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Attn:

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Re: Inputs for the CSTD WSIS Progress Report 2016

Please find herewith our inputs towards the elaboration of the annual report of the Secretary-General to the Commission on WSIS outcomes as per the resolution on "Flow of Information for the Follow-up of the World Summit on the Information Society".

With over 50 member NGOs in more than 35 countries working for the last 25 years in most of the areas related to the WSIS goals, APC's activities in support of the WSIS action lines and themes are many and diverse. They can be summarised as: a) promoting universal access to ICTs, and b) supporting rights-based, inclusive ICT-related policies, particularly where they affect women, the poor and other marginalised communities in the developing world.

In this respect, APC's post-WSIS related activities are focused on: affordable internet access for all; defending human rights in the internet sphere, particularly in support of freedom of expression and protection of privacy; securing gender equality and women's rights, particularly in relation to ending violence against women; ICT use which sustains the environment; use of emerging technologies for social change; building the "information commons"; and improving governance, especially internet governance. To support these goals, APC engages over five interrelated areas: research, advocacy, network building, capacity development, and strategic communications and outreach. This approach, combined with our longstanding prioritisation of linking "practice" to

policy advocacy, and linking local to regional and global activities through our network of national and programme members and partners, puts APC in a unique position to provide inputs for the development of the post-WSIS agenda.

1. Executive summary

As noted in previous APC submissions, many important ICT developments have taken place since the WSIS, so the WSIS Action Lines and Targets and the activities to support them may need adaptation to take the new dynamics into account. Of particular note in this regard is the almost universal adoption of mobile telephony and WiFi-enabled smart phones, the widespread use of social media and cloud computing, the emergence of the "internet of things", as well as many instances of mass surveillance, invasions of privacy, cyber attacks and online abuse. All these developments bring up new issues or amplify old ones (such as freedom of expression, access to information or hate speech).

Overall, on the one hand, it can be observed that national policy environments lag behind technology development and continue to be a major constraint to the progress of many WSIS goals; while on the other hand, the emergence of regressive laws regulating the internet, in particular in response to terrorism and national security threats, can also be observed in all regions, where new legislation is being proposed to fill legal loopholes. Ensuring better ICT access will ultimately depend on a variety of important policy decisions, but some of these may not be easy to make for politicians, and thus require public consultation and input from civil society, the technical community, and others with expertise.

A key area of action that APC sees as vital for ensuring universal access is in better use of radio spectrum, which is also closely related to improving support for community networks – an area the APC has been championing since its formation in the early 1990s as a network built by a community of NGOs. The potential for local communities to build their own community infrastructure is gaining increasing attention as a key potential for meeting universal access goals. As was heard repeatedly at the 11th IGF, if the policy and regulatory environment is made more conducive, community networks offer a strong potential prospect for the next billion to simply connect themselves.

Appropriate policies may actually be present in many cases, but progress is often constrained by limited implementation or enforcement. In addition, limits on access to information imposed by intellectual property regulations which are included in trade agreements are a particularly grave issue at the moment, and could have severe impacts on the ability of developing countries to emerge from poverty.

Harnessing the potential of ICTs is essential to the implementation of the post-2015 development agenda, which is why it is so important that the 2030 Agenda for Sustainable Development calls for the provision of "universal and affordable access to the Internet in least developed countries by 2020." The Technology Facilitation Mechanism will be important for contributing to this goal and potentially linking the Sustainable Development Goals (SDGs) to WSIS+10 follow-up.

Civil society's role in all this is particularly important. Aside from providing relevant expertise, often from the "coalface" of work with local communities, civil society's function in public awareness raising is critical in putting pressure on the political process that will determine our ability to provide universal affordable broadband and other means for harnessing ICTs to help meet the SDGs.

2. Trends and experiences at national, regional and international levels

A variety of trends have recently become evident in stakeholder participation in ICTs for development: a) growing divergence among stakeholders concerning the role of government in WSIS-related strategies (including among different government stakeholders); b) insufficient participation in WSIS follow-up by international agencies concerned with human development (as opposed to technology); and c) the changing nature of private sector participation – in particular the growing dominance of a small number of primarily US-based transnational enterprises in the provision of internet access services, content, software and ICT equipment, as well as an increasing number of charitable “connect the next billion” initiatives by commercial companies.

In this respect APC observes that most attention is being paid to connecting more people, while there are still billions who are “barely connected”, with expensive and patchy services. Better connectivity is not simply a matter of improving the coverage of mobile broadband services, but also of improving their affordability.

2.1. Human rights on the internet and internet governance

Threats to human rights on the internet continue to increase, yet at the same time in the past year there have been some positive developments to advance internet rights. At the national level, courts and legislatures have continued to grapple with complex policy matters that impact internet rights. However, the advancement of international norms and adoption of legislation that recognises human rights online do not necessarily mean that internet rights are being effectively promoted and protected. Indeed, violations of human rights online are a continuous reality despite progress. In particular, we have seen: escalating threats against human rights defenders who use the internet in their work, in particular people who identify as LGBTIQ and those working on LGBTIQ issues; new forms of violence against women online; and ongoing online censorship.¹ Some governments are restricting access to content from outside their territories and suppressing content originating in their territories, in contravention of international human rights instruments, while other governments are taking the extreme step of actually switching off the internet entirely, or blocking popular apps, during times of potential civil action.

APC is also concerned about widespread communications surveillance by governments, both targeted and at a mass scale; the increasing use of personal data by commercial enterprises to maximise business revenues; as well as surveillance by other non-state actors and even state-supported “hacking” of government and private computer systems. These developments threaten public confidence in ICTs and especially the internet, and could in particular inhibit the use of cloud computing. They also raise the risk of data becoming available to criminal organisations and so increase the vulnerability of electronic commerce. Recent moves from some governments to weaken encryption standards and build backdoors into communications networks is particularly concerning in this regard.

While further coordination on identifying cyber threats and building cybersecurity awareness and expertise is important, it is equally important that the development of cyber policy include all stakeholders and respect human rights by design. Responses to cyber threats should not simply be

¹For specific cases and in-depth analysis of these issues, see the Global Information Society Watch reports from 2011, 2013 and 2014: <http://giswatch.org/en/2011>, <http://giswatch.org/2013-womens-rights-gender-and-icts>, <http://giswatch.org/2014-communications-surveillance-digital-age> as well as the GISWatch special report on Turkey: <http://giswatch.org/global-information-society-watch-special-report-2014-internet-rights-went-wrong-turkey>

framed as national security issues which can be used to erode human rights. Therefore, we highlight the importance of the newly launched “Recommendations for human rights-based approaches to cybersecurity” from the Freedom Online Coalition.²

APC's view is that multistakeholder participation in internet governance is not an end in itself, but is a means to achieve the goal of inclusive, democratic, transparent and accountable internet governance that enables effective policy making so that the internet is reinforced as a tool to advance human rights and democratisation. We view global internet policy debates, such as the WSIS+10 review process, as an opportunity to strengthen efforts to improve and democratise the governance of the internet, as well as to help restore trust in the internet governance ecosystem.

The IGF has continued to mature and demonstrate its relevance under challenging conditions, and as such is an important internet governance space. The 11th IGF in Guadalajara was the first one after its mandate was renewed for another 10 years. It continued to be a valuable space to address the evolution of the internet governance ecosystem in terms of the relevant issues, spaces and policy developments. The IGF has evolved to include regional, national and global processes linked to the UN, but is also independent. It is far from perfect, but its value should not be underestimated. In this respect APC sees the IGF as a key forum for internet-related public policy issues, such as the challenges described above, to be debated. But we also believe that the IGF needs to be strengthened. Related to this, of critical importance is the maintenance of the openness and multistakeholder character of ICT and internet standards, development and governance, within a framework which also protects the internet against disruption by criminal or malign activity.

Open systems and standards are increasingly being seen as essential in order to sustain the innovation that has characterised the development of the information society and to inhibit its dominance by powerful governmental or commercial interests. Network neutrality as a principle remains important even if it needs to be applied in new ways in the light of convergence of platforms, applications and content.

3. Innovative policies, projects, and future programmes

3.1. Internet governance

Some of the innovative approaches introduced at NETmundial, the historic meeting held in Brazil in April 2014, continue to be relevant here. NETmundial represented great leaps forward for multistakeholder decision making, building on inclusive, multistakeholder habits developed during the IGF, and providing useful lessons for the future. In this vein APC published “Extracting lessons from NETmundial: Achieving bottom-up and multi stakeholder outcomes from global internet policy governance discussions”:

<https://www.apc.org/en/pubs/achieving-bottom-and-multistakeholder-outcomes-glo>

APC has been consistently committed to the development of the IGF since its creation and sees it as the most important international policy area aimed at improving the governance of the internet. Activities and contributions to the IGF in 2016 are summarised here: <https://www.apc.org/en/pubs/apcs-priorities-11th-internet-governance-forum-gua>

APC was also instrumental in organising and supporting regional and national multistakeholder encounters and policy dialogues and forums in Africa, Latin America, Europe and Asia.

²<https://freeandsecure.online/about>

APC has also continued to build capacities in internet governance in Africa. Inspired by the Meissen School of Internet Governance, the African School on Internet Governance (AfriSIG) helps bring new voices to internet governance debates and enrich the quality of internet governance discussions. Participants return to their countries committed to translate the ever-changing and evolving world of internet governance into a language meaningful to their constituencies: colleagues at parliament or regulatory agencies, media organisations, academic centres, NGOs. The fourth edition of AfriSIG was held in 2016 as an effort to continue building and strengthening the capacities of African stakeholders to engage meaningfully on internet governance issues and processes regionally and globally. Feedback from participants can be read here: <https://www.apc.org/en/blog/afrisig-fulfilling-major-need-gbenga-sesan-paradig> and here: <https://www.apc.org/en/blog/experiencing-african-possibilities-through-afrisig>

APC also engaged and participated in the CSTD WGEC with an emphasis on what is needed to achieve results. Our latest submission to the working group is available here: https://unctad.org/meetings/en/Contribution/WGEC2016_m2_c02_en.pdf

3.2. Internet rights

In 2016, APC renewed its commitment to making the internet serve the needs of global civil society and working to ensure the internet is free and open. Our contributions were focused on providing analysis and conducting research to understand the relationship between internet access and economic, social and cultural rights:

- *Internet access and economic, social and cultural rights* (an APC issue paper): <https://www.apc.org/en/node/21088>
- Connecting your rights: Economic, social and cultural rights (ESCRs) and the internet – An overview of activities and publications: <https://www.apc.org/en/projects/internet-rights-are-economic-social-cultural-rights>
- Economic, social and cultural rights: The feminist take (special edition of the GenderIT.org newsletter): <http://www.genderit.org/edition/economic-social-cultural-rights-and-internet-feminist-take>

APC also took stock of the implementation of the UN Guiding Principles on Business and Human Rights in the ICT sector, using their three pillars to explore key issues, implementation gaps, and emerging best practices for technology companies: <https://www.apc.org/en/pubs/business-and-digital-rights-taking-stock-un-guidin>

In the Asia region, APC brought more focus on how the internet has impacted the freedoms of assembly and association: <https://www.apc.org/en/projects/advocacy-change-through-technology-india-malaysia>

In Latin America, APC along with partners led by NGO Derechos Digitales contributed to an overview and analysis of the situation of internet rights in the region: <https://www.apc.org/en/node/22354>

APC also testified at the Inter-American Commission on Human Rights on cultural rights and the internet: <https://www.apc.org/en/system/files/IACHR%20submission%20on%20cultural%20rights%20and%20the%20internet%20in%20Brazil.pdf>

In Africa, the African Commission on Human and Peoples' Rights adopted a resolution on the right to freedom of information and expression on the internet in Africa, which takes note of the value of the

African Declaration on Internet Rights and Freedoms. APC played an instrumental role in that process: <https://www.apc.org/en/pubs/apc-welcomes-achpr-resolution-right-freedom-inform>

Other key contributions were:

- Inputs and advocacy around various Human Rights Council and General Assembly resolutions on: the promotion, protection and enjoyment of human rights on the internet (32/13), which references the WSIS+10 outcome and focuses on bridging the digital divide, in particular, the gender digital divide, from a human rights perspective; the right to privacy in the digital age (71/199); cultural rights and the protection of cultural heritage (33/20), which references digital preservation; and the safety of journalists (33/2), which condemns threats to women journalists online, and restrictions on encryption.
- Inputs to the reports of various Special Rapporteurs, such as the report on the role of private actors in protecting and promoting freedom of expression in the digital age.
- Written submissions on the state of internet rights in India, Malaysia and Pakistan, on the right to education in the digital age.
- Engagement with the ESCR Committee and the Special Rapporteur on culture.
- Engagement with the UNSR roundtable in Geneva with Special Rapporteurs on freedom of expression, privacy and violence against women.
- Participation in regional human rights mechanisms.
- Engagement in the SDGs process through participating in a consultation with UNESCO on indicators relating to Goal 16 and co-organising workshops on internet access and the SDGs on the sidelines of the Technology Facilitation Mechanism and High Level Political Forum.

3.3. Women's rights

One of APC's most innovative initiatives is the Women's Rights Programme, which has been dedicated to building technical and policy tools to challenge online and offline violence against women through platforms such as Take Back the Tech! campaign: <http://www.takebackthetech.net> and the Exploratory Research on Sexuality and ICTs (EROTICS) project: <http://erotics.apc.org/>. The 2016 Womanity Award for the Prevention of Violence Against Women was given to the Take Back the Tech! campaign in Mexico.³

Further work is being undertaken to ensure that misogyny and violence against women online is recognised as hate speech. This also involves encouraging internet activists and women's rights activists to join forces, and advocating for more choices for women (resources, toolkits and success stories) to break the barriers that lead to online silencing.

APC continues to support the call for an Action Line on Gender which would seek to complement existing action lines by creating a mechanism to provide support to gender issues that are not covered in other action lines, and to provide monitoring and accountability mechanisms, including integration of the work of the gender working group on the partnership for the measurement of the information society.

Another key initiative by the APC Women's Rights Programme in 2016 was the development of the second version of the Feminist Principles of the Internet: <https://www.apc.org/en/pubs/feminist-principles-internet-version-20>

³<http://womanity.org/take-back-the-tech-mexico-wins-the-2016-womanity-award-for-the-prevention-of-gender-based-violence>

3.4. Monitoring efforts to achieve the information society

More generally, APC continues to publish the Global Information Society Watch (GISWatch) report every year. GISWatch is a space for collaborative monitoring of international and national commitments made by governments to ensure an inclusive information society, and for building national-level civil society awareness of WSIS goals. Winner of the 2012 WSIS Project Prize, GISWatch's 2016 edition focused on "Economic, social, cultural rights and the internet": <http://giswatch.org/2016-economic-social-and-cultural-rights-escrs-and-internet>

3.5. Affordable internet access for all

In the last year, APC contributed to deepen the understanding of digital exclusion, to advocate for policies to bridge the digital divide, including the gender digital divide, and promote and strengthen community networks and a community networks movement:

- Ending digital exclusion: Why the access divide persists and how to close it: <https://www.apc.org/en/pubs/ending-digital-exclusion-why-access-divide-persist>
- Summary of awareness-raising, capacity-building and movement-building activities around community networks: <https://www.apc.org/en/blog/igf-2016-notes-and-links-around-community-networki>

The Association for Progressive Communications (APC) welcomes the opportunity to provide our input into the work of the Working Group on Enhanced Cooperation on Public Policy Issues Pertaining to the Internet (WGEC).

Our view is that enhanced cooperation should aim to improve and democratise the governance of the internet at all levels, not only to establish more equitable influence for and among sovereign states. Central to progress on this issue is recognition of the following:

- 1) There are real imbalances in the status quo of internet-related policy-making processes, with developing countries having less influence and access.
- 2) There is a difference between an approach to enhanced cooperation as more equal multilateral cooperation solely among states, and an approach which sees enhanced cooperation as more effective and inclusive policy making involving all stakeholders.
- 3) In spite of some ongoing challenges, the process of enhanced cooperation is progressing well, inspired in part by discussions and processes initiated at the Internet Governance Forum (IGF), and such progress should be taken into consideration by the WGEC.⁴

We encourage the WGEC to take a phased and issue-based approach to its work, and welcome the questions to which we respond below. For a next phase we recommend looking at specific areas of policy making and identifying where there are gaps in cooperation that need to be addressed, and proposing concrete ways forward rather than considering approaches to internet governance in the abstract.

⁴In fact, Para 65 of UNGA Resolution A/RES/70/125 specifically instructs WGEC to "develop recommendations on how to *further* implement enhanced cooperation as envisioned in the Tunis Agenda, *taking into consideration the work that has been done on this matter thus far.*" [emphasis added] http://unctad.org/en/PublicationsLibrary/ares70d125_en.pdf

4. What are the high level characteristics of enhanced cooperation?

Equal opportunity to participate among governments: The internet is a global public resource and policy decisions that impact on its development and use should be made in the broadest possible public interest. No single government should be able to dominate internet policy discussions in order to promote the interest of, for example, companies based in its territory. Nor should governments of countries with larger numbers of internet users have more say than those who are still facing connectivity challenges. All governments, irrespective of their size, wealth, or connectivity level, should have equal opportunity to participate in public policy issues pertaining to the internet.

Multistakeholder participation: Multistakeholder participation is not an end in itself; it is a means to achieve the end of inclusive democratic internet governance that enables the internet to be a force for “the attainment of a more peaceful, just and prosperous world.”⁵ Improving multistakeholder processes, and thereby, the outcomes of those processes, cannot take place by only looking at the role of governments. Enhanced cooperation cannot be achieved through implementation by one stakeholder alone. Cooperation is needed both within and between all stakeholder groups that have an interest in internet governance. So is debate.

Stakeholders and their “respective” roles and responsibilities are approached in a flexible manner: Who the precise stakeholders are, as well as their respective roles and responsibilities in an internet-related policy process, will vary according to the issue under discussion.⁶ It is also critical to bring in relevant expertise for the matter under discussion, which can require reaching out beyond the actors that typically participate in internet policy-making spaces. For example, policies on developing regional fibre backbone in Africa will need to involve the communities that live in the areas where the digging will take place, the companies with whom infrastructure can be shared, governments (national and local) and regulators of all concerned countries, as well as intergovernmental groups, civil society, and technical and academic actors involved in internet development. But it will also be important to involve actors involved in renewable energy and conservation of biodiversity to consider the environmental impact of development of this new infrastructure.

Inclusivity: Improving and democratising the governance of the internet at all levels requires an inclusive approach, bringing in diverse expertise and experiences. For example, addressing the gender digital divide requires not only measuring the nature and underlying causes of women’s exclusion from the information society, but including women in internet governance spaces where such challenges are discussed and addressed. The establishment of national multistakeholder forums and processes for dealing with internet governance and internet policy issues, and ensuring that they include marginalised voices, will help to improve inclusivity.

Trust in the integrity of the process: Clear and predictable rules and modalities are critical for the integrity and legitimacy of internet-related public policy processes. When rules are unclear, it is often the powerful players that are able to exploit ambiguity and benefit most. Transparency is also critical for building trust in the process, even if not all stakeholders agree with the outcome.

⁵WSIS Geneva Declaration of Principles, para 2. <http://www.itu.int/net/wsis/docs/geneva/official/dop.html>

⁶NETmundial Multistakeholder Statement. <http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf>

Effective dialogue and debate: Enhanced cooperation can only take place if participants are able to interact effectively. Event formats where one read statement is followed by another cannot constitute cooperation. Working sessions that require off-script debate and interaction among and between stakeholders are needed for real progress around issues.

Also important are the following which we see as enablers of enhanced cooperation:

Facilitation and support from a secretariat or coordination mechanism: Dialogue between bodies dealing with different cross-cutting public policy issues regarding the internet has been happening organically. However, we see the value of the mapping of ongoing policy spaces and the creation of a mechanism for information sharing with these spaces to ensure interaction between content and outcomes of discussions at policy-making spaces.

Capacity building: Investment in capacity building is needed in order to facilitate the participation of under-represented and marginalised groups in internet governance spaces. Capacity building on internet-related public policy issues, as well as the inner workings of the internet governance institutions and processes, are essential for enabling all stakeholders. This is particularly (but not only) the case for stakeholders from developing countries, as well as actors who are currently excluded from internet governance debates, to strengthen their participation in internet governance processes and debates at the national, regional and global level and thus to enhance cooperation around public policy issues relating to the internet. Capacity building is also necessary for those actors from developed countries who do not have sufficient understanding of the challenges faced by their counterparts in the global South.

Access to information: Enhanced cooperation requires sharing information among stakeholders and between policy spaces. In order for this to happen, information, including working documents, agendas, draft inputs and outputs, and outcomes must be easily accessible to all interested stakeholders. Likewise, modalities for participation in internet governance processes must be clear and predictable.

Funding: Stable and sustainable public funding and other public interest funding mechanisms that are transparent and accountable are critical for enhanced participation so that under-represented and marginalised stakeholders, from developing countries in particular, are able to meaningfully participate in internet governance processes. All stakeholders should be involved in the process of developing these mechanisms.

5. Taking into consideration the work of the previous WGEC and the Tunis Agenda, particularly paragraphs 69-71, what kind of recommendations should we consider?

We encourage the WGEC to consider paragraph 68 of the Tunis Agenda (in addition to paragraphs 69-71), which says that public policy must be determined in a multistakeholder manner, and as such, enhanced cooperation should be among all stakeholders. Now that the US government has transferred responsibility for oversight of the Internet Assigned Numbers Authority (IANA) to the internet community, and the names and numbers issue is largely solved, we suggest that the WGEC make recommendations pertaining to social and economic issues as well as technical issues. We also recommend that the WGEC make recommendations to all stakeholders. Selecting a non-governmental co-chair could help reinforce the multistakeholder nature of this group.

With respect to the kind of recommendations we would like to see WGEC make:

Recommendations that relate to existing internet-related policy processes in the UN. For example, recommendations on:

- How the IGF, the primary UN-based forum for discussion of internet-related public policy, can be a more effective platform for enhanced cooperation among governments. It is already an effective platform for other stakeholder groups.
- How resolutions relating to internet policy from the Human Rights Council and General Assembly, as well as recommendations from human rights treaty bodies and Special Procedures, can inform policy processes elsewhere in the UN system.
- How bodies such as the ITU, UNESCO and UNDP and others who play a role in the WSIS follow-up make linkages with the implementation and follow-up of the Sustainable Development Goals (SDGs).

Recommendations that relate to non-governmental internet-related policy processes. For example, recommendations to technical and industry bodies on:

- How to meet their obligations under the UN Guiding Principles on Business and Human Rights and contribute to the achievement of the SDGs.
- How they can interact more effectively with intergovernmental processes and how they can include developing country stakeholders in their work.

Recommendations to national governments. For example, recommendations on:

- How to strengthen their participation in global internet-related policy processes by convening multistakeholder delegations and bringing more diverse delegations with relevant expertise to internet policy-making spaces, such as members of national human rights institutions and environmental agencies, for example.
- How to deepen implementation of regional and international agreements on internet-related policy at the national level.

Recommendations pertaining to principles for internet governance should be based on the WSIS principles. The NETmundial principles would also be a good starting point.