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Submissions from entities in the United Nations system and elsewhere on their efforts in 2014 to implement the outcome of the WSIS

Submission by

Association for Progressive Communications (APC)

This submission was prepared as an input to the report of the UN Secretary-General on "Progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels" (to the 18th session of the CSTD), in response to the request by the Economic and Social Council, in its resolution 2006/46, to the UN Secretary-General to inform the Commission on Science and Technology for Development on the implementation of the outcomes of the WSIS as part of his annual reporting to the Commission.

<p>DISCLAIMER: The views presented here are the contributors' and do not necessarily reflect the views and position of the United Nations or the United Nations Conference on Trade and Development.</p>
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Attn:

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Ms. Mervi Kultamaa, WSIS Coordinator/Economic Affairs Officer, Division on Technology and Logistics

Re: CSTD WSIS Progress Report

Please accept our sincere apologies for the delayed report, and find herewith our inputs towards the elaboration of the annual report of the Secretary-General to the Commission on WSIS outcomes as per the resolution on "Flow of Information for the Follow-up of the World Summit on the Information Society".

With about 50 member NGOs in 35 countries working in most of the areas related to the WSIS goals, APC's activities in support of the WSIS action lines and themes are many and diverse. They can be summarised as; a) promoting universal access to ICTs, and b) supporting rights-based, inclusive ICT related policies, particularly where they affect women, the poor and other marginalised communities in the developing world.

In this respect APC's post-WSIS related activities include in particular: affordable internet access for all; ICT-use which sustains the environment; use of emerging technologies for social change; building the "information commons"; defending human rights in the internet sphere; securing gender equality and women's rights, particularly in relation to ending violence against women; and improving governance, especially internet governance. To support these goals, APC engages over five interrelated areas: research, advocacy, network building, capacity development and strategic communications and outreach. The application of this approach, combined with our long standing prioritisation of linking 'practice' to policy advocacy, and linking local (through our network of national and programme members and partners) to regional and global activities, makes APC's work unique in its support for the post-WSIS agenda.

1. Executive Summary

Considering that many of the ICT related developments that have taken place since WSIS were not anticipated or covered in the WSIS Action Lines, strict adherence to these may not be constructive. For example the development of mass market mobile telephony, the use of social media and the development of cloud computing. All these developments are bringing up new issues or amplifying old ones (such as hate speech against women), which need attention. As ICTs and the internet become more pervasive in social and economic and political development, this emphasis on human rather than technological development becomes more important.

Overall it can be observed that national policy environments still continue to be one of the major constraints to the progress of WSIS goals in many areas. In many cases appropriate policies are actually be present, but implementation or enforcement is lacking. In addition, international and regional agreements in areas such as intellectual property rights, free trade and surveillance are increasing cause for concern Constraints on access to information imposed by intellectual property regulations which are currently being 'hard wired' into trade agreements are a particularly grave issue at the moment, and could have severe impacts on developing countries.

The role of ICTs in development is often underestimated or downplayed in international discourse and in documents such as the outcome document of the Rio+10 summit, the Beyond 2015 UN High Level Panel report, and the outcome document of Open Working Group on Sustainable Development Goals. Many mainstream development agencies within the UN system are insufficiently involved in WSIS follow-up, and show little sign of becoming more involved. Their engagement is necessary to ensure that the international community's post-2015 approach to the information society responds to human development as well as to changes in technology, and that it addresses the needs of citizens and communities as well as those of ICT professionals and businesses.

Harnessing the potential of ICTs will also be essential to the effective implementation of the post-2015 development agenda. In particular, ensuring better internet access will ultimately depend on a variety of important policy decisions, but some of these may not be easy to make for politicians, such as resolving the conflict of interest in state ownership of telecom operators. Other issues may be difficult to understand in a complex and rapidly changing technology environment, for example the need for liberation of wireless spectrum.

Civil society's role in all this is particularly important. In addition to providing relevant expertise, civil society can carry out the public awareness-raising needed to put pressure on the political process that will ultimately determine our ability to achieve universal affordable broadband and to harness ICTs to for implementing the post-2015 development agenda.

Finally, it can be observed that Action Line implementation processes have also had a limited role in the follow-up process for WSIS because of lack of participation and lack of resources. A key issue here is rationalising the variety of different international policy spaces dealing with the information society (IGF, ITU, ICANN, plus other issue-related spaces). This diversity makes it particularly hard for civil society to be involved in so many different processes.

2. Overview of trends and experiences in implementation at the national, regional, and international levels

Three major trends are evident in stakeholder participation in ICTs for development: a) growing divisions among stakeholders (not least among governments) concerning the role of governments; b) insufficient participation by international agencies concerned with human development (as opposed to technology); and c) the changing nature of private sector participation (in particular the growing dominance of a small number of transnational enterprises

in the internet and ICTs more generally). These trends underscore the importance of re-emphasising the commitment of all stakeholders to the multi-stakeholder model, at global, regional, and national levels. They also illustrate the need to encourage fuller commitment by UN and other human development agencies to the promotion of ICTs for development, focused on the public interest rather than just on narrow commercial interests of the ICT sector.

ICT Access and Adoption

While there have been major improvements in basic access to ICTs, particularly through reduced cost of equipment (especially smart-phones and tablet computers), and greater availability of mobile broadband services, internet access costs continue to remain unaffordable for the majority in most developing regions, particularly for more isolated and disenfranchised groups. In many countries internet users are also faced with slow broadband speeds, especially in areas outside major cities, traffic caps may limit the amount of data that can be exchanged, and complex tariff packages limit competition or the user's ability to manage costs. For those that cannot afford their own equipment and connectivity, public access facilities (e.g. in public libraries) offer the only alternative. However, public investment in libraries, telecentres, and multi-purpose community centres has so far been relatively limited. Fortunately public access appears to be coming back on the policy agenda - the relevance of public access was re-iterated at the IGF this year during the main Access session, and also recognised in the WSIS+10 Vision.

The main reasons for the limited availability of affordable ubiquitous broadband is that internet providers often lack access competitively priced telecom infrastructure. APC became a member of the Alliance for Affordable Internet (A4AI) in 2013 to support its work in highlighting the obstacles to better access. A4AI's conclusions from its research to produce the Affordability Index is that telecom market environments are still not competitive enough. Legacy fixed national operators and a few mobile operators continue to dominate the market for broadband. Conservative spectrum allocation policies also continue to restrict the potential for entry of alternative operators, especially more efficient wireless broadband operators which can use newer, better technologies such as TV White Space, and other dynamic spectrum-use approaches. Licensing requirements may also be too onerous for small or new market entrants, and interconnection regulations usually favour the dominant providers. A variety of indirect factors may also serve to limit internet accessibility; for example high import duties on ICT equipment along with luxury taxes on internet and voice services, further reduce their affordability.

At a broader level, the constraints described above are causing a differential spread of broadband infrastructure, which is actually widening the gap in access to the internet between developed countries and emerging markets, between emerging markets and least developed countries, and between urban and rural areas, even in more developed countries. Another important trend in this respect is the rapidly increasing deployment of very large data centres providing cloud computing services in global markets. In this respect, even the adequacy of existing infrastructure to meet future needs remains in question, in terms of latency and redundancy as well as network coverage, to enable effective use of cloud computing.

On the other hand there have been a significant number of governments re-entering infrastructure markets by establishing government-financed or government-owned broadband networks. While this has been beneficial in extending network provision, care must be taken to ensure that it does not reinstate government-controlled monopolies over critical infrastructure, which could jeopardise both future network deployment and freedom of expression. Care also needs to be taken to avoid negative outcomes for future infrastructure deployment, and for consumer prices, arising from consolidation of network operators and service providers in national markets.

Another important access challenge APC is particularly concerned with is achieving gender equality. Women's access to ICTs remains limited in many places due to the concentration of women among groups with the lowest incomes and levels of education. Women are also frequently prevented from expressing themselves freely and openly on the internet when demanding rights and justice.

In addition, it should be noted that there are efforts by some governments to restrict access to content from outside their territories and to suppress content originating in their territories, in contravention of international human rights instruments.

At the same time, there have been significant improvements in multilingualism on the internet, but more needs to be done to increase the availability of content in languages which are not currently widespread on the internet if access to information is to become more effective to whole populations.

An increasing number of governments have improved the availability of public information through open data and open government programmes, though many remain reluctant to do so or they are unwilling to make available information which may lead to criticism of government behaviour. With regard to open data and open government, it is important to observe that governments should make sure that they provide citizens with information that the public has expressed a need for, rather than to focus primarily on data that is easily publishable online.

Human Rights on the Internet and Internet Governance

Attempts to adopt legislation that limits and restricts human rights on the internet continue to increase. Since its creation in 1990, APC has systematically worked to shape its rights-based approach to ICTs based on the belief that the ability to share information and communicate freely, safely and securely using the internet is vital to the realisation of human rights. In this respect APC carried out a survey in 2013 "Communication rights ten years after the World Summit on the Information Society (WSIS): Civil society perceptions".

CSTD may wish to further consider the findings of this survey as input to this report¹ but in particular, we would like to highlight the following quotes of the findings: "Nearly a third of respondents to the survey said that the WSIS Declaration of Principles (2003) as well as the Civil Society Declaration to the WSIS (2003) had little impact on policy development in their country". "WSIS 'didn't give powerful ammunition for activists to use'. Respondents also said the issues and challenges highlighted by WSIS had already been identified, particularly at the local level.

Since the 2013 Internet Governance Forum (IGF), no less than 10 resolutions and decisions have been adopted by the UN General Assembly (UNGA) and the UN Human Rights Council (HRC) that reference internet and human rights. In June 2014, the HRC adopted its second resolution specifically focused on the internet, this time expanding its scope to recognise a broader range of rights, explicitly identifying the internet as an "enabler for development" and as a "vibrant force which generates economic, social, and cultural development". Even UNGA committees that do not typically deal with human rights, recognized the applicability of the international human rights framework in their annual resolutions on internet related issues. Additionally, at the national level, the first civil framework for the internet was adopted, by the Brazilian government in 2014. Brazil was also host of the NETmundial meeting in April 2014, which led to the adoption of a multistakeholder statement, which though imperfect, represents a strong affirmation that human rights underpin internet governance principles.

However, the advancement of international norms and adoption of legislation that recognise human rights online does not necessarily mean that internet rights are being effectively promoted and protected. Indeed, violations of human rights online are a continuous reality despite progress. In particular, we have seen: escalating threats against human rights defenders who use the internet in their work, in particular people who identify as LGBTIQ and those working on LGBTIQ issues; new forms of violence against women online; widespread communications surveillance; and ongoing online censorship.²

¹ http://www.itu.int/wsis/review/inc/docs/rereports/WSIS10_Country_Reporting-APC.pdf

² For specific cases and in-depth analysis of these issues see Global Information Society Watch reports from 2011, 2013, and 2014, as well as the GISWatch Special report on Turkey: <http://giswatch.org/en/2011>, <http://giswatch.org/2013-womens-rights-gender-and-icts>,

APC's view is that multi-stakeholder participation in internet governance is not an end in itself, but is a means to achieve the goal of inclusive, democratic, transparent and accountable internet governance that enables effective policy making so that the internet is a tool of democratisation. The current public attention on various internet-related issues is therefore an opportunity to reinforce and strengthen efforts to improve and democratise the governance of the internet, as well as to help restore trust in the internet governance ecosystem. In addition, it is an opportunity to address specific internet governance challenges which could then be discussed at global and regional forums, in particular the WSIS+10 meetings and the IGF.

The IGF has continued to mature and demonstrate its relevance under challenging conditions. Perpetually underfunded and under-resourced, the IGF has done remarkably well, and the 2014 IGF in Istanbul saw some historic achievements (see next section). This indicates that the IGF is beginning to fulfill part of its mandate to "facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet". The IGF has evolved to include regional, national and global processes linked to the UN, but is also independent. It is far from perfect, but its value should not be underestimated.

In this respect APC' sees the IGF as a key place for internet-related public policy issues, such as the challenges described above, to be addressed. But we also believe that the IGF needs to be strengthened. In line with the recommendations of the Working Group on IGF Improvements³ we support a more outcome-oriented IGF and APC has been working actively to produce outputs from IGF 2014 to feed into other processes. APC also supports the recommendations on the IGF in the NETmundial Multistakeholder Statement, in particular the call for mechanisms to promote intersessional dialogues, and to provide outcomes/recommendations and the analysis of policy options.

An important factor for strengthening the IGF will be its renewal. APC strongly supports renewing the IGF for 10 years, not 5, in order to allow it to work on a longer cycle and be more effective in implementing its mandate and constantly improving while doing so. Another concrete way to strengthen the IGF is to establish an IGF-linked information clearing house and policy observatory.

Related to this, of critical importance is the maintenance of the openness and multi-stakeholder character of ICT and of internet standards, development and governance, within a framework which also protects the internet against disruption by criminal or malign activity. Open systems and standards are increasingly being seen as essential in order to sustain the innovation that has characterised the development of the information society and to inhibit its dominance by powerful governmental or commercial interests. Network neutrality as a principle remains important even if it needs to be applied in new ways in the light of convergence of platforms, applications and content.

<http://giswatch.org/2014-communications-surveillance-digital-age>, and <http://giswatch.org/global-information-society-watch-special-report-2014-internet-rights-went-wrong-turkey>

³ <http://www.unctad.info/en/CstdWG/> "Improvements should include inter-alia: a. Improved outcomes: Improvements can be implemented including creative ways of providing outcomes/recommendations and the analysis of policy options; b. Extending the IGF mandate beyond five-year terms; c. Ensuring guaranteed stable and predictable funding for the IGF, including through a broadened donor base, is essential; d. The IGF should adopt mechanisms to promote worldwide discussions between meetings through intersessional dialogues."

There is increasing use of personal data by commercial enterprises to maximise business revenues, with limited control available to individual users over their own information. In addition, the recent revelations concerning the extent of mass surveillance of personal data and communications, including internet use, by government agencies is of particular concern. These developments threaten public confidence in ICTs and especially the internet, and could in particular inhibit the use of cloud computing. They also raise the risk of data becoming available to criminal organisations and so increases the vulnerability of electronic commerce.

Threats to disrupt the internet are growing from a number of sources. As the internet becomes more important to the functioning of government and business systems, including public utilities, the consequences of serious disruption also become more dangerous. As a result increased attention is being paid to cybersecurity. However, while further coordination on identifying cyber threats and building cybersecurity awareness and expertise is important, it is equally as important that development of cyber policy include all stakeholders and respect human rights by design.

The proliferation of media content sources has supported transparency and freedom of access to information in many countries but has also led to increased threats to freedom of expression from censorship and intimidation. There is need to promote awareness and prevention of prevalent discriminatory and negative gender stereotypes and violence against women in the online.

A recent global survey showed that 98% of sexual rights activists find the internet crucial to their work and that 51% of them have received violent and threatening messages. Ongoing APC research, as well as the individual cases that have attracted media attention have made it clear that we have a gender-based violence pandemic on the internet which cuts across countries and continents.

Environmental sustainability in ICT production and use, as well as the potential for ICTs to improve sustainability in other sectors continues to gain increased attention. However the harmful outcomes of the massive increases expected in ICT production and consumption are not yet receiving sufficient resources. The negative impacts range from increased energy consumption and greater carbon footprints, to sourcing of conflict minerals for the production cycle, and disposal of polluting ICT waste. As the industry body GeSI has made clear, the ICT sector's carbon footprint is increasing by 6% p.a., which is the fastest growth rate of any industrial sector. The internet of things will greatly increase this carbon footprint. The high rate of churn in IT devices is also a major contributor to growth in electronic waste. Unless there are a substantial shift in the approach to hardware design and product life-cycle strategies to be more sustainable (e.g. with devices that last longer and are upgradable), this challenge is likely to escalate.

At a broader level, APC continues to be concerned that ICTs and the information society are not embedded effectively in the Sustainable Development Goals (SDGs) and post-2015 preparatory documents. APC's position is that there should be greater integration between WSIS outcomes and the Post-2015 Development Agenda that will be adopted by the General Assembly in 2015.

3) Innovative policies, projects, and future programmes

Internet Governance

APC views some of the innovative approaches introduced at NETmundial, the historic meeting held in Brazil in April 2014, as being relevant to highlight here. NETmundial represented great leaps forward for multi-stakeholder decision making, building on inclusive, multi-stakeholder habits developed during the eight sessions of the IGF so far, and providing useful lessons for the future. APC has outlined some suggestions for building on and improving the NETmundial approach in our statement reflecting on the meeting: <http://www.apc.org/en/node/19224/>.

Seizing the opportunity of the large number of workshops related to the "internet and human

rights and enhancing digital trust” sub-theme APC organised a roundtable bringing together organisers of relevant workshops to discuss the outcomes of their sessions as well as the upcoming panel on the Right to Privacy in the Digital Age at the UN Human Rights Council (HRC). Participants in the roundtable agreed on a message coming out of the IGF to the HRC,⁴ which APC delivered in Geneva the following week. The message highlighted key concerns relating to privacy that were discussed at the IGF, including widespread privacy violations and the need for transparency, clear privacy standards and procedures for protection. The message also urged the High Commissioner for Human Rights, HRC members, member states and human rights institutions to participate in multi-stakeholder discussions on the right to privacy, including IGF 2015, which will take place in Brazil. We view this output is significant for marking progress in fulfilling the IGF's mandate to encourage cross-institutional dialogue.

The 2014 IGF also introduced the idea of Best Practice Forums.⁵ These forums gathered expert input from government, business, civil society and the academic and technical communities before the event, using open mailing lists and online virtual meetings to aggregate best practices on developing mechanisms for meaningful multi-stakeholder participation. These forums benefited from a degree of inter-sessional work prior to IGF 2014, and are expected to continue their work during the year leading up to IGF 2015. We found this to be a constructive way of bringing forward debates on key issues and linking work done between the annual IGF meetings.

Women's Rights

One of APC's most innovative initiatives is the Women's Rights Program which has been dedicated to building technical and policy tools to challenge online and offline violence through platforms such as Take Back the Tech! and the Exploratory Research on Sexuality and ICTs (EROTICS). The Gender Equality Mainstreaming – Technology (GEM-Tech) Award is an annual special ITU-UN Women joint achievement award for outstanding performers and role models in gender equality and mainstreaming in the area of ICTs. APC's Take Back the Tech! campaign was acclaimed for its “efforts to reduce threats online and building women's confidence and security in the use of ICTs,” winning first place from over 360 nominations and 37 finalists from more than 70 countries.

Further work is being undertaken to ensure that misogyny and violence against women online is recognised as hate speech. This also involves encouraging internet activists and women's rights activists to join forces, and advocating for more choices for women (resources, toolkits, and success stories) to break the barriers against online silencing.

APC supports the call for an Action Line on Gender which would seek to complement existing action lines by creating a mechanism to provide support to gender issues that are not covered in other action lines, and to provide monitoring and accountability mechanisms, including integration of the work of the gender working group on the partnership for the measurement of the information society.

Improved use of Radio Spectrum

Another area of innovative action that is continuing to be pursued by APC is in promoting more effective and efficient use of radio spectrum. The evolution of wireless technologies now means alternative approaches to spectrum allocation and regulation may be realistically considered. To assist with this, APC is the use of shared spectrum, promoting open spectrum data, and supporting civil society involvement in digital migration processes.

Monitoring efforts to achieve the Information Society

More generally, APC continues to publish the Global Information Society Watch (GISWatch) report every year. GISWatch is a space for collaborative monitoring of international (and national) commitments made by governments to ensure an inclusive information society, and for building national level civil society awareness of WSIS goals. Winner of the 2012 WSIS Project Prize GISWatch's 2014 edition focused on surveillance and there have been about 20 national level launches of the publication.

⁴ <https://www.apc.org/en/pubs/igf-2014-shares-messages-right-privacy-digital-age>

⁵ www.intgovforum.org/cms/open-call-to-join-igf-best-practices-forums-preparatory-process

Capacity Building

In the area of capacity building, APC has continued to focus on building capacities of human rights defenders, including women human rights defenders on secure online communications, which have been key to build networking among internet activists, national human rights institutions, mainstream human rights organisations and human rights defenders.

APC is also building capacities in internet governance. In November 2014, in partnership with the African Union Commission's NEPAD Agency's e-Africa Programme, APC continues to organise the annual African internet governance schools. Inspired by the Meissen School of Internet Governance, and the programme benefits from the involvement of senior Meissen faculty as well as leading internet governance actors from Africa and LAC. Participants return to their countries committed to translate the ever changing and evolving world of internet governance into a language meaningful to their constituencies: colleagues at the parliament or regulatory agency, media organisations, academic centres, NGOs. During 2014, APC also partnered with Hivos to develop a second online course on internet governance for the Middle East and North Africa (MENA) region (<http://igmena.org/>).