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 2016 to implement the outcome of the WSIS

Submission by

Association for Progressive Communications

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 20th 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:
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Re: Inputs for the CSTD WSIS Progress Report 2017

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".

With over 50 member NGOs in more than 35 countries working for the last 25 years 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 summarized 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 are focused 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.

1. Executive Summary

As noted in previous APC submissions, many important ICT developments have taken place since the WSIS, so the WSIS Action Lines and Targets and the activities to support them may need adaptation to take the new dynamics into account. Of particular note in this regard is the almost universal adoption mobile telephony and wifi enabled smart phones, the widespread use of social media and cloud computing, the emergence of the 'internet of things', as well as many instances of mass surveillance, invasions of privacy, cyber attacks 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, on the one hand, 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; while on the other hand, the emergence of regressive laws regulating the internet, in particular in response to terrorism and national security threats can also be observed in all regions, where new legislation is being proposed to fill legal loopholes. 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, and thus require public consultation and input from civil society, the technical community, and others with expertise.

A key area of action that APC sees as vital for ensuring universal access is in better use of radio spectrum is also closely related to improving support for community networks - an area the APC has been championing since its formation in the early 90s as a network built by a community of NGOs. The potential for local communities to build their own community infrastructure is gaining increasing attention as a key potential for meeting universal access goals. As was heard repeatedly at the 11th IGF, if the policy and regulatory environment is made more conducive, community networks offer a strong potential prospect for the next billion to simply connect themselves.

Appropriate policies may actually be present in many cases, but progress is often constrained by limited implementation or enforcement. In addition, limits on access to information imposed by intellectual property regulations which are included in 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 (SDGs) to WSIS+10 follow up.

Civil society's role in all this is particularly important. Aside from providing relevant

expertise, often from the 'coalface' 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 other means for harnessing ICTs to help meet the SDGs.

2. Trends and experiences at 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 follow up 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, content, 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 most attention is being paid to connecting more people, while there are still billions who are 'barely connected', with expensive and patchy services. Better connectivity is not simply a matter of improving the coverage of mobile broadband services, but also of improving their affordability.

Human Rights on the Internet and Internet Governance
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. At the national level, courts and legislatures have continued to grapple with complex policy matters that impact internet rights. However, the advancement of international norms and adoption of legislation that recognizes 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.[1] 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, while other governments are taking the extreme step of actually switching off the internet entirely, or blocking popular apps, during times of potential civil action.

APC is also concerned about widespread communications surveillance by governments, both targeted and at a mass scale; the increasing use of personal data by commercial enterprises to maximise business revenues; as well as surveillance by other non-state actors and even state supported 'hacking' of government and private

1   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

computer systems. 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.

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 simply be framed as national security issues which can be used to erode human rights. Therefore, we highlight the importance of the newly launched 'Recommendations for human rights based approaches to cybersecurity' from the Freedom Online Coalition.[2]

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 reinforced as a tool to advance human rights and democratisation. We view global internet policy debates, such as the WSIS+10 review process as an opportunity to 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 11th IGF in Guadalajara was the first one after its mandate was renewed for another 10 years. It continued to be a valuable space to address the evolution of the internet governance ecosystem in terms of the relevant issues, spaces and policy developments. 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 forum for internet-related public policy issues, such as the challenges described above, to be debated. But we also believe that the IGF needs to be strengthened. 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

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2   https://freeandsecure.online/about/

Some of the innovative approaches introduced at NETmundial, the historic meeting held in Brazil in April 2014, continue to be relevant here. NETmundial represented great leaps forward for multi-stakeholder decision making, building on inclusive, multi-stakeholder habits developed during the IGF, and providing useful lessons for the future. In this vein APC published "Extracting lessons from NETmundial: Achieving bottom-up and multi stakeholder outcomes from global internet policy governance discussions".[3]

APC has been consistently committed to the development of the Internet governance forum (IGF) since its creation and see its as the most important international policy area aimed at improving the governance of the internet. Activities and contributions to the IGF in 2016 are summarised here: http://www.apc.org/en/pubs/apcs-priorities-11th-internet-governance-forum-gua

APC was also instrumental in organizing and supporting regional and national multi-stakeholder encounters and policy dialogues and forums in Africa, Latin America, Europe and Asia.

APC has also continue to build capacities in internet governance in Africa. Inspired by the Meissen School of Internet Governance, African School on 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 parliament or regulatory agency, media organisations, academic centres, NGOs. The fourth edition of AfriSIG was held in 2016 as an effort to continue building and strengthening the capacities of African stakeholders to engage meaningfully on internet governance issues and processes regionally and globally.

http://www.apc.org/en/blog/afrisig-fulfilling-major-need-gbenga-sesan-paradig

http://www.apc.org/en/blog/experiencing-african-possibilities-through-afrisig

APC also engaged and participated on the CSTD WGEC with an emphasis on what is needed to achieve results.
http://unctad.org/meetings/en/Contribution/WGEC2016_m2_c02_en.pdf

Internet rights

In 2016, APC renewed its commitment to making the internet serve the needs of global civil society and working to ensure the internet is free and open. Our contributions were focused on providing analysis and conducting research to understand the relationship between internet access and economic, social and cultural rights.

- Internet access and economic, social and cultural rights: https://www.apc.org/en/node/21088
- Connecting your rights: Economic, social and cultural rights (ESCRs) and the internet – An overview of activities and publications: https://www.apc.org/en/projects/internet-rights-are-economic-social-

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3   http://www.apc.org/en/pubs/achieving-bottom-and-multistakeholder-outcomes-glo

cultural-rights
- Economic, social and cultural rights - The feminist take: http://www.genderit.org/edition/economic-social-cultural-rights-and-internet-feminist-take

APC also took stock of the implementation of the Guiding Principles in the ICT sector, using their three pillars to explore key issues, implementation gaps, and emerging best practices for technology companies: https://www.apc.org/en/pubs/business-and-digital-rights-taking-stock-un-guidin

In the Asia region, APC brought more focus on how the internet has impacted assembly and association: http://www.apc.org/en/projects/advocacy-change-through-technology-india-malaysia

In Latin America, APC along with partners led by NGO Derechos Digitales contributed to provide and overview and analysis of the situation of internet rights in the region: https://www.apc.org/en/node/22354

APC also testified at the Inter-American Commission on Human Rights on cultural rights and the internet: https://www.apc.org/en/system/files/IACHR%20submission%20on%20cultural%20rights%20and%20the%20internet%20in%20Brazil.pdf

In Africa, the African Commission on Human and People's Rights adopted a resolution on the right to freedom of information and expression on the internet in Africa, which takes note of the value of the African Declaration on Internet Rights and Freedoms. APC played an instrumental role in that process: http://www.apc.org/en/pubs/apc-welcomes-achpr-resolution-right-freedom-inform

Other key contributions were:
- Inputs and advocacy around various Human Rights Council and General Assembly resolutions on : "the promotion, protection and enjoyment of human rights on the Internet" (32/13), which references the WSIS+10 outcome and focuses on bridging the digital divide, in particular, the gender digital divide, from a human rights perspective; the right to privacy in the digital age (71/199); on Cultural rights and the protection of cultural heritage (33/20), which references digital preservation; on the safety of journalists (33/2), which condemns threats to women journalists online, and restrictions on encryption;
- Inputs to reports of various Special Rapporteurs such as the one on the role of private actors in protecting and promoting FoE in the digital age
- Written submissions on the state of internet rights in India, Malaysia, and Pakistan, on the right to education in the digital age, Engagement with ESCR Committee and the Special Rapporteur on culture.
- The UNSR roundtable in Geneva with SRs on FoE, privacy and VAW Regional HR mechanisms
- Engagement on SDGs process through participating in N a consultation with UNESCO on indicators relating to Goal 16 and coorganising workshops on internet access and the SDGs on the sidelines of the Technology Facilitation Mechanism and High Level Political Forum.

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 2016 Womanity Award for the Prevention of Violence Against Women was given to the Take Back the Tech! campaign in Mexico[4]. Take Back the Tech! also continued to demand the eradication of online violence against women: http://www.takebackthetech.net/

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 continues to support 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.

The second version of the Feminist Principles of the Internet were developed: https://www.apc.org/en/pubs/feminist-principles-internet-version-20

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 2016 edition focused Economic, social, cultural rights and the internet[5].

Affordable internet access for all

In the last year, APC contributed to deepen the understanding of digital exclusion, to advocate for policies to bridge the digital gap, including the gender digital gap, and promote and strengthen community networks and a community networks movement:

- Ending digital exclusion: Why the access divide persists and how to close it. http://www.apc.org/en/pubs/ending-digital-exclusion-why-access-divide-persist

- Summary of raising awareness, capacity building, movement building activities on community networks: http://www.apc.org/en/blog/igf-2016-notes-and-links-around-community-networki

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4   http://womanity.org/take-back-the-tech-mexico-wins-the-2016-womanity-award-for-the-prevention-of-gender-based-violence
5   http://giswatch.org/2016-economic-social-and-cultural-rights-escrs-and-internet