A FEMINIST ACTION FRAMEWORK ON DEVELOPMENT AND DIGITAL TECHNOLOGIES

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SUMMARY

Through a feminist lens that brings together economic justice and gender justice concerns, this paper 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 paper 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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KEY CONCEPTS

Network economy: The emerging global economic order in which production and distribution are organised through digital networks that bridge time and space. Economic power lies with those who manage interconnections on these networks. Online platforms become powerful brokers who also capitalise upon the data traces generated through user activity. The network economy is marked by: precarious work; the reinforcement of the unequal, gendered transnational labour chain; privacy violations stemming from boundary-less data mining practices; and the increasing power of online platform intermediaries.

Right to communicate: The right to control and use the means of communication, whether digital or analogue. It includes freedom of expression, the right to participate in culture, linguistic rights, and the right to education. Pluralism, knowledge and media ownership are integral to the exercise of this right. The history of the right to communicate reveals the contestation between powerful status quoist forces and those who seek transformative global change for justice and equality.

Gender justice: A substantive concept that refers to comprehensive equality and social justice. Thus, in the field of internet governance, it is not only about access and online freedom of expression, but also about the ability to define the frameworks and codes that govern the internet.

Women's economic, social and cultural rights (ESCRs): This bundle of rights includes women's rights to determine their own future, whether related to the right to work and social security; the right to determine their own identity; control over their sexual and reproductive health and rights; and the right to culture.

KEY FACTS

- 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 "multi-stakeholder 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 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.

- 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.

INTRODUCTION

This document is a guiding framework on gender, development and digital/internet rights. Borrowing from feminist theories that bring together conceptions of gender justice and economic justice, it seeks to tease out the issues and positions for feminist advocacy on digital technologies and the internet.[1]

As the warp and weft of all social systems change with the indelible mark of the internet and digital technologies, there is a destabilisation of norms and rules. This is true for national and global institutions – from trade, commerce, financial markets, work arrangements, etc. to social and cultural arenas of communication, media and knowledge. The flux we are witness to can be harnessed by agile feminist action into a productive space that can mark a departure from traditional norms that define social power. But for this to happen, **feminists need to claim historical knowledge and build an informed framework of analysis and action**. So far, a strong civil and political rights framework has led feminist actions in the digital realm. Using the normative compass that feminist conceptual tools on development offer, digital rights activism must promote an idea of gender justice that accounts for the lived experience of women at the margins of the mainstream economy. This calls for a composite approach that underscores the indivisibility and interdependency of social-economic and civil-political rights.

This document intends to bring to feminist advocacy and action the conceptual and analytical building blocks of such an approach. **It examines the substantive aspects of women's economic, social and cultural rights**, offering a new point of departure to the old idea of the "right to communicate", bringing to the fore the idea of **"cognitive justice"**. Outlining why and how women's rights in the network age requires a new conception of the right to access digital technologies, the right to knowledge and the right to development, it spells out the key "asks" in terms of national and global policies. The final section, on the **directions for feminist advocacy**, provides an indicative cartography of issues and spaces for action.

BECAUSE WOMEN DO NOT NEED A SHARE OF THE POISONED PIE

WOMEN'S RIGHTS IN A GENDER-JUST INFORMATION SOCIETY

The history of feminist engagement with digital technologies highlights the need to integrate gender justice and economic justice concerns in feminist political action.[2] Progressive civil society actors have pushed for a right to communicate since the 1960s. But even though it was first enunciated in 1969, its implementation into policy has been hampered by the lack of an agreed definition of such a right.[3] Even today, there is no political benchmark in most developing countries to argue for the implementation of such a right, as may be applicable in an internet-mediated world.

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.

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1   This writing draws from the work of Third World feminist networks like Development Alternatives with Women for a New Era (DAWN) and insights from personal engagement in the internet policy arena through the work of IT for Change, the organisation that the authors are associated with.

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

3   McIver, W. J., Jr., Birdsall, W. F., & Rasmussen, M. (2013, 1 December). The Internet and the right to communicate. *First Monday*, 8(12). www.firstmonday.org/article/view/1102/1022

The proposal to include a "right to communicate"[4] did come up in the World Summit on the Information Society (WSIS) Geneva Declaration, but met with fierce opposition. However, paragraph 4 of the Declaration does imply acknowledgment of the need for universal participation in communication processes. Following an endorsement of freedom of expression under the terms of the Universal Declaration of Human Rights (UDHR), it states:

> Communication is a fundamental social process, a basic human need and the foundation of all social organisation. It is central to the Information Society. Everyone, everywhere should have the opportunity to participate and no one should be excluded from the benefits the Information Society offers.[5]

Information and communication are at the root of society's core processes of negotiating power, building norms and values, legitimising the truth and controlling the making of meaning.

Isolation from information and communication processes debilitates women's struggle for equality. Information and communication are at the root of society's core processes of negotiating power, building norms and values, legitimising truths and controlling the making of meaning. A commitment to building the public domain of information and knowledge (para. 26, WSIS Geneva Declaration)[6] means very little in a distinctly neoliberal information society, where women's online participation is usually within enclosures of capitalism and few women are active contributors to the world of information and knowledge online.

The struggles of women from the global South against "misrecognition" and "maldistribution"[7] come from their situated, gendered experiences and a history of delegitimising their ways of being and knowing. They demand respect for the integrity of life-worlds that negate homogenising assimilation by the mainstream network economy. They represent the assertion by women for "cognitive justice"[8] – where **knowing is not abstracted from living and everyday culture, but is an ecosystem in which diverse knowings have a place**. In an internet-mediated world, the materialities of social ties seem to espouse one logic – omnipresent surveillance that recruits everyone into the monolithic frame of the neoliberal social order. The network is the omniscient knower and the digital capitalist class the feudal rentiers who squat on it.

Therefore, the vision of the internet as a catalyst of economic, social and political development and a critical "enabler" of human rights,[9] 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 scrutinise 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".[10]

Towards this, the interconnected themes of access to digital technologies, knowledge, and development in the network society need to be re-imagined, critically unpacking these themes through a feminist lens that brings together economic justice and gender justice concerns. The next section traces the key issues and articulates the elements of a right to access, right to knowledge and right to development commensurate with the opportunities and challenges of the network society.

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4 www.crisinfo.org

5 www.itu.int/net/wsis/docs/geneva/official/dop.html

6 Ibid.

7 Fraser, N. (2009). Feminism, Capitalism, and the Cunning of History. *New Left Review*, 56. www.newschool.edu/uploadedFiles/Faculty/NSSR/Fraser_NLR.pdf?n=4644

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

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

10 Visvanathan, S. (2009). Op. cit.

RIGHT TO ACCESS DIGITAL TECHNOLOGIES

Lack of a gender-responsive, public goods approach to access

Between 2013 and 2016, the global internet user gender gap[11] 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.[12] These populations are "found in more remote, rural areas, and consist disproportionately of poorer, minority, less educated, and often female, members of society."[13] 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.[14] 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."**[15] 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.

> *The real issue is that in national and global internet policy circles, the gender politics of access is often reduced to women's inclusion.*

However, 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."[16] 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 politics of access is often reduced to women's "inclusion"[17] and political economy considerations have not gained as much attention.

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11 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

12 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/bb-annualreport2016.pdf

13 Ibid.

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

15 Ibid.

16 Ibid.

17 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

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Meanwhile, a key strategy to achieve gender equality in the use of the internet, as emphasised in many global policy discussions,[18] is entering into public-private partnerships with technology companies. EQUALS, an initiative launched by the International Telecommunication Union (ITU) and UN Women in September 2016, intends to bridge the gender digital divide through a global partnership of "like-minded" public sector, private sector and third sector actors.[19] This trend of promoting multistakeholder partnerships – especially those in which corporate actors occupy centre stage – to further the gender and ICTs agenda, has been on the rise since 2007, when funding for digital inclusion dried up.[20] The assumption behind such initiatives is that the market interest of internet service providers and content companies coincides with the interests of unconnected women and developing country governments struggling to expand internet infrastructure. The prevalence of this view is unsurprising, given that neoliberal ideologies have de-legitimised a public goods approach to provisioning internet access.[21]

However, experience reveals that this faith in the transformative potential of market forces is misplaced. The connectivity divides that remain to be bridged are in "low-demand pockets" which are unattractive for market players.[22] Most marginalised communities are thus condemned to an "access trap".[23] Further, private players, in their attempt to consolidate market share, often use strategies that compromise the access experience of users.

Facebook's Free Basics zero-rated service has been touted as an ideal solution providing affordable access to marginalised women. However, such free-of-cost services provide access only to a limited number of websites, the terms of which are controlled by the platform. They violate the net neutrality principle that upholds the need for equal and non-discriminatory treatment of online traffic, irrespective of source, giving an unfair advantage to platforms with the economic prowess to offer discounted/zero-rated services.[24] Further, Free Basics also mines personal information without any concomitant guarantees that limit the re-use of such information. As Zara Rahman observes in the context of NGO partnerships with Free Basics for sexual and reproductive health and rights info-outreach in Bangladesh: "Partnering with a platform like Free Basics means [...] providing data to Free Basics on who accesses the services which essentially amounts to the personal data of their beneficiaries. Many of the issues addressed in sexual rights advocacy have traditionally been sensitive [...] and at the moment, this kind of information is being mediated by a proprietary gatekeeper with zero accountability measures. There is no way to hold it to account – it's not a public service, it's a private one."[25]

Private participation for women's empowerment is not inherently unethical; but the terms laid out for public–private partnership projects invariably hold civil society and state organisations captive to the structurally limited goodwill of corporate partners.

Fetters on women's informational and communicative autonomy

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 restricted, controlled and/or monitored by male family members.[26] 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

18 United Nations General Assembly World Summit on the Information Society. (2015). *Outcome Document of the High Level Meeting of the General Assembly on the Overall Review of the Implementation of WSIS Outcomes*. www.workspace.unpan.org/sites/Internet/Documents/UNPAN95707.pdf; International Telecommunication Union. (2014). *Connect 2020 Agenda*. www.itu.int/en/connect2020/Pages/default.aspx

19 www.equals.org

20 Buskens, I. (2015). ICT and Gender. In Mansell, R. et. al. (Eds.), *The International Encyclopedia of Digital Communication and Society*, 1–11. Wiley.

21 Tarnoff, B. (2016, 31 August). The Internet Should Be a Public Good. *Jacobin*. www.jacobinmag.com/2016/08/internet-public-dns-privatization-icann-netflix

22 The Broadband Commission in 2016 observed that "business as usual" will not close the connectivity divides. See Broadband Commission. (2016). Op.cit.

23 Broadband4Europe. (2014, 7 January). The Internet "Access Trap" in Developing Countries. www.broadband4europe.com/the-internet-access-trap-in-developing-countries

24 Singh, P. (2015, 9 May). Net Neutrality is basically Internet Egalitarianism. *Economic and Political Weekly*, 1(19). www.itforchange.net/sites/default/files/Net%20Neutrality%20is%20basically%20Internet%20Egalitarianism_EPW_Param_0.pdf

25 Rahman, Z. (2016, 11 November). Internet politics: a feminist guide to navigating online power. *Open Democracy*. www.opendemocracy.net/5050/zara-rahman/internet-politics-feminist-guide-navigating-online-power

26 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-the-web.pdf

women to visit.[27] 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.[28]

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.

> In many Latin American countries, governments and anti-choice activists engage in monitoring the electronic communications of individuals suspected to be accessing information about SRHR as well as the groups and networks providing the same, in order to shame them. In Nigeria, some transgender individuals were forced into hiding when law enforcement agencies got information about their involvement in a health project run by civil society.[29]

A recent Oxford study[30] 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. Timely access of quality health information is key to women's reproductive and sexual well being and autonomy, a responsibility that has been repeatedly stressed in global policy discussions. Yet, violence and homophobia are curtailing access to sexual health information and services and destroying lives across the world, whether in the United States, Russia, Uganda or Jamaica.[31]

We also see the emergence of a worrisome "state-corporate" nexus, where technology companies collude with national governments for communication metadata surveillance. This trend portends the transformation of the entire internet into a panspectron.[32]

> China has entered into a partnership with Sesame Credit, the financial wing of Alibaba, for setting up a massive social credit system to rank citizen trustworthiness. The idea is to enrol all Chinese citizens by 2020 into "a vast national database that compiles fiscal and government information, including minor traffic violations" which will distil this information "into a single number ranking for each citizen." Like all surveillance assemblages, this will enhance the policing of women's bodies.[33] Assigning black-marks to violators of family planning rules[34] is one of the steps proposed in arriving at the social credit score.

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.

Inadequate laws, poor law enforcement and lack of redress: 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.[35] The lack of adequate legal frameworks and institutional mechanisms in developing countries to tackle intermediary liability and respond to technologically mediated

27 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

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

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

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

31 Girard, F. (2015). Taking ICPD Beyond 2015. *International Women's Health Coalition*. www//iwhc.org/resources/taking-icpd-beyond-2015/

32 wiki.p2pfoundation.net/Panspectrocism

33 Shephard, N. (2016). *Big data and sexual surveillance*. APC. www.apc.org/en/system/files/BigDataSexualSurveillance_0.pdf

34 Chin, J., & Wong, G. (2016, 28 November). China's New Tool for Social Control: A Credit Rating for Everything. *The Wall Street Journal*. www.wsj.com/articles/chinas-new-tool-for-social-control-a-credit-rating-for-everything-1480351590

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

violence is a major public policy gap.[36] This also narrows down options for resistance and action – forcing individual women to go through an unresponsive complaints process of platform companies.[37]

The decimation of privacy and autonomy in the face of pervasive commercial surveillance: In an internet that is supported by an ad-based revenue model, ongoing surveillance of individual users by corporations is inevitable. Companies build user profiles based on extensive mining of private information to target such advertising. The complicity of users in such arrangements is obtained by offering free-of-cost communication services and personalisation of content.

Pervasive data mining now extends to even the most intimate areas of user lives, bringing new threats to informational and physical privacy of users. Consider the recent proposal by the gay dating app Grindr to ask users to disclose their HIV positive status.[38]

Facebook now allows users to pick from over 50 options to proclaim their gender identity online.[39] At first glance, this seems a welcome step as the fluidity of gender identity is being recognised by a dominant communication platform. But a more detailed reading reveals how this step means little for a progressive politics of recognition. Rather, it strengthens Facebook's categorisation and sorting mechanisms that capture the personal data of users.

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.[40]

Feminist work on invasive technologies and women's bodies has painstakingly documented the violation of Third World women's bodies by the health industry.[41] The advent of big data analytics is only likely to exacerbate this problem.[42] 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.[43] 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"[44] that individuals leave behind on digital platforms, even if such information/data sets were not shared in the first place.

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.

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36 See www.genderit.org/onlinevaw

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

38 Medew, J. (2016, 17 July). Gay Dating app Grindr under fire for asking users about HIV status. *The Age*. www.theage.com.au/victoria/gay-dating-app-grindr-under-fire-for-asking-users-about-hiv-status-20160715-gq7127.html

39 Shephard, N. (2016). Op. cit.

40 Arrow for Change. (2016). Op. cit.

41 Ibid.

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

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

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

Recommendations

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

- 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.

- 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 subsidising content development efforts by women's rights organisations (such as information on sexual and reproductive health and rights, entitlements, etc.).

- 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.

- 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.

- Enact robust data protection legislation to safeguard users from privacy violations arising from commercial surveillance by online platforms.

- End disproportionate, excessive and illegitimate surveillance that is in contravention of the limits on such acts placed by international human rights frameworks.[45] 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.

- 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.[46]

Recommendations with respect to **global policy processes**:

- 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.[47]

- 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.

- A framework for the global governance of data as a means towards a just and peaceful world needs to be developed.

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45   www.necessaryandproportionate.org

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

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

RIGHT TO KNOWLEDGE
IN THE NETWORK AGE

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 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."[48] **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.[49] There is no commercial incentive to support the flourishing of localised, context-appropriate knowledge systems of women and marginalised groups from the global South.[50]

To some extent, the open knowledge movement has attempted to fill this gap, by leveraging the transformative potential of "digital openness" to level existing hierarchies in the production and distribution of information and knowledge online. But they face many challenges. Researchers studying free software and Wikipedia communities have highlighted how the rhetoric of individual freedom and openness dominating their interactions

results in a blind-siding of systemic discrimination. Instead, participation is cast purely as a matter of individual choice. As feminist scholars have pointed out, such arrangements produce a rebooted "tyranny of structurelessness" in which "unelected and unaccountable elites" start dominating the group.[51]

Wikipedia: Knowledge repository for, and of, technically inclined, English-speaking, white-collar MEN

Despite its lofty ambition of becoming a site that is "the sum of all human knowledge", Wikipedia's frameworks of participation endorse a white-male geek culture that requires high self-confidence and tolerance of conflict from its contributors. As a result, its openness is not "welcoming" of women, gender minorities and individuals from other marginalised groups and it has ended up as a knowledge repository for, and of, technically inclined, English-speaking, white-collar men living in majority-Christian, developed countries in the Northern hemisphere.

As of 2015-2016, 20% of the world (primarily white male editors from North America and Europe) edits 80% of Wikipedia. Only 1 in 10 of the editors is self-identified female. Europe and North America are the focus of 84% of the articles. More worryingly, many countries in the global South have more articles in a non-local language (usually the language of a formal colonial power) than in any of their local languages.[52] Most of these articles tend to be authored by individuals from the North. Thus, the realities of the South get described in languages and frameworks of the global North, resulting in a loss of "representational sovereignty"[53] for the majority of the world. Further, in a space shaped primarily by white men,

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

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

50 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

51 Reagle, J. (2013, 7 January). "Free as in sexist?" Free culture and the gender gap. *First Monday,* 18(1). www.firstmonday.org/article/view/4291/3381

52 Graham, M., Hogan, B., Straumann, R .K., & Medhat, A. (2014). Uneven Geographies of User Generated Information: Patterns of Increasing Informational Poverty. *Annals of Association of American Geographers*, 104(4). 746-764. www.papers.ssrn.com/sol3/papers.cfm?abstract_id=2382617

53 Ibid. For more on the concept of representational sovereignty, see Graham, L. (2016). Toward Representational Sovereignty: Rewards and Challenges of Indigenous Media in the A'uwẽ-Xavante Communities of Eténhiritipa-Pimentel Barbosa. *Media and Communication*, 4(2), 13-32. www.ir.uiowa.edu/cgi/viewcontent.cgi?article=1086&context=anthro_pubs

the criteria for validation of knowledge tend to privilege dominant knowledge systems. This results in a situation where women, gender minorities and marginalised groups are unable to fully contribute knowledges from other epistemological traditions. As feminist Wikipedia activists Anasuya Sengupta and Siko Bouterse have highlighted:

> How do you write a complete biography of a woman activist from the global South when the most reliable sources of knowledge about her may be either oral or recorded only in a small, local, non-English publication [sources not recognised by Wiki validation criteria]? How do you write full accurate coverage of trans rights issues when the "neutral point of view" … presumes views of straight cisgender white men as the neutral default, while reliable sources don't accurately reflect transgender lives?[54]

Some scholars view this situation as the "neo-colonisation of knowledge".[55]

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.[56] 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.

Under these circumstances, setting up alternative content platforms owned and operated by women and marginalised groups in the global South seems the only way forward. 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.[57]

ICANN: Virtualised real estate

The management of the internet's root server system[58] as "virtualised real estate", commercially auctioned by ICANN,[59] poses constraints to user autonomy. This system has led to a number of exclusions. Firstly, the costs of top level domain name acquisition are prohibitively high, an insurmountable barrier for the majority of users in developing countries,[60] particularly women, whose socioeconomic status is lower than men's. Second, the lack of global oversight of ICANN leaves it in a position to unilaterally decide what policies to adopt with respect to domain name auctioning, without accompanying answerability for public interest impacts.

Recently, ICANN decided to allow the auctioning of generic words as privately owned top level domains, a move that has provided "a few companies highly privileged association with some very important symbolic

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54   Fascendini, F. (2017, 9 January). Reshaping the internet for women. *APCNews*. https://www.apc.org/en/news/reshaping-internet-women

55   Knowledge Commons Brazil. (n. d.) Digital Colonialism and the Internet as a Tool of Cultural Hegemony. www.knowledgecommons.in/brasil/en/whats-wrong-with-current-internet-governance/digital-colonialism-the-internet-as-a-tool-of-cultural-hegemony

56   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

57   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

58   The root server system is the way that an authoritative master list of all top level domain names (such as com, net, org and individual country codes) is maintained. Simply put, the root is the central file carrying the names and corresponding IP addresses of all top level domains. See searchnetworking.techtarget.com/definition/root-server-system

59   Purkayastha, P., & Bailey, R. (2014). US Control of the Internet: Problems Facing the Movement to International Governance. *Monthly Review*, 66(3). monthlyreview.org/2014/07/01/u-s-control-of-the-internet

60   See www.open-root.eu/about-open-root/open-roots; 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

terms, thus compromising the common ownership of these elements of our cultural heritage."[61] Imagine the cultural undermining of women of Afro-Brazilian descent, if the word "Yalodê", a cultural term they use to refer to emblematic women who grow into positions of leadership, is acquired by a Hollywood franchise!

Finally, ICANN is subject to US law,[62] as it is registered as a non-profit organisation in the United States; hence, it is technically plausible for the US to order ICANN to seize a top level domain from any actor who is viewed as a threat to US geopolitical interests. The global architecture of future knowledge could not be more non-egalitarian!

Threat of re-enclosure of knowledge commons through digitalisation

The digitalisation of traditional knowledge has been viewed by some developing countries as an effective strategy to prevent the patenting of such knowledge by foreign parties. The creation of online traditional knowledge repositories is seen by the state/civil society as a strategy that can pre-empt the granting of a patent by invoking the "prior art"[63] doctrine. It can thus help the country avoid an expensive transnational legal battle to contest a patent's validity after it has been granted. For example, the Indian government has set up a Traditional Knowledge Digital Library to document traditional medicinal knowledge from different parts of the country, with the express intent of preventing its enclosure by bio-prospectors from the global North.[64]

Digitalisation may end up compromising women's autonomy over their knowledge systems.

However, feminists have highlighted how such codification of women's traditional knowledge in medicines, biodiversity, etc. through digital archiving has downsides. It uproots and disembeds the knowledge system from the context in which it originated and was passed on from one generation to the next. This erodes the linkages between this knowledge and women's cosmologies of life. Further, this process creates new intermediaries who start gatekeeping access to these knowledges. It is quite likely that these intermediaries may be more interested in striking deals between women and potential bio-prospectors than in safeguarding this knowledge as common property. In such instances, digitalisation may end up compromising women's autonomy over their knowledge systems.[65]

A gender-just conception of women's right to knowledge

The right to knowledge, in the context of the reordering of the global knowledge architecture by the network-data complex, must include the right to access, produce and preserve online diverse and non-commodified forms of knowledge (especially from the standpoint of race, gender, sexual orientation and geography).

Recommendations

Governments must:

- Invest in the creation of a supporting environment for the development of context-appropriate, localised 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

61 Singh, P. (2012, 24 September). Beauty lies in the 'domain' of the highest bidder. *The Hindu*. www.thehindu.com/opinion/op-ed/beauty-lies-in-the-domain-of-the-highest-bidder/article3929612.ece

62 Prakash, P. (2016, 14 July). Jurisdiction: the taboo topic at ICANN. *Open Democracy*. www.opendemocracy.net/digitaLiberties/pranesh-prakash/jurisdiction-taboo-topic-at-icann

63 In patent law, this refers to a challenge to a patent application on the grounds that the invention/knowledge for which a patent is being sought was publicly available prior to the filing of the patent application. European Union has a liberalised definition of prior art; while in the US, this is rather narrow.

64 Abraham, S., & Marda, V. (2016). The digital protection of traditional knowledge: Questions raised by the Traditional Knowledge Digital Library in India. In Finlay, A. (Ed.), *Global Information Society Watch: Economic, social and cultural rights and the internet*. APC and IDRC. www.giswatch.org/sites/default/files/Giswatch2016_web.pdf https://www.giswatch.org/2016-economic-social-and-cultural-rights-escrs-and-internet

65 Randhawa, S. (2010, 2 June). Challenges of Communal Copyright: Traditional and indigenous knowledge. *GenderIT.org*. www.genderit.org/articles/challenges-communal-copyright-traditional-and-indigenous-knowledge

communicative practices and traditions.[66] Public investment to promote the voice and representational sovereignty of marginalised women is non negotiable.

- 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 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.

Recommendations with respect to **global policy processes:**

- 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.[67] Also, preferential treatment of applications from disempowered groups must be adopted in the second-level allocation of country code top level domains.[68]

RIGHT TO DEVELOPMENT IN THE NETWORK AGE

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 intermediaries[69] contributing to the "financialisation of the everyday."[70] Corporations in the so-called 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),

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66 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 justnetcoalition.org/delhi-declaration

67 Jaramillo Gajardo, P., & Lara Galvez, J. C. (2016). Op. cit.

68 Ibid.

69 Morozov, E. (2014, 28 September). Don't believe the hype, the 'sharing economy' masks a failing economy. *The Guardian*. https://www.theguardian.com/commentisfree/2014/sep/28/sharing-economy-internet-hype-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

70 Scholz, T. (2016). Op. cit.

and restricting workers' rights to unionise (Amazon).[71] Feminist scholars highlight how women's unpaid care work burdens become increasingly invisible in this context.[72] 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.[73] This has resulted in a further erosion of domestic workers' economic security and ability to unionise.

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.[74]

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 offshoring assignments; or virtually through online modes of working). At the bottom are those engaged in the manufacturing of the network's material infrastructure.[75]

> *The network economy thus reproduces older inequalities, entrenching an exploitative hierarchy that is distinctly gendered.*

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.[76] The network economy thus reproduces older inequalities, entrenching an exploitative hierarchy that is distinctly gendered.

Connectivity and exploitation of women's bodies

In an ever more connected world, organised, cross-border 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. Statistics show a correlation between the affluence (GDP) of the destination country and the share of victims trafficked there from other regions.[77] **The prolific growth of the global**

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

72   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

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

74   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

75   Ibid.

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

77   UNODC. (2014). *Global Report on Trafficking in Persons 2014*. www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

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.[78] 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.[79]

Data as a tool of economic hegemony and social control

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.[80] 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.[81]

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.[82] This precludes the possibility of providing any national level redress for privacy violations by transnational corporations.

> *The switch-over to big data-based decision making devalues women's situated knowledges and citizenship praxis.*

In many countries of the global South, the "big data for development" rhetoric has paved the way for use of such commercially generated big data in lieu of national data and statistics. Governments of developing countries do not have the technological wherewithal to manage data; legacy systems are woefully inadequate, with industry developments being way ahead. The result is the takeover of the core of governance by corporations who ostensibly "support" governments in data-based decision making. This switch-over to big data-based decision making devalues women's situated knowledges and citizenship praxis. Data is seen as a priori truth and "data-based rationalities" are over-valorised.

This is particularly true of data-based governance systems that adopt biometric technologies. In these systems, increasingly used for implementing social welfare schemes, the citizen subject "acquires a certain cultural legitimacy through the incorporation of (the) body's socially, technologically and state-approved parameters"[83] into the database being created by the state; the key to which is the body itself. At every point when a claim is being asserted and citizen-identity needs to be verified, it is the body that has to supply the proof – Do I bear the iris scan and the fingerprints that can back my claim? In case of authentication failure, the citizen-subject is left completely bereft of other options to prove her identity given that such systems leave no back-up recourse to justify claims.

78 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-structures-pornography.pdf

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

80 ETC Group. (2016, 15 September). The Monsanto-Bayer tie-up is just one of seven; Mega-Mergers and Big Data Domination Threaten Seeds, Food Security. www.etcgroup.org/content/monsanto-bayer-tie-just-one-seven-mega-mergers-and-big-data-domination-threaten-seeds-food

81 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/usha-ramanathan-offers-the-most-radical-hypothesis-of-the-note-ban-yet-1479754933.html

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

83 Nayar, P.K. (2015). *Citizenship and Identity in the Age of Surveillance*. Cambridge University Press.

India has introduced a universal identity card linked to biometrics in welfare-delivery authentication. In the state of Gujarat, pregnant women were denied maternity entitlements by their local health service providers as their biometric authentication failed due to errors in linking their personal information with their unique ID. Women seeking the entitlement were left without an explanation and without any way of proving their eligibility.[84]

As datafication dictates governance, bodies, identities and interactions are removed from social contexts and **the poorest women become increasingly illegible as a political constituency** with specific needs and interests.

When the enclosure of the digital data commons by a few corporations and governments becomes the norm, as in the current scenario, there is no scope for individuals to decide the uses to which this data is deployed, or the forms of knowledge that are constructed on top of it. What this means is that **marginalised women and gender minorities are in a situation where data about the micro-details of their lives becomes increasingly visible to corporations and the state**. However, women's attempts to construct alternative representations/ interpretations of their life situations through developing their own data epistemologies are rendered invisible in the face of the masculinist efficiency-oriented big data project.

A gender-just conception of the right to development

In the network age, the right to development for women and gender minorities must include their right to participate in, contribute to, and enjoy economic, social, cultural and political development in the networked global socioeconomic order, in a manner that enables the full realisation of all human rights and fundamental freedoms.

Recommendations

As connectivity becomes the basis of exclusion, **governments** must respond appropriately so that the economic, social and cultural rights and the right to development of citizens can be protected and promoted. National governments must do the following:

- 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.

- 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.

- Evolve a national data governance framework that supports the creation of a decentralised data architecture that can enable the use of data for the expansion of citizen capabilities.[85] This, as the work of David Bollier suggests, will need encouragement for a common pool resource of data, managed from the bottom up.[86] 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.[87] **No effort to use data for public decision making should end up advocating the primacy of data**

84 Primary account shared by activist organisation in India.

85 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

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

87 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

over other epistemologies.[88] **The transparency of algorithms is vital for women's citizen rights.**

Recommendations with respect to **global policy processes**:

- A new democratic mechanism for global governance of the internet, that effectively addresses internet related public policy issues, must be evolved.[89] 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.

- **"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.

- 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.

BECAUSE FEMINISM IS A PROJECT OF DEMOCRACY

A THEORETICAL BASIS FOR FEMINIST ADVOCACY ON DIGITAL TECHNOLOGIES

For the civil-political rights discourse, the idea that "offline rights must be protected online"[90] has been an important advocacy plank. As a digitally mediated society unfolds, it is evident that the internet is not only a communication architecture; it is the primary means of production and "the motor of neoliberal global economics".[91] Rights violations today occur "in the hybrid contexts of techno-mediated life, in the unfreedoms wrought by digitalisation, data and networks."[92] The offline-online binary is therefore not a productive device to understand the complexity of embodied and embedded experiences defining gender relations in current times.

The datafication of the economy and welfare governance has meant that the network impinges upon even those without internet access – women, rural and remote communities and indigenous groups who are assigned unique numbers or codes. Their datafied identities are assimilated into the virtual databases of the market or welfare governance. Populations in network-dark areas are thus integrated into virtual networks of the surveillance apparatus through which they are monitored and manipulated, either as the bottom of the pyramid or as "poor and vulnerable bodies".[93] Further, the push for "big data in development" has produced a situation where major policy and programme directions increasingly rely upon predictive analysis based on behavioural data. **Even without any digital footprints, the lives of people are affected by these epistemologies of development**. For example, policy responses to forced

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

89 Singh, P. J. (2015). Intervention at the UNGA high level meeting on WSIS plus 10 review. itforchange.net/sites/default/files/UN%20General%20Assembly%20WSIS+10%20Meet%20-%20Transcript.pdf

90 Human Rights Council. (2016). The promotion, protection and enjoyment of human rights on the Internet. A/HRC/32/L20. https://www.article19.org/data/files/Internet_Statement_Adopted.pdf

91 Jensen, H. (2006). Women, Media and ICTs in UN Politics: Progress or Backlash? In Gurumurthy, A., Singh. P., Mundkur, A., & Swamy, M. (Eds.), *Gender in the Information Society: Emerging Issues 2006*. Bangkok: UNDP-APDIP and Elsevier.

92 Gurumurthy, A. (2016). Beyond the offline-online binary: Why women need a new global social contract. *GenderIT.org*. www.genderit.org/feminist-talk/why-women-need-new-global-social-contract

93 Nayar, P. (2015). Op. cit.

migration, based on tracking movement of people in real time, inherently carries with it the risk "of misinterpreting what is visible," as recent research in West Africa indicates. The complex socio-political factors that structure migration cannot be deciphered from the "deceptively simple correspondence between the movement of a device's signal and its user."[94] As countries that lack digital and data capabilities depend more and more on big data analysis produced by markets, the unconnected and their standpoints can become invisible in the development narrative.

Thus, the far-reaching effects of an internet-mediated society directly impinge upon those who may not participate in the internet, giving rise to new exclusions. An emerging civilisational paradigm that the de-territorialised, trans-border internet has ushered in is one over which traditional rules of jurisdiction cannot be established. **Contrary to tech-utopian fantasies, this situation has not ushered in "a global social space independent of the tyrannies of states, in which citizens forge a new social contract for a humane and fair world."**[95] It has, instead, enabled unbridled capitalist power to run amok, both internet-age platform companies and older monopoly businesses who have consolidated their market power through the strategic control of digital data. The result has been a scathing violation of the ESCRs of the most marginalised women in the global South. Current international law has no binding mechanism by which such violations, stemming from an unequal structural international order, can be easily challenged.[96] This produces a crisis of justiciability for ESCRs, which are in danger of being rendered completely ineffective unless we can resolve the unfinished conversation around the governance of the internet. New issues/challenges that arise for women's economic self-determination, right to knowledge and right to development need new rules because of the changing nature of global trade arrangements, the IP regime and the business practices of transnational corporations.

This requires simultaneous action along two fronts. First, we need to introduce feminist perspectives into policy debates about *governance "on" the internet,*[97]

that is, around the new jurisdictional challenges that it poses for transnational cooperation on human rights, economy, and cybersecurity. Second, feminists need to engage with the conversations on *governance "of" the internet*,[98] expressly focusing on political economy implications of existing arrangements in the governance of connectivity architectures.

> *In the absence of a global normative framework on internet-related public policy issues, the default regimes of governance end up becoming those that are imposed by developed countries and their blocs.*

Existing institutional arrangements that deal with "on the internet" issues are largely "inchoate".[99] There are a plethora of multilateral, plurilateral and regional forums that deal with different sets of issues; and this splintering of policy discussions contributes to the weakening of efforts for transformative change. In the absence of a global normative framework on internet related public policy issues, the default regimes of governance end up becoming those that are imposed by developed countries and their blocs. For example, in the area of data governance, there is no binding global framework. This situation results in a default supremacy of rules framed by smaller groups of countries. The Organisation for Economic Co-operation and Development (OECD), for instance, has come out with a recommendation that data privacy rules should be based on "globally recognised principles, as for instance, the OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (p. 11, No. 9)."[100]

With regard to *governance "of" the internet*, as discussed already, existing platforms and processes have accommodated very little in the nature of hard discussions on

94   Taylor, L. (2016). No place to hide? The ethics and analytics of tracking mobility using mobile phone data. *Environment and Planning D: Society and Space.* journals. sagepub.com/doi/abs/10.1177/0263775815608851

95   https://www.eff.org/cyberspace-independence

96   Gurumurthy, A. (2016). Op. cit.

97   De La Chapelle, B., & Fehlinger, P. (2016). *Jurisdiction on the Internet: From legal arms race to transnational cooperation*. www.internetjurisdiction.net/uploads/pdfs/ Papers/IJ-Paper-Jurisdiction-on-the-Internet.pdf

98   Ibid.

99   Ibid.

100   https://www.oecd.org/sti/ieconomy/oecdguidelineson theprotectionofprivacyandtransborderflowsofpersonal- data.htm

equality and justice. Technical jargon often becomes an obfuscating tactic to avoid discussions on the socio-political content of policy.[101] Also, multistakeholderism, as practised in the internet governance arena, requires closer feminist scrutiny. In internet governance circles, any critical reflection on multistakeholder processes is not easily tolerated; it is deemed a "religion", a myth that is "static",[102] regardless of the fact that such an approach across all global policy processes has only furthered the geopolitical power of the US.[103] For just outcomes, we cannot assume that all actors in the stakeholder discussions espouse public interest. Also, participation in governance discussions cannot be seen as tantamount to policy making, which needs representational legitimacy. **For democratic outcomes, therefore, multistakeholder processes must be embedded in, and complement rather than replace, traditional democratic governance processes.**[104]

Feminist intervention, therefore, must straddle different scales and spaces, using every avenue globally and nationally to present its development and rights agenda in relation to ICTs. The possible directions of such engagement are discussed below. These are only indicative; agile and responsible feminist action requires that we assess new avenues for their possible strategic import, as and when opportunities for transformative change arise.

ADVOCACY WITH TREATY BODIES

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the ESCR Committees are the two most important treaty bodies for feminist advocacy in this area. CEDAW was a watershed in defining state obligations with respect to women's substantive equality, and the ICESCR for its elaboration of the contents of women's economic, social and cultural rights, especially their right to self-determination. In recent times, both committees have been active in clarifying the extraterritorial obligations (ETOs) of state parties on critical issues such as sexual and reproductive health and rights and rural women's enjoyment of

rights.[105] However, in the context of a digitally mediated reality, there is more that needs to be done to clarify women's ESCRs. For example, there are a number of new concerns for women's right to knowledge and right to development that are posed by monopoly platform power and pervasive dataveillance.

Towards this, some specific actions that feminist advocates can take are as follows:

• Lobbying with both CEDAW and ESCR Committees to jointly issue a General Comment on the impact of the internet on women's ESCRs. This General Comment should critically respond to the implications for women's rights arising from changes to "macroeconomic policy, global trade, taxation policy, extraterritorial obligations of states, the activities of non-state actors including transnational corporations, financial inclusion," etc. in the network age.[106]

• Urging both Committees to consider the internet dimensions of their mandates in their periodic reviews of governments.[107]

UN HUMAN RIGHTS COUNCIL

Though its resolutions are non-binding, the Human Rights Council (HRC) wields significant discursive power in global policy circles and is a valuable target for advocacy efforts. It has played a key role in furthering digital rights and a women's rights agenda in recent years through critical resolutions on the promotion, protection and enjoyment of human rights online, on the right to privacy in the digital age, on the role of freedom

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101 Jensen, H. (2013). Op. cit.

102 Hofmann, J. (2016). Multi-stakeholderism in Internet governance: putting a fiction into practice. *Journal of Cyber Policy,* 1(1), 29-49.

103 Powers, S. M., & Jablonksi, M. (2015). *The Real Cyber War: The Political Economy of Internet Freedom*. Urbana: University of Illinois Press.

104 Hill, R. (2016). Op. cit.

105 In 2016, the ESCR Committee issued General Comment No. 22 on the right to sexual and reproductive health (Article 12 of the ICESCR) and General Comment No. 23 on the right to just and favourable conditions of work (Article 7 of the ICESCR). Both are very explicit about ETOs and cite the Maastricht Principles on States' Extraterritorial Obligations. The CEDAW Committee published General Recommendation No. 34 pertaining to the ETOs of state parties with respect to the rights of rural women. See www.etoconsortium.org/en/news/news/un-treaty-bodies-elaborate-on-states-etos-under-icescr-and-cedaw-132 for details.

106 Brown, D. (2016). Towards an international advocacy strategy for economic, social and cultural rights and the internet. In Finlay, A. (Ed.), *Global Information Society Watch*. https://www.giswatch.org/en/economic-social-and-cultural-rights-escrs/towards-international-advocacy-strategy-economic-social; Global Initiative for Economic, Social and Cultural Rights. (2016). *The International Covenant on Economic, Social and Cultural Rights at 50: The significance from a women's rights perspective*. globalinitiative-escr.org/wp-content/uploads/2016/10/ICESCR-and-Womens-ESC-Rights-FINAL.pdf

107 See Brown, D. (2016). Op. cit.

of opinion and expression in women's empowerment, and on accelerating efforts to eliminate violence against women, to name a few milestones.

Key actions vis-a-vis the HRC include:

- Furthering internet dimensions of issues in the various procedures and mechanisms of the HRC – Special Procedures, independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective; and the HRC's Universal Periodic Review (UPR) mechanism.[108]

- Lobbying for a new HRC resolution calling for an international treaty on human rights on the internet, an idea that has been put forth by UN Special Rapporteurs and civil society coalitions in the past.[109] Such a treaty must address the way the "network-data" complex impinges upon women's rights, and lay out a roadmap for creating a new institutional framework that democratises global governance of the internet.[110] An HRC resolution in this regard may pave the way for a binding General Assembly resolution on the need for such a treaty. The HRC can put this forward as part of its annual recommendations to the General Assembly on key issues with regard to the protection and promotion of human rights.[111] Though non-binding, HRC resolutions hold immense discursive power and are valuable tools for advocacy. Feminist participation in this process is critical to articulate the intersections between the internet and the ESCRs of women.

- Engaging with the Intergovernmental Working Group, established with the mandate to elaborate an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights.[112] Working with social movements and advocacy groups that have called for ending corporate impunity, it is important that feminists elaborate the nature of corporate violations in the digital arena.

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108 Ibid.

109 David Kaye, UN Special Rapporteur on freedom of expression; Joe Cannataci, UN Special Rapporteur on the right to privacy; and coalitions such as the Just Net Coalition have endorsed this idea. See globalnetpolicy. org/respective-roles-towards-an-international-treaty-for-internet-freedom

110 content.netmundial.br/contribution/democratising-global-governance-of-the-internet/164

111 UNGA. (2006). Resolution adopted by the General Asembly. 60/251. UN Human Rights Council. www2.ohchr. org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf

112 ohrh.law.ox.ac.uk/towards-an-international-legally-binding-instrument-on-business-and-human-rights

SDG REVIEW PROCESSES

The 2030 Agenda that outlines the Sustainable Development Goals (SDGs) proceeds with no consensus at the level of targets and indicators, asserting that countries face different challenges and have varying capacities and levels of development. And yet, the SDGs represent a moral force, one that may be seen as larger than the sum of its fragments. A recognition of the place of human dignity and equality (the rights basis of development) is explicit throughout the document.

Also, it recognises the integrated and indivisible nature of the goals, which means that advocacy efforts that focus on unlocking the empowering potential of the internet for women can enter the SDG discourse through various goals. Goal 5b makes the connection between women and ICTs – "Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women."

The SDG process also debated the role of information freedom. Target 16.10 calls upon states to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements." This new commitment potentially has strong implications for women's right to access ICTs, right to information and the freedom to own and develop independent local media.

Some proposed actions with regard to the SDGs are as follows:

- In review processes at the global, regional[113] and national levels, commenting on the adequacy and appropriateness of indicators in the ICT domain is an important agenda for feminists. The Partnership on Measuring ICT for Development has already raised concerns about data availability for the ICT indicators in the Global Indicator Framework on the SDGs, and is in charge of tracking progress in this area and reporting back to the United Nations Statistical Commission in 2018.[114] It is possible to strengthen the measurement of SDG indicators on ICT dimensions by finding synergies with existing global ICT measures such as the ICT Development Index and the E-government Index.

- In addition to the voluntary, country-led monitoring of progress towards the 2030 Development Agenda, a High Level Political Forum has been set up, under

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113 Processes undertaken by UNESCAP, UNECLAC, etc.

114 digitalwatch.giplatform.org/sessions/ict-statistics-support-2030-agenda

the auspices of the Economic and Social Council, to carry out quadrennial reviews to provide high-level political guidance to identify progress and accelerate implementation. These reviews will be informed by the Global Sustainable Development Report, which feminist organisations need to examine critically.

- Some countries have not yet volunteered to report globally, and so, pushing such governments towards global accountability is another useful national level strategy for feminists.

- The SDG processes can also offer a peg to critique the unfolding ideology of "data for development" and other meta narratives on the digital. The High Level Political Forum, because of its mandate to review progress towards the "data, monitoring and accountability agenda" in Goal 17 becomes a key space to critically interrogate global partnerships in data for their public interest content and commitment to protecting and promoting the privacy and security of women. It may also be a space to carve out alliances for moving towards a new paradigm of "socialisation of data", framing the larger public interest issues for a datafied society, and initiating dialogue on the rules for use of data for commercial purposes on one hand and public purposes on the other.

- The annual Multistakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals (STI Forum) set up as part of the Technology Facilitation Mechanism mandated by the 2030 Agenda and the Addis Ababa Action Agenda is another critical space to further this conversation.[115]

GLOBAL, REGIONAL AND NATIONAL INTERNET GOVERNANCE FORUMS

The Internet Governance Forum (IGF) is a significant space for digital rights activists to forge deeper dialogues and build longstanding alliances with various groups – from community network advocates, free software techies, data activists, sexual rights groups and feminists working on access and knowledge to the feminist academic community.

If the IGF is able to bring together constituencies that represent critical voices on ESCRs of women, the nature of the dialogue is bound to shift. If "conversations" on the substantive content of rights with state

and corporate actors can surface explicitly the areas of feminist divergence from hegemonic views, consensus building processes at the IGF will become more political. Regional and national IGFs also have this capacity, although as things remain, the contours of the forum are shaped by neoliberal interests that control the realpolitik of representation.

Feminist actors therefore need to bring attention continuously and systematically to structural issues and exclusions stemming from economic injustice in the digital arena. They must also enable synergies between the IGF debates and the SDG processes. The IGF can build in an SDG track for workshops, including one that the Dynamic Coalition on Gender and Internet Governance can actively lead. A proposal to set up a Dynamic Coalition on "internet public policy issues and the 2030 development agenda" can be made to the Dynamic Coalition Coordination Group of the UN IGF.

VARIOUS UN AGENCIES

As the internet penetrates the social fabric, the struggle for the right to communicate gets inextricably interwoven with older gender justice agendas such as women's work, sexual and reproductive health and rights, access to knowledge, seed sovereignty for indigenous women farmers, migrant women workers' rights, and so on. Engaging with the internet dimensions of these issues in the traditional UN forums/agencies where they are debated is important for feminist advocacy. Some critical spaces in this regard include:

- UN Commission on the Status of Women, on women's economic, social and political rights in relation to the information society, technology-mediated violence against women and progress on the 2030 Development Agenda.

- World Intellectual Property Organization (WIPO), on intellectual property rights.

- UN Development Programme (UNDP), on e-government.

- International Labour Organization (ILO), on work and labour rights in the platform economy.

- UNESCO, on the right to information.

- ITU, on its agenda for gender-responsive access.

- Working Group on Broadband and Gender of the Broadband Commission, on sustainable development.

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115 https://sustainabledevelopment.un.org/index.php?page=view&type=13&nr=1924&menu=1634

WSIS REVIEW PROCESSES

The WSIS plus 10 review reaffirmed the commitment of UN member states to the Geneva Declaration of Principles and the Tunis Plan of Action, and the cross-cutting contribution of ICTs to the SDG agenda. The review expressed concern about the persistence of digital divides, especially the gender digital divide, and the lack of consensus on the issue of enhanced cooperation.

As the focal point for WSIS review and follow-up, annual and intersessional meetings of the UN Commission on Science and Technology for Development are important spaces both with regard to institutional development on the information society agenda as well as the implicated substantive issues.

The Working Group on Enhanced Cooperation, set up after the review, has been tasked with making recommendations on how governments can fulfil their roles and responsibilities with regard to international public policies pertaining to the internet. It is important to engage with this group to ensure that a democratic space and mechanism for internet-related international public policies can be developed, and for women's groups to have adequate avenues to participate in this process.

OTHER SIGNIFICANT AND EMERGENT POLICY ARENAS

In addition to the UN spaces mentioned above, there are many venues such as the World Trade Organization, the multilateral body for negotiating trade issues, and plurilateral forums such as the OECD, Group of 20 (G20), Brazil, Russia, India, China and South Africa (BRICS), etc. where agreements that contain important digital issues are negotiated. The agenda and approaches in each of these spaces present a huge variation with differences in the modus operandi of civil society influence. In spaces such as WIPO, which is a specialised agency of the UN, civil society participation is extremely challenging, as negotiations often take place behind closed doors. The OECD recognises the contribution that civil society can make to the public policy-making process and has a growing number of cooperative activities.[116] Yet, as a forum that is based on the membership of most of the powerful countries of the world, its economic interests are bound to shape its key policy priorities, something

that feminists need to be mindful of. The emerging agenda of all these forums is bound to increasingly implicate internet-related policy making.

Feminist activists from the South have traditionally adopted an inside-outside strategy in their politics, supporting their governments in global platforms to articulate the development agenda impinging upon women's rights (financing for development, World Trade Organization and Trade-Related Aspects of Intellectual Property Rights discussions being cases in point), and adopting oppositional tactics to watch and check their governments back home. This becomes inevitable in order to address the power imbalances in global negotiation processes. As gains for feminist ICT advocacy materialise slowly through cross-movement engagement, a real consolidation of inter-movement agendas and advocacy positions is a non-negotiable first step. The sheer diversity of issues and forums for action can easily overwhelm feminist activists. Therefore, **a strategic way to consolidate action is to develop a shared ideological narrative that provides the higher level principles, which can then be translated with respect to specific issues and forums.**

For now, it seems like feminist politics must use every avenue globally and nationally to present their development and rights agenda in relation to ICTs. This will obviously concern forums that are exclusively about ICTs – like governance of critical internet resources, software patents or intellectual property laws on digital products or e-trade (some of which, such as those involving network and information security, do not take place in limited identifiable institutions, but rather in multiple fora and institutions with different responsibilities, some operating well out of public view). But the crucial task of alliance building with feminists working on sexual and reproductive health and rights, access to knowledge (and struggles against the IP regimes on generic drugs and seeds), trade justice, right to information, and other such critical global justice issues cannot be over-emphasised.

ENGAGING WITH NATIONAL GOVERNMENTS

The WSIS agreements place responsibility on governments to guarantee a "people-centred, inclusive and development-oriented Information Society."[117] The legal frameworks of nation states are already responding to information society issues, focusing mostly on economic

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116 www.oecd.org/pcd/civilsocietyandtheoecd.htm

117 www.itu.int/net/wsis/docs/geneva/official/dop.html

policy and national security issues. It is time for states to galvanise action to meet their WSIS commitment in ways that respond to women and people of non-normative genders. Feminist publics must monitor, participate in and challenge, as appropriate, public policy issues implicating the internet. Advocating with national legislators for a new digital constitutionalism[118] – the idea that there must be clear policy and governance norms as well as limitations on the exercise of power on the internet – is a key priority.

A FINAL NOTE: THE WORK "WITHIN" TO SUSTAIN RADICAL IMAGININGS

A global women's movement, as a federation of mini-publics of women across the world, is needed to redefine and clarify how women and sexual minorities can seek cognitive justice in a digitally mediated world.

Such a "federated feminist public" – a network of local and trans-local networks straddling multiple scales and issues – can be facilitated by a decentralised and just architecture of the internet. Conversely, a just internet that can set off a virtuous spiral between connectivity and feminist action for change presupposes movement building that includes discursive engagement and grass-roots action that brings together older issues at stake with newer issues of the politics of the internet.

Alliances between feminists working on internet rights and ICT issues and those engaged in SRHR, global trade debates, access to knowledge struggles, North-South alliances that challenge dominant development financing models and so on are vital to move forward. While some of these may be issue based, deeper and enduring collaborations are also necessary to jointly develop a new feminist ethics appropriate to digital times. Whether the frameworks for gender justice in the network society will be emancipatory depends on how self-reflexive feminist praxis can be. Unless feminist imagination responds to the particularities of power relations with a responsible theory of practice, a new world cannot be gender transformative.

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118 Gill, L., Redeker, D., & Gasser, U. (2015). *Towards Digital Constitutionalism? Mapping attempts to craft an internet bill of rights.* https://cyber.harvard.edu/node/99209

Internet and ICTs for social justice and development

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.

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