

Internet Governance Forum ESHIR

ESHIR issue team 1 November 2021

Pre Session Key Points

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Moderator: Courtney Radsch, MAG member (civil society)

Rapporteur: June Parris (Observer: Former MAG member)

About this Session

Facilitated by MAG Issue Teams ESHIR

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PART II [14:30-16:00 UTC]

Economic and social inclusion and human rights

While the topic of economic and social inclusion and human rights is not new to internet governance, this issue area has been gaining strength as compared to previous IGFs. This was also reflected by the total number of workshop applications received (34%), which made this the issue group with the highest number of submissions. On the one hand, the increased importance of inclusion and human rights as compared to previous years may be attributable to middle to long term tendencies as is also reflected in the UN Secretary General's Road map for digital cooperation that identified inclusion and human rights as central to digital public goods. On the other hand, however, this new trend might at least partly be attributed to the disrupting effect of the still ongoing covid-19 pandemic. Social and economic consequences have affected societies to different extents and stressed the need to rethink the values that we want digital technologies and the internet to serve.

High-level speakers from government, business, academia and civil society will discuss emerging trends, challenges and opportunities. How can the rising significance of inclusion and human rights in societal debates and public awareness be explained? What new risks have emerged since the pandemic? How can we use new opportunities offered by digital technologies and the internet for positive change? And to this aim, what governance strategies should international organizations, governments, civil society and business adopt to promote inclusive societies (e.g. sustainable development, education, health) recognising the needs of vulnerable and marginalised groups and at the same time prevent new harms and risks to civil and political rights (e.g. data privacy, freedom of expression, new forms of surveillance and manipulation of behaviour by private and state actors,

AI ethics, hate speech, child protection)? What is the role of the IGF to promote economic and social inclusion and human rights?

Agenda

Introductory remarks by moderator / MAG member, welcome to the audience, short description of topic and introduction of speakers (5 minutes)

First block - Trends, new opportunities and risks (35 min)

- Short input talks of 4 speakers / panellist, 4 min per speaker (16 min)
- Possibility to respond to other speakers' inputs, 2 min per speaker (8 min)
- Poll, ranking the top risks and opportunities identified by panellists
- Questions from the audience (10 min)

Second block - Possible governance strategies to promote inclusion and human rights, including the role of the IGF (35 min)

- Short input talks from speakers / panellists, 4 min each (16 min in total)

Confirmed Speakers:

Alex Walden, Global Head of Human Rights, Google,

Amalia Toledo, Wikimedia Foundation, Tech, Law & Policy Fellow

Bob Fay, Managing Director of Digital Economy at the Center for International Governance Innovation in Canada

Thea Anderson, Director, Responsible Technology, Omidyar Network

Moderator: Courtney Radsch, MAG member (civil society)

- Possibility to respond to other speakers' inputs, 2 min per speaker (8 min)
- Poll, ranking the top governance strategies identified by panellists
- Questions from the audience (10 min)
- Final discussion among audience and panellist (15 min)

Short summary of main points by the moderator and outlook to the main session at IGF 2021 (5 min)

Description

The session was introduced by the moderator. The audience consisted of 55 attendees at the highest point.

Key Points from the Preparatory Phase

There were two main blocks discussed during the session: 1) New trends, opportunities and risks and 2) possible governance strategies to address these trends

1) New trends, opportunities and risks

Political and civil rights occupy a central role in the public discourse. This is not without reason - during the Covid-19 pandemic new forms of data collection and analysis have given rise to concerns of excessive surveillance activities by state actors.

Cultural and socioeconomic rights are, however, important, too, as they hold the potential to use data for promoting the common good, e.g. socio-economic development, education, and health. These rights are often implicitly addressed in the work done by various actors even if they are not discursively as prominent. Public health authorities for instance can benefit from trustworthy data collection. If individuals feel that their data is protected, they are more likely to contribute their data for the promotion of the common good such as for instance public health. The pandemic showed how dependent we are on digital technology. What also became apparent was how we depend to different degrees on digital technologies. Furthermore, the pandemic created new inequalities and increased the distribution divide.

Public discussion on **data creation, collection and use** have increased significantly since the start of the Covid-19 pandemic, which have reinforced existing concerns. There are three main concerns: 1) Data that is (mis-)used for **mass surveillance** of citizens and 2) datafication of everything - information, behavior, and sentiments, and the lack of individual or collective input into whether there should be limits on what can be datified 3) **manipulation** of people's individual behaviour and choices through governments and private companies for political purposes and financial profits.

Both state actors and private tech companies can be involved in mass surveillance and manipulation of individual behaviour through tracing apps, social media etc. The discussion moved from "can tech do it" to "**what are its implications?**"

The pandemic has shown the importance of human rights and brought these topics into public discourses. In order to protect people against misuse of their data for surveillance and manipulation purposes, it is necessary to enforce their **right to privacy, freedom of expression and information, among others**. This is why the respect for civil and political rights is central to the discussion about data privacy and data protection.

There are **growing global movements advocating for the respect of human rights in the digital sphere**. More and more people are willing to contribute their time and skills to give marginalized groups a voice and promote gender justice, freedom of expression, free access to information, and data privacy, among others.

The internet and digital technologies have helped to get the voices of many civil society actors heard. A free internet and information is key for knowledge sharing. **Knowledge is power - and vital for the promotion of human rights**. However, persons advocating for change often become the target of on- and offline violence and forced to silence. They need to be protected in their vulnerability.

The size of private companies may influence how they address the need to respect human rights in their **business practices**. Recently, companies are becoming increasingly aware of their social responsibility and their duty to respect human rights.

2) Possible Governance Strategies

Governments are accountable that human rights are respected, including by the private sector.

There was a general consensus that governments have to be **inclusive** and that there should be **international coordination** with shared ideas for society to fight injustices and human rights abuses.

There is a need of reaching an **international legally binding agreement** on the use of the internet, digital technologies and data in specific that is **in accordance with already existing human rights frameworks**.

Obstacles: National security issues and market competition of private companies often stand in the way of an international legal framework that could guide future use of the internet and digital technologies. In addition, there is sometimes a state-private company nexus where governments collect data that is sold to 3rd parties for financial services. The finding of international agreements to solve global problems are thus blocked by profit-making interests of companies and national governments unwillingness to give up political control over their citizens.

Multi-stakeholder does not automatically mean that processes are representative. Some people are more vulnerable and likely than others to be left out - governance efforts should be aware of this fact. > Who is not represented and why? Ideally, governance should be both **multi-stakeholder and representative**.

Data governance needs to respect human rights: Personal data should be individualized and the individual should have control over what happens to data. Human rights need to be at the centre of discussion on data. There needs to be a shift from “what am I doing with my data” to “**human rights that are always with me, no matter what I am doing.**” Protection of individual data and the right to privacy should always be present by default, independent of individual behaviour. Governments and civil society need to collaborate to ensure that citizens have access to a fair and accessible internet and that human rights apply to data that is collected and stored.

Governance mechanisms should take into account our shared vulnerability as humans - and focus on the protection of human rights norms that aim to safeguard human dignity in all its aspects. **Those who dare to speak up are often the most vulnerable to online and offline violence.**

There is a need for “**responsible technology**” that is in accordance with human rights - as an alternative to “trust”? As a side note: The discussion so far (see e.g. IGF 2020 & 2019) was centred around trust based on the assumption that people need to trust technology in order to use it. Is there a new discourse emerging advocating for responsible technology that respects human rights in order for people to use it?

Governance can happen on many levels: Individual companies need internal guidelines, sectors and industries need sector wide agreements and governments may need to provide regulation for creating digital ecosystems that are in accordance with human rights.

Although private companies such as Google and others said they attempted to create solutions to growing concerns of data misuse, there is a political need to reach out to other stakeholders and civil society and search together for solutions on a global level, and consider whether certain business models are fundamentally incompatible with human rights and economic inclusion.

Market failures need to be addressed through adequate governance measurements. In many cases companies also benefit from regulation, e.g. copy-right protection.

“Who holds the power?” Up to now mostly governments and the private sector. Technology needs to be designed with a **human-rights focus**, e.g. data privacy and non-discrimination.

Horizontal governance as opposed to vertical governance that tends to concentrate power on the top.

Community governance is another model worth exploring, such as lived e.g. by Wikimedia. This is a community-driven approach that is based on commitment to a cause such as knowledge distribution and protection of human rights standards. Community governance represents a bottom-up approach where people are part of the project. Anybody who is interested can participate.

Internet censorship poses a risk to freedom of expression and to economic inclusion.

The terms polycentric model and sandbox were referred to in the discussion. **Polycentric governance** can be understood as consisting of different levels that are connected across sectors. Polycentric governance is trans-sectoral connecting different actors and topics and follows a multi-stakeholder approach that should be as representative as possible. **Regulatory sandboxes** allow a limited set of actors to experiment under a set of regulations that are not yet implemented and observe implications. If positive, the measurements can be upscaled.

MAG ESIHR Team