"Likee" application between family values and human trafficking...

the role and responsibility of mediators in managing the entertainment content







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1. The executive summary

After more than a year, the news websites and social media networks discussed the case, known in the media as the case of "Tik Tok" girls, after an Egyptian court sentenced Hanin Hossam to ten years in prison, and Mawada Aladham and three others to six years in prison and a fine of 200 thousand pounds for each of them for "human trafficking".

This report focuses on questions about the role of each party in the case and the criminal liability according to his role and the prosecution's investigations, and why some parties were excluded, while others are still prosecuted?

The report sheds light on the accused application in this incident "Likee", which is owned by "Bigo Technology" company, examining the company's ownership, profit model, the size of its investments, and its legal status in Egypt. It also discusses the impact of "Tik Tok" girls' case on the right to freedom of expression and creativity in Egypt, to come up with recommendations that would improve the status of digital freedom of expression, rights and freedoms on the Internet.

2.Introduction

The case, known in the media as the case of "Tik Tok" girls, started when two girls, Hanin Hossam and Mawada Aladham, were arrested in April and May 2020. This was after social media users circulated a video published by Hanin, where she was promoting for an application similar to "Tik Tok" called "Likee". Hanin posted the video on her account on "Tik Tok" and announced the establishment of (commission marketing) agency on the live streaming application "Likee", where the girls are able to work as presenters on it for money range between 36 to 3000 dollars, according to the interactions the girl gets.

After the investigation with the two girls, they were held in pretrial detention in case No. 4917 of 2020. On June 11, 2020, the case was referred to the Economic Court to prosecute the two girls under articles 22, 25 and 27 of the Information Technology Crimes Law No. 175 of 2018, where they were sentenced to two years in prison and a fine of 300 thousand pounds, and this was on July 27, 2020, after convicting them and others, Mohamed Abdel Hamid, Mohamed Alaa Aldin, and Ahmed Sameh, of the crimes of transgressing family principles and values in Egyptian society, creating and managing special accounts on the information network to commit this crime, one of them possessing software designed without a permit from the telecom regulator, or justified by fact or law; for the purpose of facilitation of committing these crimes, and helping one of the girls to escape from the judiciary, even though he knew that, and concealing evidence of the crime and publishing matters that would influence public opinion for the benefit of a party to the case.

The Court of Appeals held its first session on August 12, 2020, and it postponed the trial to September 14, 2020 to hear the testimony of the investigator, then it postponed the trial again to October 13, because witnesses were not able to attend. And after a series of adjourned court hearings, the Court of Appeal for Economic Offences acquitted the YouTuber Hanin Hossam of the charges against her on January 12, 2021, while it overturned the sentence of imprisonment for Mawada Aladham and kept the fine.

On March 14, 2021, the North Cairo Prosecution issued an order to refer to the criminal court on charges of human trafficking, the referral order stated that Hanin Hossam dealt with natural persons who are the victims, "by using them under the pretense of providing them with job opportunities under the guise of their work as presenters through an application for social networking, "Likee" application, which includes, in a disguised way, calls for incitement to immorality and temptation to prostitution, where she invited them to join a group called "Haram Likee" that is created on her phone to gather young people through video chats and building

friendships during the period of domestic isolation that is sweeping the world due to the Corona epidemic, with the intention of obtaining a financial benefit. She also exploited each of the two aforementioned girls commercially, by inciting and facilitating them to join one of the electronic applications through which she earns revenue for joining the children and creating video clips for them.

3. "Likee" and "Tik Tok" censor the content

The mentioned case was linked the media to the "Tik Tok" application, despite the fact that it revolved around Hanin Hossam's invitation to girls to join the "Likee" application. Both Hanin and Mawada used "Tik Tok" to post videos promoting a similar application, which is "Likee", owned by "Bigo Technology" company, while Mawada Aladham didn't broadcast any videos on "Likee", while Hanin Hossam was working as a presenter on the application.

"Tik Tok" repudiated Hanin Hossam, in statement¹, after arresting her, stressing that the circulating content was under investigation. "Tik Tok" officials described Hanin Hossam's behavior as "individual cases" that do not reflect and do not represent the principles of the platform, elaborating the safe environment of the application, where "community guidelines reflect our values, and define common codes of conduct." But they also said that while content that violates the application's guidelines have been removed, they may allow "exceptions under certain circumstances." The mentioned statement asks many questions about the competitive relationship between "Tik Tok" and "Likee", and the exploitation of influencers on "Tik Tok" - such as Hanin Hossam, whose account is followed by 6 million people - to promote other applications such as the "Likee" application.

The comment of "Bigo Technology", the company that Hanin Hossam was promoting, didn't differ much from "Tik Tok" response; where the company announced in press statement² "the ultimate liability for the content validity, whether it is on social media channels and their platforms or other global companies; is the responsible.

The first comment of "Tik Tok" regarding the incident of Hanin Hossam video

sibility of the person or entity creating them. The views and opinions of users and the content they create and display do not reflect the view or opinion of the platform on which they choose to express themselves", according to Jackson Leo, Head of "Bigo Technology" for the Middle East, North Africa and Europe.

Leo referred also to what can be described as the application's practice of censoring the content published by the application's users by monitoring the content available on the platform on the hour with the help of artificial intelligence technology, and banning any content that contradicts the prevailing laws and national policies in place.

The head of "Bigo Technology" for the Middle East, North Africa and Europe stressed that the company is keen not to share any third party in users' data, as well as its belief in "the need to cooperate with government and security bodies to ensure that its applications remain safe and trusted communication environments by its users."

The statement issued by "Bigo Technology" also stated that there are criteria for monitoring publicly posted content on the application, which Hanin was asking the girls in the video to submit "properly", however, it didn't state any criteria for monitoring the closed rooms on the application, which represented one of the pillars of the accusations against Hanin Hossam, despite the company's assertion that "Likee" combines the advantages of social and direct communication.

The statement of "Bigo Technology" and "Tik Tok" companies was issued after few days of the beginning of the Public Prosecution's investigations with Hanin Hossam, and before it files any formal charges against her, in other words, the two companies disavowed the girl, despite being used to promote the application, and condemned her before the Public Prosecution's decision was issued and before any judgment was issued against her.

4. Prosecution investigations with Chinese officials about "Bigo" company

Morality Police Department and Department of Combating Illegal Immigration and Human Trafficking investigated the "Tik Tok" girls' case, and described the accused persons, including the Chinese officials, as an organized criminal structure, which works to attract and exploit girls under the guise of their work as presenters to satisfy the sexual desires of young people with the aim of achieving financial profits for those in charge of the application. The mentioned Chinese official are Leo Rutian, known for Jackson, he is the vice chairman of "Bigo Ltd", Len Rubeing, he is the general manager of "Bigo" in the Middle East, and Mr. Lukas, he is the manager of the managers' team of "Bigo Ltd" in the Middle East.

The prosecution relied on the investigations of the two departments and ordered the arrest of Leo Rutian, who confirmed that Hanin Hossam and Mawada Aladham are only celebrities where Margin, a Chinese, who lives in China and works as a manager of the "Bigo" company, resorted to them and contacted them to promote "Likee" application, and that Hanin Hossam is only a presenter participated in the application, while he didn't know whether Mawada Aladham is working in the application or not.

In the investigations, Len Rubeing spoke about the presence of company's agents who publish videos on the application and provide people with artistic talents to join the application, and each agent is responsible for the individuals he brings to the company in return for a percentage of their profits. He confirmed that they contracted with Hanin Hossam due to the number of her followers, but she was not an agent because she did not complete the required papers, and he also confirmed that he did not know Mawada Aladham.

Despite what was shown in the investigations regarding the Chinese official as part of a criminal structure of human trafficking, they were released from the prosecution and their names were not mentioned again in the investigations or during the trial of the two girls. Meanwhile, the investigations with Hanin, Mawada and the Egyptian officials in the company, who - according to the Chinese officials in charge of "Bigo" - are just app promoters, continued until they were sentenced to prison terms and a fine.

5. The link of "Likee" and "Tik Tok" to the Chinese government

"Likee" is an application that allows users to make short videos, editing and publishing them. "Likee" user can make attractive videos through the special effects, video shooting techniques and editing tools available in the application. "Likee" was launched in July 2017 by Singapore-based "Bigo Technology", which is owned by the Chinese internet company "JOYY Inc". It is an application that is compatible with both mobile operating systems IOS and Android.

In 2019, "Likee" recorded 330 million downloads around the world, half of them were from India. One of the main reasons behind the popularity of "Likee" in India was the availability of the application in 15 Indian regional languages. The application also supports other languages such as Portuguese, Arabic, English and others.

In its beginning, in 2017, "Likee" was known as "Like", and in 2019, the application was re-designed and its name and brand changed as we see it now in electronic stores. In the same year, the platform announced launching of the parental control feature on its mobile application, where parents are able to filter content for kids and teens, who use "Likee", this came after allegations stated that the application was a fertile environment for child sexual abusers.

With the rapid growth of the users of live broadcasting applications such as "Likee" and "Tik Tok", suspicions arose about the involvement of the companies that own these applications in leaking users' data to the Chinese government. Although the headquarters of "Bigo Technology" company that owns the "Likee" application is located in Singapore, "JOYY Inc" or "YY" is a Chinese internet company, which works on number of other brands other than "Likee", such as "YY Live", "Bigo Live", and "HAGO", which increase suspicions about Chinese technology and communications companies is the disclosure announced by the Pentagon in June 2020³, where it revealed a list of 20 firms, including "Huawei Technologies" and "Hangzhou Hikvision" for digital technology and other firms that are managed or controlled by Chinese government. The list's name was "Chinese Communist Military Companies Operating in the United States" because these companies are affiliated with the People's

Liberation Army or the Chinese armed forces.

"Bigo Technology", founded in 2014 by David Lee and Jason Ho, assigned one of its most important positions - vice president - to Mike Ong, who has worked for more than 13 years in the Singapore government as a specialist in international relations and interaction, strategy and free trade⁴. Ong worked for the Singapore Ministry of the Interior, then he became part of Media Communication Development Department in Singapore, where he was Head of International Organizations before leaving his position to work for "Bigo Technology". It could support the theory of governments control on the technology industry, and thus leak users' data within the framework of an international cooperation between the governments of Singapore and China.

6. Countries ban Chinese applications, including "Tik Tok" and "Likee"

On June 29, 2020, the Indian government banned "Tik Tok", "Likee", and "WeChat", along with dozens of other Chinese applications that they considered to be "detrimental to the sovereignty and integrity of India, the security of the State and public order"⁵. With the growing popularity of these applications, they face accusations of involvement with the Chinese government and leaking of users' data to China. It is mentioned that India was the largest foreign market for "Tik Tok" after the users' number of the application reached 120 million users.

In September of the same year, the administration of former US President Donald Trump announced that it intends to ban Chinese applications, "WeChat" and "Tik Tok", to prevent Americans from downloading them through various electronic stores, due to fears that they pose a threat to American national security⁶.

- 4 Mike Ong
- 5 <u>India bans "TikTok"</u>, "WeChat" and dozens more Chinese apps
- Trump to shut off "TikTok", "WeChat" to new U.S. users on Sunday

It seems that the US administration felt the seriousness of the danger embodied in the form of Chinese applications to the extent that it has enacted a law preventing US federal workers from downloading "Tik Tok" on their work mobile phones. In May 2021, the US Senate approved the law, describing the application as a "clear security threat." The mentioned law was not the first of its kind; in August 2020, the US Senate unanimously approved a similar resolution proposed by US Representative Ken Buck.

The procedures taken by the US government against the most famous Chinese applications revealed the intentions of their smaller competitor in terms of users' data collection – "Bigo / Likee" - which quickly transferred their servers from Hong Kong in China to Singapore⁸, seeking to assert its independence from the Chinese parent company. It is worth mentioning that the CEO of "JOYY", and one of the founders and chairman of the two companies "Bigo, JOYY", is a Chinese citizen, David Lee.

While Mike Ong, the vice president of "Bigo", who worked with Singapore Telecom Regulatory Authority before joining the company, tried hard to prove that his company does not provide services to China, saying that the company has its own managements, resources, and main structures, including data centers.

"Bigo Technology" company tried to confirm that the process of moving its servers from China to Singapore came after the issuance of a new Chinese national security law that gives the Chinese government the power to require companies to hand over users' data. The mentioned law was issued on June 30, 2020, while "Bigo Technology" company was founded in 2014, six years before the law was passed, where the Company put its servers at the disposal of China⁹.

The accusations of leaking the data to the Chinese government were not the only accusations faced by "Likee" and "Tik Tok". In Australia, experts warned parents against children's use of the "Likee" application, describing it as a "pedophile paradise", after a nine-year-old child received sexual messages through the application.

- 7 <u>Bill to ban "TikTok" on U.S. government devices passes committee</u>
- 8 As U.S. targets China tech, "TikTok" rival "Bigo" shifts servers from Hong Kong
- 9 <u>China: Controversial cybersecurity law passed, requires business to comply with further internet censorship rules</u>
- 10 <u>'A paedophile's paradise': Parents warned over popular app used by children where predators target kids as young as NINE with vile comments</u>

The same thing happened in UK, where a ten-year-old girl was deceived, after a sexual predator asks her to send him nude sexual photos or he will kidnap her.

It is reported that the "Likee" application automatically displays the user's location with each post, and the search function allows users to filter the results by gender, in addition to that, users cannot convert their personal accounts to private ones, which makes them vulnerable to comments and messages from sexual abusers in many cases. Also, following any user on the application does not require their approval. Although the application is listed as suitable for people over 17 years old, there is no age verification when signing up, which means that all what mentioned in "Bigo Technology" statement on the "Tik Tok" girls' case about providing a safe environment for users and following community standards is complete nonsense.

For the same reasons, Pakistan banned "Bigo Live" of "Bigo Technology" company in July 2020, and warned "Tik Tok" due to the negative impact of the content of the two applications, which it described as "immoral" 11. The Pakistan Telecommunication Authority said it had received complaints that it had responded by issuing notices to the companies responsible for the applications, to bring the content within legal and ethical limits, but had received an "unsatisfactory response".

7. The profit model of "Likee/ Bigo" company

There are several strategies by which applications can make money, among the most popular of these strategies are advertising, referral marketing, subscriptions, merchandising, crowdfunding, and in-app purchases. "Bigo/ Likee" application uses a combination of advertising, in-app purchases and live broadcasting¹².

Part of the profit model followed by "Likee" depends on building popularity to get points, which the user can get by broadcasting videos and getting new followers or sending and receiving cash gifts. These points are used to access new stickers and filters used in video making.

- After U.S. and India... Pakistan cracks down on "Tik Tok"
- 12 <u>Safe on Social Media LIKEE or LIKE Video</u> <u>Likee - The Popular Video Making App Banned In India</u>

The application has levels to motivate users to make new videos on it, just like electronic games. When the user progresses and reaches a new level, the application allows him to get more features. For example, starting from level 40, the user is allowed to benefit from the live broadcasting feature, and those who have reached level 35 or above can remove the application's watermark from photos and videos. The user must be active on "Likee", that is, to browse, comment, share, send messages and follow other accounts in order to make progress related to levels.

When the user reaches Level 35, the application enables him to make video up to 35 minutes, he can also appear before his followers, whose number should be 1000 followers, in a live broadcasting and gets more points. But video making is not the only way to get money through the application, as the user can earn money by watching content, liking, sharing or sending "beans" that he buys through the application.

Points or "beans" purchases are the purchases that the application depends on for profit. The application allows users to buy 39- 420 points for 0.99- 99.99 dollar, and they can also be converted into money again after obtaining them through bank accounts, the 210 beans equal to 1 US dollars. Users' purchase of "beans" increases their popularity, which is what the application relies on mainly to encourage them to spend more time on the application to reach a larger number of followers and buy the largest number of points

There is what is known with "Crown", which is a sign of user's popularity on the platform, and ensures that content appears on "Trending" and "Discover" pages. The are three types of crowns on "Likee" applications; silver, gold, and diamond. The user can get them only if he achieves certain results within the application.

To get the silver crown, the user needs to get at least 3000 followers and upload at least 50 videos to his account, and the followers must be over ten years. To get the gold one, the famous award on "Likee", the user should get 10.000 followers and upload at least 100 videos, while the user needs to attract 100.000 followers and be active on other social media to get the diamond one¹³.

8. Investment volume of "Bigo/ Likee" company in Egypt

"Bigo Technology" owns three applications for live broadcasting, video and social media, which are "Bigo Live", "Imo", and "Likee". The number of their users is about 400 million users in 150 countries around the world. "Bigo Technology" company owns more than 20 offices around the world including three in the Middle East in Egypt, Jordan, and Dubai. "Bigo's" office in Egypt is considered as the largest one in the Middle East, where its employees' number reached 244 employees¹⁴.

"Bigo Technology" conducts its activities in Egypt through its office located in the Fifth Settlement area – the largest in the Middle East – which means that it is subjected to the Investment Guarantees and Incentives Law or Investment Law No. 72 of 2017, as its provisions apply to local and foreign investment, whatever its size¹⁵.

"Bigo" company considered the Egyptian market as a low-cost market and an ideal place to start an investment activity, so the company decided in 2019, to pump 10% of the estimated investments to the Middle East in Egypt, equivalent of 10 million dollars.

The fifth chapter of the law includes the provisions of incorporation of companies and establishments and post-incorporation services. And according to article¹⁶ 51, the companies acquire legal status after the decision of the General Authority for Investment and Free Zones, as soon as they are registered in the Commercial Register and a certificate of incorporation is issued. This applies to "Bigo Technology's" headquarters in Egypt, meaning that the company has a legal capacity and carries out its activities in accordance with the provisions of Egyptian law, which was confirmed by the president of "Bigo Technology" for the Middle East, North Africa and

- 14 "Bigo Technology" intends to invest 100 million dollars in the Middle East
- 15 Investment Law No. 72 of 2017

Article 51 of the law No. 72 of 2017: The Authority is obligated to make a decision on the application for incorporation within a full working day at most after its complete submission, the company acquires a legal personality as soon as it is registered in the commercial register, and a certificate of incorporation is issued for it where its data is determined by a decision of the CEO. And all the competent authorities, banks, and

all relevant authorities, should take into account this certificate as an official document in their dealings immediately upon its issuance. Companies that are established in accordance with the provisions of this law are obligated to submit a certificate stating that the company's securities have been deposited with a central depository company. The Authority shall develop a system that allows the issuance of a certificate for the investment project,

to be regulated by a decision of the Authority's CEO. Also, every establishment or company, whatever its legal form, shall have a unified national number approved for all the investor's transactions with all the various state agencies and authorities upon its activation. this is in accordance with the executive regulations of this law."

Europe, Jackson Leo, during the prosecution's investigations with him regarding the "Tik Tok" girls' case.

9. The government dealing with the Chinese officials and the concluded agreements

The case, known in the media as the "Tik Tok" girls' case, took a diplomatic path in parallel with the judicial path. The Chinese ambassador, Liao Liqiang, met the Attorney General Counselor Hamada El-Sawy¹⁷ in August 2020, where the Chinese ambassador affirmed that "the Chinese company "Bigo" understands the crime committed by it, and respects the court rulings issued against it, and also stressed that the Chinese company adheres to all Egyptian legal procedures and the customs and traditions of the Egyptian society, and that all its role is to provide a platform for social communication, and that it learned through investigations conducted by the Public Prosecution the actions that are considered as a crime in Egyptian law, and that it will review in the future what is published on its platform."

It seems that applications such as "Likee" and "Tik Tok" will impose more censorship on the content published after the two girls' case. Whereas, the statement of "Bigo Technology" has already referred to the practice of censorship through artificial intelligence, while the statement of the Chinese ambassador indicates the presence of new procedures in the future.

As for Counselor Hamada El-Sawy, in his conversation with the Chinese ambassador, spoke about the continuation of the prosecution's investigations against officials of the "Bigo Technology" company in Egypt, "in light of the distinction between individual responsibility and that of the company", but the prosecution's investigations accused the girls only without the company — as a legal person — or its officials as natural persons; they were excluded from the case after the Public Prosecution charged them with "belonging to an organized criminal group for the purposes of human trafficking and the exploitation of girls in prostitution. Nada Khaled and

Heba Allah Khaled were among the victims, through participating and agreement with Hanin Hossam to publish an advertisement on her personal accounts containing a claim to draw attention to prostitution and to create an account in her name on the information network that includes an invitation to hold immoral meetings, and this is a violation of family principles and values in Egyptian society. In addition to, creating and managing special account on the international information network to commit the offense indicted. This is despite the clarification of Moamen Hassan, the director of operation of live streaming technology for "Likee" application, during the investigations, where he said that the published videos on "Likee" require the approval of the company's management before publishing and that there are standards and controls for the videos published on the application, and there is a control department for the content in the videos on the application.

10. The case's impact on the content industry in Egypt as a part of the blockade on freedom of expression on the lnternet

The verdict against Hanin Hossam and Mawada Aladham was unfair, violating their right to freedom to reveal a conservative executive and judicial authority that abuses women and imposes the country's cultural system on them, taking advantage of the societal rejection of the content published on these applications to gain the support of the community and maximize its members' control over each other, which appeared in the exclusion of the Chinese accused in the case and the continuation of "Bigo Technology" company's work and its application in Egypt; despite the explicit and clear participation of the application in the promotional content for which the girls are being prosecuted, as well as the prosecution moving the case through the management of the statement, guidance and social communication; where the periodical book contained a complaint from social media users because of Hanin Hossam's video and demands to be investigated in the call for pornography and obscenity through "Likee" application.

We can also attribute what happened in the "Tik Tok" girls' case to the government's desire to limit the activity of users on the Internet and try to establish a solid framework for the content industry in Egypt in light of the increase in social

media and the emergence of different ways to make profit through different applications, all of these narratives have the ability to impose significant restrictions on the freedom of opinion, expression, and creativity that the Egyptian Constitution guarantees to citizens in its articles 65 and 67¹⁸.

In the same context, the authority used the charge of "misusing social media" for the aforementioned reason, content creators, journalists, and even ordinary people are being prosecuted for this accusation, which leads to prison for simply publishing an opinion, video or article on their personal pages on social media, to the extent that it is currently difficult to count the number of accused with this charge. This has created a state of self-censorship among users of social media, which negatively affected their ability to think, create and express opinion, and consequently their right to expression and creativity.

Therefore, the "Tik Tok" girls' case is irrefutable evidence of the Egyptian government's continuing practices related to controlling the digital space, which began in 2017, with the wave of blocking websites, which numbered more than 500 blocked websites, including dozens of journalistic websites, Then the adoption of the Anti-Information Technology Crimes Law No. 175 of 2018, which contained a large number of articles that undermine freedom of opinion and expression, including article 25 of the assault on family values and principles, under which Hanin Hossam was tried for the first time, in addition to the enactment of a law regulating the press and media No. 180 of 2018, which placed restrictions on publishing after creating the article on "publishing false news." ¹⁹

Article 65 of the Egyptian Constitution 2014: "Freedom of thought and opinion is guaranteed. Every person has the right to express his opinion verbally, in writing, photography, or any other means of expression and publication."

Article 67 of the Egyptian Constitution 2014: "Freedom of artistic and literary creativity is guaranteed, and the country is committed to promoting arts and literature, sponsoring creators, protecting their creations, and providing the necessary means of encouragement for this."

The article No. 19 of the Law Regulating the Press and Media and the Supreme Media Council: "A newspaper, media outlet, or website is prohibited from publishing or broadcasting false news, or what calls or incites to the violation of the law, violence or hatred, or involves discrimination among citizens, or calls for racism or includes insults to the individuals' reputations, or slander or Defaming them, or insulting the divine religious beliefs. Every personal website, personal electronic blog, or personal electronic account, with a number of followers of five thousand followers or more, shall commit to the provisions of the preceding paragraph. Without prejudice to the legal responsibility arising from the violation of the provisions of this article, the Supreme Council Shall take the appropriate action in respect of the violation, and for this purpose it may suspend or block the website, blog or account referred to by a decision from it. And those concerned may appeal the decision issued to that effect before the Administrative Court.

11.Recommendations

We cannot overlook the close link between "Tik Tok" girls' case and the freedom of opinion and expression, that fundamental human right enshrined in constitutions, treaties and human rights agreements to ensure that citizens are empowered to make decisions about their own life path, besides being one of the pillars of a democratic country that must be protected, not undermined. Therefore, the Egyptian Public Prosecution should re-investigate the "Tik Tok" girls' case, hold the real accused to account, and acquit the girls, who were used to promote the application without their knowledge of "Bigo Technology's" activities. The legislature should also amend all laws that undermine freedom of opinion, expression, and creativity in Egypt.