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Submissions from entities in the United Nations system, international organizations and other stakeholders on their efforts in 2020 to implement the outcomes 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 24th 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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Flow of information for the follow-up to the World Summit on the Information Society (WSIS)

Report to CSTD, December 17 2020

1. Executive summary

The unprecedented circumstances brought on by the COVID-19 pandemic this year has created a great many challenges and uncertainties. Every person and each country has been tackling the situation in their own unique ways, so the contexts for achieving progress towards WSIS outcomes have been as diverse as the methods being found to navigate the shifting conditions. In 2020, APC celebrated its 30-year anniversary, which coincided with the membership-based organisation's triennial member convening[1]. Whereas in previous years, these meetings took place face-to-face, the pandemic resulted in APC's first-ever online member convening, with almost 300 registered participants from around the world connecting through various platforms to a diverse schedule of sessions, workshops and celebrations. In many ways this reflects a recurring pattern in the impact of the pandemic - the challenges have prompted wide-spread innovation, collaboration and acceleration of existing strategies, which could have lasting positive benefits that extend beyond the immediate needs of dealing with Covid-19.

Aside from the many inspiring examples of individual and collective responses around the world, governments have demonstrated that far-reaching policy changes and effective national action campaigns can be mounted in record time, and this trend could be leveraged to continue to address the inequalities exposed by the pandemic, as well as many of the key WSIS outcomes, and in particular in relation to human rights abuse, climate change and environmental degradation. In relation to these issues, APC published its current thinking on the pandemic, identifying several key, interrelated issues that require attention by governments, the private sector and civil society:

- Digital exclusion makes the vulnerable more vulnerable
- The importance of upholding human rights online
- A feminist lens to respond and transform
- Reinvigorated attention to climate action and environmentally sustainable technologies
- Deepening inclusivity and connectedness, and strengthening movement

It has been widely recognised that the pandemic has underlined the vital importance of WSIS objectives around universal access to communications, and this has prompted even stronger calls to address the continued high levels of digital exclusion. The ITU's latest statistics[2] show that growth in uptake of internet services continued to slow in 2019. This is particularly noticeable for developing countries, where for the last three years, per capita mobile broadband subscriptions have remained between 60 and 65 percent, while the least developed and landlocked countries languish below 40%. This is in contrast to subscription levels of over 120 percent in the developed world (due to many subscribing to multiple services.

Clearly existing strategies have not been sufficiently effective in addressing needs for universal access, and the expansion of connectivity to the rest of the world's unconnected population will require a major and concerted global effort leveraging new technologies, approaches and business models, while simultaneously addressing the existing constraints to telecom infrastructure development resulting from limitations in national policy and regulatory environments. Furthermore, aside from the need to address the needs of the unconnected, these efforts are also necessary to bring affordability to the billions of existing subscribers who are 'barely connected' due to the high cost of use, and without which many of the other WSIS goals in the areas of the use of ICT applications will not be effectively achieved.

1 https://www.apc.org/en/news/2020-apc-member-convening-closer-ever
2 https://www.itu.int/en/ITU-D/Statistics/Pages/facts/default.aspx

The spread of Covid-19 related misinformation or fake news over the internet has also underscored that WSIS goals for the extension of the internet to the unconnected and the barely connected will need to be accompanied by sufficient measures from governments and the private sector to ensure that the internet is reliable, affordable secure and free from exploitation and abuses to privacy, online gender based violence, discrimination and other human rights abuses, reinforcing WSIS Action line C10 relating to the Ethical dimensions of the Information Society.

2. Trends and Experiences in the Implementation of WSIS outcomes

Access

As indicated above, growth in connectivity has slowed and almost half the world remain unconnected while attention has continued to focus on deployments of 5G mobile networks, the Internet of Things (IOT), big data and AI, along with the first of many plans launching thousands of Low Earth Orbit (LEO) satellites and other high altitude platforms to provide better internet access. So far these initiatives are either focussed on urban areas that are already well connected, or, in the case of the LEOs, it is too early to have an indication of their value for addressing digital exclusion. While advanced satellite and high altitude systems may offer potential connectivity solutions for isolated areas, these new projects tend to distract from the existing potential (as evidenced by their growing numbers) for rural communities to build their own local access infrastructure using wireless and even fibre technology, in locations where policy and regulatory barriers are conducive[3].

Human Rights

The Covid-19 pandemic has posed additional challenges for human rights and, in some cases, responses by governments have revealed fault lines that challenge international human rights law. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression dedicated a full report[4] to the impact of the COVID-19 pandemic on freedom of expression. In it, he stated that efforts to combat the pandemic are in some cases failing to meet the standards of legality, necessity and proportionality. Although many COVID-19 responses have been considered successful so far, punishment- and control-oriented policies have raised many concerns from a human rights perspective. In particular, excessive collection and disclosure of personal data in the process of epidemiological investigation and contact tracing of people with COVID-19 has resulted in the infringement of digital rights. In some cases, patients' personal data and movements were disclosed, causing them to become targets for hate speech online[5]. While APC recognises that these are extraordinary times, this should not be the basis for human rights violations in online spaces.

More generally, such as in its contributions to the 44th Session of the Human Rights Council, APC has been prioritising the following:

- Raise awareness about the implications that responses to the pandemic have for the exercise of human rights online, particularly in contexts of extreme crackdowns on dissent and stifling of protest.
- Ensuring that the concerns of communities experiencing intersecting forms of discrimination and oppression are reflected in the proceedings, particularly as they relate to participation and inclusion.
- Highlighting threats that information and communications technologies (ICTs), including artificial intelligence (AI), pose to the rights to non-discrimination and racial equality, as well as to freedom of expression, assembly and association.[6]

In this respect APC participated in 2020 RightsCon in July as a valued a convening space to strategise, share and contribute to discussions concerning the protection of human rights in the digital space, in which the key areas of focus were:

- The intersections between gender and ICTs
- Internet governance, ICTs and environmental sustainability
- The value and potential of community networks, in the framework of meaningful digital inclusion
- Shrinking civic space and threats to human rights online.

3 See this APC report for further details of the measures that government actors are adopting https://www.apc.org/en/pubs/expanding-telecommunications-operators-ecosystem-policy-and-regulatory-guidelines-enable-local

4 https://undocs.org/en/A/HRC/44/49

5 https://www.apc.org/en/pubs/covid-19-and-right-privacy-analysis-south-korean-experiences

6 https://www.apc.org/en/news/human-rights-online-human-rights-council-44th-session

In relation to women's rights, APC made a submission to the United Nations Special Rapporteur on violence against women, its causes and consequences, in which APC identifies the nexus between domestic violence and online gender-based violence in the context of COVID-19, drawing on some issues to consider from country-led and regional case studies[7].

In relation to cybersecurity, APC published an explainer this year on a human rights-based approach to cybersecurity[8], putting people at the centre and ensuring that there is trust and security in networks and devices that reinforce, rather than threaten, human security.

3. Outlook

3.1 Innovative policies, programmes and projects

From a technological perspective, there are now many other exciting digital tools available that help to improve connectivity options, including low cost Software Defined Radio (SDR) for GSM/LTE base stations and TV White Space spectrum sharing, mesh networking and long distance low power WiFi, LoRa and HF radio data links. All of these technologies have been tested in the field this year by a number of APC's members and partners operating small/community/non-profit networks1. While they show much promise, their potential to scale and to go beyond trials and demonstrations to widespread deployment is largely hampered by the lack of conducive national policy and regulatory environments which present a number of barriers to these operators.

Fortunately this area has recently gained more attention as APC and its network of members and partners have continued to engage online globally, regionally and nationally with policy makers and regulators to inform them of the potential for community networks to address national universal access and related WSIS objectives and in some cases develop new policies, such as the work APC is supporting with the Communications Authority (CA) of Kenya to develop new regulations around community networks with support from the from the UK Government's Digital Access Programme[9]. Similar work is also taking place in Brazil, Nigeria and Indonesia.

The other important vehicle for awareness raising this year has been the many online events, seminars and workshops organised by actors working in areas related to the WSIS outcomes, including the APC and others, in particular the ITU, UNESCO, ISOC, A4AI, UN-ESCAP. These have seen widespread participation, particularly from the many who would not have otherwise been able to travel to what would have been a physical event. The number of ITU events has been noteworthy, ranging from post Covid-19 policy response strategies and connecting schools to the raising the awareness of the potential for the Smart Villages concept to consolidate demand by taking a 'whole of government' approach to provision of connectivity and digital services in remote and underserved areas. In support of this APC contributed to both the ITU's Smart Villages Blueprint, and the Last Mile Internet Connectivity Solution Guide, published this year. In addition APC has been providing supporting to its partner community networks around the world in their Covid-10 response work and to help document the challenges and innovative solutions they adopted[10].

Africa has a growing civic tech community that focuses on issues such as accountability and transparency, data journalism, citizen participation, and public services monitoring. Since the outbreak of COVID-19, various technologies have been deployed by citizens, civil society organisation, start-ups, private companies, universities and governments to aid the fight against COVID-19. APC Member CIPESA has published a brief[11] on these initiatives based on interviews conducted with civic tech innovations from Kenya, Nigeria, South Africa and Uganda which indicate that there is strong potential for technology to facilitate the fight against COVID-19. Across the continent, the emerging trends include contact tracing, instant messaging, digital governance, information dashboards and predictions and debunking misinformation.

Mitigation of climate change is now top of the agenda, and one of the key strategies in mitigating the environmental impact of digital devices is to treat the devices as part of circular economies. These strategies are not unique to the digital realm, and can be used in all aspects of the economy to reduce the use of

7 https://www.apc.org/en/pubs/covid-19-and-increase-domestic-violence-against-women-apc-submission-un-special-rapporteur
8 https://www.apc.org/en/pubs/apc-policy-explainer-human-rights-based-approach-cybersecurity
9 https://www.apc.org/en/project/supporting-community-led-approaches-addressing-digital-divide
10 See for example: https://www.apc.org/en/news/community-networks-and-covid-19-americas-region
11 https://cipesa.org/?wpfb_dl=362

polluting or exploitative inputs, minimise energy consumption in manufacture and operations, expand the lifespan of devices through repair and reuse, and improve effectiveness of recycling. To help support these strategies, and to solicit feedback and suggestions prior to the publication of the full document, APC has published a preview of a proposed guide to circular digital economies, along with a set of case studies[12]. This forms part of APC's new strategic plan to prioritise support for environmental protection and this years edition of the Global Information Society Watch (GISWatch) focuses on this topic[13].

3.2 Recommendations

The internet plays a crucial role in enabling a flow of information and sustaining communities in times of crisis, and is integral to any disaster management plan. While devastating structural inequalities across the world are being laid bare by the virus, a sense of community and collective resilience are acquiring new meaning and importance. The internet is part of this emerging resilience. Because of this, it needs to be protected as a public good, and human rights must be upheld online in any response to the crisis.

Given the unprecedented circumstances brought on by the spread of the pandemic, we need to take this opportunity to collaborate together and build on international and regional fora such as the IGF to develop strategies to face the challenges, fear and uncertainty of these difficult times. In this respect, as APC pointed out in a recent joint civil society statement, that declarations of states of emergency and other exceptional measures adopted to fight the COVID-19 health crisis should not be used as reasons to restrict civil society access and opportunities for participation within UN spaces.

Given the additional urgency prompted by the pandemic, in respect of achieving WSIS outcomes on access, Governments continue to have the key responsibility to eliminate the key barriers to telecom infrastructure improvements. This should be based on an 'ecosystem' approach with co-ordinated efforts at national and international levels to address all the remaining regulatory bottlenecks currently constraining connectivity growth. APC has published report describing the wide range of actions governments and regulators can take to address these issues[14], centering around the recognition that commercial national network operators can be complemented by a diversity of small/community/non-profit and and social-purpose networks operated by local authorities, small businesses, co-operatives, NGOs and voluntary associations of users. The most important elements here are:

- Establishing appropriate licensing fees for small/community/non-profit network operators and limiting license compliance burdens
- Providing access to sufficient radio spectrum by promoting sharing of the largely unoccupied spectrum assignments in remote areas and making new wavebands available
- Ensuring that small/community/non-profit operators have equal access to voice and data interconnection with other domestic operators,
- Using Universal Service Funds to support the many and diverse local initiatives which can now help to address goals for universal access in under-served areas.

In relation to this APC also continues commit to increasing the awareness of the potential of innovative technology and institutional models for helping the unconnected connect themselves, and to build the capacity of those working to support these initiatives.

In terms of human rights and internet governance related issues, government responses to the crisis should be proportionate and avoid curtailing human rights. In this respect APC recently published the Cyrilla report which calls on courts of South Asia to adopt a rights-based approach in rulings over digital rights cases[15] and makes available a resource that showcases and analyses judicial thinking in Bangladesh, India, Nepal, Pakistan and Sri Lanka on broad questions relating to digital rights and more specifically issues relating to access, privacy and freedom of expression. South Asia was chosen as the region of focus for the report to illustrate how factors such as a diverse population and a mix of linguistic, ethnic and religious considerations play into shaping digital rights through the creation and application of laws and policies.

12 https://www.apc.org/en/pubs/reduce-reuse-recycle-guide-circular-economies-digital-devices-preview
13 https://www.apc.org/en/news/extended-deadline-giswatch-2020-call-proposals-technology-environment-and-sustainable-world
14 See this APC report for further details of the measures that government actors are adopting https://www.apc.org/en/pubs/expanding-telecommunications-operators-ecosystem-policy-and-regulatory-guidelines-enable-local
15 https://www.apc.org/en/blog/cyrilla-report-calls-courts-south-asia-adopt-rights-based-approach-rulings-over-digital-rights

APC has been consistently committed to the development of the Internet governance forum (IGF) since its creation and continues seeing it as the most important international policy area aimed at improving the governance of the internet. In this respect APC continues to commit to strengthening, deepening, improving multi stakeholder approaches to internet governance, capacity building around internet governance, facilitating the participation of different movements and communities (especially from the global south) in internet governance processes.

Finally, APC is committed to expand its human rights work by reinforcing the use of the internet for empowering and increasing capacities in civil society actors to monitor, analyse and advocate towards holding governments and companies accountable for their commitments. Similarly, we commit to continue strengthening the capacity of civil society organisations and activists to effectively use human rights mechanisms and instruments to advance human rights online.