

Global Digital Compact - Feedback Form
The Co-Facilitators in their letter dated 23 February 2024 shared structural elements for a Global Digital Compact.

Call for inputs -

https://www.un.org/techenvoy/sites/www.un.org.techenvoy/files/240223_Co-Facs_Invitation_Letter_Second_Round_Consultations_FINAL.pdf

Type of organization/group *

Civil Society

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

Strongly Agree

Agree

Neutral

Disagree

Strongly Disagree

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

The priorities do not clearly link the GDC to other spheres of participation in the internet governance system and technology, especially the UN system. Processes and principles established since WSIS, including the relevance of the IGF, are not duly recognized. Despite some follow up items such as to build on existing mechanisms and avoid duplication, the structure presented does not engage with these initiatives and could be understood as a standalone initiative, adding to existing fragmentation that prevents tackling the challenges and potential of our digital future. The proposed structure does not address the challenges to equitable and meaningful participation of civil society in technology decision-making processes.

This requires also a more structured vision of multistakeholder spaces, making it possible for CSO to engage in meaningful participation, especially from the Global Majority.

A human rights-based approach is essential for technology development and regulation. Despite the declaration of a specific principle to promote and protect human rights, we understand that human rights should be cross-cutting and specific, not only reiterating commitments to the UDHR. Freedom of expression and privacy are critical for enabling other rights.

The structure lacks a real commitment to gender mainstreaming. To ensure concrete commitments to protect the digital rights of women and LGBTQIA+ people, it should incorporate a gender perspective as a central element. This perspective should be incorporated in a dual or multiple manner to ensure that it is not only incorporated into all aspects of the compact, but pursued as a stand-alone objective. For instance, the SDGs for 2030 that establishes SDG 5 as a specific goal, and within a systematic incorporation of the gender perspective throughout the SDG agenda. Also, initiatives must promote actions aimed at guaranteeing a digital space free of TFGBV from an intersectional perspective ensuring balance of rights.

Section 2: Principles. Please provide comments and recommendations, if any

P1. Recognize the complexity of these divides, which to a large extent are a reflection of existing structural inequalities within and between countries, and which are further exacerbated by the various digitization processes. Mainstream a gender perspective. We recommend both to have the mention of closing gender divides as a separate principle, and also to add clear commitments regarding gender lens.

P3. Add the principles of legality, necessity and proportionality as standards to address any conflict of fundamental rights.

P5. Innovation should not put human rights at risk. A specific and precise reference to mitigation and accountability, such as due diligence as tools that are needed to mitigate risks and harms, as well as the importance of mentioning control and accountability mechanisms. We also consider that innovation should be linked to the SDG's principles to address inequalities and power imbalance between the Global North and South. Add reference to Business and HR principles. P6. Inclusive access is

not enough to address all the challenges. Add meaningful connectivity and community-based connectivity with a holistic approach focusing on availability, affordability, and accessibility of telecommunication services. Community-based networks are key to extending access to the internet. Add technical autonomy and self determination, as internationally recognised in the case of indigenous communities.

Section 3: Commitments. Please provide comments and recommendations, if any

C1 - "Closing the Digital Divide": Recognize the complexity of these divides, which to a large extent are a reflection of existing structural inequalities within and between countries, and which are further exacerbated by the various digitization processes. Gender mainstreaming - gender divides just in principle, not in commitments. As mentioned above regarding the principles, we understand that the Compact needs to mainstream a gender perspective also in the commitments. In this sense, we recommend both to have the mention of closing gender divides as a separate principle, and also to add clear commitments regarding gender lens.

C2 - "Fostering an inclusive, open, safe, secure digital space": We understand that this commitment should mainstream a gender perspective and include reference to other genders, not just women, as well as other vulnerable groups. Also address what the Compact understands as information integrity, mostly in order to prevent this term and vague definition being disproportionately used against freedom of expression and other human rights.

C3 - "Advancing Data Governance": Add the principles of legality, necessity and proportionality as standards to address any conflict of fundamental rights, and should be embedded into data governance frameworks, including digital trade agreements, cybersecurity laws and conventions, and data privacy regulation. Cross border data flows should not come at the expense of personal data protection. Also data localization requirements should not be so broad as to disproportionately restrict the rights to expression and access to information.

C4 - "Governing emerging technologies, including AI, for humanity": The Compact should advance agreements on AI mostly regarding the respect for human rights. Current shortcomings in regulation and risk assessments are followed by an AI policy debate heavily skewed towards voluntary standards and self-governance, disregarding power imbalances and informational asymmetries. In this sense, as expressed by the UN High Commissioner for Human Rights (A/HRC/48/31), Member States should: (a) Systematically conduct human rights due diligence throughout the life cycle of the AI systems they design, develop, deploy, sell, obtain or operate. A key element of their human rights due diligence should be regular, comprehensive human rights impact assessments; (b) Dramatically increase the transparency of their use of AI, including by adequately informing the public and affected individuals and enabling independent and external auditing of automated systems. The more likely and serious the potential or actual human rights impacts linked to the use of AI are, the more transparency is needed; (c) Ensure participation of all relevant stakeholders in decisions on the development, deployment and use of AI, in particular affected individuals and groups; (d) Advance the explainability of AI-based decisions, including by funding and conducting research towards that goal. Commitments regarding the sustainability of AI and emerging technologies are needed.

Regarding Principle 7. AI must be in compliance with all human rights. Any interference with the right to privacy and other human rights through the use of AI is provided for by law, pursues a legitimate aim, complies with the principles of necessity and proportionality and does not impair the essence of the rights in question. We recommend emphasizing human rights in AI development, promoting diversity throughout AI lifecycles, encouraging multi-stakeholder decision-making, establishing monitoring mechanisms, developing accountability standards, and fostering collaboration for equitable AI growth.

Regarding Principle 8. Data protection is a fundamental element of the right to privacy, recognized at international and regional level, or as a fundamental right in national law. Any mention of data governance must bring with it the notion of data protection and the human rights related to it. We recommend reframing the principle, since it does not capture essential elements for the protection of human rights. Cross border data flows and the standards about it should not undermine privacy and other related human rights. We recommend that data interoperability

should be connected to the protection and explicitly recognizing human rights safeguards in the text.

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

1. Multistakeholder follow-up mechanisms are needed. We recommend that the implementation monitoring mechanism should take into account a meaningful multistakeholder framework. For that, principles of inclusivity, transparency, and accountability should be fostered in the Compact.
2. Meaningful participation and prior consultation to indigenous peoples, as stressed in indigenous conventions as a free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, and in accordance with the principle of self-determination.
3. GDC should not only avoid duplication of efforts, but also integrate with the spaces and efforts that are already in place, seeking articulation and complementarity with WSIS, IGF and other mechanisms, fostering the tracking and integration of these different experiences. For instance, IGF is a central piece of the internet governance ecosystem, while the United Nations Group on the Information Society is an inter-agency created on the WSIS process to advance policy coherence and programme coordination on matters related to ICTs.
4. Accountability and access to information. Review mechanisms must ensure accountability. All member states, UN agencies, and multistakeholders taking up responsibilities have to report back on their progress, and are accountable to the people to uphold these commitments. Access to information in the follow-up mechanisms. Processes within the GDC and beyond must be transparent and accountable to all affected parties, including transparent information related to financing the projects.

Any additional comments

The Compact should be aligned with a more holistic approach to human rights in the digital age, dealing with the digital divides that increase structural inequalities that already exist. Numerous reports from CSO and various human rights mechanisms,

such as OHCHR, show us the constant violations of human rights. These aspects must also be taken into account when agreeing on the digital aspects of our future.

There can be no trade-offs between development and human rights. Sustainable development must respect human rights. This is the only possible way to overcome local and global inequalities. Concrete commitments and mechanisms for cooperation to achieve the objectives, including the digital divide. Member States must not allow a closed internet. Exacerbated centralization of multilateralism in this case, will result in not achieving the very core objectives of the Compact. It should adopt a multistakeholder vision of internet governance, data and new technologies, such as AI.