EU PRIVACY AND DATA PROTECTION PRINCIPLES COMPATIBILITY WITH ISLAMIC STATES
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Abstract
Information Communications Technology (ICT) Law has rapidly developed during the past 15 years within the European Union. The Directives on Data Protection, Databases, Software and the Internet (to mention but a few) have together formed a corpus which represent various layers of legal principles of varying importance. Some of these, like 95/46, are essentially designed to protect fundamental human rights principles such as the right to private life. Recent events, such as the negotiations over personal data transfer issues to the United States, highlight the importance of such legal instruments and their trans-national impact outside the boundaries of the European Union. While much attention has been focused on EU 95/46 and trans-border data flows to/from North America and G7 countries, little attention has been paid to the impact/compatibility of such laws vis-à-vis North African and Middle Eastern states where Islamic law underlies much of everyday legal practice. This study attempts to identify the extent to which the principles of ECHR Articles 8 and 10 are to some extent established/respected within North African and Middle Eastern states and consequently the extent to which data protection laws are in (or could conceivably be brought into) place in a way which would ensure de facto compatibility with the requirements of EU 95/46. This issue is becoming of greater importance as more and more EU-based industries move their operations to North African and other Islamic law states (e.g. Pakistan) in order to take advantage of lower labour costs.