Call for Inputs: WSIS+20 Review

Submission to the ITU Council Working Group on WSIS

Implementation of the WSIS Process

1. What are the main achievements of the implementation of the WSIS process in the past 20 years?

One of the principal achievements of the WSIS is its commitment to a people-centric, inclusive and development-oriented Information Society, where everyone can create, access, use and share information to fully promote sustainable development and improve their quality of life. We understand the people-centred, inclusive and development-oriented Information Society as one which is respectful of human rights, promotes gender equality and empowers vulnerable and marginalised groups including minority groups. It is also a society where ICTs contribute to sustainable socio-economic development including through open, inclusive and transparent governance structures.

The original WSIS vision produced in 2003 was firm in its commitment to human rights, anchoring the Action Plan in the values and obligations of the UN Charter and the Universal Declaration of Human Rights. This vision was further supported during the WSIS+10 review process, with the *Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society* (WSIS+10 Outcome Document) adopted in 2015 recognising that "the same rights that people have offline must also be protected online". This is reflected in other processes within the UN, for example, UN General Assembly resolutions in 2013 and 2014 on the right to privacy in the digital age. This recognition that human rights apply online and offline is a key achievement of WSIS, although, as discussed below, this has not always been realised in implementation.

Another key success and achievement of the WSIS process and outcomes is its strong commitment to the multistakeholder approach in Internet governance. The Tunis Agenda, in particular, recognises the roles played by different stakeholders in implementing the Action Lines and in shaping conversations about digital and public policy issues. This approach has become a foundational principle for digital technology governance discussions and underpins the work of global forums like the IETF and ICANN. The participation of all stakeholders is a prerequisite and enabler of people–centred digital development. In particular, civil society plays a key role in discussions on governance of digital technologies by bringing underrepresented perspectives and human rights expertise to inform discussions and raise awareness of the impacts on at-risk groups.

This multistakeholder approach has helped to maintain the global, open, and interoperable nature of the Internet, which is a key enabler of human rights in the digital age. Threats to the open, interoperable and global internet are likely to impact a broad range of rights, including but not limited to creating and sharing information, freedom of expression, freedom of association, peaceful assembly, and privacy.

Finally, the establishment of the IGF as the principal multistakeholder forum on Internet and digital policy issues is a central achievement. The IGF has provided an effective forum for multistakeholder dialogue on Internet governance and digital public policy issues and to further evolve and put into practice multistakeholder approaches. Through the establishment of the IGF, the WSIS has helped to create an open, inclusive space to discuss the governance of digital technologies, with stakeholders throughout the ecosystem having the opportunity to shape conversations on an equal footing. Additionally, the creation of over 100 national and regional IGF initiatives (NRIs) has established a robust mechanism to bring issues from the grassroots into international discussions and attracted participants from around the globe. While the IGF has a number of issues in implementation – discussed in more detail below – it has become the principal forum for multistakeholder and multidisciplinary dialogue on Internet-related public policy related issues.

2. **What are ITUs main contributions towards the implementation of the WSIS Process in 20 Years?**

3. **The WSIS process stands as a strong example of global digital cooperation in action for over two decades now. How can we ensure that this <u>inclusive multistakeholder model</u> is <u>sustained and further strengthened?</u>**

A key achievement of the WSIS process is its strong commitment to the multistakeholder approach in Internet governance, reflected in the Tunis Agenda and in the decentralised structure created to implement the WSIS outcomes. This approach has helped to maintain the global, open, and interoperable nature of the Internet, which is a key enabler of human rights in the digital age and of people-centric sustainable development.

First, our experience in the digital policy field indicates the need to further evolve and strengthen the operationalisation of multistakeholder approaches in both multistakeholder and multilateral processes relating to the governance of the Internet and digital technologies. The NETmundial+10 Multistakeholder Statement, negotiated and agreed through a multistakeholder process, provides a set of guidelines and related process steps ("São Paulo Multistakeholder Guidelines") in Internet governance and digital policy processes at the international, regional and national levels. It reinforces the benefits of approaches to governance which allow for inclusive and democratic participation of all stakeholders, and highlights the need to ensure transparent and accessible procedures, funding and capacity building to support participation from a diversity of stakeholders. These Principles demonstrate the evolution of thinking about how multistakeholderism can be integrated within multilateral processes and in international public policy discussions. relating to the Internet and digital technologies. The next phase of the WSIS should prioritise working to

evolve and ensure the application of multistakeholder approaches in practice in multilateral and multistakeholder processes. In our response to question nine, we recommend how this could be achieved through a dedicated IGF track, and through the IGF playing an enhanced role as the custodian of the São Paulo Multistakeholder Guidelines.

All agencies and institutions participating in the WSIS+20 review should affirm their commitment to the multistakeholder approach and further evolve it in a manner that strengthens collaboration among stakeholders and enables them to fulfil their diverse roles. These roles include raising awareness of the impacts on at-risk communities, contributing human rights expertise and research to policy deliberations, and monitoring compliance with international human rights standards and SDG commitments.

Second, the next phase of the WSIS should ensure a permanent and strengthened IGF mandate, with a renewed focus on ensuring people-centered and inclusive development. As one of the principal institutional outcomes of the WSIS, the IGF has evolved into the primary venue for multistakeholder dialogue on public policy matters related to the Internet. However, it faces continued challenges, these include the need for sustainable financial resources to fulfil its mandate; better cohesion between the IGF's intersessional work streams and outcomes at the global level; more diverse representation, particularly of underrepresented countries and marginalised communities; and improved procedures to guarantee principles of openness, inclusivity, transparency and accountability. The need for strengthened procedures is particularly relevant to the selection of host countries for the global IGF to ensure that the IGF through its procedures and activities does not undermine the effective participation of stakeholders or result in the exclusion of structurally marginalised groups.

In its next phase, the WSIS should consider how the IGF can be strengthened as a vehicle for people-centred and inclusive discussions of the Internet and digital policy issues. We provide further recommendations for how to achieve this in response to questions 9 and 10.

4. What are the challenges that remain in the implementation of the WSIS process?

Technology and society has evolved significantly since the original WSIS process. These developments have resulted in new opportunities as well as challenges to ensuring the people-centric and development-oriented information society envisaged by the WSIS.

First, there is an increasingly complex environment governing digital technologies. The WSIS process is taking place alongside other multilateral processes on digital cooperation – including the new Office on Digital and Emerging Technologies, Summit of the Future (SOTF), the Global Digital Compact (GDC) and the entities emanating from it, NETmundial+10, and the Open-Ended Working Group on ICTs (OEWG on ICTs). The WSIS process stands out for its people-centric approach, multistakeholder approach to Internet governance, and decentralised approach to implementation, and consideration should be given to how other digital technology governance initiatives - principally the GDC - can be operationalised through the WSIS implementation structure.

A second, related challenge concerns the need to strengthen and further operationalise multistakeholder approaches. As a landmark document, the Tunis Agenda recognises the roles played by different stakeholders in implementing the Action Lines and in shaping conversations about digital and public policy issues. However, further work is required to evolve multistakeholder principles and ensure their application in specific multilateral and multistakeholder initiatives.

For example, the IGF has been held in locations characterised by a lack of rule of law and failure to guarantee the rights to freedom of association, peaceful assembly, and expression, and where the participation of all stakeholders is not guaranteed. This has limited the participation of stakeholders from the human rights community, structurally marginalised groups and affected communities, and effected the legitimacy of decision-making as these actors play a critical role in bringing underrepresented perspectives, raising awareness of the impacts on at-risk groups, contributing human rights expertise, and monitoring compliance with human rights standards. This oversight and representation is essential to ensure continuous review of the implementation of the WSIS outcomes by UN agencies and institutions from the perspective of human rights, as well as to monitor activities by governments to ensure compliance with their obligations under international human rights law. This points to the need to evolve multistakeholder approaches in a manner that is sensitive to the needs and interests of these stakeholders to facilitate their participation and increase the evidence basis for and legitimacy of decision-making.

In a context where discussions of technology governance are increasingly migrating to more closed spaces, it is vital that existing multistakeholder venues like the IGF and the WSIS Forum continue to adapt their processes to ensure more meaningful input by stakeholders. It is similarly important that intergovernmental processes like the WSIS+20 review continue to find ways to adapt and integrate multistakeholder approaches within multilateral processes. Mechanisms for doing so are further explored in response to questions 9 and 10.

A third challenge relates to the need to ensure the harmonisation of the WSIS framework with the international human rights law framework, and to facilitate enhanced coordination with the UN human rights mechanisms, especially the OHCHR. Since WSIS+10, threats to human rights – particularly free expression, access to information and privacy – have increased rather than decreased. The free flow of information is being impeded by laws and policies which limit access and connectivity, limiting connectivity and access, and scaling the potential for increased state control and surveillance digital technologies. This trend underscores the need for an explicitly human rights-based approach to implementing the WSIS outcomes and achieving the SDGs.

WSIS Action Lines

5. Which specific Action Lines have had the most significant impact, and why?

6. Considering that the WSIS outcomes have demonstrated their relevance and applicability to new and emerging areas, how can the <u>implementation of the WSIS principles and corresponding WSIS Action Lines</u> be <u>enhanced</u> to effectively address these topics?

Our experience actively engaging with the WSIS demonstrates that the following operational and substantive aspects should be prioritised in the next phase of the WSIS to effectively address new and emerging areas.

While it is appropriate that the WSIS Action Lines remain technologically neutral, the WSIS framework should be adapted to ensure greater alignment with the international human rights framework and the progressive interpretation and application of that framework to respond to new and emerging technologies. This adaptation to the WSIS framework could be reflected in the WSIS+20 review outcome document and in other implementing instruments.

There is value in enriching and evolving the WSIS framework by making references to the wide body of interpretive work by the UN human rights mechanisms to understand the connections between human rights and sustainable development, and to apply human rights-based approaches. For example, related to Action Line C10 - Ethical dimensions of the Information Society, there is value in referring to the extensive work by the OHCHR, the Human Rights Council, the General Assembly, and the UN Special Procedures mandate-holders, among others, to ensure a rights-based approach to AI governance (see, for example: UN General Assembly resolution A/78/L.49).

In this regard, the Global Digital Compact (GDC) contains useful guidance which should be incorporated to strengthen and enrich the WSIS framework. For example, references to the need for digital technology companies and developers to respect international human rights and principles, including through the application of human rights due diligence and impact assessments throughout the technology life cycle (paragraph 23(b)) should be added to the updated WSIS framework. In addition, the recognition that all stakeholders must identify and mitigate risks posed by emerging technologies, and "ensure human oversight of technology in ways that advance sustainable development and the full enjoyment of human rights" (paragraph 3) should be reflected in the next phase of the WSIS.

This increased attention to the international human rights framework and guidance to respond to new and emerging threats should be complemented by enhanced normative coordination with the UN human rights mechanisms. Agencies charged with the implementation of the action lines should ensure a human rights-based approach to their application and to review the progress in achieving them. At the institutional level, this requires ensuring greater coordination and coherence with the UN human rights bodies, in particular the OHCHR. This enhanced coordination with OHCHR could take the form of the

digital human rights advisory service envisaged by the GDC (paragraph 24), and be supported by additional financial resources.

7. **Have you any suggestions and inputs on the WSIS+20 Review Action Lines, highlighting key milestones, challenges and emerging trends beyond 2025 prepared by the WSIS Action Line facilitators.**
   https://www.itu.int/net4/wsis/forum/2024/Home/About#actionLines

We appreciate the work the Action Line facilitators have put into considering the evolving context for the Action Lines and see the documents as a good basis to guide conversation. Considering the challenges experienced in implementation, the evolving context, and future opportunities, we believe the existing action lines are crafted in a technologically neutral manner which is adaptive to both technological and societal changes. However, as discussed above there is an opportunity for the outcome document or accompanying implementing instruments to express greater alignment with the international human rights framework and the progressive interpretation and application of that framework. This should be reflected throughout any documents which are prepared in advance of the review process to guide conversations but is particularly relevant to the report for Action Line 10.

The review of the Action Lines must consider how they have contributed to the enjoyment of human rights, and we particularly appreciated the reference to the successes in advancing recognition of the right to information made in the document referring to Action Line C3. Reference should be made to the extensive body of work which exists to analyse the human rights impacts of digital technologies, as well as concrete tools for measuring and mitigating human rights impacts, as this body of work will be useful and relevant to the review.

There are a few cross-cutting themes that the facilitators have referenced across these different reports which warrant highlighting. Several of the documents prepared by the facilitators (for example those on Action Lines C1 & C2) reference the difficulty of achieving coordination across stakeholders when implementing the Action Lines. It's important that the WSIS process itself doesn't exacerbate this difficulty by making meaningful engagement for stakeholders of all kinds, but particularly Global Majority civil society, more difficult. Including the stakeholders who are involved in implementation in the review process itself will help to create buy-in and commitment to any outcome documents. Practically, this could take the form of publishing a roadmap to provide clarity on the process; providing opportunities for stakeholders to input on a recurring basis throughout the process; publishing inputs online; and providing opportunities for both governmental and non-governmental stakeholders to take part in consultations so that different stakeholders have the opportunity to hear and respond to one another's' inputs.

Likewise, both AI and security of digital technologies are referenced as topics of increasing importance for the context of the review across several of the documents referred to in the question above. Here, as well, we call for greater coordination and coherence between the different areas where these topics are addressed within the UN system. For example, for the security of ICTs we suggest that any documents prepared to aid the review must draw on and contextualise the extensive work within the Group of Governmental Experts (GGE) and

Open-ended Working Group (OEWG), including with respect to the application of international law in cyberspace, particularly the UN Charter, and respect for human rights and fundamental freedoms. For AI, there is a wealth of work happening to ensure that AI is governed in a rights-respecting manner within the UN and beyond, including upcoming work which may happen through the International Scientific Panel on AI and Global Dialogue on AI Governance. The ambition must be to avoid duplication and create confusion and this is best achieved by reinforcing existing work and benefiting from the existing implementation structures provided by the WSIS as a mechanism.

WSIS Action Line for advancing the SDGs

8. How can the alignment between the WSIS Action Lines and SDGs be strengthened towards the achievement of the 2030 Agenda for Sustainable Development?

As recognised in the Global Digital Compact, the acceleration of the achievement of the 2030 Agenda for Sustainable Development will likely depend on digital technologies. While the WSIS process began before the SDGs, the WSIS Action Lines and their implementation has become the primary process at the UN which can help achieve sustainable development in and through information and communications technologies. As such, the WSIS Action Lines are a key mechanism to be leveraged for the achievement of the SDGs.

Technology and society has evolved significantly since the original WSIS process. Digital technologies are now ubiquitous and pervade most aspects of our lives, which means they are essential for the enjoyment of human rights; enabling individuals to digitally assemble, express themselves and access information. The original WSIS vision produced in 2003 was likewise firm in its commitment to human rights, anchoring the Action Plan in the values and obligations of the UN Charter and the Universal Declaration of Human Rights. The SDGs are grounded in international human rights, and, if they are achieved, the SDGs will help to "realize the human rights of all". This illustrates that there is already a clear normative alignment between these two frameworks and the international human rights framework which could be better expressed and leveraged during the WSIS+20 review process.

However, as discussed in answer to previous questions, there is an opportunity to better align the WSIS Action Lines with the international human rights framework through the application of concrete tools and greater coordination and coherence with the UN human rights bodies, in particular the OHCHR. This will not only help to achieve the WSIS vision of a people-centric, inclusive and development-oriented Information Society, but will also allow for clearer alignment between the WSIS Action Lines and the SDGs. Given the momentum behind the SDGs, and the significant resources dedicated to their integration in national development plans, greater alignment between these two frameworks, underpinned by a human rights approach, provides the opportunity to better embed the WSIS Action Lines in national digital and development strategies.

Future Vision and WSIS beyond 2025

9. **How can we further strengthen multistakeholder platforms such as the WSIS Forum as the platform for digital development and IGF as the platform for governance and policy issues?**

Through our engagement with the WSIS for over a decade, we have committed extensive resources and expertise to the IGF as a principal forum for governance and policy issues. It is the commitment of many diverse stakeholders that has enabled the IGF to become a primary venue for multistakeholder dialogue on public policy matters related to the Internet. However, as earlier noted, it faces continued challenges, which risk hindering it from facilitating meaningful dialogue on governance and policy issues. We advise that the WSIS+20 review commits to the establishment of a permanent IGF mandate, supported by adequate resourcing and more transparent and accessible procedures.

A permanent IGF mandate, supported by adequate resourcing and more transparent and accessible procedures, would provide a long-term, stable forum for discussion of digital policy topics in an inclusive and multistakeholder manner. A permanent mandate will ensure that the IGF as a multistakeholder structure is safeguarded, while allowing additional time for the community to consider how its model may be further refined. As noted in a cross-community stakeholder statement: "in practical terms, it is essential to look for ways to build on the current model of financing the IGF through voluntary contributions, ensuring a more predictable financial basis for the future evolution and sustainability of the IGF ecosystem." (From the IGF's Multistakeholder Advisory Group (MAG) "Vision of the IGF beyond 2024", released in late 2024)."

It is also necessary to review the IGF's policies and procedures from a human rights perspective to ensure that principles of openness, inclusivity, transparency and accountability are upheld. For example, it is necessary to ensure that host country selection for the global IGF is founded upon an open, community-involved selection process, based on human rights considerations, in adherence with principles of openness, accountability and inclusivity.

Additional work is also needed to consider how the IGF can be strengthened as a vehicle for people-centred and inclusive discussions of the Internet and digital policy issues. For example, an IGF track dedicated to strengthening and operationalising multistakeholder approaches in multilateral and multistakeholder processes would provide vital learning to support the further evolution and operationalisation of multistakeholder approaches. The IGF is uniquely placed to fulfil this role and to benefit from existing guidance on applying multistakeholder principles, including the São Paulo Multistakeholder Guidelines and Global Partners Digital's framework on operationalising the multistakeholder principles (see: https://www.gp-digital.org/publication/multistakeholder-framework/). As part of this effort, specific attention should be paid to understanding the interests and needs of affected communities to facilitate their greater participation and increasing the evidence basis and legitimacy of policy outcomes.

In addition, the IGF should prioritise highlighting existing tools and frameworks designed to help companies assess and mitigate human rights risks associated with their technologies. This track should emphasise the need to move from theoretical discussions to practical implementation, providing a space for sessions that address specific mechanisms, such as human rights due diligence and impact assessments. This track should actively engage human rights organisations and defenders from around the world, particularly those based in Global Majority countries, who bring evidence-based insights and on-the-ground experience. Drawing on the work of National and Regional Initiatives (NRIs) would further enhance the track by incorporating local perspectives and community-level concerns. Additionally, collaboration with the OHCHR could provide valuable guidance and expertise and could highlight their valuable work providing an advisory service to companies.

We welcome that the WSIS Forum in 2024 facilitated an open consultation process to shape the agenda, demonstrating an openness which is a key characteristic of a multistakeholder approach. However, the Forum would benefit from ensuring more institutional or formal opportunities for stakeholders to provide input directly tied to the WSIS, and specifically opportunities to shape the review and monitoring of the implementation of the WSIS outcomes.

10. How can the implementation of the WSIS process and the Pact for the Future and its Global Digital Compact be aligned to achieve shared goals?

The value of the WSIS lies in its commitment to a people-centric and development-oriented information society, establishing the multistakeholder model of Internet governance, and decentralised structure which translates an implementation framework in country-level actions. The Compact's value lies in its statement of principles and objectives, anchored in international human rights law. We believe that the implementation of the GDC must be integrated into the next phase of the WSIS to draw on and bring together their complementary strengths.

As signatories of the cross community stakeholder statement, we support its recommendations for how the GDC and the WSIS can be implemented in a complementary and mutually reinforcing manner.

A key benefit of this integration would be to allow member states to continue to explicitly link the WSIS framework to the SDGs and benefit from the enhanced normative focus of the GDC. The Global Digital Compact reflects the evolution in the interpretation and application of international human rights law to the governance of digital technologies, positively referencing the need for digital technology companies and developers to respect international human rights and principles, including through the application of human rights due diligence and impact assessments throughout the technology life cycle (paragraph 23(b)), and acknowledging OHCHR's ongoing efforts to provide, through an advisory service on human rights in the digital space, expert advice and practical guidance on human rights and technology issues (paragraph 24).

Both the implementation of the WSIS outcomes and the Pact for the Future and the Global Digital Compact (GDC) would be strengthened by greater coordination and coherence, including with the UN human rights bodies. Both processes should be supported by the creation of a common track to monitor WSIS and GDC implementation and adherence to states' international human rights law obligations.

One concrete way to ensure increased coordination between the WSIS and the outcomes of the Summit of the Future is for the IGF to play a key role in monitoring and overseeing the implementation of the GDC. This could be achieved through a multistakeholder IGF track, dedicated to monitoring human rights compliance with GDC implementation. As recognised by the Compact, the IGF is "the primary multi-stakeholder platform for discussion of Internet governance issues" making it uniquely positioned to collate holistic, bottom-up evidence from different stakeholder communities and assess trends from different regions on the Compact's implementation. More specifically, the presence of the human rights community within the IGF will fulfil a vital monitoring function, making recommendations on states' adherence to their obligations under international human rights law, as reiterated by the Compact. Such a track would support stakeholders to fulfil their responsibility as laid out by the WSIS outcomes, could help to ensure closer coordination between UN agencies and institutions, and foster enhanced normative harmonisation with international human rights standards.

The GDC implementation track should be designed to facilitate dialogue among different stakeholder communities and with relevant UN institutional actors. It should also take into account best practices by other UN processes responsible for monitoring global-level outcomes to ensure it is designed to facilitate meaningful stakeholder engagement and leverages the IGF's intersessional work and national and regional IGFs. It should also be an opportunity to enlarge the participation of stakeholders in the key milestones of GDC implementation, by providing relevant information on the development of the institutions and processes emanating from the GDC and upcoming opportunities to engage and shape their outcomes.

11. **What are the <u>key emerging digital trends and topics</u> to be considered by ITU in the WSIS+20 review and future vision beyond 2025?**

Over the past decade, we have witnessed shrinking civic space and a steady decline in Internet freedom, marked by censorship, network and information ecosystem disruptions, internet fragmentation and the misuse of cybersecurity and cybercrime frameworks to target human rights defenders. These trends are compounded by a greater consolidation of market actors at the infrastructure and application layer, fast technological changes – particularly relating to faster, more sophisticated and seamless collection and processing of data underlying AI, internet of things (IoT), biometric and neuro technologies – and greater use of digital technologies across public and private sectors.

Where the original WSIS focused on digitising society and increasing connectivity, the WSIS+20 should focus on the qualitative benefits of digitisation to improve society. Ongoing

trends and new developments could either amplify existing inequalities or help to address them and achieve the SDGs. To do the latter, they must be deployed in line with international human rights standards and be governed by inclusive frameworks that are contextualised and tailored to local contexts and needs. Respect for human rights and multistakeholder engagement contributes to the achievement of the Sustainable Development Goals, and it will be important to recognise the links between capacity building, development and human rights.

The global digital technology ecosystem remains markedly unequal, with a third of the world still lacking meaningful access to the Internet. At the same time, the contributions of technology to areas such as education, healthcare, and government services are only likely to accelerate. The WSIS commitment to ensuring that everyone can benefit from digital technologies must guide any discussions on the governance of the internet and digital technologies more broadly. Models of governance which focus on enforcing economic or geopolitical dominance or greater sovereign control over digital technology components and infrastructure must be analysed in light of this commitment to inclusive access and the impact on human rights. As authors and signatories of the civil society joint submission to this consultation (submitted alongside our individual contribution), we support the recommendations made for how digital trends and topics should be considered in the next phase of the WSIS, including the recommendation for increased emphasis and investment in rights-based and holistic capacity building for policymakers to ensure the creation of an enabling policy environment, in line with Action Line C6. We must ensure the WSIS+20 review process contributes to global understanding of the impact of laws, policies and standards on the different layers of the internet and contributes to ensuring that such frameworks do not undermine human rights and inadvertently exacerbate digital divides or the ability of all countries to take advantage of the development potential of ICTs.