

A GLOBAL DIGITAL COMPACT FOR DEMOCRACY

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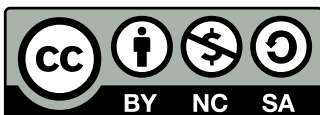
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Abbreviations

AI	Artificial intelligence
GDC	Global Digital Compact
WSIS	World Summit on the Information Society

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INTRODUCTION

The United Nations Global Digital Compact (GDC) is a key part of the profound review that the digital governance architecture is undergoing. The GDC is a United Nations effort that was born in September 2020 when 193 UN Member States adopted a declaration to enhance digital cooperation and shape a shared vision of the digital future. The declaration aims to create ‘principles for an open, free, and secure digital future for all’ (UN EOSG 2023) to be agreed upon at the 2024 Summit of the Future. The GDC process has been inspired by the UN Charter, the Universal Declaration of Human Rights and the 2030 Agenda for Sustainable Development. It has also involved civil society organizations, technical experts, academics and the private sector in a multi-stakeholder approach.

The discussion leading into the creation of the GDC, alongside other ongoing Internet governance discussions, is at the same time a reflection of the changing nature of technology—a consequence of the increasing abuse of digital tools to erode democratic values and principles.

This Policy Paper addresses one of the fundamental issues of technology governance. Since technologies are not neutral, the principles underpinning digital technologies and their governance system are fundamental to protecting their capacity to foster, maintain and protect human rights.¹ Although people use digital technologies, especially the Internet, to advance democracy around the world, authoritarian—and often also democratic—regimes have not only sought to restrict digital tools that support democratic advancement, but have also weaponized them to consolidate their control.

This Policy Paper identifies four areas of work that highlight the main opportunities for embracing democracy through an open and safe digital

¹ Digital technologies encompass a broad range of electronic tools, systems, devices and resources that generate, store or process data. In the context of the Global Digital Compact, digital technologies refer to those that have the potential to impact socio-economic development, governance and the digital environment on a global scale. The Internet, a digital technology itself, is also the foundational infrastructure that enables the functionality of most digital technologies.

Since technologies are not neutral, the principles underpinning digital technologies and their governance system are fundamental to protecting their capacity to foster, maintain and protect human rights.

future as well as the challenges to doing so. These areas are: (a) closing the digital divide; (b) ensuring that human rights are the core value shaping the GDC; (c) putting in place artificial intelligence (AI) governance that protects fundamental rights and democracy; and (d) advancing data governance for the common good.

Chapter 1

CONTEXT

The original design of the Internet was based on key principles such as decentralization, openness, universal access and interoperability. These foundational design choices effectively regulated the Internet in its early stages and, even if not the original intention, determined its power to support democracy (Reidenberg 1997). All other digital technologies that rely on the Internet one way or another are also influenced by these design choices.

The foundational design of the Internet prevents autocrats from controlling information and enables pro-democracy advocates to exchange ideas and mobilize against oppressive regimes. Furthermore, the Internet's supranational nature has often reduced the capacity of repressive regimes to control their citizens (Weidmann and Rød 2019). The strength of such guiding principles has been declining in recent years, with more and more attempts by authoritarian governments—and often private companies or even democracies—to erode them. While these attempts have taken place domestically, they have also been aimed at upending existing international agreements and governance frameworks. In addition, new challenges to the foundational design principles abound, including the governance of AI, increasing cybersecurity vulnerabilities, the weaponization of digital technologies to shrink civic spaces online, the exploitation of data and the erosion of information integrity. This is the context in which negotiations on the GDC are taking place.

Yet, the GDC needs to be understood as part of a bigger policy process. It is unfolding alongside other significant policy developments that will shape the future of digital technologies. Particularly relevant is the review process taking place 20 years after agreements were reached at the World Summit on the Information Society (WSIS) (ITU 2005). This process will be greatly influenced by the discussion that will take place in the context of the GDC. Similarly, the future of the Internet Governance Forum is subject to the impact of the GDC, especially given the proposal to create a digital cooperation forum (UN EOSG 2023). Concurrently, as the GDC is developed, it will also have an impact on initiatives such as the Ad Hoc Committee on Cybercrime; the application of the

United Nations Educational, Scientific and Cultural Organization's Guidelines for the Governance of Digital Platforms; and the UN's High-Level Advisory Body on Artificial Intelligence; as well as on the role of the UN Secretary-General's Envoy on Technology.

The GDC could provide the basis for developing standards to respect human rights in digital contexts.

The significance of the GDC is underscored by its role not only in the abovementioned digital policy initiatives but also, more broadly, in the future of the multi-stakeholder nature of Internet governance. Its creation could open new opportunities for new stakeholders to participate in both UN processes and Internet governance venues (Knodel 2024). The GDC process is taking place amid intense geopolitical rivalry that aims, in part, to undermine the moral authority of democracies and suppress democracy activism, both offline and online. The GDC could provide the basis for developing standards to respect human rights in digital contexts, draw the contours of civic online space and safeguard the design principles of digital technologies that enable democracy to advance. However, if democratic countries do not protect democratic principles and safeguards in the process, the GDC might hinder the Internet's democratizing power irreparably.

Chapter 2

KEY TOPICS

This Policy Paper delves into the issues within the scope of the GDC that will have the most impact on democracy. It focuses on the following four pillars: closing the digital divide, ensuring human rights as a core value, putting AI governance in place and advancing data governance for the common good. In the digital age, democracy relies on these four pillars. A democratic society requires universal access to an open, interoperable and free Internet that is safeguarded against shutdowns and governed through a multi-stakeholder model that ensures that all voices are included. This kind of Internet is feasible only when international human rights law underpins digital technologies and acts as a guardrail. Since data drives the digital world and powers emerging technologies such as artificial intelligence, establishing governance frameworks for data and these technologies is essential.

The following section presents the position of the International Institute for Democracy and Electoral Assistance (International IDEA) on the four above-mentioned pillars, providing clear and actionable recommendations that countries can take to sharpen and improve the GDC.

A democratic society requires universal access to an open, interoperable and free Internet that is safeguarded against shutdowns and governed through a multi-stakeholder model.

2.1. CLOSING THE DIGITAL DIVIDE

Key recommendations

The Global Digital Compact should:

- Uphold the right of each person to access a universal, open, free, reliable, interoperable and secure Internet.
- Ensure that affordability and digital literacy are at the centre of efforts to achieve democratic digital access.
- Protect the participatory, multi-stakeholder approach to digital governance, recognizing the role of multi-stakeholder platforms, especially the Internet Governance Forum, as a space for multi-stakeholder discussions.

Member States should:

- Recognize marginalized groups and adopt measures to support and protect them in digital spaces, with special attention given to women, girls and LGBTQIA+ communities. Efforts must be responsive to the expressed need of these groups, and their active participation should be prioritized in the development and implementation of digital policies.
- Exercise digital inclusivity and access based on human rights by providing an open and secure Internet. Governments should refrain from shutting down the Internet, particularly in the context of elections.

Promote digital inclusivity as a baseline for democracy

Given that access to the Internet is a fundamental tool for fostering civic participation and the full enjoyment of human rights, especially freedom of expression and the right to participate in public affairs (UN General Assembly, Human Rights Council 2021: 5), the GDC should promote a universal, free, open, interoperable, reliable and secure Internet, according to the original founding principles and in compliance with international human rights law.

Free and universal access to the Internet will reinforce democracies worldwide. The digital divide impairs individuals' ability to cast an informed vote or engage meaningfully in public debate at any level. Therefore, unequal digital connectivity not only exacerbates existing inequalities but also deepens social and political exclusion, particularly for vulnerable and marginalized groups, which may increase political polarization and political fragmentation within democracies (Gu and Wang 2022).

To enhance digital connectivity, the GDC must extend its focus beyond mere infrastructure and encompass digital inclusivity. UN Member States are urged to tackle the digital connectivity gap holistically, taking into consideration economic, social, cultural and environmental aspects. Tackling this gap includes—among other things—paying special attention to the gender ramifications of connectivity, the effects of linguistic diversity in digital contexts, and the impact of the Internet's infrastructure (e.g. the use of raw materials to develop digital technologies, the use of water at data centres or the expansion of submarine cables) on climate change and existing inequalities.

The GDC should also promote a human rights-centric approach and address affordability and digital literacy as the main drivers of inclusiveness and democratic digital access. An open and inclusive digital space should also

consider bottom-up and multi-stakeholder participation in the design and implementation of digital public infrastructure. This participation should be representative of society at large, ensuring the inclusion of voices from vulnerable and traditionally marginalized groups.

The GDC presents an opportunity to champion affordable universal connectivity by investing in secure, rights-respecting digital public infrastructure designed for the common good and inclusivity. Such infrastructure should be complemented with digital literacy initiatives to facilitate digital access and protect users from potential digital harms.

Promote a universal, free, open, interoperable, safe, reliable and secure Internet

Due to the risks that an open Internet poses to closed political regimes, these regimes have always tried to splinter the Internet. A splintered Internet—a *splinternet*—would be an aggregation of distinct national or regional blocs governed by different sets of rules, regulations and censorship standards. Information would not travel freely, and the accessibility and interoperability of the Internet would be compromised. A splinternet would be governed at the multilateral level, and the capacity of authoritarian regimes to repress fundamental digital rights would increase exponentially. A splinternet would also exacerbate existing inequalities, not only between global minority and global majority countries but also inside each country.

In principle, anyone using the Internet’s language (the Transmission Control Protocol/Internet Protocol—better known as the TCP/IP protocol) can connect to the network and to any of its nodes. Information travels from one point of the network to another following the end-to-end principle (Garfinkel 2003), meaning that the information that one point sends arrives at the other point without any discrepancy. Thanks to layer independence, another key principle of the Internet, infrastructure and Internet service providers—often under the strict control of governments—have limited capacity to control online content. These principles are the cornerstone of the Internet’s capacity to sustain the flourishing of democracy. Information not controlled or monitored by anyone but the sender and the receiver introduces manageable risks. However, it also provides individuals with unprecedented access to ideas, information and knowledge.

Evidently, today’s Internet does not fully mirror the open and interoperable ideal design upon which the Internet was conceived. Limitations have been imposed for legal reasons—such as access to copyrighted material, for instance—as well as commercial ones. Many countries have erected virtual walls to curtail their citizens’ access to information or established filtering and monitoring systems that spy on individual digital actions.

In the face of these challenges, it is imperative for the GDC to reaffirm and solidify an open, interoperable Internet that remains accessible to and equitable for all. Moreover, steps to safeguard the Internet as a democratic infrastructure need to actively oppose measures that undermine its integrity, such as undue surveillance, censorship and the imposition of barriers to access.

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Building upon a multi-stakeholder framework ensures resilience in the governance of the digital space.

Protect the multi-stakeholder governance model for the Internet

In the current digital landscape, the multi-stakeholder governance model of the Internet stands as a bulwark against the forces that seek to undermine the democratic principles underpinning the global digital infrastructure. The Internet is designed as an open and interconnected network of networks, where innovation does not require permission and has no favourites (Internet Society 2016). It is governed through a multi-stakeholder governance model with the Internet Governance Forum as the main UN system space for dialogue (ITU 2005).

The model promotes a participatory approach to Internet governance, ensuring that all stakeholders, including governments, private sector entities, civil society, technical and academic communities, have a voice in shaping the digital future. This inclusive and decentralized form of governance not only fosters democratic principles but also safeguards the Internet as an open, global and interoperable network.

Building upon a multi-stakeholder framework ensures resilience in the governance of the digital space by responding to the concerns of those actors that are using, developing and shaping the digital future. In line with the WSIS Geneva Declaration of Principles, partnerships and collaboration between multiple stakeholders are essential to building an inclusive information society and strengthening its democratic dimension (ITU 2003). In this respect, it is critical to employ a bottom-up approach and to create holistic policies that encompass marginalized communities that have been historically underrepresented in Internet governance processes (Grover 2022).

The GDC must reinforce the multi-stakeholder approach to Internet governance. The active participation of technical experts, civil society and private companies alongside UN member states is the only path to maintaining an open and interoperable Internet, which, in turn, can ensure that the Internet continues to serve as a vibrant space for democratic engagement, innovation and the free exchange of ideas. International IDEA strongly believes that the Internet Governance Forum remains the correct format for multi-stakeholder governance.

Internet shutdowns and electoral processes

Access to the Internet is a fundamental tool for fostering civic participation in the digital age. Notably, access to the Internet is essential during democratic elections to ensure the protection of electoral integrity (Access Now 2021). The Internet plays a crucial role in building electoral trust, facilitating the free flow of electoral information and ensuring that the media is able to act as a watchdog during elections.

Therefore, the GDC should encourage countries to refrain from any kind of Internet shutdowns, which undermine the foundations of any democratic society, impeding candidates and political parties in their efforts to organize, assemble and freely communicate during electoral periods. Shutdowns also impede the exercise of freedom of expression, freedom of peaceful assembly and the right to participate in public life (UN High Commissioner for Human Rights 2022). Since they rarely comply with principles of legality, proportionality and necessity, and given their indiscriminate and widespread impacts on public

debate, it is crucial that the GDC acknowledges the multiple risks that Internet shutdowns could have for democracies.

2.2. ENSURING THAT HUMAN RIGHTS ARE THE CORE VALUE SHAPING THE GLOBAL DIGITAL COMPACT

Key recommendations

The Global Digital Compact should:

- Stress countries' obligations to promote and protect human rights in both offline and online contexts including by ensuring that measures are in full compliance with international human rights law and the principles of lawfulness, proportionality and necessity.
- Recognize that tech corporations have a responsibility to respect human rights, and it should stress that they have due diligence obligations to identify, prevent, mitigate and remediate potential human rights harms in the development and implementation of their business models. Corporate responsibility must also encompass an explicit reference to the UN Guiding Principles on Business and Human Rights (OHCHR 2011) as well as the B-Tech Project run by the Office of the United Nations High Commissioner for Human Rights (OHCHR n.d.).
- Promote the right to privacy in online contexts and the protection of personal data by upholding access to encryption tools and anonymity. Secure freedom from intrusive surveillance techniques and minimize arbitrary data collection.
- Ensure robust transparency and accountability regimes to counteract the spread and amplification of disinformation by platform recommendation algorithms.

Member States should:

- Ensure that the online context is free of technology-facilitated gender-based violence and hate speech, with a key focus on tackling emerging technologies, such as generative AI, that are used to escalate and amplify misogynistic and hateful online content.

Ensure that human rights are protected online and offline

The GDC should embrace the UN Charter, the Universal Declaration of Human Rights and international human rights law as the bedrock of its work. Digital technologies have enabled connectivity and fostered democratic processes marked by increased citizen engagement. Nonetheless, digital technologies have also bolstered repressive capabilities in both authoritarian and democratic regimes. In light of the increased uses of technology in repressive capacities, it is crucial to promote an open, safe and secure digital future with human rights at its core, which implies that both UN Member States and tech companies must adhere to international human rights law and respect, protect and promote fundamental rights in both online and offline contexts.

Similarly, any use of technological solutions by Member States that interfere with human rights should adhere to the principles of legality, proportionality and necessity. This suggestion extends to tech corporations in their design, development and deployment of digital technologies throughout their operations, aligning with the UN Guiding Principles on Business and Human Rights (OHCHR 2011).

Any use of technological solutions by Member States that interfere with human rights should adhere to the principles of legality, proportionality and necessity.

The arbitrary and unlawful collection of personal data is incompatible with democratic values.**Respect and protect the right to privacy in digital contexts**

Governments must respect and protect the right to privacy and personal data in online contexts, including the Internet and digital communications. This obligation includes the protection of encryption and anonymity tools (UN General Assembly, Human Rights Council 2022). On the one hand, an open and safe online space requires that both governments and private actors abstain from deploying, facilitating and using invasive surveillance technologies, particularly against human rights defenders, civil society organizations and media workers. The use of surveillance technologies should be strictly limited to legitimate aims that clearly pass the proportionality test. On the other hand, technical solutions are required to secure the protection of digital communications, including encryption tools, particularly for those institutions that play a watchdog role in democracies. The arbitrary and unlawful collection of personal data, through intrusive surveillance technologies, is incompatible with democratic values due to its effect on the entire human rights framework, including freedom of expression and freedom of association in particular.

Promote information integrity and address information manipulation

Worldwide, societies have been threatened by the erosion of information integrity through hatred, manipulative narratives, disinformation and misinformation. The deterioration of information integrity shrinks civic spaces in online contexts, undermining human rights and democratic values. The role of both governments and online platforms is crucial for achieving meaningful digital trust and security, particularly when it comes to online information integrity. Based on the UN Guiding Principles on Business and Human Rights, online platforms should be accountable for the amplification of disinformation and hate speech by their recommender systems. Consequently, the GDC should promote a human rights–centric approach that includes meaningful algorithmic transparency measures alongside accountability regimes in online platforms' recommender systems. Importantly, researchers, civil society organizations and public authorities should have access to data in order to monitor the application of online content regulation. Furthermore, ensuring transparency when it comes to the use of algorithmic amplification and microtargeting and conducting systemic risk assessments could develop a robust accountability regime to pursue digital trust and security.

The GDC should also promote online-content legislation that adheres to international human rights law and that especially protects freedom of expression. Thus, governments should not impose—neither *de jure* nor *de facto*—general monitoring obligations on online platforms or penalties when platforms act in good faith and with due diligence (UNESCO 2023: para. 29; EU 2022a: article 1(2)(a) and article 8). Furthermore, governments should refrain from using online content regulation to increase their capacity to repress freedom of expression in the public digital space, to muzzle or suppress dissent and opposition, or to limit access to information.

Advance digital trust and safety: Measures to protect women in online environments

A safe and inclusive Internet should be safe and inclusive for everyone, including women, girls and LGBTQIA+ communities. While gender-based violence is not new, the Internet and digital technologies have exacerbated its effects—in online spaces. Technology-facilitated gender-based violence amplifies the challenges that women and minorities face in terms of political participation. Online contexts should be safe and free of discrimination, enabling women to freely express political opinions, expand their political decision making and exercise their right to participate in public and political life. The GDC should advance mechanisms that governments, tech corporations and civil society organizations can use in order to tackle technology-facilitated gender-based violence.

Governments should adopt measures to protect women in online spaces and promote their political participation. Any legal measures to tackle misogynistic speech or gendered disinformation should follow the principles of necessity and proportionality. Furthermore, governments should work hand in hand with online platforms to identify and remove content moderation policies that promote and disseminate technology-facilitated gender-based violence on the Internet. Regulatory solutions should foster transparency rules as part of content moderation policies and human rights and gender impact assessments to identify and mitigate systemic risks vis-à-vis cyberviolence.

Online contexts should be safe and free of discrimination, enabling women to freely express political opinions.

2.3. PUTTING IN PLACE AI GOVERNANCE THAT PROTECTS FUNDAMENTAL RIGHTS AND DEMOCRACY

Key recommendations

The Global Digital Compact should:

- Promote a global governance framework for AI that encompasses the entire life cycle of AI systems. This framework should prioritize safety, robustness and trustworthiness while ensuring inclusivity and transparency.
- Ensure that AI governance includes a risk-based approach to identifying, assessing, preventing and mitigating human rights and democracy risks. This approach should consider the severity and probability of potential harms, and it should inform decision making regarding AI development, deployment and regulation.
- Promote an AI governance system that adopts a multi-stakeholder approach, incorporating inputs from diverse actors, including representatives from global majority countries.
- Minimize fragmentation between governance frameworks by establishing global standards and interoperability.

AI governance is perhaps one of the most daunting challenges in recent decades. Governing AI throughout its entire life cycle includes all its stages: pre-design, design, development, evaluation, testing, deployment, use, sale, procurement, operation and decommissioning (UN General Assembly 2024). The life cycle of AI is crucial for the common good due to its potential to

overturn democratic systems, its transformative capabilities, and the risks it presents in widening disparities between and within nations. Although its positive impact can be unprecedented, AI might also entrench, replicate and exacerbate existing discriminatory norms and practices that further disempower traditionally marginalized groups. If the potential of AI is to be achieved and enjoyed broadly, a global, safe, robust and trustworthy governance framework needs to be in place. AI-related design, profits and decision making remain limited to a handful of actors, yet its potential harms are unevenly spread (AI Advisory Body 2023). As stated by the UN AI Advisory Body's interim report on AI governance, an inclusive global governance framework for AI is essential to addressing the disparity between potential harms and power and decision making (AI Advisory Body 2023).

The entire life cycle of AI poses risks to the integrity of elections by further eroding the integrity of the information environment.

For democracies the stakes are high. The potential influence of AI on democratic processes is becoming increasingly evident. The entire life cycle of AI poses risks to the integrity of elections by further eroding the integrity of the information environment, with the looming risks of deceptive AI-generated political content disrupting elections worldwide. Additionally, AI enhances the effectiveness and reach of digital repression tools, including invasive surveillance technologies, and its impact on the social fabric may reproduce and intensify social tensions and biases, as well as racial and gender stereotypes, and further polarize societies. Its environmental impact must be also taken into account.

At the heart of AI lies data. Data is the fuel and foundation of AI, shaping its capabilities, biases and outcomes. Robust data governance ensures that AI operates within a framework that respects individual rights and prevents misuse. It acts as a bulwark against the erosion of democratic values, protecting against the surveillance, manipulation and discrimination that AI might facilitate if left unchecked. Effective data protection measures foster trust in AI systems, ensuring that they serve the public interest and enhance, rather than undermine, democratic engagement.

International IDEA advocates a multi-stakeholder, risk-based governance framework for the entire life cycle of AI that is anchored in international human rights law, the rule of law and democracy. Such a global framework should be grounded in inclusivity and interoperability, based on transparency principles, and in the protection of personal data. Moreover, the GDC should stress that governments should include measures to ensure that the entire life cycle of AI is not used to erode the integrity, independence and effectiveness of democratic institutions, including free and fair elections, checks on government, impartial administration and access to justice (International IDEA 2023). As AI is an evolving technology and the full spectrum of its societal effects is still unclear, making informed, risk-based decisions is a complex task. Such obstacles in decision making affect the identification, assessment, prevention and mitigation of risks. Therefore, risk-based AI governance should be based on the severity and probability of the occurrence of potential harms in the areas of human rights, democracy and the rule of law. Furthermore, a global multi-stakeholder approach would secure the inclusion of diverse

voices, especially from global majority countries, and it would elevate the governance of AI above geopolitical disputes that can hinder the use of AI for the common good (Policy Network on Artificial Intelligence 2023).

Finally, for the global governance framework to be effective, it would need to achieve governance interoperability, which implies that different AI governance frameworks would function based on common principles and values. It also implies that, despite differing local regulations, policies and ethical standards, there would need to be a coherent approach that would enable the application of governance principles globally. Interoperability facilitates international cooperation and supports the global alignment of standards for AI development, deployment and monitoring. When governance interoperability is crafted based on democratic principles and human rights, it will further support the use of AI for the common good.

When governance interoperability is crafted based on democratic principles and human rights, it will further support the use of AI for the common good.

2.4. ADVANCING DATA GOVERNANCE FOR THE COMMON GOOD

Key recommendations

The Global Digital Compact should:

- Commit to protecting online privacy by safeguarding access to user privacy mechanisms such as end-to-end encryption and anonymity tools. Efforts must include measures to counter attempts to undermine or circumvent online privacy.
- Ensure that data collection by online platforms and state actors adheres to international human rights law.
- Strengthen data protection regulations to restrict indiscriminate data collection and data processing for the purpose of microtargeting and personalized online advertising.

Member States should:

- Minimize fragmentation in digital data governance by establishing harmonized, human-centred data regulations. These regulations should be inspired by the principles of fairness, lawfulness, transparency, minimization of data collection, purpose limitation, accuracy, storage limitation, integrity, confidentiality and accountability.
- Ensure digital inclusivity, as it is essential to equitably distribute the roles of data beneficiary and data provider on a global scale, recognizing marginalized communities that have historically been closed-off from the developmental benefits of large data sets.
- Utilize the potential of large data collections as a public good by fostering multi-stakeholder collaboration and adopting open-source models and data collectives.

Protect data privacy and digital security for democracy

The GDC should embrace a human-centred digital future that includes a rights-centric approach to data governance. This approach implies that individuals must have control over their personal data in line with strong data protection regulations, inspired by the principles of fairness, lawfulness, transparency, minimization of data collection, purpose limitation, accuracy, storage limitation, integrity, confidentiality and accountability (Article 29 Data Protection Working

It is crucial for the GDC to engage tech corporations to enable solutions, including encryption and anonymity tools, to protect personal data in online contexts.

Party 2013). Data should be governed for the benefit of people, and its processing should be balanced, taking into account other fundamental rights.

Despite the worldwide proliferation of data protection frameworks, the massive extraction of personal data and its processing for multiple commercial and security purposes have not been reined in. In light of this, it is crucial for the GDC to engage tech corporations to enable solutions, including encryption and anonymity tools, to protect personal data in online contexts. As stated previously, the encryption of data is essential for trust and security online, as it enables the free flow of information, which is crucial to online democracy. Thus, it is imperative to enable encryption tools that shield human rights defenders, activists, political dissidents and journalists. In turn, this protection permits them to collaborate within an environment that fosters democratic values and the free exchange of information (UN General Assembly, Human Rights Council 2022: para. 21). Governments should neither impose any kind of obligation on online platforms that limits users' ability to maintain anonymity nor create backdoors on encrypted messenger services to circumvent users' privacy.

Tech corporations, especially social media companies, are making profits from people's personal data. Currently, online platforms are monetizing disinformation and hate and other forms of illegal speech through online advertising business models that depend on user engagement and exploit personal data. It is crucial that strong data protection regulations are included in the advertising technology sector. Moreover, online platforms must ensure that their products and services, including data collection and data processing, are in line with international human rights law and the UN Guiding Principles on Business and Human Rights. To succeed, online platforms must guarantee sufficient investment in data policies that ensure the protection of personal data.

Data poverty and international exchange

Minimizing the division between the beneficiaries of and contributors to large data collections is paramount. Historically, the distribution of data has been highly unequal, excluding countries experiencing data poverty from data sets that contribute to social and economic development (Pande and Blum 2015). This exclusion constitutes another dimension of the digital divide that impairs countries from development and hinders the advancement of inclusive digital governance. To bridge this divide, governments and platform holders must put in place architectural models and technical standards to promote global open access to and the interoperability of large data sets. Governments must also combat data deprivation by providing the developmental resources and benefits of large data sets to countries that have been historically excluded from initiatives that leverage big data for social good. Ethical data collection in data-poor communities is essential to identifying deprived communities, and enabling platforms to empower marginalized voices in global democracy (Serajuddin et al. 2015).

Interoperability and free data exchange also hinge upon congruence in digital governance between countries. Regulations must provide adequate guarantees to protect the integrity of data privacy and security. In adopting such regulations, countries have an obligation to minimize digital governance fragmentation and establish data privacy laws that are substantial, evidence-based and subject to clear enforcement (Internet Government Forum 2023).

Private data collections and open-source data

Non-state actors, mainly private companies and large platform holders, are some of the primary curators of large global data collections, which hold significant potential benefits as a public good. Although it is necessary to recognize that stakeholders are incentivized to collect data on differing grounds, multi-stakeholder collaboration creates opportunities to utilize privately held data for purposes that are ultimately beneficial to society as a whole (EU 2022b). The GDC should subsequently consider calling upon big data stewards to champion data collectives and open-data models. Open access to big data may make it possible not only to leverage competition and innovation in the tech sector but also to use data for the public good, including by public institutions that promote the rule of law, democracy and human rights. However, it is important to balance data-set transparency with a privacy-by-design approach to data tracking and storage, ensuring that efforts for the public good do not come at the expense of the right to privacy.

Chapter 3

CONCLUSIONS

The GDC marks a significant milestone in reshaping the governance of digital technologies. Its provisions will significantly influence various processes and shape future discussions on digital governance. Its potential to impact democracy, political engagement and human rights is immense. The GDC can secure and protect the role of digital technologies in promoting civic participation, democracy and human rights. It can serve as a reference for human rights defenders, civil society and media to hold governments to account, to tame the use of digital repression tools and to harness the liberating power of technology. Yet, the GDC could also further the erosion of democratic principles, reinforce Internet fragmentation and help individual governments to utilize technologies to tighten their control over power and suppress dissent.

Member States have the responsibility—and a unique opportunity—to negotiate a GDC that could become a fundamental building block of the international architecture to defend democratic values and principles in the digital age.

This Policy Paper provides concrete arguments and recommendations for democratic states and their negotiating teams to promote a GDC that is based on democratic values and international human rights law. It explores four fundamental areas and delves into the ways the GDC can support the use of technologies for the advancement of social and political rights. Member States have the responsibility—and a unique opportunity—to negotiate a GDC that could become a fundamental building block of the international architecture to defend democratic values and principles in the digital age.

References

- Access Now, *Internet Shutdowns and Elections Handbook: A Guide for Election Observers, Embassies, Activists, and Journalists* (Access Now, 2021), <<https://www.accessnow.org/guide/internet-shutdowns-and-elections-handbook/>>, accessed 7 April 2024
- AI Advisory Body, 'Interim Report: Governing AI for Humanity', December 2023, <https://www.un.org/sites/un2.un.org/files/ai_advisory_body_interim_report.pdf>, accessed 3 April 2024
- Article 29 Data Protection Working Party, 'Opinion 03/2013 on Purpose Limitation', 00569/13/EN WP 203, 2 April 2013, <https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/files/2013/wp203_en.pdf>, accessed 7 April 2024
- European Union, 'Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)', *Official Journal of the European Union*, L277/1 (27 October 2022a), <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065>>, accessed 7 April 2024
- , *Empowering Society by Reusing Privately Held Data for Official Statistics – A European Approach: Final Report Prepared by the High-Level Expert Group on Facilitating the Use of New Data Sources for Official Statistics*, 2022 edition (Luxembourg: Publications Office of the European Union, 2022b), <<https://ec.europa.eu/eurostat/documents/7870049/14803739/KS-FT-22-004-EN-N.pdf/052b4357-bf8e-9ce4-c063-7e806c045dac?t=1656335798606>>, accessed 7 April 2024
- Garfinkel, S., 'The end of end-to-end?', *MIT Technology Review*, 1 July 2003, <<https://www.technologyreview.com/2003/07/01/234174/the-end-of-end-to-end/>>, accessed 3 April 2024
- Grover, R., 'The geopolitics of digital rights activism: Evaluating civil society's role in the promises of multistakeholder internet governance', *Telecommunications Policy*, 46/10 (2022), <<https://doi.org/10.1016/j.telpol.2022.102437>>
- Gu, Y. and Wang, Z., 'Income inequality and global political polarization: The economic origin of political polarization in the world', *Journal of Chinese Political Science*, 27 (2022), pp. 375–98, <<https://doi.org/10.1007/s11366-021-09772-1>>
- International IDEA, *International IDEA Strategy: At a Glance* (Stockholm: International IDEA, 2023), <https://www.idea.int/sites/default/files/about_us/international-idea-strategy-at-a-glance.pdf>, accessed 7 April 2024
- International Telecommunication Union (ITU), Declaration of Principles: Building the Information Society – A Global Challenge in the new Millennium, WSIS-03/GENEVA/DOC/4-E, 12 December 2003, <<https://www.itu.int/net/wsis/docs/geneva/official/dop.html>>, accessed 3 April 2024
- , Tunis Agenda for the Information Society, WSIS-05/TUNIS/DOC/6(Rev. 1)-E, 18 November 2005, <<https://www.itu.int/net/wsis/docs2/tunis/off/6rev1.html>>, accessed 3 April 2024

- Internet Government Forum, 'Contribution to Consultation on the Global Digital Compact', 2023, <https://www.un.org/techenvoy/sites/www.un.org.techenvoy/files/GDC-submission_IGF-LP.pdf>, accessed 7 April 2024
- Internet Society, 'Internet Invariants: What Really Matters', 26 September 2016, <<https://www.internetsociety.org/wp-content/uploads/2017/09/ISOC-PolicyBrief-InternetInvariants-20160926-nb.pdf>>, accessed 3 April 2024
- Knodel, M., 'Comments to the United Nations on the Global Digital Compact', Center for Democracy and Technology, 12 March 2024, <<https://cdt.org/insights/comments-to-the-united-nations-on-the-global-digital-compact>>, accessed 3 April 2024
- Office of the High Commissioner for Human Rights, The (OHCHR), 'Guiding Principles on Business and Human Rights', HR/PUB/11/04, 2011, <https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf>, accessed 9 April 2024
- , 'B-Tech Project', [n.d], <<https://www.ohchr.org/en/business-and-human-rights/b-tech-project>>, accessed 9 April 2024
- Pande, R. and Blum, F., 'Data poverty makes it harder to fix real poverty. That's why the UN should push countries to gather and share data', Yale Economic Growth Center, 20 July 2015, <<https://egc.yale.edu/data-poverty-makes-it-harder-fix-real-poverty-thats-why-un-should-push-countries-gather-and-share>>, accessed 7 April 2024
- Policy Network on Artificial Intelligence, 'Strengthening Multi-stakeholder Approach to Global AI Governance, Protecting the Environment and Human Rights in the Era of Generative AI', October 2023, <https://www.intgovforum.org/en/filedepot_download/282/26545>, accessed 3 April 2024
- Reidenberg, J. R., 'Lex informatica: The formulation of information policy rules through technology', *Texas Law Review*, 76/553 (1997), <https://ir.lawnet.fordham.edu/faculty_scholarship/42>, accessed 3 April 2024
- Serajuddin, U., Uematsu, H., Wieser, C., Yoshida, N. and Dabalen, A., 'Data Deprivation: Another Deprivation to End', World Bank, Policy Research Working Papers, April 2015, <<https://doi.org/10.1596/1813-9450-7252>>
- UN Educational, Scientific and Cultural Organization (UNESCO), *Guidelines for the Governance of Digital Platforms: Safeguarding Freedom of Expression and Access to Information through a Multistakeholder Approach* (Paris: UNESCO, 2023), <<https://unesdoc.unesco.org/ark:/48223/pf0000387339>>, accessed 7 April 2024
- UN Executive Office of the Secretary-General (EOSG), 'A Global Digital Compact – An Open, Free and Secure Digital Future for All', Our Common Agenda Policy Brief 5, 24 May 2023, <<https://www.un-ilibrary.org/content/papers/10.18356/27082245-28/read>>
- UN General Assembly, 'Seizing the Opportunities of Safe, Secure and Trustworthy Artificial Intelligence Systems for Sustainable Development', A/78/L.49, 11 March 2024, <<https://digitallibrary.un.org/record/4040897?v=pdf&ln=en>>, accessed 18 April 2024
- UN General Assembly, Human Rights Council, 'The Promotion, Protection and Enjoyment of Human Rights on the Internet', A/HRC/47/L.22, 7 July 2021, <<https://digitallibrary.un.org/record/3937534?v=pdf>>, accessed 9 April 2024
- , 'The Right to Privacy in the Digital Age', A/HRC/51/17, 4 August 2022, <<https://www.ohchr.org/en/documents/thematic-reports/ahrc5117-right-privacy-digital-age>>, accessed 9 April 2024

UN High Commissioner for Human Rights, 'Internet Shutdowns: Trends, Causes, Legal Implications and Impacts on a Range of Human Rights', A/HRC/50/55, 19 August 2022, <<https://www.ohchr.org/en/documents/thematic-reports/ahrc5055-internet-shutdowns-trends-causes-legal-implications-and-impacts>>, accessed 18 April 2024

Weidmann, N. B. and Rød, E. G., 'Introduction', in N. B. Weidmann and E. G. Rød (eds), *The Internet and Political Protest in Autocracies* (Oxford: Oxford University Press, 2019), pp. 1–12, <<https://doi.org/10.1093/oso/9780190918309.003.0001>>

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with 35 Member States founded in 1995, with a mandate to support sustainable democracy worldwide.

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Since technologies are not neutral, the principles underpinning digital technologies and their governance system are fundamental to protecting their capacity to foster, maintain and protect human rights.

This Policy Paper identifies four areas of work that highlight the main opportunities for embracing democracy through an open and safe digital future as well as the challenges to doing so. These areas are: (a) closing the digital divide; (b) ensuring that human rights are the core value shaping the Global Digital Compact; (c) putting in place artificial intelligence governance that protects fundamental rights and democracy; and (d) advancing data governance for the common good.