



INPUT TO THE GLOBAL DIGITAL COMPACT

Association for Progressive Communications

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Introduction

The Association for Progressive Communications (APC) firmly believes that the internet is an enabler of human rights, development and justice, including social, gender and environmental justice.

The World Summit on the Information Society (WSIS) was the foundation of digital society global policy. It articulated key values that, still today, are key for the discussion of digital cooperation, including freedom, equality, solidarity, tolerance, shared responsibility, and respect for nature. The Global Digital Compact (GDC), along with the WSIS+20 process, is an opportunity to reinterpret the WSIS vision to respond to the constantly changing digital society that we live in today. There are unquestionably challenges that persist since WSIS, while many more have emerged that expose the profound vulnerability of people and groups who have been historically discriminated against and excluded because of intersecting and multiple forms of systemic and structural inequality and injustice.

To overcome digital inclusion and achieve social justice, we must broaden the focus beyond access to connectivity infrastructure and enable political, regulatory, technical, technological and financial conditions to increase individual and collective autonomy, agency and choice in how people connect to digital technology and spaces, as well as how they use, shape, inform or create them once they are connected. There is no social justice without gender and environmental justice. Our digital future should be one in which women and people of diverse sexualities and genders are able to access and enjoy a free and open internet to exercise agency and autonomy, build collective power, strengthen movements, and transform power relations. Human rights need to be at the centre of the development, deployment, utilisation and regulation of the internet and digital technologies. The accelerated digitalisation of all aspects of life cannot be dissociated from the need to use the internet and digital technologies to adapt to and combat climate change. For this to be possible, the internet must be recognised and governed as a global public good in an inclusive, transparent, democratic and accountable manner.

The GDC could play a key role in ensuring that the lessons learned from years of multistakeholder cooperation feed into future processes of internet policy, internet governance and global digital cooperation and in setting parameters for safeguarding multistakeholderism, transparency, inclusivity, dialogue and accountability.

We believe that the GDC could help strengthen the mandate of the Internet Governance Forum (IGF),¹ operationalise global digital cooperation and bridge the

1. APC believes that the IGF remains at the heart of the internet governance ecosystem. There is no equivalent space for enabling public participation, shared learning, monitoring of progress in achieving inclusive, human-rights based, people-centred internet and digital governance, and discussing the positive and negative impacts of the internet and internet policies in a multidisciplinary and multistakeholder setting. More about the IGF here: <https://www.intgovforum.org/en>

gap between deliberative spaces and decision-making processes. It can also contribute to identifying the global and specific responses that differential contexts require in order to avoid perpetuating structural disadvantages, while acknowledging that the challenges we face today affect people in many different ways.

The GDC should also recall and reaffirm the human rights standards that already apply to the digital context and which offer a clear and binding framework for digital cooperation and internet governance.

In this context, APC is pleased to make a contribution to the consultation on the Global Digital Compact.

Inputs to the Global Digital Compact

As a feminist organisation that works at the intersection of human rights and digital technologies for human and ecosystems well-being, APC believes that human rights, a gender equality agenda and an intersectional feminist perspective must be placed at the core of each one of the themes of the Global Digital Compact.

In a separate joint submission,² we outline in more detail the shared principles for an open, free and secure digital future for all with an expectation of having a Compact that has an intersectional gender perspective that takes into account the needs of women, girls and people of diverse genders and sexualities, in all their diversity. We also present in another separate joint submission³ the key principles that should guide a GDC process towards a future of digital governance for Earth justice and sustainable development, which refer to the need to respect planetary boundaries and the rights of nature in the design, production and deployment of digital technologies; and the need to ensure meaningful access to information, participation in decision making, and access to justice for environmental rights and the rights of nature.

This submission is oriented to provide consolidated and additional input to some of the themes of the Global Digital Compact with a focus on social, gender and environmental justice.

2. <https://www.apc.org/en/node/38672>

3. <https://www.apc.org/en/node/38673>

Connect all people to the internet, including all schools

Problem statement

Digital exclusion persists despite the vaunted promise of connecting the next billion, and remains an obstacle for poor communities, especially those living in rural areas. Across the board, there is a slowdown in the growth of voice and internet users, whether one looks at mobile subscribers or internet penetration,⁴ and the usage gap identified by mobile operators is proving very difficult to close. The paradigms that served as foundations of policy and regulation for decades simply are not applicable or valid in the current state of the art of technology, nor for the needs of the billions of people in developing countries who still suffer from digital exclusion. Without affordable meaningful access, people are being left behind from the social and economic benefits of the digital society and economy and have no means to benefit from digital technologies, advocate for themselves, or fight for their rights as human beings. Without consideration of the local realities and needs, simply “connecting everyone” may have adverse effects rather than positive ones oriented to ensure social, environmental and gender justice, as well as an open, free and secure digital future.

Core principles

- Engagement and participation of communities in policy making concerning connectivity and access is a precondition for digital inclusion that contributes to human and ecological well-being.
- Regulatory frameworks must allow for the diversification of the connectivity providers ecosystem and the coexistence of different economic and organisational models for internet connectivity provision, including community networks and medium and small cooperative service providers or operators.
- Financing mechanisms for universalisation of connectivity must be designed and implemented to benefit small and community-based actors.
- Respect for the right of communities to build technical communications infrastructure, and to determine the how and why to connect at a pace that matches their realities, must be a central principle in digital inclusion strategies.
- Universalisation of connectivity cannot be disassociated from the self-provision of electricity and more democratic and affordable access to spectrum and other public resources.

4. International Telecommunication Union. (2022, 16 September). Internet surge slows, leaving 2.7 billion people offline in 2022. <https://www.itu.int/en/mediacentre/Pages/PR-2022-09-16-Internet-surge-slows.aspx>

Key commitments/pledges/actions

International and multilateral organisations

- Redefine the financing mechanisms at all levels to unlock blended funding appropriate for community-based networks to build autonomous connectivity infrastructure.⁵

Governments

- Create enabling policy and regulatory environments for the development and sustainability of community-led networks.
- Regulate the internet connectivity providers ecosystem to ensure that private interests are aligned with the public interest, so as to ensure sustainable digital inclusion that serves as an equaliser and enabler of rights.
- Establish institutionalised bottom-up participation and multistakeholder decision-making processes that allow people and communities to exercise individual and collective agency, transform power relations and make access meaningful.
- Create simple, affordable licensing for community networks and make public funding available for them and other small-scale networks, particularly through the effective use of universal service funds. This includes supporting civic initiatives in small-scale infrastructure, providing training and capacity building for meaningful connectivity and content creation, offering tax incentives, and providing access to financing through microfinance institutions and other hybrid funding mechanisms and business models.
- Strengthen binding national, regional and global frameworks to implement a precautionary approach to digitalisation, and establish environmental and human rights impact assessments covering all stages of the life cycle of digital technologies, from design to extraction of resources, manufacturing, assembly and packaging, repairability and reusability, recycling and disposal.

Civil society

- Contribute to developing the capacities of communities, especially women and Indigenous people and other ethnic minorities, to connect themselves in ways that respond to their lived realities and experiences and cultures, while supporting public officials to reform their regulatory frameworks so that community networks are enabled, as a means of promoting inclusive and sustainable digital transformation.
- Advocate for an open, sustainable and accessible internet whose governance should be inclusive, transparent and participatory.
- Promote a rights-based, intersectional framework of standards, regulations and policies and support policy makers in finding solutions that ensure digital inclusion and social, gender and environmental justice.

5. Forster, J., Matranga, B., & Nagendra, A. (2022). *Financing mechanisms for locally owned internet infrastructure*. <https://www.apc.org/en/node/38259>

Protect data

Problem statement

Companies are occupying public roles, resulting in an expansion of corporate power. The current internet is characterised by “the unilateral claiming of private human experience as free raw material for translation into behavioral data,”⁶ resulting in surveillance capitalism. In the absence of policy and regulation to curtail the inherent abuses, the exploitation of personal data for private and political purposes has expanded to previously unimaginable proportions. Data collection never takes place in a gender-neutral setting and the gender dimension present is constantly overlooked. Methods used for activities that are inherently about labelling and categorising individuals are often predicated on existing binary gender norms. Systems developed by such data are exploited in ways that either perpetuate such norms or limit access and discriminate against those who do not conform. Moreover, the capitalisation and monetisation of data have proven how some companies prioritise profit over user privacy and public good.

Core principles

- Everyone has the right to the protection of the data that concerns them and to understand how that data is processed.
- No one shall be subjected to arbitrary interference of the right to the protection of data, and any limitation of this right shall be reasonable, necessary, proportionate and justifiable.
- The processing of data shall be fair, lawful and transparent, adhering to data processing principles set out in international norms and standards.
- Anonymity and encryption should be strengthened as tools that enable the enjoyment of human rights, and that create safe spaces and interactions for individuals and groups who face discrimination or marginalisation based on their gender, sexual orientation, gender identity or expression.
- Feminist and intersectional approaches to data protection and privacy must be adopted to give visibility to and question privileges that emerge as a result of gender, race, ethnicity, class and other social and cultural hierarchies.
- Indigenous peoples and traditional communities have the right to protect and steward the data and information collected in their territories, and have the right to free, prior and informed consent in relation to any technology project that may affect them or their territories.⁷

6. Laidler, J. (2019, 4 March). High tech is watching you. *The Harvard Gazette*. <https://news.harvard.edu/gazette/story/2019/03/harvard-professor-says-surveillance-capitalism-is-undermining-democracy>

7. Enshrined in the UN Declaration on the Rights of Indigenous Peoples: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Key commitments/pledges/actions

Governments

- Define data governance frameworks and strengthen oversight and accountability mechanisms to increase scrutiny and transparency.
- Adopt comprehensive legal and regulatory frameworks that preserve privacy and regulate state-sponsored surveillance in line with the principles of necessity and proportionality.
- Immediately put in place a moratorium on the sale, transfer, export, servicing and use of spyware and other surveillance technologies until human rights safeguards are in place.⁸
- Review and strengthen policies and legal and regulatory frameworks to address gender-based violence in digital contexts, particularly privacy and data protection violations, and ensure that all responses are in compliance with international human rights obligations, avoiding criminalisation of speech or censorship of women's sexual expression.
- Proactively involve more women and people of diverse genders and sexualities in the development of digital technology regulations and policies. Promoting greater gender diversity among the people shaping online experiences is a shared responsibility of the state and the private sector.
- Respect and protect the rights of Indigenous peoples and traditional communities to protect and steward the data and information collected in their territories, and ensure that due diligence to prevent human rights violations includes a specific focus on the rights of Indigenous peoples and traditional communities.

Private sector

- Live up to their responsibilities under the UN Guiding Principles on Business and Human Rights to respect the human rights of all persons affected by their practices. This requires conducting due diligence to prevent human rights violations, mitigating adverse effects, and providing access to remedy for all persons who experience privacy violations, bearing in mind the different risks that may be faced on the basis of gender.
- Adopt and implement privacy by design/default, while applying a gendered analysis to mitigate gendered harms in the technical and organisational procedures of the technologies that companies create.
- Meaningfully engage women and people of diverse genders and sexualities in the design and development of policies, services and features, including by employing them as engineers and in policy teams.
- Allow for the use pseudonyms, which can help to enable the expression of diverse sexual and/or gender identities, and at the same time, help individuals

8. OHCHR. (2019, 25 June). UN expert calls for immediate moratorium on the sale, transfer and use of surveillance tools. <https://www.ohchr.org/en/press-releases/2019/06/un-expert-calls-immediate-moratorium-sale-transfer-and-use-surveillance>

to escape abusive partners, stalkers, repeat harassers and accounts associated with the sharing of non-consensual dissemination of intimate images.

- Work towards enabling technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, and resist requests for user data that do not comply international human rights standards.
- Embed users' consent into policies and user experience design.
- Meaningfully engage in consultation with women and people of diverse genders and sexualities, either by soliciting the input of users or by engaging women's rights and LGBTQI+ rights groups and activists, to understand the potential adverse impacts of the company's services on women and people of diverse genders and sexualities.

Apply human rights online

Problem statement

Human rights are integral to the realisation of human autonomy and to advancing social justice. While the COVID-19 pandemic raised multiple intersectional issues of digital security and privacy, freedom of expression, disinformation and access to information, and the further marginalisation of already marginalised communities who do not have internet access, the post-pandemic terrain that has emerged is complex. The civic space keeps shrinking at the same time that malicious state and non-state actors with racist and xenophobic motives are using technology to attack, threaten and harm women, minorities and migrants; suppress dissent; roll back human rights; and thwart advocacy by women's groups, people of diverse genders and sexualities, and marginalised communities. The complexity of the current scenario also includes the rapid digitalisation of services catalysed by the pandemic, the datafication of economies and societies, geopolitical shifts in power, and a rise of restrictive conservative and reactionary governments or policies in previously liberal democracies; polarisation of debate and perspective; a growing anxiety around resources like energy, water and food; hate narratives around migration; and potential disempowerment of multistakeholder voices in global and regional forums.

The landscape of human rights protection and promotion has changed and the private sector mediates many of our rights. There is a significantly empowered tech industry which benefited enormously from the pandemic through deals and alliances with governments in a geopolitical business war. While they jostle to set up their new models to harvest super-profits, it is anticipated that artificial intelligence (AI) technologies will significantly impact on the amount and type of disinformation circulated on the internet, including environmental disinformation, and contribute to the shaping of a new public sphere online where little can or will be trusted.

Core principles

- Alignment with existing international human rights law in all aspects pertaining to the digital sphere is a must to ensure accountability and transparency by states and corporations, address structural inequalities, strengthen democracy, mitigate the impact of the environmental crisis, and reinforce the enjoyment of human rights offline and online.
- All individuals of the global digital ecosystem, no matter who they are or where they live, should be able to fully enjoy equal rights to safety, freedom and dignity.⁹
- The internet must be operated, governed, and regulated on the legal and normative foundations of international human rights standards and the rule of law.
- Any solutions proposed to address challenges in the digital space must adhere to the principles of necessity and proportionality to avoid negative consequences for the exercise of human rights online.
- People are entitled to remedies to address violations of their internationally recognised human rights.

Key commitments/pledges/actions

Governments

- Adopt a human rights-based approach as the standard for the design and use of digital technologies in accordance with the standards of international human rights bodies and instruments.
- Undertake human rights impact assessments of digital technology-related policies, acknowledging the local contexts and realities of groups in conditions of vulnerability and marginalisation.
- Create robust frameworks for multistakeholder decision making and oversight when innovating technological responses to future crises and for the shaping of a free, open and secure digital future.
- Strengthen meaningful multistakeholder participation mechanisms where all those who are affected by digitalisation, particularly historically marginalised groups, have a say in internet governance and internet policies at all levels.

9. Alliance for Universal Digital Rights (AUDRI) Digital Principles. <https://audri.org/digital-principles/>

Accountability for discrimination and misleading content

Problem statement

Accountability and transparency on the part of platforms is lacking. Efforts at addressing harmful and misleading content and respecting human rights vary from company to company, and rules are often applied differently in different contexts and to different people. The lack of consistent industry-wide standards and the poor application of existing standards is not a new problem. What is new is that currently states are much more present among the loudest voices expressing concern about online content moderation. The fact that social media platforms are not exercising their responsibility to respect human rights, along with their reliance on business models that monetise “viral” content – which is also often content that is extremist, sensational and inaccurate or deliberately fake – should not immediately lead to calls for increased power for states. States in many cases have an even poorer record in communicating trustworthy information, protecting, promoting and respecting freedom of expression, and ensuring an open, diverse and plural online environment.

Core principles

- An open, diverse, free, interoperable internet enables freedom of expression, access to information, and a plural and diverse online environment.
- State and non-state actors must be held accountable for their content governance actions, in as much as they align with international human rights standards.
- Content moderation systems, both human-led and automated, must be aligned with international human rights standards and subject to transparency and accountability.

Key commitments/pledges/actions

International and multilateral organisations

- Carry out further research, with the participation of different stakeholders, into the potential impact of a variety of approaches to content regulation in different contexts. Country assessments using the UNESCO Internet Universality Indicators would be a good starting point.
- Facilitate discussions on how better to tackle problems rooted in the underlying business models of many social media platforms.
- Elaborate the practical steps that companies can take to implement the Social Media Council as a multistakeholder oversight mechanism, which serves the purpose of ensuring that platform policies are upholding the international human rights principles of non-discrimination and equality, and are taking into

account contextual factors, such as language, culture and power dynamics; and facilitates greater transparency and accountability. It should also review the human rights impacts of changes in the technical environment, the relation between these changes and harmful content, and the efficacy of regulatory responses in this regard.

Governments

- Embrace a governance approach that focuses on the regulation of company processes rather than content, and regulatory focus on technical systems and process and rules for these systems and processes. That is, regulations should focus on ensuring that companies are transparent and provide remedy, and that users can make choices about whether and how to use online forums.
- Ensure that limitations on freedom of expression meet established conditions of legality, necessity, proportionality and legitimacy, including on content deemed to advocate hatred and incite discrimination, hostility or violence.
- Repeal any law that criminalises or unduly restricts expression, online or offline.
- Refrain from establishing laws or arrangements that would require the “proactive” monitoring or filtering of content by companies. This would violate the right to privacy and amount to pre-publication censorship.

Platforms and companies

- Recognise international human rights law as the authoritative global standard for ensuring freedom of expression and privacy on their platforms, not their own private interests or the varying laws of states. Revise their internal policies and practices accordingly.
- Carry out human rights impact assessments on an ongoing basis. Human rights impact assessments should include all human rights that companies’ policies may impact, beyond freedom of expression and privacy, and include economic, social and cultural rights, the right to be free from violence, and the right to participate in public life, among others. In addition, they should consider how their policies can strengthen, rather than undermine, due process.
- Ensure that, when dealing with requests from states, such requests cite specific and valid legal bases for restrictions and are issued by a valid government authority, in writing. Also disclose responses to government requests and to requests based on terms of services.
- Ensure and document transparency at all stages. Make transparency reports easy to understand and available in English and local languages. Disclose details concerning approaches to curation and provide meaningful and consistent transparency about enforcement of policies governing contentious issues, such as hate speech.
- Provide procedures that permit users to challenge content or account removals. Institute robust remedy programmes which may range from

- reinstatement of content to settlements related to reputational or other harms.
- Increase engagement and consultation with users, civil society and digital rights organisations.

Other areas: Environmental sustainability and digital technologies

Problem statement

The world is facing an unprecedented climate and environmental emergency and it is paramount to understand the ways in which digital technologies pose challenges to the environment, but also the constructive role they can play in confronting the crisis. The implementation of the GDC will inevitably be permeated by the success or the failure to mitigate the crisis. Thus, by setting global principles and identifying key commitments, the GDC can substantially contribute to addressing the complexity around “greening” digital technologies and to building the understanding of what technology developers, policy makers, technology companies and other actors can do to mitigate the crisis, monitor and assess the environmental impact of digitalisation, and shape responses at all levels. Global responses cannot be provided without considering the specificity of the realities that are most impacted by the depletion of resources, pollution and destruction of ecosystems and the way in which digital technologies are being designed, produced, used and discarded.

In order to build a free, open, inclusive and secure digital space, the collective dimension of rights¹⁰ has to be strengthened, particularly economic, social and cultural rights, with priority placed on the right to a dignified life.

The purpose of guiding the use of digital technologies to combat climate change and advance global environmental sustainability, as well as exploring and nurturing a granular understanding of the co-shared responsibilities that the different stakeholders have in the global digital cooperation ecosystem towards addressing the environmental and climate crisis, must be at the core of the GDC.

Core principles and key commitments and actions are detailed in APC’s joint submission to the Global Digital Compact on Earth justice and sustainable development.¹¹

10. This refers to the rights that by their nature are held by a group or by all, not by an individual. It also refer to the rights to minorities. The right to a clean environment is an example. Negative impacts on natural resources and territories resulting from the choice and use of digital technologies and the policies guiding their production, use and disposal (including extraction of raw materials and minerals), for instance, touch on the collective dimension of rights of people to have a healthy environment.

11. <https://www.apc.org/en/node/38673>

About APC

The Association for Progressive Communications (APC) is an international networked organisation of activists and organisations, founded in 1990, dedicated to empowering and supporting people working for peace, human rights, development and protection of the environment, through the strategic use of information and communication technologies (ICTs). We work to create a just and sustainable world by harnessing the collective power of activists, organisations, excluded groups, communities and social movements, to challenge existing power structures and ensure that the internet is developed and governed as a global public good.

APC is currently composed by more than 60 organisational members and dozens of associates active in 74 countries and more than 50 staff with experience in implementing national, regional and global initiatives. This diverse and grounded community allows us to develop innovative and community-based access and connectivity solutions, advocate for a rights-based approach to internet access and governance, and build capacity in the women's movement, working in partnership with a diverse range of people and institutions.

More in www.apc.org

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