



APC and Derechos Digitales Submission to the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet)

Online open consultation on "The role of the Internet and international Internet-related public policy in mitigating the impact of COVID-19 and possible future pandemics"

Association for Progressive Communications and Derechos Digitales

August 2021

Summary

The COVID-19 crisis has underscored how access to the internet is essential for human rights such as the right to work, health and access to education. Internet access also has proven critical to ensure political participation, freedom of expression and freedom of peaceful assembly during the health crisis, whether for demanding state accountability and transparency in the handling of the pandemic, or to continue addressing persistent social and political issues in different countries. The current pandemic calls for renewed commitments to digital inclusion, both at the national and international levels, and ITU expertise in this field is key to achieve such a goal. We encourage the ITU to continue to focus on its core mandate of "Connecting all the World".

In the context of the pandemic, community networks and other non-commercial business models for providing connectivity have contributed to providing effective responses to increased connectivity demands, including public health-related ones. However, enabling policies and regulations to unleash the potential of community networks and other small network operators to deliver meaningful internet access everywhere are still scarce. We call upon states to recognise the value and impact of community networks in digital inclusion. Internet-related public policy must acknowledge and address the persistent inequalities in internet access that people facing multiple and intersecting forms of exclusion and discrimination face. In particular, we focus in this submission on the exacerbated gender digital inequalities. Environmental justice and sustainability also need to be recognised as essential components of internet-related public policies that aim to achieve universal digital inclusion and to mitigate the impact of COVID-19 and possible future pandemics.

Finally, ensuring connectivity and meaningful ways of remote interaction for participating in internet-related public policy and governance discussions is also essential in order to ensure that the strategies and policies adopted reflect and cover a variety of situations across different regions. Hence, this submission calls for internet-related policy making that is democratic, multistakeholder, grounded in international human rights standards, people-centred, inclusive and development-oriented.

Introduction

The Association for Progressive Communications (APC) and Derechos Digitales welcome the opportunity to contribute to the open consultation on "The role of the Internet and international Internet-related public policy in mitigating the impact of COVID-19 and possible future pandemics" organised by the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet).

¹APC. (2020). Closer than ever: Keeping our movements connected and inclusive. The Association for Progressive Communications' response to the COVID-19 pandemic. https://www.apc.org/sites/default/files/closerthanever_pp.pdf APC is an international network of civil society organisations founded in 1990 dedicated to empowering and supporting people working for peace, human rights, development and protection of the environment, through the strategic use of information and communication technologies (ICTs). We work to build a world in which all people have easy, equal and affordable access to the creative potential of ICTs to improve their lives and create more democratic and egalitarian societies. APC has been a sector member of the ITU-D and R sectors since 2014.²

Derechos Digitales is an independent non-profit organisation based in Chile, established in 2005, working across Latin America to defend and promote the exercise of human rights in the digital environment, through research, dissemination of information and advocacy on public policies and private sector practices, to promote social change around the respect and dignity of people.³

The COVID-19 crisis has underscored how meaningful access to the internet is essential for the exercise of human rights, for inclusive and sustainable development and for social justice. In the context of the current pandemic, for example, meaningful internet connectivity has proven to be a precondition for the exercise of economic, social and cultural rights such as the right to work, health and access to education. By meaningful access, we mean equitable, affordable and reliable access to high quality, robust, open and secure internet. The current pandemic calls for renewed commitments to meaningful universal internet access, and ITU expertise is key to achieve this goal. Hence, we encourage the ITU to continue to focus on its core mandate of "Connecting the World". In this submission, we highlight four key issues that the CWG-Internet should take into consideration in fulfilling its mandate to pursue this objective:

- First, the focus for digital inclusion should be on building community connectivity and resilience. In this regard, the role of community networks and other non-commercial business models in promoting and delivering meaningful internet access must be recognised and encouraged through regulatory conditions that allow the expansion and sustainability of these models. Most governments are still unaware of the potential impact of independent small-scale community networks and, as a result, these networks are still relatively scarce, or invisible, and internet-related public policy and regulatory environments are too often unfavourable to the coexistence of different models for connectivity provision.
- Second, the role of the internet and internet-related policy in mitigating the
 impact of future pandemics can only be fulfilled if inequality in internet access is
 recognised and addressed. People facing multiple and intersecting forms of
 exclusion and discrimination face compounded challenges to be digitally
 included. It is key that recovery strategies and policies confront the effects of

²https://www.apc.org

3https://www.derechosdigitales.org

⁴APC. (2020). Op. cit.

the pandemic with a focus on the groups that have been traditionally excluded and marginalised. In this submission, we focus on gender inequality in internet access and argue that it should be addressed by international internet-related policies.

- Third, internet-related public policy efforts should be linked to sustainable development, environmental justice and the right to a healthy environment. The pandemic has exacerbated the effects of our unprecedented climate and environmental emergency.
- Finally, the internet needs to be protected as a global public resource, and human rights must be upheld online and offline in any response to the COVID-19 crisis.

For all of this to happen, internet-related policy making should be open, inclusive, transparent and multistakeholder. Access to connectivity and meaningful ways of remote interaction for participating in internet governance discussions should be considered high priorities in all international bodies such as the ITU that have a fundamental role impacting global and local internet strategies and policies.

Community networks

Despite decades of communications infrastructure deployment, in the last five years, mobile phone penetration growth has slowed⁵ and broadband barely reaches half the world's population, 6 showing that current strategies to extend affordable connectivity are reaching their limit. During the pandemic, the call has been to stay home and reduce social contact, as a way to slow the spread of the virus and prevent health care systems from collapsing. Online work and online education have become the recommended ways for people to continue performing their productive routines from home. The internet - which has been presented as an eminently democratic and democratising technology - appears as one of the main ways to cope with the crisis. But what emerges is a photograph of social segregation, one more expression of the precarious conditions in which millions of people live. These people are often made invisible in the official statistics about average connectivity levels in different countries, and as a result, their situation has not been addressed in an effective manner to achieve truly universal internet access. The post-COVID-19 world is still far away, so the possibility of exercising human rights will still depend greatly on people's ability to meaningfully connect in order to avoid a continued deterioration of their economic and social conditions. Bridging the digital divides cannot wait and therefore the focus for digital inclusion should be on building community connectivity and resilience.

⁵See, for example: GSMA. (2019). *The Mobile Economy 2019*. https://data.gsmaintelligence.com/api-web/v2/research-file-download?id=39256194&file=2712-250219-ME-Global.pdf

⁶UNESCO. (2019, 23 September). New report on global broadband access underscores urgent need to reach the half of the world still unconnected. https://en.unesco.org/news/new-report-global-broadband-access-underscores-urgent-need-reach-half-world-still-unconnected

Communications technology has now become so inexpensive and simple to set up that it can be used by almost any interested community with a very small amount of capital⁷ and some basic management and technical skills. However, to realise this potential, two strategies are necessary:

- Support people to meaningfully shape and use the internet and digital technologies to meet their specific needs and realities. This includes supporting unconnected communities and groups to build their own technical infrastructure and knowledge of communications rather than depending on governments and corporations to provide it.
- Reform internet-related public policy and regulatory environments so they are favourable to the coexistence of different models for connectivity provision, including community networks and medium- and small-scale locally governed service providers or operators.

Most of the complementary initiatives that have been studied by APC in Africa, Latin America, Europe and Asia⁸ have been at a disadvantage in building and providing connectivity because national policy environments have not been conducive to them. Access to radio spectrum is insufficient, and operator licensing or interconnection requirements and fees are not adjusted for small networks, which creates much higher burdens for them, especially as they have also not been able to access the state support given to national operators for extending their networks to unserved areas.

As a result, most small-scale networks have only been able to use unlicensed spectrum, and are dependent on limited sources of funding or subsidies in the startup phase, or for expansion. The networks are thus slower to grow or replicate, and their overheads are higher than they would otherwise have been.

In local contexts, community networks and other community-based solutions for access have advantages over traditional large-scale commercial networks. These include more local control over how the network is used, greater potential for attention to the particular needs of the communities, lower operating costs, and increased potential to foster a sense of agency and empowerment from involvement in the network. In the context of the pandemic, community networks have contributed in providing agile, contextual, adequate, effective responses, including public health-related ones, and they are proving to be spaces for self and collective care.⁹

While diverse initiatives have made significant progress in identifying approaches and practices to help us move forward in enabling complementary models of connectivity

⁷Carrier grade Wi-Fi routers now cost about USD 150 and small 4G mobile networks are now available for less than USD 5,000. See, for example: https://na.baicells.com/product/index?cid=986337c5-6050-4014-9a44-e46272bd20c8

⁸ See, for example: Bidwell, N., & Jensen, M. (2019). *Bottom-up connectivity strategies: Community-led small-scale telecommunication infrastructure networks in the global South*. APC. https://www.apc.org/en/pubs/bottom-connectivity-strategies-community-led-small-scale-telecommunication-infrastructure

⁹Kopp, M. (2020, 4 August). REG4COVID: Community network responses to the pandemic. *APC*. https://www.apc.org/en/news/reg4covid-community-network-responses-pandemic; REDES A.C. & APC. (2020, 16 October). Community networks and COVID-19 in the Americas region. *APC*. https://www.apc.org/en/news/community-networks-and-covid-19-americas-region

that address digital exclusion, what is missing are enabling internet-related policies and regulations to unleash the potential of community networks and other small network operators to deliver affordable access everywhere.

One particularly interesting area to explore opportunities to create regulatory environments that support community networks and other small network operators (commercial and non-commercial) is enabling the possibility for them to apply for and benefit from universal service funds. So far, the common situation is that where universal service funds exist, they are designed for commercial operators, and often only cover costs related with equipment (not capacity building in infrastructure deployment and management). This also obeys a logic that does not take into account or respond to the specific needs of social and community initiatives. There is a need to address the regulatory framework of universal service funds to allow them to be an instrument for building community connectivity and resilience.

We call on states to adopt policies and regulations that enable and support community connectivity. Internet-related public policy should enable ecosystems to allow small-scale networks and locally owned telecommunications infrastructure to emerge and expand so they can provide meaningful access to the internet.

Gender digital divide

In the context of the COVID-19 crisis, existing inequalities have been exacerbated and put women and people of diverse genders and sexualities at greater risk of marginalisation. No pandemic mitigation is possible without an enabling environment whereby protection and respect of women's rights is established. This is also applicable to the internet and internet-related public policy spaces.

Women's access to digital technologies is limited by their economic circumstances, and where they live and work, but it is also affected by cultural norms and practices. This also applies to sexual minorities. The gender digital divide existed before COVID-19: in 2019, it was estimated that globally, 55% of the male population was using the internet, compared with 48% of the female population; according to the ITU, there were about 250 million fewer women online than men. The problem is even more pronounced in developing countries: whereas 48% of women are online globally, this percentage is even lower in the global South, at 28%. ¹⁰ As UN Women has stated, the COVID-19 pandemic has moved so many aspects of daily life online, this lack of connectivity has become even more alarming. ¹¹

It is also important to understand that not all forms of connection are the same or equivalent; speed is a determining factor, and even more so, the device through which we connect to the internet. Today, the main form of internet connection is

¹⁰APC. (2020). APC Submission to the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet).

https://www.apc.org/sites/default/files/APC_Submission_ITU_CWG_Internet_22_January_2020.pdf

¹¹Mlambo-Ngcuka, P., & Albrectsen, A. (2020, 6 May). We cannot allow COVID-19 to reinforce the digital gender divide. *UN Women*. https://www.unwomen.org/en/news/stories/2020/5/op-ed-ed-phumzile-covid-19-and-the-digital-gender-divide

through mobile devices. Consequently, asking a girl to complete a school assignment using her own computer is not the same as asking a girl to do it through her mobile phone. Although in both cases you have access to exactly the same study material, the second experience is substantially worse, simply because that device was not designed or built for it. Thus, once again, the exercise of a fundamental right is subject to the economic possibilities of a person or their family.

As technology can be a facilitator of the exercise of rights, it is also necessary to consider that its design and deployment is crossed by the different expressions of sexism and discrimination that still exist around it, affecting how women and sexual minorities participate (or not) in society through access to information, debate and protest. It particularly affects the ways in which they can exercise their health and reproductive rights by means of access to information, and the free exercise of their right to sexuality by virtue of their individual autonomy and their right to their bodies.

The consequences of the digital gender gaps are deepening in the current pandemic context, as many sources of government or community-based support go online. Women and sexual minorities without proper and sufficient access to ICTs and connectivity are left in an even more fragile situation and prone to all sorts of discrimination and abuse.

Research has shown that when women gain meaningful internet access and participate in evolving knowledge societies, their families, villages, communities and countries also benefit. "Promoting internet access for women is therefore much more than an issue of gender equality; it is an essential part of the economic, social and political development of the countries in which women live", as stated previously by APC.¹²

The problem, however, is not just located in unequal access; it also lies in how access, and access divides, are understood. It is not simply a case of affordability or access to infrastructure, but also of the underlying needs, of the barriers people experience, and the value and impact of access for specific groups of people who face multiple forms of discrimination because of their gender, sexuality and other intersectionalities. Also relevant are the ways identity is embedded in the structure and architecture of access interfaces, since most are designed to fit the mostly Western paradigm of single users, when for some women, interfaces that facilitate collective use might be less intimidating. Women's participation in community and municipally owned small-scale local communications infrastructure should be encouraged and supported, and licence categories should be made available for this type of service.

While the need for systematic collection of data, aimed at identifying priorities, and defining and monitoring key lines of actions towards bridging the gender digital divide is recognised in several global policy spaces, there is a persistent lack of gender-disaggregated data and insights on internet access and use by women. Without this

¹²van der Spuy, A., & Souter, D. (2018). *Women's digital inclusion: Background paper for the G20*. APC and Internet Society. https://www.apc.org/sites/default/files/WomensDigitalInclusion_BackgroundPaper.pdf

data, gender differences – and the underlying reasons for the digital gender gap – are also obscured.¹³ Representative and gender-disaggregated data should be gathered in a consistent and rigorous manner to reach a better understanding of the factors shaping women's access to and ability to benefit from meaningful internet access in diverse contexts.

In line with ITU gender equality and mainstreaming policy,¹⁴ internet-related policy making spaces at national, regional and international levels should integrate a gender perspective. This requires experimentation, coordination, and engagement of a wide variety of stakeholders. Intersectionality, as a framework that takes into consideration how multiple and intersecting forms of structural discrimination affect people and groups, should be embedded in the policies that seek to address the gender inequalities in the digital realm.

While women and women's rights groups are in the room at internet-related public policy meetings, when one moves through the various layers of leadership and responsibility, this representation is likely to decrease both in the public and private sectors. And in addition to inclusive and diverse participation, we need to look at how receptive internet policy institutions and related spaces are to women's issues. The issues of internet governance and decision-making spaces should not be seen as gender-neutral, and internet-related policies ranging from national broadband plans to public Wi-Fi initiatives should be designed to specifically overcome gender inequalities in access and seek to mitigate the potential negative consequences that arise from women's unequal access to and capacity to exploit the internet.

APC's mapping on gender and digital technology¹⁶ highlighted the critical gaps in the research around gender equality and technology in middle- and low-income countries, and the impact this has on internet policy development and decision making, particularly in terms of addressing the needs of women and gender-diverse and queer people. In 2018, APC launched the Feminist Internet Research Network (FIRN)¹⁷ to counter this gap in the research landscape. The network gathers researchers from around the world, but especially in the global South, to explore new approaches to digital research built around APC's Feminist Principles of the Internet¹⁸ and feminist research practices and values. We encourage states and the ITU to build from this and other initiatives to address existing gaps in the field of internet research, which means

¹³Alliance for Affordable Internet, World Wide Web Foundation, Association for Progressive Communications & GSMA. (2018). *A toolkit for researching women's internet access and use*. GSMA. https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2018/05/GSMA-Women-and-Internet-Research-Toolkit_WEB.pdf

¹⁴ITU. (2013). *ITU's new Gender Equality & Mainstreaming Policy (GEM)*. https://www.itu.int/en/action/gender-equality/Documents/gender-policy-document.pdf

¹⁵This leadership gap in the technological and business sectors was documented, for instance, by the OECD: https://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf and by previous work by APC: https://www.apc.org/en/pubs/why-gender-matters-international-cyber-security

¹⁶van der Spuy, A., & Aavriti, N. (2018). *Mapping research in gender and digital technology*. APC. https://www.apc.org/en/pubs/mapping-research-gender-and-digital-technology

¹⁷https://www.apc.org/en/project/firn-feminist-internet-research-network

¹⁸https://feministinternet.org/en

focusing on the dynamics of power and structural inequalities. This includes surfacing intersectional and often marginalised perspectives from the global South, whether due to race, caste, religion, class, sexuality or gender.

We encourage states and the ITU to be mindful of how digitisation of services and support provided during the pandemic impacts differently on women and sexual minorities. We call on states to promote policies that address those persistent gaps as an integral part of emergency strategies and beyond.

Environmental justice and sustainability and the impact of ICTs

Environmental justice and sustainability are essential to the role of the internet and internet-related policy to mitigate the impact of COVID-19 and possible future pandemics. The right to a healthy environment, enshrined in many national laws, and recognised by Special Procedures of the United Nations, ¹⁹ is clearly linked to the right to health, including access to safe and potable water and adequate sanitation; an adequate supply of safe food, nutrition and housing; healthy occupational and environmental conditions; and access to health-related education and information. The ITU Secretary-General has stated: "The UN family has a key role to play in building a global digital ecosystem for the environment."²⁰

In 2020, the United Nations Environment Programme (UNEP) and the Office of the High Commissioner for Human Rights (OHCHR) released a report with key messages on human rights, the environment and COVID-19, including recommendations to improve transparency in decision making in response to environmental and health crises, and to adopt inclusive right-based tools for digital participation and access to information.²¹ The report goes on to state: "The COVID-19 crisis should be a catalyst for further democratization of environmental decision-making at all levels through improved use of digital space and inclusive consultative processes."

The impacts of the internet and digital technologies on our planet cannot be underestimated. From the extraction of raw materials, to the violation of workers' rights in manufacturing, the spread of misinformation through social networking, and growing exposure to hazardous chemicals through electronic waste – the design, production, use and disposal of digital technologies have clear and growing impacts on all life on Earth. Environmental justice and sustainability are essential components in an approach to internet governance and internet-related public policy that aims to mitigate the impact of COVID-19 and possible future pandemics.

¹⁹Knox, J., & Boyd, D. (2018). Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthySustainable.aspx

²⁰Zhao, H. (2020, 22 April). Combatting climate change with frontier technologies. *ITUNews*. https://news.itu.int/combatting-climate-change-with-frontier-technologies

²¹United Nations Environment Programme & Office of the High Commissioner for Human Rights. (2020). *Human rights, the environment and COVID-19: Key messages*. https://www.ohchr.org/Documents/Issues/ClimateChange/HR-environment-COVID19.pdf

The pandemic has exacerbated the effects of our unprecedented climate and environmental emergency. We are undergoing an exponential growth of digital technology applications, with more and more connected devices, artificial intelligence solutions, the roll-out of 5G, and other technological developments. The production, deployment and waste of such technology have manifold environmental impacts. On the other hand, ICTs offer myriad solutions for climate adaptation and mitigation at the local, national and regional levels, ways to monitor and predict changes in climate and environmental disasters, and to address systemic threats such as the pollution of marine life. The internet is also a powerful mobilisation tool for health and environmental justice activists, raising public awareness about threats, and pushing for policy and institutional change.

Open, inclusive and multistakeholder internet-related public policy-making processes

In the context of the current pandemic, the publicness of the internet has become an even more critical issue. We now face a turning point, which will lead to either the consolidation of the corporatisation of the online space and authoritarian ways in which governments control it, or to the strengthening of the public character of the network.

Internet-related public policy-making processes should be democratic and include the full and meaningful involvement of governments, the private sector, civil society, the technical community and international organisations. International internet-related public policy must be grounded in the principles established at the World Summit on the Information Society (WSIS): it must be people-centred, inclusive and development-oriented.

There is a particular challenge posed by the pandemic in ensuring this open, inclusive, and multistakeholder internet governance design when many people coming from diverse regions are confined to online remote participation in the relevant discussions. We encourage states and the ITU to design the events and policy debates in which internet governance is delineated as truly inclusive participatory interactions among on-site and online participants when designing their format and methodology, in order to ensure that the meaningful participation does not come at a disadvantage for those in regions of the world that have been confronted with more severe consequences of the pandemic or shortcomings in the availability of vaccines and health services.

Conclusion and recommendations

We encourage the ITU to continue to focus on its core mission of connecting all the world's people and states to renew their commitments for universal affordable access, as stated in the Sustainable Development Goals (SDGs). The COVID-19 pandemic has moved so many aspects of daily life online that the need to overcome digital inequality has become more crucial than ever.

We cannot address the role of the internet and internet-related policy in mitigating the impact of COVID-19 and possible future pandemics without recognising the need to reframe inequality and interventions to overcome it. In the current times and for the years ahead, equality should be understood at least as the non-perpetuation of structural disadvantages, acknowledging that the pandemic is affecting people in different ways. Women, migrants, transgender people, Indigenous people, working class people, people with disabilities and others are finding that their lives are shifting for the worse. Therefore, differential contexts and impacts require differential specific responses, including internet-related public policy interventions.

Differential contexts and impacts require differential specific responses, including internet-related public policy interventions. There is no "silver bullet" that will end digital exclusion. National contexts vary greatly; appropriate policies and interventions will also differ between national contexts. While there are many common issues, there is no one-size-fits-all solution to digital inequality. However, building on the previous sections, APC and Derechos Digitales present here further recommendations to work towards the goal of connecting the world:

- Governments and the private sector need to pay attention to these different contexts in developing policies, programmes and business plans, and should include people in vulnerable and traditionally marginalised positions in the design, development, testing and assessment of digital services, policies and programmes.
- People should be provided with support to meaningfully shape and use the
 internet and digital technologies to meet their specific needs and realities. This
 includes supporting unconnected communities and groups to build their own
 technical infrastructure and knowledge of communications rather than
 depending on governments and corporations to fulfil their needs.
- Internet-related public policy environments need to be reformed so that they are favourable to the coexistence of different models for connectivity provision, including community networks and medium- and small-scale locally governed service providers or operators.
- Women's participation in community networks should be encouraged and supported, and licence categories should be made available for this type of service.
- Representative and gender-disaggregated data should be gathered in a consistent and rigorous manner to reach a better understanding of the factors shaping women's access to and ability to benefit from meaningful internet access in diverse contexts.
- Digitisation of services and support provided during the pandemic should address specifically the differentiated needs of women and sexual minorities, acknowledging the need to remedy the persistent gender gap in connectivity to the internet and access to ICTs as an integral part of emergency strategies and beyond.

- Internet-related policy should should be designed to specifically overcome gender inequalities in access and should seek to mitigate the potential negative consequences that arise from women's unequal access to and capacity to exploit the internet.
- The impacts of the internet and digital technologies on our planet cannot be underestimated. Environmental justice and sustainability should be essential components when developing internet-related public policies.
- Internet-related public policy making and internet governance should be democratic, multistakeholder and grounded in the WSIS principles: they must be people-centred, inclusive and development-oriented. Internet-related policy-making spaces should also integrate a gender perspective.
- Given the differential impact of the pandemic in different countries with regard to access to vaccination and the possibility of international travel, meaningful ways of remote interaction for participating in internet governance discussions should be considered as a high priority in all international bodies such as the ITU that have a fundamental role in global and local internet strategies and policy discussions.

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