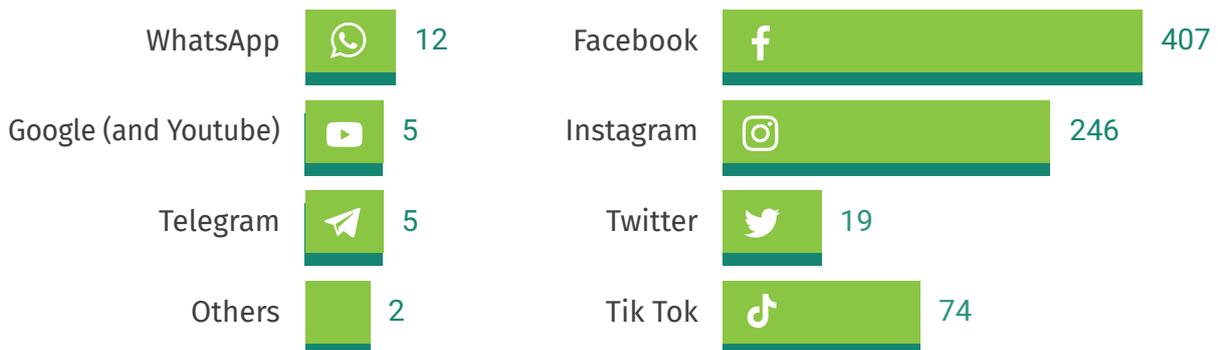
(1)

Violations by quarter:



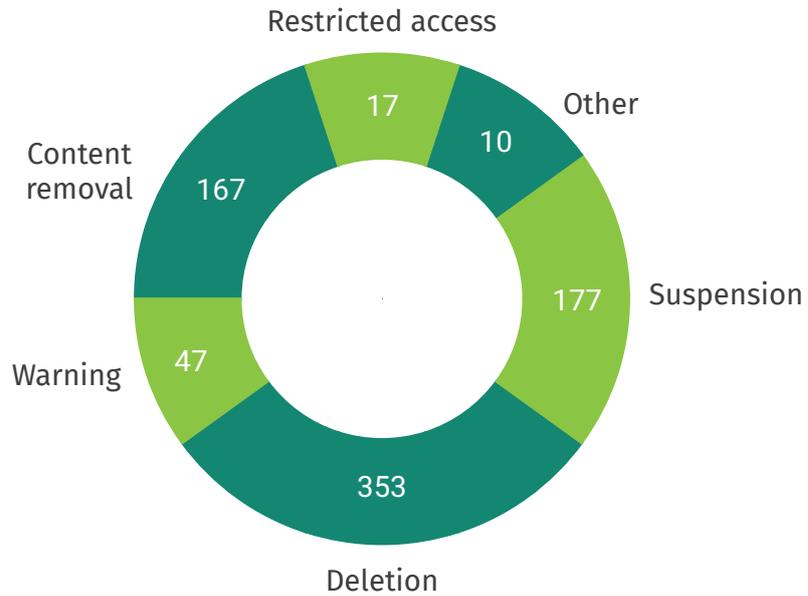
(2)

Violations by social media platform:



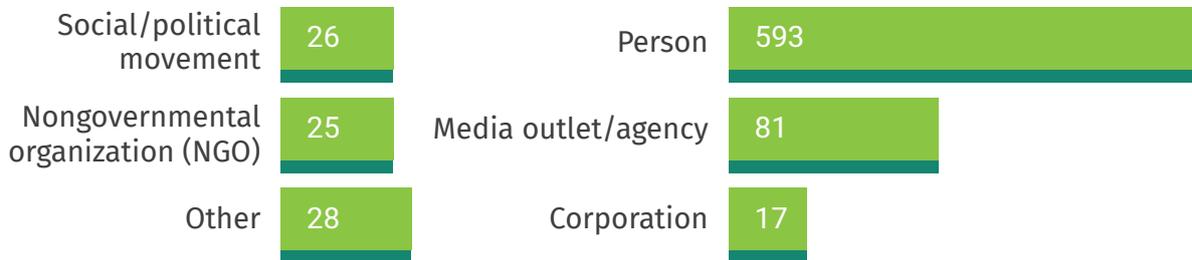
(3)

Violations by type of suspension/removal



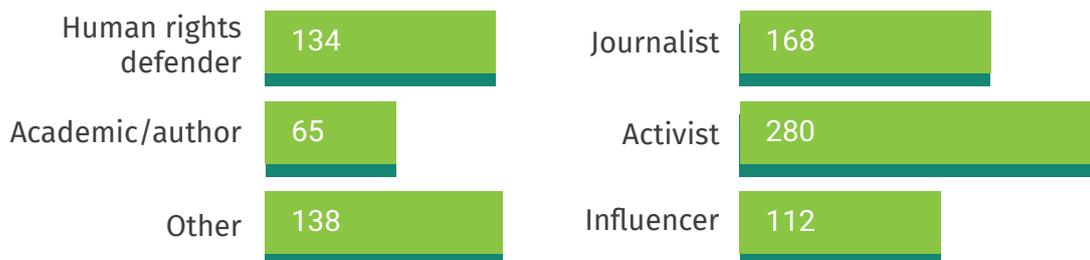
(4)

Violation by affected person/entity



(5)

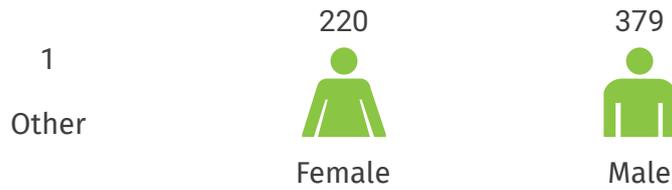
Violation by victim²⁵



(6)

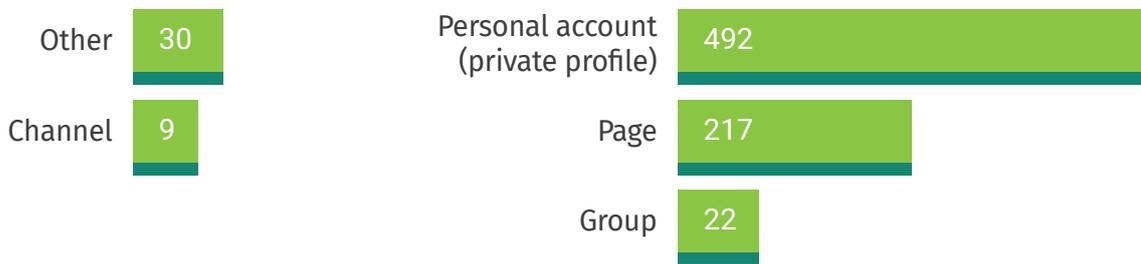
(25) A person may have more than one title at the same time. For example, a political activist and journalist. Therefore, the number of titles is more than that of affected persons.

Victims by gender



(7)

Affected social media account by type



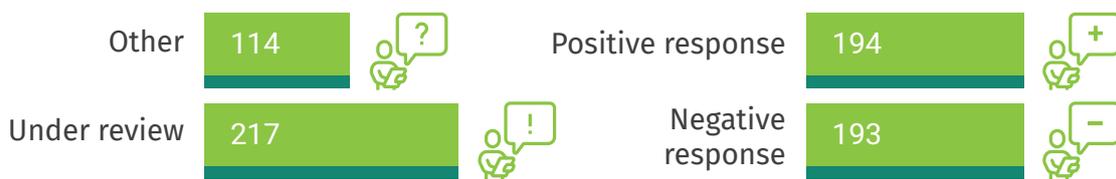
(8)

Social media firms' responses to reported violations



(9)

Social media firms responses to 7amleh's complaints



(10)



The Right to Privacy and Personal Information Protection





The Right to Privacy and Personal Information Protection

Palestinians' right to privacy is violated by several actors through various tools. The most prominent is undoubtedly Israel's persistent violation of this right and its unabated data collecting on Palestinians living under its occupation. When it comes to creating and exporting surveillance and espionage technologies, Israel is in a nefarious league of its own. Against these odds, it is impossible to determine the extent to which Israel collects data about Palestinians, and how they store and use it.

Israeli Authorities

The European Union (EU) funds an Israeli project called Roxanne — an initiative to develop speech recognition and visual analysis technologies. According to an internal EU document, personal data would be exchanged between the EU and Israel under this program despite concerns that it may be used unethically and illegally for population surveillance.²⁶

This year saw the release of a report unveiling negotiations between Israeli authorities and the EU Commission to finalize a data exchange deal, which includes Palestinians' personal data. However, thirteen EU member states, including Ireland and Luxembourg, opposed the deal. The EU Council Legal Service stated that such a decision would constitute an international law violation.²⁷

Furthermore, Google and Amazon have partnered with the state of Israel on Project Nimbus, which aims to offer the Israeli government an all-encompassing cloud computing infrastructure costing over \$1 billion. This project is expected to enhance Israeli monitoring and surveillance capabilities, including those used to surveil Palestinians. Documents suggest the new project will equip the Israeli government with a full suite of machine learning and artificial intelligence (AI) tools, allowing it to advance its capabilities in areas such as facial recognition, automatic image classification, object tracking, and even sentiment analysis, which aims to evaluate the emotional content of images, speech, and writing. Staff and shareholders at both companies were outraged by this dubious collaboration and organized protests against the project. Many staff have also signed petitions demanding the project be revoked because of the human rights violations it would entail.²⁸

(26) [Electronic Intifada. 2022. "EU Admits Teaming Up with Israeli Police Enables Mass Surveillance." Last modified January 7](#)

(27) [Asharq Al-Awasat. 2022. "Palestine Rejects EU-Israeli Draft Agreement, Says it Violates Int'l Law." Last modified November 23](#)

(28) [The Intercept. 2022. "Documents Reveal Advanced AI Tools Google is Selling to Israel." Last modified July 24](#)

The PA in the West Bank and the De Facto Authority in the Gaza Strip

Although the PA acceded to the International Covenant on Civil and Political Rights in 2014, it has yet to pass a comprehensive law that protects and enshrines the right to privacy and personal data. Given the lack of legislation regarding the right to privacy and data protection, many actors, including the PA itself, continue to violate these rights. According to a recent survey by Zamleh, 29% of respondents reported that PA's apparatus had breached their privacy and personal data, and 69% called for the enactment of a comprehensive privacy and data protection law.²⁹

According to Mariam Tawil, a legal adviser at the Palestinian Ministry of Telecom and Information Technology (MTIT), a bill on data protection is underway in the Palestinian Cabinet. In 2016, the Council of Ministers formed a commission to set the work on this bill in motion. In 2022, following further consultations with key ministries, it was presented for the third time for approval. As disclosed by Tawil, there is hope that the bill will be passed this year. It has currently reached the final stage in the legislative process. According to Tawil, the bill is geared to regulate data collection, storage, and protection for all parties in the OPT and establish a national body entrusted with personal data protection. Compensation for affected persons of data breaches is included in the law, as are sanctions for those responsible. Until the bill is passed, Tawil stated that MTIT will impose certain procedures and conditions to ensure data protection. For example, it considers the prevention of commercial use of user data as a sine qua non for company registration and licensing. On that note, Tawil affirms that the licensing conditions apply to the Palestinian postal sector and require certain steps to safeguard postal data.³⁰

In her briefing to Zamleh about government updates related to the right to privacy and data protection, Tawil indicated that the Telecommunications Law has been amended. A few clauses have been added to the law to guarantee data protection and prevent Palestinian companies from using user data without written consent. The Palestinian government is drafting an electronic commerce bill that also provides data protection, according to the MTIT legal adviser. There is also a postal service bill and draft amendments to the decree-law on electronic transactions, which regulates and ratifies electronic signature transactions.³¹

On a different note, Ammar Jamous, a legal researcher at the Independent Commission of Human Rights, highlighted some concerns about the legislation making processes and content of the legal frameworks for the digital space:

“It is always important to adhere to the constitutional principles governing the legislative process,

(29) Zamleh. 2022. “New Zamleh publication entitled “Survey of Attitudes towards Privacy and Data Protection in the Palestinian Context.” Last modified June 27

(30) Interview for research purposes with Maryam at-Tawil (Legal Advisor at Ministry of Telecom & IT Palestine). November 22, 2022.

(31) Interview for research purposes with Maryam at-Tawil (Legal Advisor at Ministry of Telecom & IT Palestine). November 22, 2022.

no matter how pressing the need for legislative changes may be. In view of the Legislative Council's persistent abeyance, the head of the executive authority's decree-laws constitute a breach of the constitutional principle of the separation of powers. Instead, we should reach an alternative method to issue the necessary legislative changes without constitutional violation. While elections are the ideal course of action, as long as they are disrupted, judges and other executive branch members may play a critical role in enacting the necessary changes through decree-laws. In such a situation, it is also necessary to involve civil society and keep it informed of the content and relevance of these updates and the instruments geared to implement them. The preparation of many bills, amendments, and decree-laws has lacked this crucial component. Neither the general public nor members of civil society were explicitly asked for their input or comments. Such method of issuing legislations raises concerns over potential violations in terms of legal drafting and the impact of such legislation's application on respecting and protecting human rights principles. Decree-Law No. 10 of 2018 on Cybercrime is a prime example, for it poses serious risks to online speech and privacy. Decree-Law No. 37 of 2021 on Communications and Information Technology poses similar risks: while it establishes a Public Telecommunications Commission, it fails to provide sufficient guarantees for the independence of the members of this Commission, who are allowed to grave proximity to user personal data and privacy”.

Surveillance and Spyware Companies

The gravity of the Israeli surveillance and spyware industry has extended beyond the oPt to the world at large.³² More and more information concerning the widespread deployment of the Israeli Pegasus software to suppress opposition activists and journalists surfaced in 2022, including in Southeast Asia, Europe, North and Central America and other Arab and African countries.³³ Furthermore, occupation authorities assert that they have recently used this technology in the oPt to track down wanted Palestinians and assassinate them.³⁴

Israeli surveillance companies and official espionage units maintain strong relationships and unique collaborations. After retirement, many members of these military units, especially Unit 8200, land jobs with surveillance technology companies benefiting from their strong connections and expertise.³⁵ Reports also indicate that former members of the same unit today hold key positions in eight of the 27 Israeli technology surveillance companies.³⁶

In 2022, 7amleh published a report addressing the close relationship between Israeli surveillance companies and private investment from US venture capital firms and corporations. It also analyzed

(32) CNET. 2022. “Pegasus Spyware and Citizen Surveillance: Here’s What You Should Know.” Last modified July 19.

(33) Al-Haq. 2022. “The Pegasus Effect: The Global Impact of Israeli Surveillance Technology.” Last modified on September 2

(34) The Cradle. 2022. “Israel Used Pegasus Spyware to Track Down Leaders of Lion’s Den: Report.” Last modified October 26

(35) Geektime. 2022. “Unit 8200: The Only Way to Succeed in High-Tech?” Last modified September 7

(36) The Intercept. 2022. “How Israel Became a Hub for Surveillance Technology?” Last modified October 17

the US governments ineffective piecemeal approach to regulating and sanctioning the Israeli surveillance sector. The report focused on mass surveillance technologies like facial recognition, biometric surveillance, and espionage. The United States government and affiliated corporations have tight ties to Israeli surveillance technology enterprises and invest heavily in their growth. In fact, many US firms even bought emerging Israeli surveillance technology enterprises. In light of these facts, Israeli surveillance technology, tested and deployed against Palestinians, now poses a global threat to human rights.³⁷

Private Sector

Although the MTIT refers to several amendments and draft laws concerning the organization and protection of user data in private companies, particularly those operating in the field of communications, digital communication, and the internet, the majority of these projects and amendments are still in various stages of the legislative process and have not been implemented. Moreover, the above-mentioned bills are underway in the Council of Ministers, but no Palestinian legislation is now in place to fully regulate the mechanisms of data collection, storage, protection, use, processing or access. This leaves user data open to abuse or leaking without appropriate procedures and rules governing data management from collection through disposal. Instead, changes and proposed legislation are being negotiated behind closed doors in the Council of Ministers without any formal or systematic participation from civil society.

The level of user privacy violations cannot be determined due to a lack of transparency around this matter. However, upon PSS request, Palestinian businesses have to divulge user information to the Public Prosecution for use in criminal investigations. It was discovered that in 2021 alone, the Public Attorney General's Office made almost 26,000 requests for information. Relevant internet and telecommunication service companies provided the requested information accordingly.³⁸

According to 7amleh's 2022 *Survey of Attitudes toward Privacy and Data Protection in the Palestinian Context*, about 48% of respondents believe that Palestinian telecom service providers can access and use their personal data without their knowledge or consent. About 24% of respondents believe these companies have already passed their personal data to third parties without their consent.³⁹

In the end, despite all the efforts invested towards the actual protection and promotion of Palestinians' right to privacy and personal data, 2022 did not yield meaningful improvement for Palestinians' privacy.

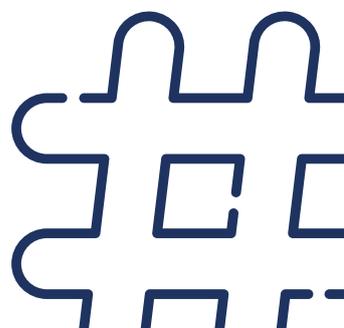
(37) 7amleh. 2022. "Al-'arḍ wal-ṭalab: Al-athar al-amrīky 'ala qitā' al-murāqab al-isrā'ely [Supply and demand: US impact on the Israeli surveillance technology industry]." Last modified July 4

(38) 7amleh. 2022. "Malaf al-khuṣūṣiyya wal-bayānat ash-shakḥsiyya fi-filaṣṭīn [Privacy and personal information in Palestine.]" Last modified June 20

(39) 7amleh. 2022. "69% of Palestinians in the West Bank and Gaza Strip Support Privacy and Data Protection Legislation." Last modified June 27.

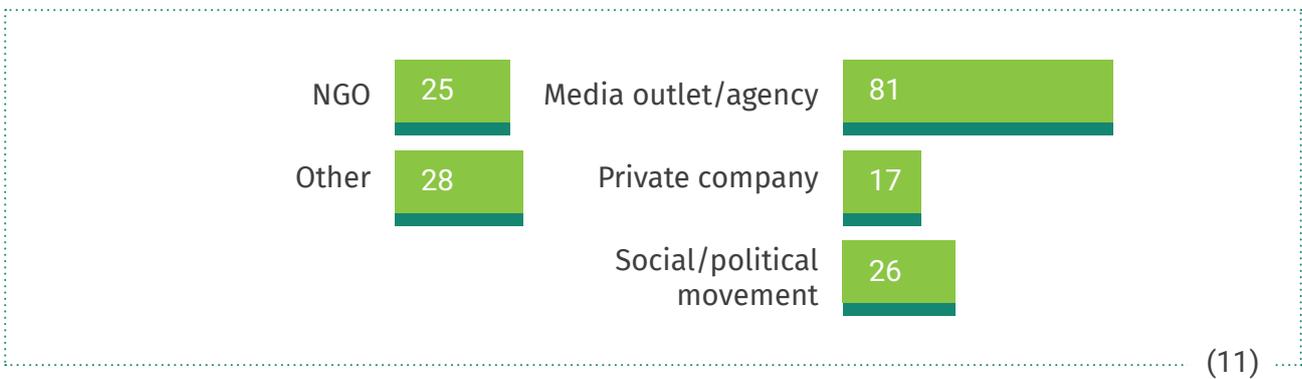


The Right to Assembly and Association

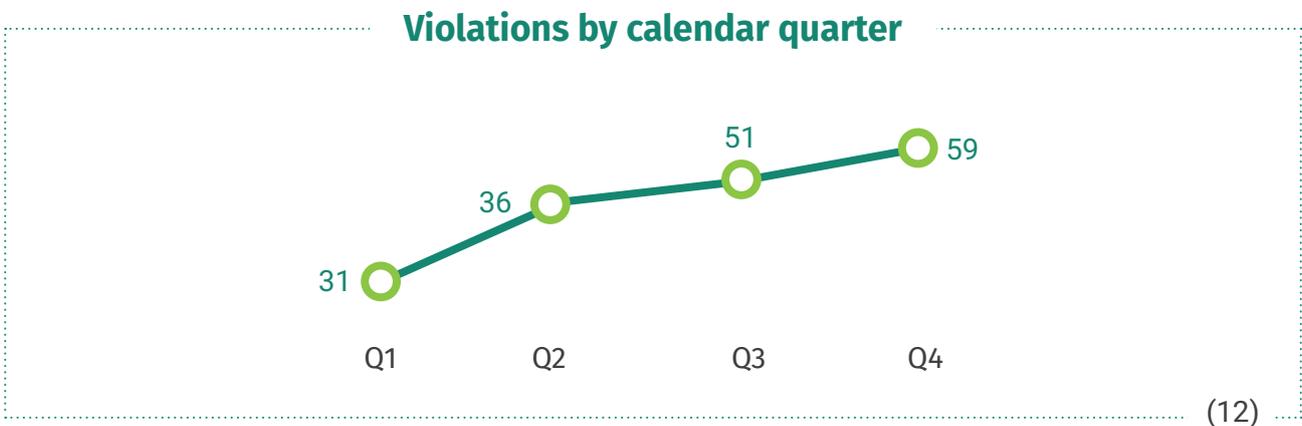


The Right to Assembly and Association

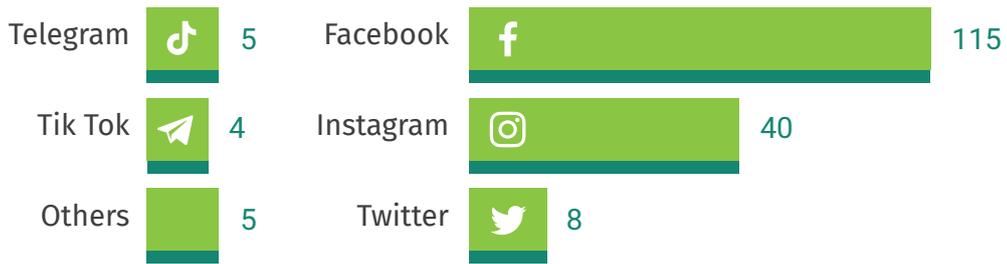
Social media platforms cast a shadow over Palestinians’ rights to assembly and association in the digital space. The BSR report indicated that Meta’s biased policies against Palestinians deprived them of this right, among other rights, especially during May 2021. This prejudice manifested itself in a number of ways, including the removal, restriction, or banning of specific pages and groups. In this vein, 7amleh documented the suspension, removal, and restriction of pages/groups on social media as follows:



7amleh documented the restriction and closure of many pages and media outlets, whether temporarily or permanently, including Nisaa FM, Quds News Network, Al-Madina TV, Al-Irsal Media Network, Palestine Chronicle, Al-Qastal News Network, Arab 48, and Bethlehem 2000 FM.

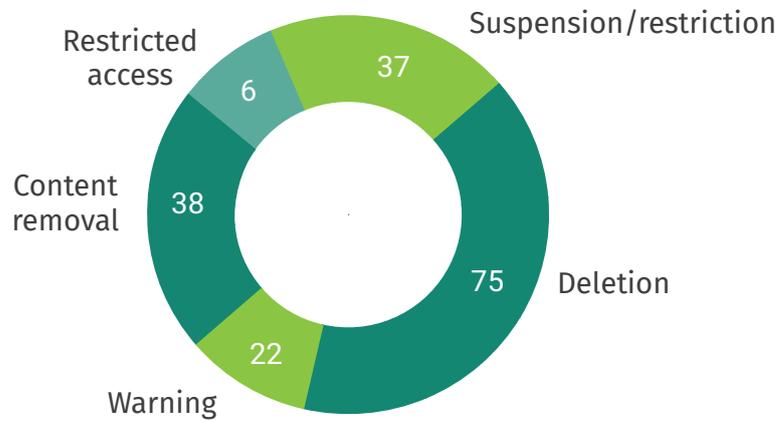


Violations by social media



(13)

Violations by type of action (suspension)



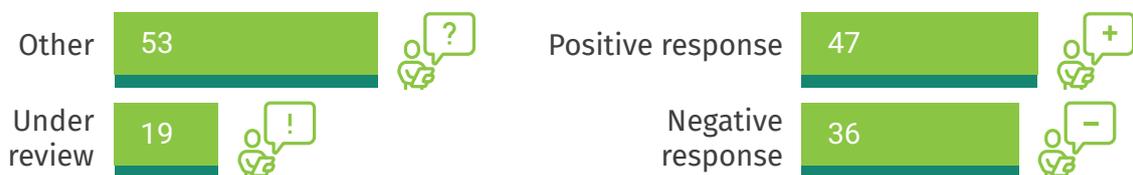
(14)

Social media firms' response to reported violations



(15)

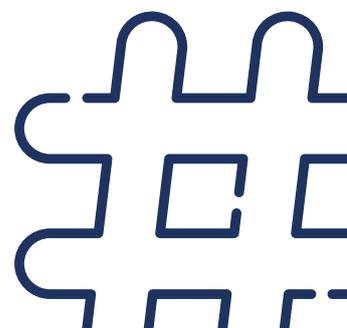
Social media firms' responses to 7amleh's follow-up thus far



(16)



Digital Economy



Digital Economy

Palestinians in the oPt are excluded from using PayPal, the world's leading online payment provider based in the United States. However, the American payment service provider offers its suite of services to Israeli settlers who live in illegal settlements on occupied Palestinian land.⁴⁰ On this note, American actor and producer Mark Ruffalo, known for supporting Palestinian rights, called upon PayPal to make its services available to Palestinians.⁴¹ For their part, Palestinian human rights groups and organizations appreciated this call and demanded an end to PayPal's discrimination against Palestinians.

In a bold action, the Dutch company Booking.com decided to label accommodations on its platform that are located in illegal Israeli settlements and show a warning that these sites are located within occupied territory; thus, using staying in these accommodations' may entail human rights violations. However, under intense Israeli pressure, the business soon reversed course and began marking Israeli settlements and Palestinian towns in the oPt with a "conflict zone" signal.⁴² The "Booking.com" company repeated what happened previously with "airbnb" in 2019, when after it decided to remove the properties located in the settlements for illegality, it collided with Israeli pressure and the campaigns of pressure groups supporting Israel, and it soon retracted her decision.

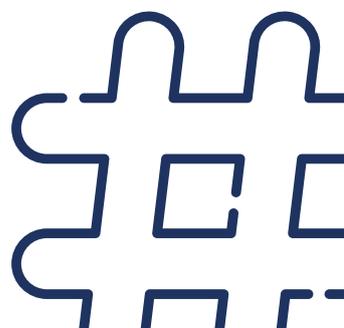
(40) [Zamleh.2021. "Paypal for Palestine Campaign." Last modified in 2021](#)

(41) [The New Arab. 2022. "Mark Ruffalo backs petition urging PayPal to end 'discrimination' against Palestinians." Last modified June 7](#)

(42) [Al-Haq. 2022. "Al-Haq Welcomes "Human Rights and Safety" Warnings of Booking.com in the Occupied West Bank as an Important First Step Towards Full Disengagement." Last modified September 24](#)



Discriminatory, Racist, Hate Speech

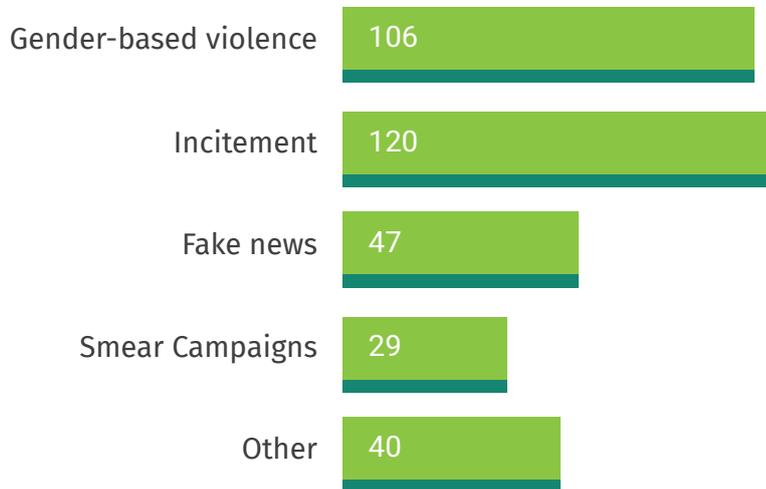




Discriminatory, Racist, Hate Speech

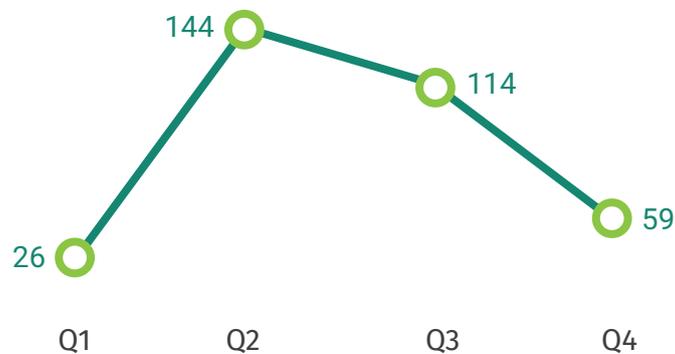
Hate speech, incitement, smear campaigns, and misleading news vastly invade the Palestinian digital space. Some of this harmful speech can be traced back to Palestinian social and political motives and causes, but it also stems from Israeli bodies, groups, and individuals.

The harmful content documented by 7amleh can be distributed by type as follows:



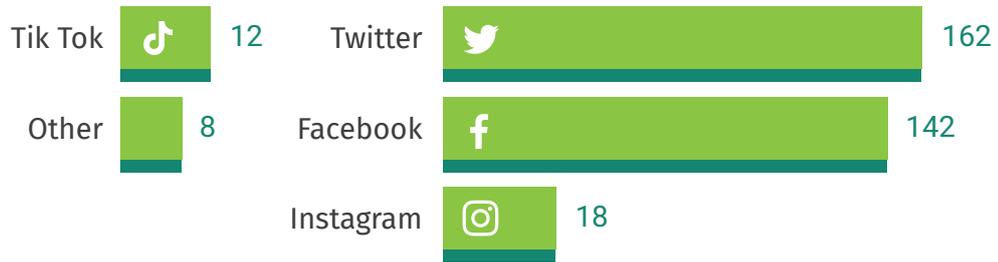
(17)

Violations by calendar quarter



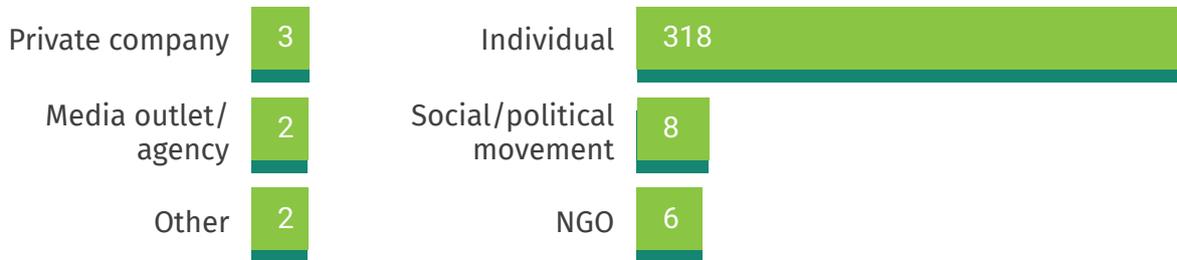
(18)

Violations by social media platform



(19)

Violations by affected person/entity



(20)

Affected persons by title⁴³



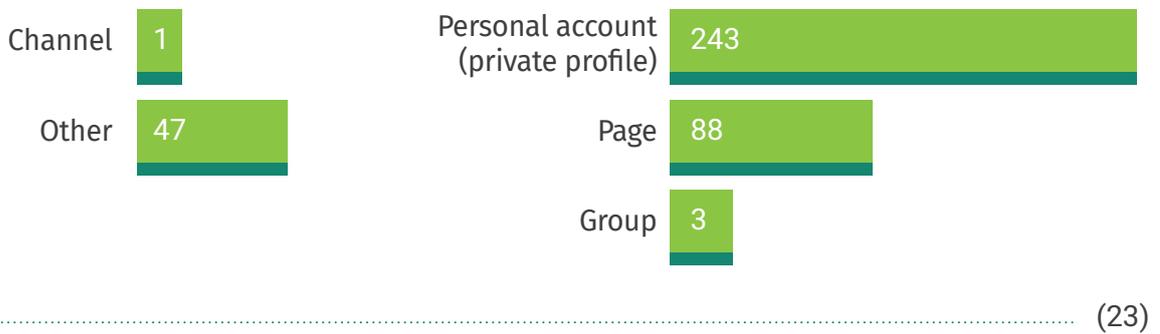
(21)

(43) A person may have more than one title at the same time. For example, a political activist and journalist. Therefore, the number of titles is more than that of affected persons.

Affected persons by gender



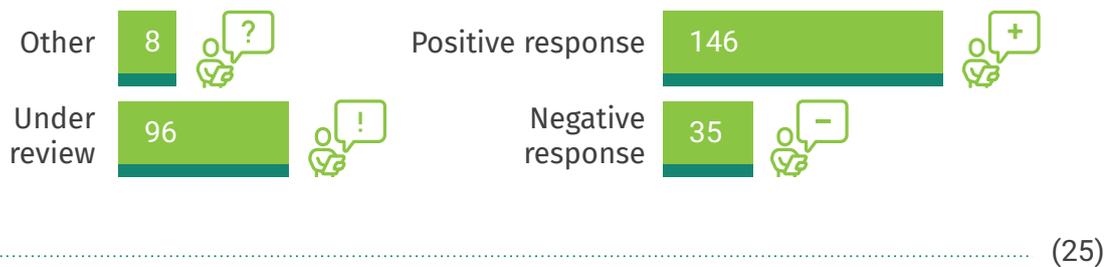
Affected persons/entities by social media account type



Followed-up/ignored violations



Social media firms' responses to 7amleh's follow-up



Given that the Palestinian context is rich with political, social, and economic events that drive many conversations to surface in the digital space, false news travels at an unstoppable pace.⁴⁴

According to Baker Abdulhaq, Tahqaq, the Palestinian Observatory for Information Verification and Media Literacy, documented 427 misleading news stories in 2022—including 223 premeditated false news cases, 174 unpremeditated misleading news cases, and twenty-eight instances of partially true content due to lack of accuracy or unmistakable context.

Despite the lack of comprehensive data on racist and inciting Israeli content in the digital space, 7amleh's 2021 indicators tracked 620,000 conversations/instances of racist and inciting content against the Palestinian people. As the figures stand, racist content climbed by 8% over the previous year, with an additional 46,000 posts analyzed.⁴⁵ 7amleh also tapped into the 7or platform to report dozens of cases to social media companies to ensure that appropriate action was taken against content in violation of these platforms' community standards.

Similarly, Kafa, the Palestinian Anti Hate Speech Network, documented 343 online posts of a hateful nature against Palestinians in the digital space.⁴⁶ 7amleh also detected 136 published pieces of content featuring hatred and violence. It is perhaps important to note that these figures do not necessarily reflect reality.

Given the intricacies and challenges inherent in defining hate speech, it is perhaps necessary to note that documenting such speech is one of the most complex undertakings in the online sphere. There is no universally applicable definition for this kind of discourse; rather, it should be established in light of each community's culture, concepts, and peculiarities. According to Younes Tahrawi, a Kafa expert, the political dimension of hate speech in Palestine is exacerbated as events unfold on the ground, and this is mostly related to the internal political context. The proliferation of online hate speech is intrinsically linked to broader shifts in the political, economic, and social climate.⁴⁷

Tahrawi noted that some hate speech manifestations are released in a planned and systematic manner, while others are produced sporadically in response to events on the ground and are backed by loyalists of Palestinian political parties.⁴⁸

(44) [7amleh. 2020. "72% of Palestinians have been Exposed to Misleading News - 7amleh's New Research "Fake News in Palestine." Last modified September 8](#)

(45) [7amleh. 2022. "Racism and Incitement Index 2021: Increase in Racism and Incitement against Palestinians and Arabs During the Year." Last modified January 17](#)

(46) [Kafa, the Palestinian Anti-Hate Speech Network. 2022. Last modified December 7](#)

(47) Interview for research purposes with Younes Tahrawi (Legal Adviser at Kafa). November 21, 2022.

(48) Interview for research purposes with Younes Tahrawi (Legal Adviser at Kafa). November 21, 2022.

Nonetheless, digital gender-based violence still significantly negatively impacts the Palestinian digital space. Violating Network, a study by 7amleh, showed that 37.7% of female respondents did not use their real names on social media due to concerns about online safety. Similarly, 55.8% of female respondents say that they do not post their personal pictures on social media platforms, with half citing lack of security as the root cause.⁴⁹ Professor Tahrawi noted that anti-women hate speech is second only to political hate speech in the Palestinian digital space. This is indicative of the pervasiveness of discourse that discriminates on the basis of gender.⁵⁰

These figures show that Palestinian women are very wary of using social media for fear of blackmail, invasion of privacy, or harassment, given the lack of deterrents or protections. The same research also finds that 25.7% of women have experienced online harassment. And half of the female respondents reported that they felt watched online in one way or another. Data showed that 15.4% of female respondents have been victims of cyber blackmail at some time in their life.⁵¹ In 2022, 7amleh documented 106 gender-based digital violence incidents.⁵²

(49) [7amleh. 2022. "7amleh Center publishes a research entitled "Violating Network" on gender-based violence in the Palestinian digital space." Last modified November 28](#)

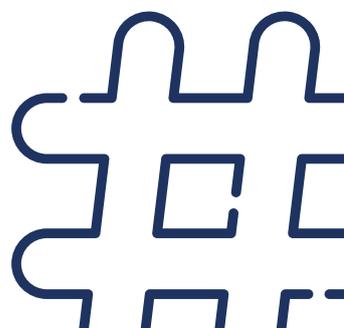
(50) Interview for research purposes with Younes Tahrawi (Legal Adviser at Kafa). November 21, 2022.

(51) [7amleh. 2022. "7amleh Center publishes a research entitled "Violating Network" on gender-based violence in the Palestinian digital space." Last modified November 28](#)

(52) [The Palestinian Observatory for Digital Rights Violations \(7or\)](#)



Findings



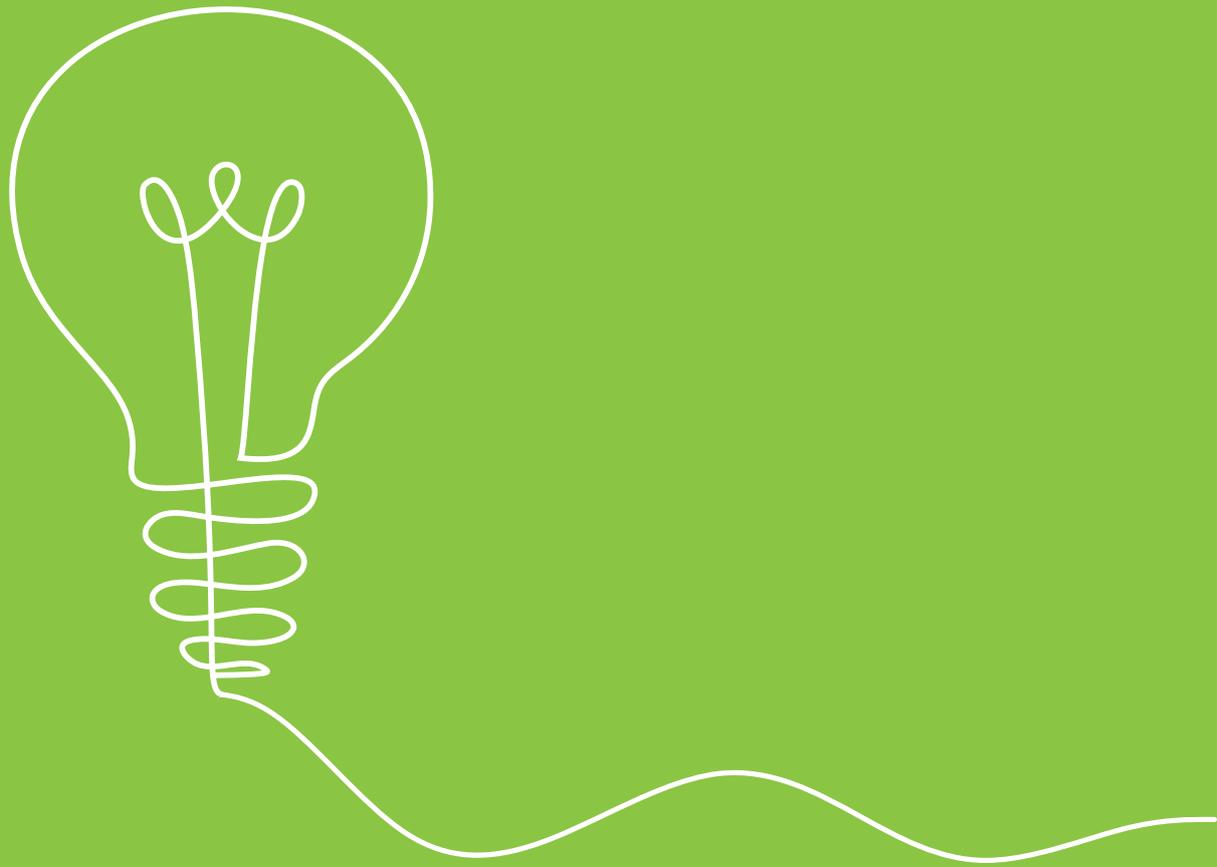
Findings

In light of the analysis presented above, a set of observations and conclusions can be drawn about patterns of digital violations and the behavior of authorities and companies, most notably:

- Despite the positive development engendered by BSR's report, Meta's procrastination in announcing its implementation timeline of BSR's recommendations keeps the door ajar for its discriminatory policy against Palestinian content, undermining the Palestinians' right to a safe, fair and free digital space.
- Meta is still the worst offender of the social media companies in terms of the extent of its restriction on the Palestinian digital space and content. 7amleh documented 829 violations in 2022 across Meta's three platforms. Furthermore, Meta's platforms are the most popular social media platforms used in Palestinian society. According to reports, there are around 5.5 million internet users in the oPt, 65.7% of whom use social media platforms, with Facebook accounting for the biggest share at 92%.⁵³
- Social media companies' responses to 7amleh's reports, complaints, and requests varied, but it is clear that Meta is the biggest procrastinating, with delayed and negative responses. While the company first claimed that the COVID-19 pandemic was to blame for its delayed response time, it recently removed this excuse from its responses with no noticeable increase in response time.
- As activists and journalists continue to voice their opinions on events in the Palestinian political sphere, they are among the groups most negatively impacted by social media firms' content moderation practices.
- Social media companies, especially Meta and the TikTok, do not deal with various forms of violent and inciting content in the Palestinian social context with the required speed and rigor. Despite a tight and excessive application of community standards in the political context, social media firms can be ineffective in combating social violence and harmful content.

(53) [Ipoke.co. 2022. "Taqrir wasā'il at-twāṣul al-ijtimā'y l-'ām 2022 \[Digital Palestine 2022: Report.\]"](#)

- Since the occupation authorities still control the communications infrastructure in the oPt, they are able to utilize electronic surveillance techniques to keep tabs on Palestinians' communications, movements, and data. This helps the Israeli occupation reinforce its control over the Palestinian people through campaigns of arrests, tapping into data being collected in various ways, and using surveillance and espionage techniques, which it keeps developing in light of the expansion of development of surveillance and espionage technology in Israel.
- In 2022, radical Zionist or Israeli organizations leveraged systematic and organized smear campaigns against journalists and activists advocating for the Palestinian cause in Palestine and beyond. The merge of the Ministry of Strategic Affairs, within another ministry, which has orchestrated these efforts over the years to delegitimize and discredit pro-Palestinian human rights organizations and activities, has not significantly impacted the performance of the Israeli network of extremist right-wing and Zionist bodies that aim for the same end.
- The PA in the West Bank maintains its policies of arbitrary detention and summons over social media posts. Despite the claims about laws underway to regulate the digital space, none has yet come to light, and civil society has not been duly involved in consultations concerning these bills.
- Human rights concepts, including the right to privacy and security, face a rising and pervasive threat from surveillance and espionage technology and businesses, particularly on the internet. Israel, in turn, contributes greatly to the privatization of this sector and the development of espionage techniques that contribute to hacking the privacy of Palestinians mainly, as well as the privacy of many activists around the world, as happened in the case of Pegasus produced by the NSO Group. Numerous reports indicated that other Israeli companies have been able to develop similar penetration and espionage techniques, but they are still out of the limelight, and the size of their capabilities and the prospects for their future negative effects on digital human rights are not known.



Recommendations





Recommendations

Companies

- Social media companies should take serious measures to ensure and protect Palestinian users' rights to freedom of opinion and expression, assembly and association, and non-discrimination, among other rights. To these ends, the firms should:

Take into account the political and social context when it enforces its content moderation policies, and do so equitably for all users.

Involve local and international civil society organizations, academics, experts, and specialists in designing and implementing their policies.

Take decisive measures to enhance the transparency of their modus-operandi, including transparent and public disclosure of content censorship requests received from governments, particularly repressive governments, occupation governments, and bodies affiliated with those governments, such as the Israeli Cyber Unit in the case of Palestinian content.

Create and enforce content moderation policies in accordance with applicable international law, and business and human rights principles.

It is imperative that Meta go to work immediately on implementing the recommendations provided in the BSR study and publish a transparent timeline for doing so.

- Companies in the digital economy and international digital payment services like PayPal are responsible for eliminating digital discrimination against Palestinians by extending their electronic payment services to the oPt per international law, as well as business and human rights principles.
- Tourism companies such as Booking.com and Airbnb, among others, should adhere to the international law and business and human rights principles, and corporate ethos.
- When launching initiatives like Project Nimbus, tech giants like Google and Amazon need to make sure their services do not infringe on the rights of the Palestinian people, which means adhering to human rights and digital rights protection standards.

Local and International Civil Society Organizations

Local and international civil organizations should:

- Promote cooperation and coordination in a cross-cutting manner to protect Palestinian digital rights and digital rights in general.
- Increase pressure on governments and various companies to oblige them to abide by international law, as well as business and human rights principles.
- Devote concerted efforts to understanding the human rights impact of digital policies and services governments and companies provide, and hold them accountable.
- Develop training programs and ongoing awareness campaigns about harmful practices on social media platforms, such as defamation, blackmail, incitement, harassment, and misleading news.
- Continue monitoring and documenting digital rights violations and analyzing their impact on the Palestinian human rights situation.

The Palestinian Authority (PA)

In a similar manner, the PA should:

- Build and maintain effective communication between relevant Palestinian ministries, including the MTIT, and social media platforms, pressuring them to end digital discrimination against Palestinians and promote reporting of Israeli content in the Hebrew language, which systematically incites violence against Palestinians.
- Put forward the protection of privacy and personal data bill for public perusal and hold consultations with civil society and stakeholders.
- Establish an impartial body to monitor the right to privacy.
- Enhance Palestinian digital visibility and the presence of the Palestinian narrative in several languages (in cooperation with the relevant ministries, civil society organizations, experts and various relevant parties).
- Activate the Ministerial Digital Rights Committee to raise awareness about Palestinian digital rights through school and university curricula (in cooperation with the Ministry of Education, Higher Education and Scientific Research).

- Propel the growth of the [Open Government Data program](#) by doing things like establishing a monitoring group and making sure progress is made according to defined parameters and deadlines.
- Amend the decree-law on cybercrime, enhance freedom of expression on the internet, and stop arrests over the criticism of official figures under the pretext of defaming senior figures and officials.
- Afford an equal level of protection and safety online to all Palestinians, regardless of their political affiliation, gender identity, or religious belief.

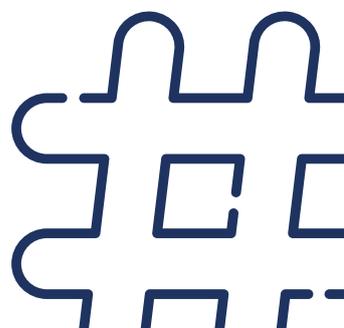
Third-Party States

Third-Party States should:

- Pressure the Israeli authorities to stop their systematic violations of Palestinian digital rights, among other human rights.
- Pressure technology companies in general, and social media companies in particular, to stop any discriminatory policies against Palestinians and other oppressed societies worldwide and push toward enhancing transparency in these companies about their content moderation policies and cooperation with governments.
- Ensure that technology companies comply with business and human rights principles and international humanitarian law when designing and implementing their various policies.
- End the use of NSO Group technologies, spying applications, and all similar espionage technologies that were developed by violating the rights of Palestinians by testing on them, and pushing towards criminalizing its use.
- Immediately cease the sale, transfer, and use of surveillance technology until adequate human rights guarantees are put in place in keeping with international covenants, including the United Nations Guiding Principles on Business and Human Rights.
- Adhere to the right to freedom of opinion and expression and adopt an objective definition of anti-Semitism agreed upon by Jewish and Palestinian human rights defenders, such as the Jerusalem Declaration on Anti-Semitism.
- Promote political debate that is free from all forms of racism and hatred, including anti-Semitism, Islamophobia, and other types of racist discourse.



Annexes



Annexes

Media Coverage of Digital Rights Analysis

Palestinian Media outlets, Arab media, and beyond have covered the legal and political challenges facing Palestinians online in various ways, with some issues receiving more attention than others. According to 7amleh’s documentation of 406 pieces of news coverage this year, the following were the most frequently mentioned topics:



As the chart shows, the censorship of Palestinian content received a high amount of media coverage due to the severity of censorship and restriction of Palestinian content by social media companies. The topic of Israeli espionage tactics has exploded, becoming a global concern that is no longer isolated to the Palestinian context, and as a result, surveillance and spyware have garnered considerable media attention.

Annex 1: Table 1: Interviewed Experts and Specialists

Name	Organization	Interview Date	Topic
Younes Tahrawi	Palestinian Anti-Hate Speech Network – Kafa	21/11/2022	Hate speech
Maryam at-Tawil	MoCIT	22/11/2022	Data protection
Mona Shtaya	7amleh	27/11/2022	Content censorship
Yusuf Munir	Arab Center Washington DC	13/12/2022	Smear campaigns

Annex 2: Tables

Table #	Section	Title
1	Freedom of Opinion and Expression	Violations by Type
2	Freedom of Opinion and Expression	Violations by quarter
3	Freedom of Opinion and Expression	Violations by social media platform
4	Freedom of Opinion and Expression	Violations by type of suspension/removal
5	Freedom of Opinion and Expression	Violation by affected person/entity
6	Freedom of Opinion and Expression	Violation by victim
7	Freedom of Opinion and Expression	Victims by gender
8	Freedom of Opinion and Expression	Affected social media account by type
9	Freedom of Opinion and Expression	Social media firms' responses to reported violations
10	Freedom of Opinion and Expression	Social media firms' responses to 7amleh's complaints
11	The Right to Privacy and Personal Information Protection	Pages/groups censored
12	The Right to Privacy and Personal Information Protection	Violations by calendar quarter
13	The Right to Privacy and Personal Information Protection	Violations by social media

Table #	Section	Title
14	The Right to Privacy and Personal Information Protection	Violations by type of action (suspension)
15	The Right to Privacy and Personal Information Protection	Social media firms' response to reported violations
16	The Right to Privacy and Personal Information Protection	Social media firms' response to 7amleh's follow-up
17	Discriminatory, Racist, Hate Speech	The harmful content by type
18	Discriminatory, Racist, Hate Speech	Violations by calendar quarter
19	Discriminatory, Racist, Hate Speech	Violations by social media platform
20	Discriminatory, Racist, Hate Speech	Violations by affected person/entity
21	Discriminatory, Racist, Hate Speech	Affected persons by title
22	Discriminatory, Racist, Hate Speech	Affected persons by gender
23	Discriminatory, Racist, Hate Speech	Affected persons/entities by social media account type
24	Discriminatory, Racist, Hate Speech	Followed-up/ignored violations
25	Discriminatory, Racist, Hate Speech	Social media firms' responses to 7amleh's follow-up

حملة - المركز العربي
لتطوير الإعلام الاجتماعي
7amleh - The Arab Center for
the Advancement of Social Media



January 2023