

Contribution to the October 2017-January 2018 Open Consultation of the ITU CWG-Internet
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Summary

Through a feminist lens that brings together economic justice and gender justice concerns, this contribution traces the key elements of the right to access, right to knowledge and right to development in the network society context. It highlights how this three-pronged approach to scoping the “right to communicate” can serve as a guiding framework for feminist analysis and action at the intersections of gender, digital technologies and development. It also demonstrates how the prevailing discourse on women’s human rights needs to move beyond the online-offline binary to discern the rights violations occurring in the hybrid contexts of techno-mediated life, in the unfreedoms wrought by data, digitalisation and networks.

This contribution chalks out strategic directions for feminist advocacy in relation to information and communications technologies (ICTs), at different scales and spaces – global, national and local. Specific agendas for advocacy in relation to critical global forums and national governments are sketched out along with the work needed for feminist movement building.

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<https://www.apc.org/sites/default/files/FeministActionFrameworkOnDevelopmentAndDigitalTechnologies.pdf>

The views expressed in this contribution do not necessarily represent the position of APC.

Background and Introduction

On 25 May 2017 Council decided that Open Consultations for the CWG-Internet would be convened on the following issue:

CWG-Internet invites all stakeholders to submit contributions on achieving gender equality for Internet users, focusing on the following questions:

1. What approaches and examples of good practices are available to increase Internet access and digital literacy of women and girls, including in decision-making processes on Internet public policy?
2. What approaches and examples of good practices are available to promote the access and use of ICTs by SMEs in developing and least-developed countries, particularly those owned/managed by women, in order to achieve greater participation in the digital economy?
3. Which are the available sources and mechanisms for measuring women's participation in the digital economy with focus on SME's and micro-enterprises?
4. What measures/policies could be envisioned in order to foster the role of women as entrepreneurs and managers of SMEs, specifically in developing and least-developed countries?
5. What are the gaps in addressing these challenges? How can they be addressed and what is the role of governments?

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1. Approaches and examples of good practices to increase Internet access and digital literacy of women and girls

In order to address this question, it is first important to understand what factors impede Internet access and digital literacy of women and girls.

We make recommendations regarding how to increase internet access and digital literacy of women and girls in sections 4 and 5 below.

1.1 Availability and affordable access

Between 2013 and 2016, the global internet user gender gap² grew from 11% to 12%. The gender gap in access is the biggest in the least developed countries (LDCs), where it currently touches 31%. Contrary to early expectations, market forces are not automatically closing this gap. In fact, in the 48 poorest countries, internet growth rates are slowing despite 85% of the population still being offline.³ These populations are “found in more remote, rural areas, and consist disproportionately of poorer, minority, less educated, and often female, members of society.”⁴ Unfortunately, there is no compelling business case to extend internet services to these groups. Hence, the non-availability of connectivity infrastructure continues to be a major barrier to access for many of the world’s women.

Another key impediment is the high cost of connectivity. As of 2014, the average cost of an entry level 500 MB data plan in the LDCs was 15.2% of monthly income; in developing countries, it was 6.5%. The UN Broadband Commission has defined broadband affordability as the availability of such an entry-level data plan for 5% or less of monthly per capita income. Considering that globally women earn almost 25% less than men, internet access continues to be out of reach for the majority of women.⁵ As the Affordability Report 2016 observes, **“Those countries that have the highest internet costs (as a proportion of average income) not only have the lowest numbers of women online, but also the largest gender gaps in internet use.”**⁶ This is a serious concern, in the current context where the internet has become a precondition for full participation in economic and socio-political life. Further, as governance goes digital the world over, women without access and/or the skills to meaningfully navigate the internet risk disenfranchisement and the loss of their economic, cultural and political citizenship.

1.2 Social controls on access

Household and social controls pose a first-level barrier to women’s access to web and mobile technologies. At the household level, women’s access to the computer or mobile phone may be

² The difference between the internet user penetration rates for men and women relative to internet user penetration rates for men. See International Telecommunication Union. (2016). *ICT Facts and Figures*. Geneva: ITU. www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2016.pdf

³ Broadband Commission. (2016). *The State of Broadband: Broadband catalysing sustainable development*. Broadband Commission for Sustainable Development, International Telecommunication Union & UNESCO. www.broadbandcommission.org/Documents/reports/bbannualreport2016.pdf

⁴ Ibid.

⁵ Alliance for Affordable Internet. (2016). *The 2015-16 Affordability Report*. www.a4ai.org/affordability-report/report/2015

⁶ Ibid.

restricted, controlled and/or monitored by male family members.⁷ Social norms may limit women's access to public access points, unless they are located in libraries/ schools, spaces that are seen as permissible locations for women to visit.⁸ Even when women come online, they may be unable to effectively expand their informational and communicative choices because of social censorship, online harassment and incursions on their privacy, thanks to corporate surveillance. Sexual minorities and women from marginalised social groups are also likely to engage in self-censorship given their vulnerabilities in online publics.⁹

1.3 State surveillance and consequences for women's health

States have traditionally adopted a patriarchal approach to women's sexuality and participation in public spaces. Blanket bans on websites with information on sexual and reproductive health and rights (SRHR) cut off women's access to vital information on safe abortions or contraception. Further, public authorities indulge in communication metadata surveillance to restrict informational networking on such issues.

A recent Oxford study¹⁰ highlighted how the mere existence of a surveillance apparatus can stop individuals from accessing websites and reading articles on topics that are frowned upon by the authorities. We also see the emergence of a worrisome "statecorporate" nexus, where technology companies collude with national governments for communication metadata surveillance. The absence of data protection laws in most countries of the South hugely compromises women. Nation-states have always used controls on women's sexuality to reassert patriarchy. The most marginalised women are the most vulnerable to a disciplining state.

1.4 Big data

Another trend is datafication of bodies. Digital platforms are capturing extensive information about bodily functions to create "body-as-information" models, which can aid market and medical research agencies. Oftentimes, this is carried out without the informed consent of users. Qualitative research by ARROW for Change on 11 apps for "menstruation management" reveals that very often, developers do not see such dataveillance as a problem.¹¹

⁷ Intel Corporation. (2012). Women and the Web: Bridging the Internet gap and creating new global opportunities in low and middle-income countries. www.intel.com/content/dam/www/public/us/en/documents/pdf/women-and-theweb.pdf

⁸ Sey, A., Coward, C., Bar, F., Sciadas, G., Rothschild, C., & Koepke, L. (2013). *Connecting people for development: Why public access ICT matter*. Seattle: Technology and Social Change Group. www.digital.lib.washington.edu/researchworks/bitstream/handle/1773/22754/ES_Global_Impact_Study_2013.pdf?sequence=2

⁹ Marvick, A. (2016, 24 November). A New study suggests online harassment is pressuring women and minorities to self censor. *Quartz*. www.qz.com/844319/a-new-studysuggests-online-harassment-is-pessuring-women-andminorities-to-self-censor

¹⁰ Greenwald, G. (2016, 28 April). New Study Shows Mass Surveillance Breeds Meekness, Fear and Self-Censorship. *The Intercept*. <https://theintercept.com/2016/04/28/newstudy-shows-mass-surveillance-breeds-meekness-fear-andself-censorship/>

¹¹ Arrow for Change. (2016). *Sexuality, Sexual and Reproductive Health and Rights, and the Internet*. www.arrow.org.my/wpcontent/uploads/2016/08/AFC22.1-2016.pdf

Feminist work on invasive technologies and women's bodies has painstakingly documented the violation of Third World women's bodies by the health industry.¹² The advent of big data analytics is only likely to exacerbate this problem.¹³ Take for instance the proposal by the Bill and Melinda Gates Foundation to embed a wireless-connected, slow-release contraceptive chip in Third World women's bodies.¹⁴ Private philanthropy thus determines health services in poor countries in the name of reducing maternal deaths. This shifts women's health rights debates from questions of institutional accountability and bodily integrity to the efficiencies of techno-solutionism.

Predictive analysis based on big data also makes it possible to re-create sensitive personal data on issues such as gender identity, race, sexual orientation and HIV status from the "digital data exhausts"¹⁵ that individuals leave behind on digital platforms, even if such information/ data sets were not shared in the first place.

Economic hegemony in the digital age accrues from control over data, which provides the means to control social behaviour. As data changes the nature of the game, internet companies vie for new status, foraying into traditional sectors. Google's entry into the automobile industry, with its self-driving vehicles, is a case in point. Similarly, in the agribusiness sector, Monsanto is entering into a series of mergers to consolidate its business.

Emerging business models also use the power of data to exploit "bottom of the pyramid" markets: predatory fin-tech start-ups aggressively sell unregulated financial products to marginalised women who are new entrants into the networked world.¹⁶

In this data-based economic order, existing plurilateral and multilateral frameworks on global trade push for seamless, unrestricted cross-border data flows without permitting any accompanying legal safeguards. These agreements completely do away with data localisation possibilities mandating the hosting of citizen-data collected by transnational corporations on local data servers.¹⁷ This precludes the possibility of providing any national level redress for privacy violations by transnational corporations.

1.5 Marginalisation of women from online information and knowledge commons

In the early years of the internet, the hope was that its horizontal communication architecture would herald a new, plural and diverse knowledge culture that challenges prevailing knowledge hierarchies. But this cherished feminist dream has failed to materialise. On the contrary, online spaces have started

¹² Ibid.

¹³ McDonald, S. (2016). *Ebola: A Big Data Disaster*. CIS Papers. www.cis-india.org/papers/ebola-a-big-data-disaster

¹⁴ Kumar, A. (2015, 26 June). Bill Gates Foundation working on "Birth Control Chip". *TWCN*. www.news.thewindowsclub.com/bill-gates-foundation-working-birthcontrol-chip-78981

¹⁵ www.techopedia.com/definition/30319/data-exhaust

¹⁶ Matharu, A. (2016, 22 November). Usha Ramanathan offers the most radical hypothesis of the note ban yet. *Catch News*. www.catchnews.com/yahoo/india-news/usharamanathan-offers-the-most-radical-hypothesis-of-the-note-ban-yet-1479754933.html

¹⁷ Such proposals have been put forth in talks around the Trade in Services Agreement and the Trans Pacific Partnership.

to mirror existing geographies of inequality in information and knowledge structures, with knowledge online becoming “even more of a global North, white, straight, male production.”¹⁸

Women, people of colour and minority communities continue to be at the fringes of information and knowledge flows, with limited voice, visibility and discursive power. Commercial content service providers are interested in creating local language interfaces only to the extent it helps in consolidation of emerging markets.¹⁹ There is no commercial incentive to support the flourishing of localised, context-appropriate knowledge systems of women and marginalised groups from the global South.²⁰

1.6 No power to set the terms of online content

When the distributed peering network of the early internet was replaced with a server-client architecture, the power to shape the terms of online content-hosting services shifted from individual users to internet intermediaries.²¹ Today, the powerful algorithmic content filters created by online content service providers determine what individual users get to see and read online, and also what pieces of content receive greater visibility. Further, these platform intermediaries have joined hands with powerful industries of the global North – particularly academic publishing and Hollywood companies – to enforce restrictive, Western frameworks of copyright upon the rest of the world, through measures such as content take-downs and paywalls. This restricts the free circulation of information, knowledge and culture in the digital age.

1.7 The sharing economy is not a solidarity economy

It is often asserted that the internet seems to herald a new model of production where collaborative and cooperativist approaches can thrive. But a closer examination reveals that this oft-celebrated idea of a “sharing economy” is flawed. On the contrary, it is actually an economy controlled by platform intermediaries²² contributing to the “financialisation of the everyday.”²³ Corporations in the so-called

¹⁸ www.meta.wikimedia.org/wiki/Grants:Project/Whose_Knowledge%3F

¹⁹ GSMA Intelligence. (2014). *Local world – contents for the next wave of growth*. London: GSMA. www.gsmainelligence.com/research/?file=5fdd9e71266463b59f7e21a08843d0f7&download

²⁰ As ISOC has highlighted, “We need to ask why multilingualism and the multilingual Internet are important for us in this context. Is it to boost national productivity? A way to preserve cultural heritage and intellectual wisdom? A way to exert national solidarity and promote national identity? To foster a copy-and-paste society of passive consumers or alternatively, to foster an innovative society with creators and entrepreneurs? Promoting multilingualism needs a compelling vision, well thought out strategies and some degree of forward looking imagination.” In this case, it would involve moving beyond the creation of interface to support and subsidisation for localised content hosting and distribution services, an area that is underdeveloped. See <https://www.internetsociety.org/blog/asia-pacific-bureau/2014/12/multilingualism-and-end-global-internet>

²¹ Moglen, E. (2010). Freedom In the Cloud: Software Freedom, Privacy, and Security for Web 2.0 Cloud Computing. Speech given in a meeting of the Internet Society’s New York Branch, 5 February. www.softwarefreedom.org/events/2010/isoc-ny/FreedomInTheCloud-transcript.html

²² Morozov, E. (2014, 28 September). Don’t believe the hype, the ‘sharing economy’ masks a failing economy. *The Guardian*. www.theguardian.com/commentisfree/2014/sep/28/sharing-economy-internethype-benefits-overstated-evgeny-morozov ; Scholz, T. (2016). *Platform Cooperativism: Challenging the Corporate Sharing Economy*. New York: Rosa Luxemburg. www.rosalux-nyc.org/wp-content/files_mf/scholz_platformcoop_5.9.2016.pdf

²³ Scholz, T. (2016). Op. cit.

sharing economy do not produce goods or services, but act as new middlemen/brokers who control the interpersonal transactions that underpin all economic activities.

Also, the emerging digital marketplace is a far from level playing field. It is a fiefdom whose keys are with a small rentier class, whose platforms dominate the digital economy. The steep brokerage fee they charge prevents any attempt by women and marginalised groups to create a viable, alternative, horizontal production model rooted in a non-capitalist ethos. For example, a women's cooperative interested in expanding the market for its goods through online retail may be completely unable to negotiate the commission rates of a powerful e-commerce platform such as Amazon. Setting up their own alternative platform is not cost-effective in a winner-takes-all model of platform monopolies.

Further, as every domain of economic activity is getting platformised, pre-existing forms of exploitation of women's labour are intensifying. In their eagerness to maximise profit margins, platforms are promoting the informalisation of work. This includes reclassifying workers as contractors to avoid welfare support and social wage payouts (Uber), sending wage rates into a tailspin by forcing workers to engage in reverse-bidding to obtain gigs (Taskrabbit), and restricting workers' rights to unionise (Amazon).²⁴

Feminist scholars highlight how women's unpaid care work burdens become increasingly invisible in this context.²⁵ Globally there is a collapse of traditional progressive ideas such as permanent employment and the family wage, with a roll-back of the welfare state in many countries. The platform economy as a whole not only weakens worker rights, but impinges upon the already stretched bodies of poor women in the global South. The uberisation of domestic work – contracting out domestic work in short assignments – is expanding at exponential rates.²⁶ This has resulted in a further erosion of domestic workers' economic security and ability to unionise.

1.8 Digital capitalism and gendered hierarchies of labour

As a "space of flows", the internet is ushering in a new culture of work, where national borders supposedly become irrelevant. However, the network economy is based on a transnational labour hierarchy that is geographically segregated, racialised and gendered.²⁷

At the top rung are knowledge workers from advanced economies who have access to a mobile and distributed workplace that they can access from anywhere. They are supplemented by a layer of cheaper knowledge workers from emerging economies who are "body-shopped" (physically through

²⁴ ill, S. (2016). *The California Challenge: How (not) to regulate disruptive business models*. Berlin: Friedrich-Ebert-Stiftung (FES). http://www4.fh-swf.de/media/downloads/meschedestandort/fachtagung_industrie_4_0/2016_6/downloads_unterlagen/03_Steven_Hill_FINAL_ENGL_print.pdf

²⁵ Federici, S. (2012). *Revolution at Point Zero: Housework, Reproduction and Feminist Struggle*. www.churchland.org.za/wp-content/uploads/2013/08/Federici-Silvia-Revolution-Point-Zero-Housework-Reproduction-and-Feminist-Struggle.pdf

²⁶ Hunt, A. (2016, 14 September). What the 'Uber-isation' of domestic work means for women. *Development Progress*. www.developmentprogress.org/blog/2016/09/15/whatuber-isation-domestic-work-means-women

²⁷ Chen, Y. (2014). Production Cultures and Differentiations of Digital Labour. *TripleC*, 12(2). www.triple-c.at/index.php/tripleC/article/view/547/626#ref62

offshoring assignments; or virtually through online modes of working). At the bottom are those engaged in the manufacturing of the network's material infrastructure.²⁸

This division of labour is globalised and racialised, as the bulk of environmentally destructive mining and manufacturing is conducted in sites in the global South, which become veritable network-age "colonies". It is also gendered, as underpaid and unpaid forms of care work performed by women undergird this entire edifice. Knowledge workers in advanced economies are outsourcing their care work to migrant women workers from poorer countries. APWLD's research has found that countries in Asia that rank highest on ITU's ICT Development Index have the highest inflow of migrant women domestic workers in the region.²⁹ The network economy thus reproduces older inequalities, entrenching an exploitative hierarchy that is distinctly gendered.

1.9 Connectivity and exploitation of women's bodies

In an ever more connected world, organised, crossborder criminal economies – arms, drugs and human trafficking – are thriving. The dark web is a safe haven for illegal marketplaces where crypto-currencies enable unregulated financial flows. The Global Report on Trafficking in Persons 2014, of the United Nations Office on Drugs and Crime, identifies 510 "traffic flows" – global pathways between origin and destination countries – in human trafficking. Trafficking for sexual exploitation is going up and there is an increasing detection of victims who are girls. Trans-regional trafficking flows mainly involve victims from East and South Asia and Sub-Saharan Africa.

The prolific growth of the global pornography industry is an issue that is rarely discussed in policy circles. It is framed in neoliberal terms – the "choice" to access porn, rather than in terms of the exploitative conditions of the production and distribution of the industry's products, made possible through the internet.³⁰ A connected world has also contributed to the recruitment of children's bodies into circuits of transnational capital; girls in the Philippines are forced into acts of cybersex for foreign customers from their own homes.³¹

2. Approaches and examples of good practices to promote the access and use of ICTs by SMEs, in developing and least-developed countries, particularly those owned/managed by women

See 5.1, 5.3, 5.4 and 5.5 below.

3. Available sources and mechanisms for measuring women's participation

We have no comments on this issue.

²⁸ Ibid.

²⁹ Presentation by Trimita Chakma, APWLD at the Expert Group Meeting on e-government and gender equality convened by UN ESCAP in October 2016.

³⁰ Sarikakis, K., & Shaukat, Z. (2008). The Global Structures and Cultures of Pornography: The Global Brothel. In Sarikakis, K., & Shade, L.S. (Eds.), *Feminist Interventions in International Communication*. Rowman and Littlefield Publishers, Inc. www.homepage.univie.ac.at/katharine.sarikakis/wp-content/uploads/2011/11/global-structurespornography.pdf

³¹ Duerr, R.I. (2016). The Philippines booming cybersex industry. *Deutsche Welle (DW)*. www.dw.com/en/the-philippines-booming-cybersex-industry/a-19026632

4. Measures/policies to envisage to foster the role of women

The history of feminist engagement with digital technologies highlights the need to integrate gender justice and economic justice concerns in feminist political action.³²

In 1993, the Vienna World Summit on Human Rights underscored the connection between extreme poverty and the massive disparities in access to information and to the means of communication. It was observed that the latter is a cause and a consequence of the unequal distribution of wealth in the world and within countries, and the diminished capabilities of people to enjoy their human rights, especially the right to an adequate standard of living, economic and social development.

The ascendance of a neoliberal vision of the information society has meant a depoliticised idea of women's empowerment, where access is reduced to assimilation of women into the market, as consumers and marginal workers in the digital economy. Increasing reliance on partnerships with private corporations to tackle issues related to access has promoted models that do not address structural issues of exclusion. This elides the fundamental problem of women's right to communicate, and allows corporations to set the terms of the debate and its resolution – perpetuating inequality through access solutions.

Intellectual property regimes in the digital context have implications for women's right to knowledge. Notions of individual copyright, or attempts to control communal copyright by state or national governments; the enclosure of the knowledge commons; and the increasing penalties proposed for copyright infringement (including of academic, state-sponsored knowledge) all have gendered impacts that disproportionately affect women, especially in the global South.

Pervasive surveillance by state and corporate actors over the bodies and sexual expression of women and gender minorities impedes their sexual and reproductive health and rights. While states regulate women's fertility behaviour through monitoring of communication metadata, "menstruation management" apps convert women's concerns around reproductive health and rights into a technical issue, harvesting data about their bodies without informed consent.

A rights-based approach is urgently needed due to developments such as the transition of the Internet Assigned Numbers Authority (IANA) to a "multistakeholder community", without guarantees for democratic governance or oversight; the continuing dataveillance by states and corporations alike; the continuing failure of markets to provide access for the most marginalised groups (especially women facing double burdens of discrimination); and the built-in bias of corporate solutions such as Facebook's Free Basics, which allows corporations gate-keeping powers to minimise competition and offers few privacy safeguards for vulnerable communities; among others.

The continuing dominance of the United States in internet governance processes means that organisations, in particular the Internet Corporation for Assigned Names and Numbers (ICANN), with global responsibilities are beholden to legal statutes and procedures of the United States, rather than being accountable to the global community.

The absence of a global democratic framework on internet governance also means that policy discussions on transnational cooperation pertaining to human rights and the internet get splintered across a plethora of multilateral, plurilateral and regional forums. For instance, data-related decisions are increasingly entering trade agreements. On the one hand, as the digital gets amalgamated with social institutions, domain-specific measures are bound to become inevitable. On the other, in the

³² Gurusurthy, A. (2017). *A history of feminist engagement with development and digital technologies*. APC. [https:// www.apc.org/en/node/22814](https://www.apc.org/en/node/22814)

absence of a global policy structure that addresses the core principles of internet governance, efforts to seek transformative change on issues such as data ownership or women's bodily integrity will continue to remain fragmented.

Under current circumstances, setting up alternative content platforms owned and operated by women and marginalised groups in the global South seems the only way forward with respect to setting the terms for online content. However, this option is difficult in a scenario where the technical backbone of the internet is being managed within a "for-profit" model. For example, the "terms of use" policies of major internet service providers prohibit users from using their connections to host their own server, which leaves limited room for users to build their own trusted, closed communication networks.³³

5. How to address gaps and the role of governments

Feminist action in these times needs to be highly self-reflexive, so that tactical engagements do not undermine transformative change. To reclaim the internet as the foundation of a "federated feminist public" across scales and issues, concerns on economic justice must be central to a feminist politics of the internet.

At present, the vision of the internet as a catalyst of economic, social and political development and a critical "enabler" of human rights,³⁴ widely acknowledged in national and international policy discourses today, cannot be actualised. For this to happen, women located in the peripheries of the economy and sexual minorities must have a claim to the right to communicate – to the agency it bestows and the structures it contains – and participate in meaning-making processes. A gender-just information society must be able to provide women and people of non-normative genders the ability to scrutinize the world, interrogate existing norms, challenge social structures, construct alternative worldviews and occupy the public sphere as equals. Thus, the right to communicate must unleash an "inventive democratic imagination".³⁵

Some specific measures are outlined below.

5.1 Affordable access

Most governments have dragged their feet on developing a cohesive policy and programmatic approach for building gender-responsive access architectures. As the Affordability Report 2016 notes, "**Very few countries currently take a gender-focused approach to their policy development** — only 10 out of 109 countries covered in the 2013 Broadband Commission Working Group on Gender Report have policies that include references to gender; [and only a handful] have plans that include specific targets for ICT gender equity, with budget allocated to achieve these targets."³⁶ Absence of reliable data further impedes the implementation of specific strategies to promote women's meaningful access.

This must change, as the right to access is equally the right to an internet whose architecture promotes gender and social justice. The real issue is that in national and global internet policy circles, the gender

³³ Auerbach, D. (2013, 12 August). Google Fiber Continues Awful ISP Tradition of Banning "Servers". *Electronic Frontier Foundation*. www.eff.org/deeplinks/2013/08/google-fiber-continues-awful-isp-tradition-banning-servers

³⁴ La Rue, F. (2011). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*. http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

³⁵ Visvanathan, S. (2009). The search for cognitive justice. *India Seminar*. www.india-seminar.com/2009/597/597shiv_visvanathan.htm

³⁶ Alliance for Affordable Internet. (2016). *The 2015-16 Affordability Report*. www.a4ai.org/affordability-report/report/2015

politics of access is often reduced to women's "inclusion"³⁷ and political economy considerations have not gained as much attention.

5.2 Mitigating violence against women

Technology-mediated violence against women (VAW) has snowballed into a global pandemic. Research reveals that women users are 27 times more likely than men users to face online harassment and abuse, and that women between 18 and 24 are especially at risk.³⁸ The lack of adequate legal frameworks and institutional mechanisms in developing countries to tackle intermediary liability and respond to technologically mediated violence is a major public policy gap.³⁹ This also narrows down options for resistance and action – forcing individual women to go through an unresponsive complaints process of platform companies.⁴⁰

5.3 A gender-just conception of the "right to access"

A gender-just conception of a right to access digital technologies, including the internet, is one where such access is:

- Universal and affordable.
- Unconditional and equal, whereby the end-to-end principle of the internet/network neutrality is treated as sacrosanct. Access arrangements that lead to a tiered internet, stratified along the lines of the ability to pay, are not permitted. However, "protective discrimination" by regulatory authorities for free access to public interest content, like emergency services and public services, may not be considered a violation of network neutrality.
- Unfettered, that is, without social control in the form of community/household level policing/online vigilantism that curtails women's access.
- Meaningful, whereby access enables an expansion of strategic life choices for women, without posing threats to their bodily integrity, informational privacy or personal autonomy.

5.4 Recommendations for governments

Governments must undertake the following steps to address women's access to digital technologies:

- a) Work towards realising women's right to universal and affordable access through a range of strategies: lowering interconnection charges and spectrum licensing fees to make mobile broadband affordable, setting up a universal data allowance targeted at women, establishing gender-responsive public access points where connectivity is provided free/at subsidised costs, and encouraging the development of municipal broadband programmes by local governments with specified quotas for uptake by women's groups and women's organisations.

³⁷ Jensen, H. (2013). Whose internet is it anyway? Shaping the internet-feminist voices in governance decision making. In Finlay, A. (Ed.), *Global Information Society Watch*. www.giswatch.org/institutional-overview/womens-rights-gender/whose-internet-it-anyway-shaping-internet-feminist-voice

³⁸ UN Broadband Commission for Digital Development Working Group on Broadband and Gender. (2015). *Cyber Violence against Women and Girls: A World-wide Wake-up Call*. http://www2.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf?v=1&d=20150924T154259 . Also see <http://time.com/4049106/un-cyber-violence-physical-violence>

³⁹ See www.genderit.org/onlinevaw

⁴⁰ Rajaram, S. (2015, 8 August). How Facebook Helped a Misogynistic Mob Lynch these Indian Women. *The Ladies Finger*. <http://theladiesfinger.com/how-facebook-helped-amisogynistic-mob-lynch-these-indian-women>

- b) Invest in creating meaningful access cultures for women at the grassroots by using public access points as spaces for imparting valuable informational, media and data literacy skill-sets that promote women’s active citizenship, and subsidizing content development efforts by women’s rights organisations (such as information on sexual and reproductive health and rights, entitlements, etc.).
- c) Introduce net neutrality legislation that prohibits differential or discounted pricing of data services in any form by telecom service providers and/or internet platforms – including zero rating apps/platforms that are internet service provider-agnostic. Zero-rated provision of public information/services by government agencies must be exempted under net neutrality legislation.
- d) Use e-government as a strategic tool to promote women’s empowerment and gender equality. This requires action at two levels: putting in place mechanisms to prevent the exclusion of women from digitalised service delivery and citizen engagement systems; and designing initiatives that specifically address women’s special needs and priorities, such as confidential provision of sexual and reproductive health and rights-related information over an online platform, crisis helpline for women encountering VAW, etc.
- e) Enact robust data protection legislation to safeguard users from privacy violations arising from commercial surveillance by online platforms.
- f) End disproportionate, excessive and illegitimate surveillance that is in contravention of the limits on such acts placed by international human rights frameworks.⁴¹ For example, state surveillance of individual access of sexual and reproductive health and rights-related information and services is clearly an unjustifiable incursion into their privacy.
- g) Upgrade legal-institutional response mechanisms for VAW so that they effectively address the different manifestations of technology-mediated violence against women, including sexist content that may not be sexually explicit or considered “obscene”. With respect to determining the responsibility of the internet intermediary in responding to complaints of online gender-based violence (GBV), laws must ensure that the intermediary does not become the default adjudicator. Actions may need to be guided by clearly laid down limits for any first-level arbitration between complainants and authors of content/posts found to be objectionable.⁴²
- h) Invest in the creation of a supporting environment for the development of context-appropriate, localized information and knowledge cultures. This includes encouragement for the technological means for localising the digital – such as development of local language fonts in non-proprietary formats, but as importantly, respect for non-digital communicative practices and traditions.⁴³ Public investment to promote the voice and representational sovereignty of marginalised women is non negotiable.
- i) Enact intellectual property (IP) legislation grounded in a “right to knowledge” perspective. Current IP regimes strengthen corporate power to control knowledge but pay inadequate attention to the opportunity to deploy digital openness for greater inclusion and participation (open access measures). An appropriate framework on intellectual property rights could also enhance the rights

⁴¹ www.necessaryandproportionate.org

⁴² Under the Harmful Digital Communications Act 2015 in New Zealand, for instance, an independent authority has been set up to tackle such complaints.

⁴³ As the Just Net Coalition has observed, “People must be able to enjoy all their rights and entitlements as citizens, even if they choose not to have Internet access.” See <http://justnetcoalition.org/delhi-declaration>

of communities to knowledge as a way of life and the rights of individuals/creators of content. The law must contain appropriate safeguards to prevent the commercial exploitation or take-over by the state of the life-world of women's traditional knowledge and cultural expression.

- j) Amend/update legacy laws that pertain to worker rights so that laws can adequately cover emerging platform business models. Sectoral laws – whether in agriculture, health or education – need revisiting from a gender perspective to protect the rights of individuals and groups in an increasingly datafied and platformised society. Public and community agencies should be encouraged and facilitated, including through policy support, to own and run cooperativist platforms in economic and social arenas.
- k) Design and implement broadband and ICT policy frameworks that can contribute to the creation of information and communication architectures that boost the economic participation of marginalised women's collectives and cooperatives. Municipalities/local governments should be encouraged to apply for and obtain geographic top level domains and then reserve a portion of the re-allocation of these top level domains for businesses and other ventures launched by women's collectives/cooperatives.
- l) Evolve a national data governance framework that supports the creation of a decentralized data architecture that can enable the use of data for the expansion of citizen capabilities.⁴⁴ This, as the work of David Bollier suggests, will need encouragement for a common pool resource of data, managed from the bottom up.⁴⁵ Guidelines for the design and development of such decentralised data systems must be gender sensitive, with clear rules on who has access to what data sets.⁴⁶ **No effort to use data for public decision making should end up advocating the primacy of data over other epistemologies.**⁴⁷ **The transparency of algorithms is vital for women's citizen rights.**

5.5 Recommendations with respect to global policy processes

- m) Global internet policy discussions must move beyond paying lip service to the idea of “bridging the gender digital divide” to examining the impact of market-driven solutionism. The idea of the Digital Solidarity Fund that emerged during the WSIS needs to be reclaimed.⁴⁸

⁴⁴ Heeks, R. & Renken, J. (2016). *Data Justice for Development: What Would it Mean?* Paper No. 63, The Development Informatics Working Paper Series. Centre for Development Informatics Global Development Institute, SEED. www.hummedia.manchester.ac.uk/institutes/gdi/publications/workingpapers/di/di_wp63.pdf

⁴⁵ Bollier, D. (2016, 2 May). Progressive Philanthropy Needs to Spur System Change. *David Bollier – news and perspectives on the commons*. www.bollier.org/blog/progressivephilanthropy-needs-spur-system-change

⁴⁶ For example, evidence clearly indicates that when data about individual land holdings is put out in the public domain, landsharks/real-estate developers could buy out owners of small and marginal holdings with limited economic or socio-political power. See Raman, B. (2012). The Rhetoric and Reality of Transparency: Transparent Information, Opaque City Spaces and the Empowerment Question. *The Journal of Community Informatics*, 8(2). www.ci-journal.net/index.php/ciej/article/view/866/909

⁴⁷ Davies, T. (2013, 12 February). Open Data, Land, Gender. *Open Data Impacts*. www.opendataimpacts.net/2013/02/open-data-land-gender

⁴⁸ The Outcome Document of the WSIS plus-10 review has flagged its concerns about the challenges in the implementation of the Digital Solidarity Fund. A proposal for the Digital Solidarity Fund was tabled by Senegal during the WSIS Phase 1 talks, but it was established only in March 2005 as a “Foundation” with 21 members, backed by a few states. In its final form, the Fund was cast as a voluntary source of financing for information society agendas in developing countries to which interested stakeholders including national governments, local governments and private sector partners would contribute. There was also a proposal that ICT vendors would pay

- n) Extraterritorial obligations of states with respect to violations of data privacy of citizens of other countries arising out of communication metadata surveillance must be outlined.
- o) A framework for the global governance of data as a means towards a just and peaceful world needs to be developed.
- p) A new democratic framework for the governance of the internet's technical backbone, one which is guided by a public interest logic, must be put in place. ICANN must be placed under international law and granted jurisdictional immunity so that one nation-state does not have disproportionate power over the digital commons. Further, in the allocation of generic top level domain names (gTLDs), ICANN must introduce economic and financial non-discrimination policies, and expand public interest reservations to ensure that indigenous women, sexual minorities and progressive civil society groups are able to obtain gTLDs of their choice.⁴⁹ Also, preferential treatment of applications from disempowered groups must be adopted in the second-level allocation of country code top level domains.⁵⁰
- q) A new democratic mechanism for global governance of the internet, that effectively addresses internet related public policy issues, must be evolved.⁵¹ It is not possible to tackle the planetary scale of exploitation, crime and threat of cyber warfare nor harness the promise of connectivity for empowerment and well being of the majority of the world's women, without an international treaty on human rights on the internet, which prominently include ESCRs and the right to development. As global policy debates in traditional sectors wake up to the digital context, it is imperative that developing country governments account for the rights of women in building their bargaining positions.
- r) **"Data for development" needs globally agreed protocols** so that countries without the infrastructure and sophistication for collecting and managing their own data are not forced to trade their sovereignty for transnational market control over their citizen data. **Principles and rules of data ownership should be defined, with due regard to their primary sources, and not just the interests of aggregating and processing platforms.** This is particularly pertinent for women to have control over their bodies.
- s) International processes and mechanisms to protect and promote women's human rights need to re-interpret the economic and social position of women in a digital/datafied world and evolve policy approaches and recommendations accordingly.

the Fund a levy on public procurement contracts they obtained, but it came to naught. In the end, the Fund was dissolved in 2009.

⁴⁹ Jaramillo Gajardo, P., & Lara Galvez, J. C. (2016). *The internet domain name system and the right to culture*. Association for Progressive Communications.

<https://www.apc.org/en/system/files/InternetDomainNameSystemRightToCulture.pdf>

⁵⁰ Ibid.

⁵¹ Singh, P. J. (2015). Intervention at the UNGA high level meeting on WSIS plus 10 review.

<http://itforchange.net/sites/default/files/UN%20General%20Assembly%20WSIS+10%20Meet%20-%20Transcript.pdf>