COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT (CSTD)

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Submissions from entities in the United Nations system and elsewhere on their efforts in 2015 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.

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

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Re: Inputs for the CSTD WSIS Progress Report 2016

Please 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".

The APC network which currently has 70 members in 68 countries has been involved in the WSIS since its inception. APC's activities in support of the WSIS action lines can be summarised as: a) promoting universal access to ICTs, b) supporting rights-based, inclusive ICT related policies, particularly where they affect women, the poor and other marginalised communities in the developing world and c) capacity building in the safe and secure use of ICTs and in policy formulation and monitoring and implementation of policies.

In this respect APC's post-WSIS related activities are focussed on: affordable internet access for all; defending human rights in the internet sphere, particularly in support of freedom of expression and protection of privacy; securing gender equality and women's rights, particularly in relation to ending violence against women; ICT-use which sustains the environment; use of emerging technologies for social change; building the "information commons"; 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. This approach, combined with our long standing prioritisation of linking 'practice' to policy advocacy, and linking local to regional and global activities through our network of national and programme members and partners, puts APC in a unique position to provide inputs for the development of the post-WSIS agenda.

Thank you for giving us the opportunity to contribute to the progress report.

Sincerely

Anriette Esterhuysen
APC Executive Director

Inputs for the CSTD WSIS Progress Report 2016 from the Association for Progressive Communications, December 2015

1. Executive Summary
Many important ICT developments have taken place since the WSIS, so the WSIS Action Lines and Targets and the activities to support them need adaptation. Of particular note in this regard is the large scale adoption mobile telephony and wifi enabled smart phones, the widespread use of social media and cloud computing, and, on the downside, many instances of mass surveillance, invasions of privacy and online abuse. All these developments bring up new issues or amplify old ones (such as freedom of expression, access to information or hate speech).

Overall, it can be observed that national policy environments lag behind technology development and continue to be a major constraint to the progress of many WSIS goals. Ensuring better ICT 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, as well as network neutrality and initiatives such as Facebook's Internet.org/FreeBasics.

Appropriate policies are present in many cases, but progress is often constrained by limited implementation or enforcement. In addition, international and regional agreements in areas such as surveillance and intellectual property rights such as the Trans Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership TTIP, are increasing cause for concern. The limits on access to information imposed by intellectual property regulations which are included in bi-lateral and often secret trade agreements are a particularly grave issue at the moment, and could have severe impacts on the ability of developing countries to emerge from poverty.

Harnessing the potential of ICTs is essential to the implementation of the post-2015 development agenda, which is why it is so important that the 2030 Agenda for Sustainable Development calls for the provision of "universal and affordable access to the Internet in least developed countries by 2020." The Technology Facilitation Mechanism will be important for contributing to this goal and potentially linking the Sustainable Development Goals to WSIS+10 follow up.

Civil society's role in all this is particularly important. Aside from providing relevant expertise, often from the 'coal face' of work with local communities, civil society's function in public awareness-raising is critical in putting pressure on the political process that will determine our ability to provide universal affordable broadband and harnessing ICTs for the post-2015 development agenda.

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

A variety of trends have recently become evident in stakeholder participation in ICTs for development: a) growing divergence among stakeholders concerning the role of government in WSIS related strategies (including among different government stakeholders); b) insufficient participation in WSIS followup by international agencies concerned with human development (as opposed to technology); c) the changing nature of private sector participation - in particular the growing dominance of a small number of primarily US-based transnational enterprises in the provision of internet access services, software and ICT equipment), as well as an increasing number of charitable 'connect the next billion' initiatives by commercial companies. In this respect APC observes that equal efforts are necessary, not only to connect more people, but also to move the billions who are 'barely connected' into a fully pervasive and affordable connectivity environment. Similarly, better connectivity is not simply a matter of improving the coverage of mobile

broadband services, but also of improving affordability of both fixed and mobile services.

These trends all 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
The differential spread of broadband infrastructure 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.

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, access costs continue to make the internet unaffordable for the majority in most developing regions, particularly for more isolated and disenfranchised groups. For example the latest Alliance for Affordable Internet[1] (A4AI) report estimates that in the 51 developing countries studied, an entry level broadband service costs 25% of income levels (the ITU Broadband Commission recommendation is a maximum of 5% of income levels).

In many countries internet users are also faced with slow broadband speeds, especially in areas outside major cities. In addition traffic caps may limit the amount of data that can be exchanged, and complex tariff packages limit the user's ability to manage costs. For those that cannot afford their own equipment and connectivity, public access facilities (such as in public libraries) should offer an alternative, however public investment in libraries, telecentres, and multi-purpose community centres and other venues that can support public access to the internet has so far been relatively limited. Fortunately public access appears to be coming back on the policy agenda - the relevance of public access has been recognised in the WSIS+10 Vision, and the Lyon Declaration on access to information and development now has over 600 signatories[2].

One of the main reasons for the limited availability of affordable ubiquitous broadband is that internet providers often lack access competitively priced telecom infrastructure. Legacy fixed line national operators and multinational mobile operators continue to dominate the market for broadband, supported by conservative spectrum allocation policies which limit the potential for entry of alternative operators, especially smaller more efficient wireless broadband operators which have not sunk billions into older generation technologies and can use newer, cheaper technologies.

There is growing recognition that local operators owned and run by their communities can be a more effective solution for providing broadband, especially in remote areas, however licensing requirements are often too onerous for small or new market entrants, and interconnection regulations usually favor the dominant providers.

Encouragingly, the ITU's November 2015 World Radiocommunication Conference (WRC-15) rejected calls to allocate the lower ultra high frequency (UHF) spectrum to mobile use and upheld its allocation for terrestrial broadcasting services which means that TV White Space (TVWS) and other new dynamic spectrum allocation technologies will be able to operate across the full range of unassigned or otherwise unused UHF frequencies.

Nevertheless a variety of indirect factors also limit internet accessibility; for example many governments still impose high import duties on ICT equipment, and these, along with

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1   APC became a member of the A4AI in 2013 and a member of its Advisory Council in 2014 to support A4AI's work in highlighting the obstacles to better access. http://www.a4ai.org
2   http://www.lyondeclaration.org

luxury taxes on internet and voice services further reduce their affordability. However even more importantly, the lack of widely available and affordable electricity supplies presents an even greater challenge to achieving the WSIS goals. Fortunately the cost of renewable energy production continues to drop due to technology and business model advances, but governments need to adopt policies that accelerate their use.

In the provision of backbone infrastructure there have been a significant number of new government-financed or government-owned broadband networks, although care must be taken to ensure that this does not reinstate government-controlled monopolies over critical infrastructure, which could jeopardise both future network deployment and freedom of expression. Similarly, care needs to be taken to avoid negative outcomes arising from consolidation of network operators and service providers in national markets. In this respect the growing trend toward outsourcing of mast-ownership by telecom operators and consolidation at the national level to a single mast owner creates the prospect of monopoly pricing for this important infrastructure component.

Another important access challenge that 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. The extent of the gap varies from region to region — in parts of Europe and Central Asia, research has found[3] that "30% fewer women than men access the Internet; in Sub-Saharan Africa, this figure jumps to 45%. The gap widens in rural areas — in some rural and remote areas of Asia, for example, it was found that men's access to the Internet outnumbers women's access by 50%". Women are also frequently prevented from expressing themselves freely and openly on the internet when demanding rights and justice.

Efforts to address the harmful outcomes of the negative environmental impacts resulting from increased 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. Unless there are is a substantial shift in the approach to hardware design and product life-cycle strategies to be more sustainable, this challenge is likely to escalate.

Human Rights on the Internet and Internet Governance

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. Our input to the WSIS+10 review process has consistently sought to bring human rights issues to the discussion, building on the commitments made through the Geneva Declaration and Plan of Action.

Threats to human rights on the internet continue to increase, yet at the same time in the past year, there have been some positive developments to advance internet rights. Some key developments at the global level include the establishment of a new Special Rapporteur on the right to privacy, whose mandate includes technology-related challenges to privacy; a groundbreaking report by the new UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, establishing encryption and anonymity as key enablers of human rights; a resolution at the Human Rights Council (HRC) recognising for the first time that cyber bullying and cyber stalking as a pattern can constitute violence against women; and the Committee on the Elimination of Discrimination Against Women's new General Recommendation on Access to Justice, which includes substantial reference to information and communications technologies (ICTs) and recommends that states take specific measures to protect women against internet crimes and misdemeanours. At the national level, courts and legislatures have continued to

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3   http://a4ai.org/affordability-report/report

grapple with complex policy matters that impact internet rights.

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; and ongoing online censorship.[4] Some governments are restricting access to content from outside their territories and suppressing content originating in their territories, in contravention of international human rights instruments.

In particular, we are concerned about widespread communications surveillance, included governmental surveillance, both targeted and at a mass scale; the increasing use of personal data by commercial enterprises to maximise business revenues; and surveillance by other non-state actors. 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. Recent moves from some governments to weaken encryption standards and build backdoors into communications networks is particularly concerning in this regard.

We note that increased attention is being paid to cybersecurity. This is natural 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. 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. Responses to cyber threats should not be framed as national security issues and be used to erode human rights.

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 to advance human rights and democratisation. We view global internet policy debates, like the WSIS+10 overall review process as 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.

The IGF has continued to mature and demonstrate its relevance under challenging conditions, and as such is an important internet governance space. The 10th IGF in Joao Pessoa was more outcome oriented, included more intersessional work, and continued to 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 Improvements[5] we support a more outcome-oriented IGF and APC has been working

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4 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, http://giswatch.org/2014-communications-surveillance-digital-age, and http://giswatch.org/global-information-society-watch-special-report-2014-internet-rights-went-wrong-turkey
5 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

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.

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/.

Building on previous years, the 10th IGF facilitated institutional dialogue, with key figures from the WSIS+10 process in NY, and from the UN human rights system in Geneva participating actively. For example, the co-facilitators for the overall WSIS+10 process at the UN General Assembly attended the IGF, held a number of consultations with WSIS stakeholders, and participated in a main session on WSIS, during which the IGF community had the opportunity to input on the draft text, borrowing modalities from NETmundial. In addition, the new Special Rapporteurs on Privacy and on Freedom of Expression and Opinion attended the IGF, as did the Office of the High Commissioner for Human Rights for the first time, deepening the link between the UN human rights system in Geneva and the IGF on internet rights.

Since last year, the IGF's intersessional work has expanded substantially.[6] In 2015 six Best Practice Forums (BPFs)[7] tackled issues ranging from countering abuse of women online to policy options for connecting the next billion,[8] not to mention the ongoing work of the Dynamic Coalitions. These initiatives have produced outcome documents that enriched discussions at the IGF and can inform policy making elsewhere in the internet governance ecosystem.

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

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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."

6 www.intgovforum.org/cms/open-call-to-join-igf-best-practices-forums-preparatory-process
7   http://www.intgovforum.org/cms/best-practice-forums
8   http://www.intgovforum.org/cms/policy-options-for-connection-the-next-billion

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.

We also work for a continual improvement in women's technology access, skills and awareness, as well as greatly improved representation of women among producers and decision-makers in the ICT sector. We are committed to ensuring that the Information Society enables women's empowerment and their full participation on the basis of equality in all spheres of society and in all decision-making processes. We should use ICTs as a tool to that end including to the achievement of SDG 5 on gender, mainstreaming a gender equality perspective in the implementation and monitoring of WSIS Action Lines.

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 continues to raise awareness of the potential of shared spectrum (including Wifi and TVWS), promoting open and transparent data about spectrum allocation and use, and supporting civil society involvement in the analogue to digital broadcasting migration processes which offer to improve both the availability of spectrum for broadband as well as increased access to information.

Infrastructure Sharing

In the past year APC has been conducting research and awareness raising among national policy makers on the role of infrastructure sharing in reducing costs and improving the coverage for broadband. The research shows that the cost of network deployment can be dramatically reduced if operators collaborate with each other in deploying shared fibre optic backbones or masts for wireless broadband. Even greater impacts have been noted when other utility infrastructure such as roads, rail lines and power cables are shared with telecom operators.

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.

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 September 2015, in partnership with the African Union Commission's NEPAD Agency's e-Africa Programme, APC held the third African School on Internet Governance (AfrISIG) in Ethiopia. Inspired by the Meissen School of Internet Governance, AfriSIG helps bring new voices to internet governance debates and enrich the quality of internet governance discussions. 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. The School saw 50 participants from all the 5 regions of Africa and from 20 African countries engage in learning, dialogue and exchange on issues pertaining to Internet Governance both from a global and an African perspective. The School was held in conjunction with the Gender and Internet Governance Exchange (GIGX). More than 50% of the participants selected for the School were women. Some of the school alumni participated at the global IGF held in Brazil.