GLOBAL INFORMATION SOCIETY WATCH 2021-2022

Digital futures for a post-pandemic world

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Introduction

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Rebalancing and reimagining our futures

In 2005, at the culmination of the second phase of the World Summit on the Information Society (WSIS), civil society organisations clearly stated that societies will not be able to advance towards social justice if the development and use of the internet does not contribute to the strengthening of the exercise of human rights.

The capabilities of digital technologies are a thousand times greater than they were in 2005 and, although progress has been made, we have not yet managed to determine the scope of the reinterpreted vision of WSIS that is needed to respond to the implications of ever-changing digital societies. Nevertheless, we probably thought we were getting closer to some answers before the COVID-19 pandemic hit us, revealing the stark dimensions of digital exclusion and rights violations across the world.

With lockdowns forcing more people online for longer periods of time, alongside the techno-centric, "top-down" interventions adopted by governments,[1] the immediate consequences of a lack of digital rights and meaningful access were for many harsh, visceral and ubiquitous.

While many activists found themselves at a crossroads – either get online and learn new ways of interacting, or risk being stranded – people without a stable and affordable internet connection were unable to work, or to access education and government services, including health services. Meanwhile, hastily drafted regulations and technologies put to new use limited people's right to freedom of expression and association, personal data security and privacy, and freedom from unwarranted surveillance. The pandemic also amplified online violence against both women and children, despite over a decade of work in this area.

Many of these are rights that civil society organisations have been advocating for since 2005 – with some concerns, such as access for poor and marginalised communities, stretching back to the origins of internet advocacy in the 1990s.

What then can we learn from this period of "accelerated transition", as one report describes it here?[2]

The purpose of this GISWatch was to ask two fundamental questions:

- How has the COVID-19 pandemic changed or shaped the ways in which civil society organisations do their advocacy work around digital technology-related issues, including digital rights?

- How have internet rights advocacy priorities shifted due to the pandemic?

It includes a series of thematic reports, dealing with, among others, emerging issues in advocacy for access, platformisation, tech colonisation and the dominance of the private sector, internet regulation and governance, privacy and data, new trends in funding internet advocacy, and building a post-pandemic feminist agenda. Alongside these, 36 country and regional reports, the majority from the global South, all address the two questions in different ways, offering some indication of how we can begin mapping a shifted terrain.

Through the lens of the COVID-19 pandemic, the reports highlight the different and complex ways in which democracy and human rights are at risk across the globe, and illustrate how fundamental meaningful internet access is to sustainable development. While the majority focus on the impact of the pandemic on digital rights and access in the global South, the inclusion of reports from countries in the North, such as Canada, suggests that developed countries have not been immune to new threats to freedoms, and that there is a need to address these risks collectively with fresh vigour.

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1 See Jinbonet's report on South Korea for an example of this.

2 See the country report on Spain by Pangea and the eReuse.org initiative.

The reports show how advocacy priorities have, on the one hand, stayed the same (a "turning back" or learning from history is necessary), and, on the other, that they have to be refocused to attend properly to a subtly or significantly altered terrain. New fields of advocacy have also been brought to the fore that civil society organisations need to pay better attention to.

A number of reports show how we (governments, the private sector, civil society) have not properly been able to address the question of meaningful internet access for all, nor the impact of gender inequality on access and the use of the internet. Others deal with comparatively more recent advocacy focus areas that are now the mainstay of global advocacy on digital rights, such as privacy online, surveillance, disinformation and misinformation, artificial intelligence, and data rights. Largely within these frames, emerging concerns are identified.

For example, while the rights principles of artificial intelligence need to be properly addressed when shaping policy, there is a need to consider the newer field of robotic policing and automated nursing. Although robotic policing has been around for a number of years – an early example of its misuse occurred in Dallas in the US in 2016[3] – in Tunisia it was introduced during the pandemic with very little public consultation, a particular concern given that the robots helped enforce the country's lockdown rules and interfaced with the public directly. Similarly, technologies used ostensibly for public benefit – such as contact tracing apps – need to be framed as "public interest technologies" to make the spectrum of their rights implications more visible (see the report by Tecnológico de Monterrey and May First Movement Technology).[4]

Less prominent rights issues, such as those of remote or hybrid workers (see the report by EsLaRed on Venezuela, for instance) now need to be foregrounded in rights discourse, alongside the growing support for the rights of gig economy workers.

The same goes for the digital rights of children. The reports show that the impact of digitisation on children can no longer be marginalised in mainstream digital rights discussions. Cooperativa Sulá Batsú discusses the negative effects of isolation and children being online for extended periods, particularly for boys, while, as ARTICLE 19 Eastern Africa suggests, there was evidence of a general increase in online violence against children during the pandemic in Kenya (a phenomenon unlikely to be isolated).

Other "old issues" that have been to some extent put to one side, such as advocating for free and open source technologies, need to be reinvigorated – albeit, as the Digital Trade Alliance explains, in a difficult context for open knowledge advocacy given the background of the vaccine debate and the failed TRIPS waiver.

These advocacy priorities occur in and are shaped by a context that has shifted as a result of the "accelerated transition" we have experienced. As Privacy International and others have indicated, the pandemic has been a significant boom for the private tech sector – perhaps unparalleled in such a short space of time – both in terms of new users and the data that can be harvested from them and in terms of "instant" partnerships formed with governments who anxiously sought to respond to the crisis and ramp up their digitisation processes. With few or no checks and balances, and little public transparency on what exactly was being given up while access to health and a safe environment was ostensibly being secured, this has come at a cost for citizens (including the corporate surveillance of children, forced to be online for education).

Coupled with some governments having to rush their own digitisation processes that were still in the pipeline, the pandemic significantly boosted the transition to the data-driven society, with more known about us now than ever before. It is the implications of this that civil society needs to continue to map for its specific advocacy priorities, including the need for significant upscaling of data capacity in the countries of the global South, and the building of "local data narratives" of resistance.[5]

Many governments across the world have been given a fresh leash to tighten their grip on civic spaces, and in countries like Nigeria there are suggestions that civil society actors have started to leave the advocacy arena due to the imminent threats they face. India meanwhile faces its own clampdown on civil society organisations, with donors struggling to find ways to fund them.

It was also remarkable how easily governments, in a time of emergency, discarded public input in their efforts to find solutions to the immediate crisis – at least in the field of technology. While countries

3 Liedtke, M., & Fowler, B. (2016, 9 July). Killer robot used by Dallas police opens ethical debate. *Phys.org*. https://phys.org/news/2016-07-killer-robot-dallas-police-ethical.html

4 Tecnológico de Monterrey and May First Movement Technology provide in their report an excellent starting point for this understanding. Meanwhile, Carlos Guerrero Argote worryingly suggests in his country report on Peru that both civil society and funders felt that with many technologies used to manage the virus being discarded by governments over time, they are no longer worthy of attention.

5 See, for instance, Razzano, G. (2022). Decolonising data. In A. Finlay (Ed.), *State of the Newsroom 2020*. Wits Centre for Journalism. https://journalism.co.za/wp-content/uploads/2022/03/SON-2020-Final-23-Feb.pdf

set up expert advisory groups to understand the evolution of the pandemic, when it came to the application of technology to meet the new, urgent needs, this kind of citizen input was largely absent. A common recommendation in a number of country reports is to create robust frameworks for multi-stakeholder decision making and citizen oversight when innovating technological responses to future, similar events. It will, however, be worth tracking whether the lack of participation in the development of technology-driven responses to the pandemic sets a precedent – particularly in light of a significantly empowered private sector.

Funding priorities also appear to be shifting, and the longer-term impact of this is still to be felt. As a report in this edition of GISWatch outlines, many donors are now more likely to focus on intersectional agendas, where the application of technology or digital rights meets the needs of other advocacy priorities. Civil society organisations may need to engage in direct advocacy with donors to ensure that the specific and perhaps unique terrains in digital rights advocacy are not stripped of their vital resources, even if there is a need to be more specific and incisive in setting their advocacy priorities.

We do not want to suggest that everything went badly with respect to digital rights and access during the pandemic. Reports here also show strong cooperation between governments and civil society – for instance, in freeing the regulatory space for the roll-out of community networks as an emergency access solution, or in the running of trade union elections in Benin, with connectivity points set up for workers who did not have internet. Such an initiative holds some potential for new forms of hybrid democratic participation and multistakeholder collaboration or cooperation.

Innovative technological solutions for medical purposes were also developed by startups in the private sector, universities and civil society actors, while the internet was used by ordinary people to mobilise citizen action and help to provide support to communities in need. At the grassroots level, civil society organisations experimented with new ways of training remotely (see the discussion by DW Akademie and Redes on Colmena for a good example of this). New advocacy networks were also born when grassroots organisations came online, and met other, like-minded organisations for the first time.

In an effort to inform the public about the pandemic, the new government in the Democratic Republic of Congo did not resort to internet shutdowns to combat disinformation as had been done in the past, instead putting its faith in supporting fact-checking organisations. In the process it stated its intention to ratify the

international convention on cybercrime, which limits shutdowns, creating an interesting policy advocacy window of opportunity in that country. In Brazil, a victory in the supreme court guaranteeing the right to personal data protection has also opened up new advocacy avenues for civil society.

There is also a greater awareness of the real-life impact of the digital divide – and a fresh impetus to look at new access possibilities or revisit old ones, including leveraging universal service funds and rolling out community networks. Issues to do with privacy and surveillance have gained greater visibility among civil society actors working outside the field of digital rights, and no doubt among the public too.

However, as others have pointed out, the initial phase of the pandemic created for some a sense of global optimism[6] – a possibility of a common good being forged, even if driven by pragmatism (e.g. in Turkey the government lifted its usual restrictions on the media temporarily in order to properly inform the public about the virus). Initially, despite the shock and uncertainty, there was a sense of relief that "we were all in this together" and that a collective response might be possible to determine the fate of humanity and the planet – a response which, perhaps, could be felt in other areas too, such as properly addressing climate change.

However, the sense of optimism felt at the beginning of the pandemic was soon supplanted by different kinds of opportunism – whether from the state, the private sector, or developed countries acting in cohort – and it ran aground when confronted with the powerful geopolitical dynamics and alignments holding the "centre" in place, as we saw with the failure of the TRIPS waiver. With economically weakened and unstable states, a stressed civil society, an increase in global poverty, and the current state of geopolitical imbalance – with one expression being the war in Ukraine – the ramifications of this opportunism may be felt in the terrain of internet governance for years to come.

The question then becomes: What kind of processes would contribute to restore a workable balance? And what sort of rebalancing is necessary, or "push back" is needed?

How do we reach new agreements building on the processes that have been carried out in the fields of internet policy, internet governance and global digital cooperation, while properly taking into account the shifted terrain? What are the conditions that need to be in place to reach outcomes that balance the differences in power of contending

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6   See, for instance, "Rerouting geopolitics" by Alison Gillwald (publication forthcoming).

parties and the multiplicity of interests? How do we operationalise global digital cooperation, and how do we translate it to regional and local spheres, bridging the gap between deliberative spaces and decision-making processes?

Over the past two years, a number of initiatives have emerged in the ecosystem of internet governance and global digital cooperation aimed, in large part, at outlining the characteristics of a digital future. These include the Global Digital Compact,[7] and other relevant processes that are around the corner, such as the WSIS+20 review.[8]

But still more needs to be done. There remains an urgent need for regional and global responses arising from true – and significantly strengthened – multilevel, multidisciplinary and multistakeholder collaboration, based on the principles of inclusiveness, transparency and shared responsibility. These need to recognise that different contexts and impacts require differentiated and specific responses, including public policy interventions.

And, as these reports suggest, in all regions of the world, including in the global North, there is a need for a fresh impetus towards movement building, working across civil society, and including organisations that may not have taken digital rights as a priority before. This is necessary not only to address the shrinking of civic space, but also to collectively challenge the new geopolitical and economic power dynamics that are refracted in the digital sphere.

Any push back requires most of all imagination – of how things can be done differently. As the Centro de Investigación en Tecnologías y Saberes Comunitarios put it in their country report on Mexico, part of the access challenge in that country is that "the imagination and understanding of the problem by policy makers have not gone beyond the unsuccessful strategies that have been already developed." How this reimagining of possibilities can be introduced into spaces for deliberation and policy making and inform the new movement building that needs to take place, is up to us, as civil society actors.

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7   https://www.un.org/techenvoy/global-digital-compact
8   Souter, D. (2020, 6 July). Inside the Digital Society: WSIS+20 is closer than you think. *APC*. https://www.apc.org/en/blog/inside-digital-society-wsis20-closer-you-think

DIGITAL FUTURES FOR A POST-PANDEMIC WORLD

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