A Gender Review of the GDC Zero Draft

The United Nations Global Digital Compact (GDC) was born in September 2020 on the occasion of the United Nations' 75th anniversary. At that time, states adopted a political declaration where they committed to improved digital cooperation. But importantly, this commitment must be read along with other promises put forward in the declaration, including those of "leaving no one behind", "abiding by international law and ensuring justice", "protecting our planet", and "putting women and girls at the centre".

Building on these commitments, the Secretary-General released his Our Common Agenda report, which proposes a Global Digital Compact (GDC) to be agreed on at the Summit of the Future in September 2024, expected to "outline shared principles for an open, free, and secure digital future for all".

The core principles of the GDC of openness, freedom, and security must be infused with an intersectional gender perspective to ensure that the ongoing digital transformation of our economies and societies can usher in a gender-just world that is affirming to all individuals and their path to self-actualisation.

Below, we provide comments on the GDC Zero Draft, released by the process Co-Facilitators— Sweden and Zambia— in April 2024. These comments are the result of a collective process and seek to advance the centrality of gender issues in the GDC, ensuring that the governance, development, and use of technology is inclusive and benefits women and girls, in all their diversity, around the world. This approach seeks to prevent the deepening of gender inequality and promote equitable access and participation in the digital context.

We applaud many elements of the current draft, including the incorporation of stand-alone principles on gender, human rights, a multi-stakeholder approach, and environmental sustainability. The Zero Draft contains critical language in relation to these principles that must be maintained in the final document. While acknowledging these positive aspects, we wish to highlight areas that demand attention in future negotiations, both in terms of content and language.

General assessment
Effective intersectional gender mainstreaming must be ensured.

- The Zero Draft recognises a stand-alone principle on gender, which we applaud, as well as principles on human rights, multi-stakeholder approach, and environmental sustainability. However, in order to be more effective in mainstreaming gender concerns, the document could be more granular in its approach, inserting gender-specific language under each of the sections covering the GDC's objectives, commitments, and actions. Current best practices in gender mainstreaming are "dual" or "multiple": the gender lens is not only applied as a distinct and independent objective but also incorporated into all aspects of policy and program development. A good example of gender mainstreaming is the 2030 Sustainable Development Goals,[1] which, in addition to having a specific goal on gender equality and the

empowerment of women and girls (SDG 5), establishes the systematic incorporation of gender perspective throughout the Agenda 2030.

- Gender mainstreaming must apply an intersectional perspective that recognizes the differential impacts of multilayered and compounding categories of oppression, such as social class, race, ethnicity, sexual orientation, and gender expression, among others. These identities jointly interact with gender to produce patterns of exclusion. Different sections of the GDC must reflect these critical principles with proper language on rights and agency, participation and inclusion, and harms and risks to women and girls in all their diversity.
- While the draft acknowledges the potential harms resulting from the misuse and missed use of technology, it overlooks a crucial reality: these benefits and harms are not equally distributed. Women currently derive fewer benefits and are disproportionately impacted by risks and harms. Moreover, groups facing intersecting layers of discrimination and exclusion are especially and often severely impacted by these disparities.

A human rights approach should apply to all the GDC objectives and be reflected in commitments and actions.

- The final draft of the GDC must frame all its objectives more clearly within a human rights-based approach, linking all sections directly and unambiguously to international human rights law. The draft could be strengthened to group all mentions of privacy by design, inclusion by design etc, as an overarching frame of 'human rights by design'.
- States have an obligation to ensure respect for human rights in the development and deployment of technology, including emerging technology and AI systems, expressly emphasising the promotion of transparency, non-discrimination and diversity throughout their life cycle.

Risks and harms should not only be mitigated but also, at times, avoided.

- Risks and harms of existing and emerging technology must be assessed, and concrete measures must be identified to mitigate the impact or to halt the development or deployment of technology that imposes a high risk to rights or is incompatible with international human rights standards. The GDC should build on existing international standards, including the Human Rights Council Resolution 48/4[2], and the report from the High Commissioner for Human Rights, both of which call for a moratorium, and possibly a ban, of AI tools "that cannot be used in compliance with international human rights law".[3]
- Potential risks and harms should be assessed comprehensively, including through an analysis of gendered impacts.

The multi-stakeholder principle should be interpreted as an all-of-society approach to participation in digital governance.

- The Zero Draft importantly recognises the principle of multi-stakeholder participation in digital governance and this recognition must be strengthened and specified under its various objectives.

- Particularly, the concept of multi-stakeholder governance must be applied from an all-of-society approach, explicitly recognising not only civil society organisations but also grassroots organisations, movements, and other communities.
- Each and all sections of the GDC, corresponding to its five objectives, should explicitly include reference to the participation of women and girls in all their diversity.

Environmental and gender justice are intrinsically connected and should be reflected through reinforcing provisions within the GDC.

- The final draft should better incorporate provisions on matters of energy consumption, as well as on resource usage and waste management. Environmental considerations based on "techno-solutionism" should be avoided.
- Climate change is a global phenomenon that impacts all people. However, the consequences of climate change are not experienced evenly, and women in developing countries are likely to be disproportionately affected. In light of the pressing contemporary environmental challenges that endanger global populations, particularly women and girls, states must take action to reduce the energy consumption of the Internet and digital technologies, and minimise harm from the extraction of natural resources to build and fuel new technologies.

Mechanisms for follow-up must be streamlined.

- The Zero Draft brings a specific section on follow-up mechanisms. A focus on implementation is critical to ensure that the commitments made are translated into action and practice.
- Specific measures to address the coordination gap between digital fora across subjects of relevance to the GDC, including those at the intersection of human rights and gender equality with technology and infrastructure, should be incorporated.
- The pact must build on existing mechanisms and avoid creating duplication or undermining current spaces and processes. New bodies should only be established after mapping of existing spaces, identification of concrete gaps, and financial feasibility assessments. Attention should also be given to the improvement and enhancement of existing mechanisms based on such assessments.
- Any follow-up mechanisms considered should explicitly include meaningful and continuing participation of all relevant stakeholders to uphold the Pact for the Future and the GDC in particular.

Global inequalities in access to data, capital and technology must be recognised and addressed.

- Explicit commitments should be included in the GDC to close the gap on differentiated access to data, capital, technology, computational power, and skills. This applies not only between countries but also within them.

Assessment of the objectives and their specific language

Objective 1: "Close the digital divides and accelerate progress across the SDGs" and Objective 2: "Expand opportunities for inclusion in the digital economy"
Objective 1 must explicitly include a commitment to address the gender digital divide. As it stands, the draft fails to recognize and acknowledge that women across their diversity are disproportionately impacted.

Connectivity gaps serve as stark reminders of the gender disparities prevalent worldwide. While poverty and inequality exacerbate this issue, it is essential to acknowledge that the digital divide disproportionately affects women populations. Additionally, geographically or socially isolated groups face compounded challenges in accessing connectivity resources. The GDC should acknowledge that providing connectivity for all is part of states' obligations to guarantee the exercise of civil, political, economic, social, and cultural rights. Connectivity policies should be implemented within a human rights framework, prioritising a gender-based and social justice perspective.

Advancing concrete commitments and measurement indicators to bridge the persistent digital divide involves ensuring meaningful connectivity from a human rights perspective. It is crucial to recognise internet access as integral to the right to freedom of expression and to facilitating the exercise of other fundamental rights. Connectivity policies should be developed and evaluated through participatory processes, emphasising transparency, accountability, and diverse mechanisms for infrastructure provision, including community networks. Respect for indigenous groups' self-determination in infrastructure deployment is essential.

The GDC must incorporate provisions urging states to develop digital literacy policies that address urban-rural disparities and integrate a gender perspective. Importantly, these policies should not reinforce the dominance of tech companies from the Global North and should prioritise the utilisation of open-source educational resources. Additionally, the GDC should explicitly state that achieving universal connectivity entails implementing specific measures to ensure full internet access for people with disabilities (PWD). This includes incentivizing the inclusion of PWD in the technology industry, adapting existing digital literacy efforts to accommodate the needs of PWD, promoting the adoption of accessible hardware and software standards, and reviewing intellectual property legislation to facilitate the implementation of such standards and ensure access to all forms of digital content.

We recommend the inclusion of provisions to mainstream a gender perspective in digital skills education through educational policies that are backed up with investments, resources, and clear metrics to track progress (as per SDGs 4 and 5).

Objective 3: "Foster an inclusive, open, safe, secure and sustainable digital space"

We welcome the inclusion of a specific cluster under Objective 3 centred around technology-facilitated gender-based violence (TF GBV). Our recommendation is that the final draft adequately recognise the importance of context, culture, and balance of rights in any proposed responses to TF GBV.

The Zero Draft refers to "harms" in an online context— we recommend consistency throughout the document to refer to harms not only in the online context, but facilitated by technology, also recognizing the online-offline continuum that characterises gender-based violence.

We welcome the introduction of a provision on access to social media platform data to researchers, but urge negotiators to explicitly clarify that such researchers could be affiliated both to academia and civil society, ensuring compliance with data protection standards. The provided data should be representative and recent, with particular efforts to safeguard sensitive information through anonymization. Mechanisms of appeal should be established in case of denied access.

The document should be consistent to incorporate human rights by design[4] obligations to policy-making and tech development and deployment.
We also recommend that the final draft include wording on the commitment to seek alternative incentivised business models to be developed for or by internet platforms that are not based on attention economics and the exploitation of data.

Objective 4: "*Advance equitable international data governance*"

A gender perspective is largely missing from the Equitable Data Governance section. A remedy to this would be to give Gender its own letter subhead, (as the Environment has in 40 d). This would allow accommodation of the issues that are critical yet omitted or underexplored, and are as follows:

- The draft curiously omits provisions on gender-disaggregated data. Gender statistics and the collection of data disaggregated on the basis of income, sex, age, race, ethnicity, among other criteria, are critical to closing the widening digital gender divide, which is exacerbated by the widening gender data gap.
- Greater attention is needed to the reality of differentiated access to data (along with the capital, technology, and skills necessary to leverage the data, differentiated access is a crux of the growing digital gender divide).
- Data protection and concepts of continuous consent need to be added and strengthened.
- Standards, much needed and referenced, could in a stand-alone subheading refer to gender-responsive standards, as all international standards development bodies and regional standards development bodies have signed UNECE's Gender Responsive Standards Initiative.
- The meaningful participation of women and girls in all their diversity in data governance fora should be strengthened.

There is opportunity to strengthen the current idea to "Adopt regulations to provide high-quality data infrastructure and systems that prevent gender bias" and go further to call for a Global, perhaps UN-led, action to proactively produce quality, unbiased datasets. We know data is at the core of the Digital World, and current data has primarily been collected on a small demographic subset, thereby rendering most of the world population invisible. The Global Digital Compact is an opportunity not only to mitigate but to course correct and create a new digital future with a vision.

Objective 5: "*Govern emerging technologies, including Artificial Intelligence, for humanity*"

Structural levers for governance that can help deliver on the promises of Artificial Intelligence for humanity lie within enhanced gender-disaggregated data collection, advancing gender-responsive standards, and the development of gender-responsive public procurement policies. Regarding the meaningful participation of women and girls in all their diversity at new

emerging technology governance tables, we bring your attention to the Zero Draft of CEDAW's General Recommendation 40 on Women's Equal and Inclusive Decision-Making[5], which will come into force in October 2024.

Referenced in the General Assessment, the final draft must strengthen human rights references. The use of 'Human Rights by Design' or 'Human Rights-based approaches' as synchronised language, in addition to the current ethical references, is strongly encouraged.

Finally, academia and the Global South need "compute" to enable both research and development of new technologies at innovative and competitive levels. It is not enough to "(ii) support the development of compute capacity that can apply existing AI models to localised data sets". Compute capacity must be actualized for both the Global South and academia in order for experimentation on and invention of new models to be developed.

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[1] General Assembly Resolution A/RES/70/1
[2] Human Rights Council Resolution 48/4
[3] Report from the High Commissioner for Human Rights
[4] On "Human Rights by Design"
[5] CEDAW's General Recommendation 40 on Women's Equal and Inclusive Decision-Making