

GNI Written Feedback on Global Digital Compact

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

Agree

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

N/A

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

The GDC's ultimate output should explore ways through which the multistakeholder model of Internet governance can reinforce, strengthen, and enhance the multilateral system and support work toward a free, open, interoperable, and secure Internet. One of the ways this can happen is by centering human rights as a core principle and touchstone. At GNI, we have been using human rights as the basis for our responsible business guidance to tech companies (through our Principles and Guidelines, which are rooted in international human rights instruments and the United Nations Guiding Principles on Business and Human Rights - UNGPs), as well as our efforts to foster multistakeholder collaboration. We see this approach as paramount for an open, free, and secure digital future for all, as well as for sustaining multistakeholder collaboration. We strongly encourage the co-chairs of the GDC, Member States, and all actors contributing to the multistakeholder technology track to ensure that the process of developing the Global Digital Compact reflects a human rights-based approach.

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

In the section on closing the digital divide, the GDC should include explicit references to and call for the prioritization of efforts to address gender-related divides, as well as the need to address other disparities that disproportionately impact communities based on their sexuality, race, religion or other categories protected from discrimination under human rights law.

On data governance, governments and regulators considering new or updated data protection laws must also focus on human rights in their design and enforcement. This includes not only ensuring strong foundations for privacy and data protection, but avoiding some of the risks and

pitfalls GNI has seen in recent approaches, which include: overly broad exceptions for public actors and/or national security purposes; using data protection to expand surveillance authorities; insufficient independence and oversight of new regulatory bodies; or unnecessary limits on cross-border data flows. All stakeholders involved in the process should advocate for expanded transparency, oversight, and accountability of laws, regulations, and actions related to communications surveillance. In this regard, the GDC should acknowledge and promote the key role of human rights due diligence in supporting the responsible development, innovation, and use of digital products and services.

On commitments and actions, as countries pursue public digital infrastructure initiatives towards inclusive development, it is important that such initiatives are rights-respecting, including that they are necessary and proportionate, backed by an enacted law, that an enabling regulatory ecosystem is already in place (privacy and data protection law), and that they are designed in a way that does not result in more exclusion in practice. Digital public infrastructure must be developed in an open, transparent, consultative, and accountable manner, that includes respect for and accommodation of communities, including indigenous communities, who may choose not to give their biometric or other data to the State.

Finally, on governing emerging technologies, all stakeholders should give particular care to the potential risks to freedom of opinion and expression associated with the automation of data gathering, data analysis, decision making (especially with regard to resource and benefit allocation), content filtering and moderation, and other critical tasks. The use of artificial intelligence by public actors, including law enforcement, government bodies, and the military, deserves at least as much, if not more, oversight as commercial applications in any regulatory framework. Requirements for privacy risk assessments or HRDD or human rights impact assessments should apply equally to commercial and public actors and uses. Any regulatory framework for emerging technologies needs to be grounded in international human rights standards and include key elements of oversight, transparency, and redress.

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

The GDC must ensure that whatever processes are implemented to carry forward work by the UN and its specialized agencies on critical digital issues acknowledge and build on the work that has already been done and is being done under the WSIS process, including the Internet Governance Forum. The GDC should leverage and use these existing processes and others such as the Universal Periodic Review to ensure that digital commitments are carried out responsibly, effectively, and in a manner that is consistent with human rights and is truly inclusive and



multistakeholder in both principle and practice. Any references to follow-up and review should be centered on the concept of “accountability,” which is not mentioned in the draft elements.

The intricate nature of digital issues like connectivity, data governance, and navigating the governance of emerging technologies demands a collaborative approach that recognizes the need for diverse perspectives and expertise. While the GDC recognizes the role and responsibility of governments, the private sector, civil society, and other international organizations, the GDC should also actively promote and welcome all actors that seek to advance the open, secure, interoperable, global Internet, including the technical community and academia. Specific examples of collaboration include the IGF and associated National and Regional Internet Governance Forums, inclusive civil society-led events such as RightsCon, private sector-led initiatives such as the Mutually Agreed Norms for Routing Security (MANRS), and related multistakeholder events such as the upcoming NetMundial+10 conference. The GDC should continue to build on efforts to identify good practices for meaningful and inclusive stakeholder engagement on digital rights issues and commit to ensuring their participation in all aspects of tech development and governance.

While the GDC can and should encourage stakeholders to continue efforts to expand inclusivity and accessibility, especially for those from under-represented and underprivileged groups, it should avoid creating new, disparate processes that will draw attention and resources away from the existing efforts.

Any additional comments

N/A