

Global Digital Compact - Feedback Form

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Affiliation*

Members of the Greater Internet Freedom Consortium (Internews, International Center for Not-for-Profit Law, EngageMedia, Derechos Digitales, Droits Humains San Frontières, Zambian Cyber Security Initiative Foundation, Rudi International, Tech4Peace, Balkan Investigative Network, InternetLab, DefendDefenders, Metamorphosis Foundation for Internet Society, MISA Mozambique)

Type of organization/group*

Civil Society

Region

Global

Do you consider that key priorities for a Global Digital Compact are captured in the structural elements circulated?*

Disagree

If you selected 'disagree' or 'strongly disagree' please specify which different or additional priorities should be addressed in the Global Digital Compact.

While the elements cover the most critical priorities, it is structurally unclear how the GDC process will relate to and integrate with other global internet governance mechanisms. There is no mention of the Tunis Agenda, the Internet Governance Forum (IGF), World Summit on the Information Society (WSIS), or other internet governance mechanisms in the current elements. Omitting these mechanisms could create the impression that the GDC is a standalone, new process for global governance rather than an integrated component of a larger ecosystem.

In addition, the overarching themes do not adequately address the core power imbalances in the Digital Age, such as the ubiquitous influence of large technology companies and the systemic disadvantages faced by Global South countries due to lack of inclusion in internet governance processes and poorly developed digital infrastructure. We believe the GDC should provide a framework to adequately and fairly solve these systemic issues.

Section 2: Principles. Please provide comments and recommendations, if any (limit 1,500 characters)

Suggested Additions: 1) Avoid duplication with other global processes; 2) Enshrine the digital commons as a global public good; 3) Adoption of new tech and digital literacy initiatives should seek to empower marginalized and vulnerable communities; 4) The right to privacy and data protection should be the foundation for all digital initiatives and use of technologies; 5) Emphasize the role of the Global South, including island nations, as well as the importance of localization.

Suggested edits: 1) Address closing the gender digital divide/gender mainstreaming in a separate principle; 2) In P3, include specific reference to the legality, necessity, and proportionality principles; 3) Innovation must be for the benefit of all, and new technologies must be designed and deployed in an inclusive, open, safe, and secure manner. The rush to innovate should not increase the potential for harm and abuse; 4) In P6, add the word meaningful; 5) In P7, add human rights respecting; 6) In P8, data governance laws should not be harmonized only for the sake of interoperability, they should advance personal data protection and privacy while complying with the principles of legality, necessity, and proportionality; 7) In P9, note that AI is already a reality, not a future technology; 8) In P10, add the ICT sector. Also, the current wording suggests separate roles/responsibilities for each sector. Instead, emphasize multistakeholder collaboration and meaningful inclusion of all stakeholders.

Section 3: Commitments. Please provide comments and recommendations, if any (no character limit)

Under “Closing the Digital Divide:” 1) Promoting digital public infrastructure must include mechanisms for multistakeholder participation, transparency, and accountability, particularly during the funding of DPI projects in order to mitigate the misuse of funds; 2) It is not enough to commit to increased connectivity and digital literacy, there must be dedicated funds and investments that are monitored and managed transparently and accountably through multistakeholder participation. In the Global South, for example, universal service funds have been an important mechanism to address the digital divide, but the lack of transparency and accountability in the management of the funds has led to misuse and has not adequately addressed barriers to connectivity; 3) Although gender is mentioned in the Principles, the commitments section has no mention of gender or gender mainstreaming. Closing the digital divide requires a gender-based lens to ensure equitable solutions; 4) Access to digital technologies and innovation must respect human rights, and the priority should be to facilitate meaningful connectivity in a rights-respecting manner, not unrestricted, potentially harmful innovation; 5) Policies and funding also need to consider increasing access to mobile devices. For example, SIM card registration requirements linked to national ID or digital ID databases place disproportionate and undue barriers to connectivity, particularly for historically marginalized communities. Likewise, building infrastructure for connectivity in places where mobile devices are unaffordable will not adequately address barriers to access; 6) Global investments in connectivity must also consider how to allocate special resources to hard-to-

reach localities and areas of conflict; 7) There should be reference to indigenous communities in this section. Specifically, the commitment should require that stakeholders consider the technological autonomy and right to self-determination of indigenous communities by using community-centered approaches and direct engagement with indigenous peoples when determining how and what type of access is provided; 8) Investment in literacy, skills, and capacity-building should be done through formal and informal education, involving both educational institutions and civil society. To prepare youth to navigate the complex digital environment competently and safely, education must include a strong focus on digital and media literacy, digital hygiene, digital citizenship, and ethics. This entails educating students about responsible and ethical technology use, including issues related to online privacy, cybersecurity, and digital rights; 9) State that adherence to human rights standards is not an obstacle to sustainable development and closing the digital divide, but instead mutually reinforcing and a driving factor as to whether development is indeed sustainable and equitable.

Under “Fostering an inclusive, open, safe, secure digital space:” 1) Mainstream gender, and include reference to other genders, not just women, as well as other vulnerable groups, including the elderly and people with disabilities; 2) Restate that efforts to protect national security/cybersecurity are compliant with the UDHR and ICCPR and must be carefully balanced with the interests of the public to have access to an open, safe, and secure online civic space free from disproportionate restrictions to privacy and expression; 3) Provide a definition for information integrity and restate that government measures to address information integrity must respect human rights by aligning with the legality, necessity, and proportionality principles; 4) Consider addressing malinformation alongside misinformation and disinformation; 5) Include reference to digital literacy and resource support to the elderly, an extremely vulnerable group that is at increased risk of data breaches and online scams when accessing digital services; 6) Include specific reference to enhanced capacity-building for policymakers, judges, and other legal professionals to ensure respect and protection of human rights online and offline. Policymakers need to improve their understanding of internet technologies, the infrastructure underpinning them, their modalities and business models if they want to make informed policy decisions and design appropriate regulatory frameworks.

Under, “Advancing Data Governance:” 1) The balance between the right to the free flow of information and the right to privacy is very delicate. Facilitating cross border data flows should not come at the expense of personal data protection, and data localization requirements should not be so broad as to disproportionately restrict the rights to expression and access to information. Therefore, the principles of legality, necessity, and proportionality should be embedded into data governance frameworks, including trade agreements, cybersecurity laws, and data privacy regulations. As currently worded, this section is too broad and could lead to diverse interpretation, hindering effective global cooperation in the field of data governance; 2) Trade agreements must align with the commitments outlined in the GDC, including adherence to human rights standards. Often, the interests embedded in trade agreements, especially those with arbitration requirements, have the effect of superseding normative frameworks. This is particularly problematic when the private sector has an outsized influence in trade negotiations with minimal transparency or public participation; 3) As with other fields, this section should emphasize the importance of formulating policies with a gender

lens; 4) Emphasize that multistakeholder participation and global cooperation are essential to data governance; 5) To effectively harness data and facilitate interoperable and accessible data standards, add language that emphasizes the importance of open data and access to information principles; 6) Include commitments to utilize sustainable technologies and practices for data transfers, storage, and processing to minimize environmental impact; 7) Ensure any commitments related to digital transformation and cybersecurity measures explicitly require upholding the rule of law, the right to freedom of expression, and accountability; 8) Include a commitment to promote efficient and secure e-government services through optimizing procedures, strengthening cybersecurity measures and data protection frameworks, and fostering interoperability among government institutions.

Under “Governing Emerging Technologies:” 1) Mitigate potential human rights and safety harms and adopt effective safeguards, including redress mechanisms; 2) Promote rights-based principles for the development and use of AI and emerging technologies, emphasizing the inclusion of communities and individuals with diverse backgrounds to cultivate relevant technical, social, and legal expertise; 3) Establish and implement regulations to ensure accountability, transparency, inclusivity and safety in the usage of AI systems in a way that is also respecting human rights, democratic values, and the rule of law; 4) Foster public awareness and education of AI and emerging technologies to mitigate technophobia and misinformation; 5) Foster international multistakeholder dialogue and collaborative efforts with the participation of governments, academia, civil society, technical community and business sector to ensure the responsible development and application of AI and emerging technologies; 6) Support stakeholders in making joint efforts to translate and adapt developed global AI principles and values into actionable measures and effective implementation; 7) Ensure equal and just distribution of the benefits of AI, also considering its impact on marginalized communities; 8) Invest in research aimed at comprehending the societal repercussions of emerging technologies and mitigating associated risks, and establishing mechanisms on addressing the impact of generative AI on human rights and democratic institutions.

Section 4: Follow-up. Please provide comments and recommendations, if any

1) Monitoring of implementation should be adequately resourced and happen through a meaningful multistakeholder framework that is inclusive, transparent, and accountable. Existing models, like that of the Open Government Partnership, could provide valuable lessons for effective co-creation of commitments and the monitoring of achievements; 2) Under foster partnerships, add regional partnerships; 3) Under inclusive and transparent, add accountable; 4) While it is important to build off of global internet governance achievements to date, the GDC process should not only build off of, but should also integrate with existing mechanisms in order to adequately ensure deduplication of efforts. It is also important to specify the relevant mechanisms (e.g., WSIS, IGF) so this commitment can be effectively tracked; 5) Companies should commit to responsible decision-making, accountability, and human rights safeguards, including by implementing the UNGPs and the Global Network Initiative (GNI) Principles. The GNI framework, for example, already outlines actionable corporate commitments to human rights, such as comprehensive human rights due diligence processes, engagement with relevant stakeholders, meaningful transparency, and appropriate oversight by senior management and boards of directors; 6) Monitoring should include feedback loops and publication of open data in

order to transparently demonstrate progress and impact; 7) In addition to knowledge sharing, there should be resources for capacity building and skills development for low-resourced stakeholders so they can more meaningfully participate in global internet governance and monitoring. Priority might be given to stakeholders from the Global South, island nations, indigenous communities, and historically marginalized and grassroots communities most vulnerable to the risks posed by digital technologies.