Input to the Report of the Office of the United Nations High Commissioner for Human Rights on ways to bridge the gender digital divide from a human rights perspective

IT for Change
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1. A human rights approach to the gender digital divide: Key building blocks

The gender digital divide is about the inequality and unfreedoms that deny women their rights in the information society; it should not be reduced to a narrow technical notion.

IT for Change believes that a human rights approach to the gender digital divide involves guaranteeing all women and girls 'access' to the Internet and digital technologies, that is[1]:

(a) Universal and affordable: incorporating a gender responsive national broadband strategy to provision a minimum Internet service adequate to citizens' basic needs and fundamental rights.[2]

(b) Unconditional and equal: whereby access policy must uphold the net neutrality principle. Regulation must adopt 'protective discrimination' for free access to public interest content for women and sexual minorities but must not lead to the emergence of 'walled gardens'.

(c) Unfettered: whereby access is not restricted by social controls in the form of community/ household level policing/ online vigilantism, and entrenched cultures of online misogyny and gender-based violence. Our engagement with the issue of technology-mediated Violence Against Women (VAW) has demonstrated that the mainstream legal-policy response, especially, in the global South, does not adequately acknowledge the impacts of online violence to be as material as that of offline violence. There is also the idea that online VAW is about 'stranger violence', which perception ignores the fact that much of techno-mediated violations experienced by women is in the intimate sphere.[3]

(d) Meaningful: whereby access enables an expansion of strategic life choices for women – that is, the ability to shape the course of one's life. The ability to exercise choice has three inter-related dimensions: access to resources, agency (the ability to exercise 'real choice', where choices are not curtailed by misinformation or by other external constraints) and achievements (outcomes).[4] IT for Change's action-research highlights that access to connectivity can contribute to such expansion of life choices only when it is embedded in local use-cultures that strengthen women's informational, communicative and associational autonomies. Unless backed by a dedicated process to equip women with informational, media and data literacies on the ground, connectivity does not automatically empower women.[5] Further, we have found that if women are introduced to the Internet as part of their engagement in active civic-political life, connectivity is more likely to open up new vistas for them.[6]

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1 This schema below is IT for Change's adaptation to APC's framing of the right to access in its Feminist Principles of the Internet.

2 Recently debated in the Canadian context. See https://thetyee.ca/Mediacheck/2016/04/26/Canada-Broadband-Strategy

3 IT for Change (2017), Strengthening existing legal-institutional response mechanisms to technology-mediated violence against women in India, http://www.itforchange.net/technology-mediated-VAW-India and IT for Change (forthcoming), Gender justice advocacy in the network society: A feminist analysis and action framework on gender, development and digital technologies.

4 Kabeer, N. (1999). Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment, https://www.utsc.utoronto.ca/~kmacd/IDSC10/Readings/research%20design/empowerment.pdf

5 Gurumurthy, A. and Chami, N (2014). The long march to We-Gov: Introduction to the Women-gov action-research project in India, http://www.gender-is-citizenship.net/women-and-governance/sites/gender-is-citizenship.net.women-and-governance/files/Final%20India%20Research%20Brief_September2014.pdf

6 Examples of such initiatives: the Khabar Lahariya project in Bundelkhand, Uttar Pradesh, India that has trained marginalised rural young women in using community video strategies for citizen reporting and publicising these stories through the Internet; IT for Change's own efforts in rural Mysore, Karnataka, in using ICT-enabled community information centres to strengthen the women's political constituency at the grassroots. See

2. What policy and programming directions can help us bridge the gender digital divide, by promoting gender-just access?

1. Regarding universal and affordable access to the Internet for marginalised women and girls: states need to actively intervene, rather than go only by market mechanisms.

The problem of the gender digital divide in the mainstream policy discourse is mainly framed as a problem of access to gadgets, and access to connectivity – and popular wisdom is that market forces and win-win partnerships between public and private sector companies will close the access gap. However, evidence from the ground is increasingly suggesting that this is not the case. Contrary to early expectations, market-led Internet diffusion is not automatically closing connectivity divides. ITU statistics indicate that between 2013 and 2016, the global Internet user gender gap grew from 11% to 12%.[7] In fact, in the 48 poorest countries, where 90% of the population is still offline, connectivity growth rates have started to slow down. This is because there is no compelling business case to reach these populations – who are found in "*more remote, rural areas, and consist disproportionately of poorer, minority, less educated, and often female, members of society*".[8] In these regions, predictions about market-forces automatically driving down connectivity costs have also failed to materialise. 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%[9]. This creates a huge affordability barrier for the poorest women, considering that globally women earn almost 25% less than men[10]. High costs of connectivity become a key impediment to women's access to connectivity.

In this situation, states must actively work towards realising women's right to universal and affordable access by recognising that broadband Internet is a public utility, and not just a commodity. It would be ideal for states to guarantee their citizens a right to broadband, similar to what countries such as Estonia and Finland have done. But even where this is not the case, states must develop specific policy and programming strategies towards this, by formulating national broadband plans informed by a clear gender perspective; and setting clear targets for ensuring a mimimum quality of connectivity for citizens. Some points to remember, while framing such strategies, are highlighted below:

1. National Broadband Plans should emphasise access to both mobile and fixed broadband. Mobile broadband can only be a reinforcement, and never a complete replacement for fixed broadband access, because of the following reasons. This is because mobile broadband tends to promote a individualised, atomising use-culture where users tend to go to a bunch of favourite apps that stream personalised content at them. It is only where a fixed broadband backbone is present, that organisations and state agencies can even explore the opportunity of setting up subsidised digital libraries in schools/ gender-responsive public access spaces in the community where women and girls are guided to explore the Internet on their terms, unhindered by household and social level controls, yet mindful of their privacy and security. This becomes especially important in contexts such as South Asia, where there is a rapidly emerging discourse of "*how good girls do not use mobiles or the internet*"[11], leading to high levels of household controls on use. Also, as developing countries are increasingly transitioning into a 'digital by default' mode of governance, non-commercial access to the Internet – facilitated by public interest intermediaries or libraries – becomes critical for marginalised women's full citizenship, as they suffer a double whammy – being excluded by their lack of textual literacy as well as lack of digital capabilities.

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http://www.gender-is-citizenship.net/unwomen/

7 ITU (2016), Facts and Figures, http://www.itu.int/en/ ITU-D/Statistics/Pages/facts/default.aspx

8 Broadband Commision (2016), The State of Broadband: September 2016, www.broadbandcommission.org/Documents/reports/bb-annualreport2016.pdf

9 The UN Broadband Commission has defined broadband affordability as the availability of an entry-level 500 MB data plan for 5% or less of monthly per capita income.

10 Ibid

11 http://economictimes.indiatimes.com/news/politics-and-nation/panchayat-bans-mobile-phones-among-girls/articleshow/51065459.cms

2. With respect to promoting access to mobile broadband, states must work on lowering interconnection charges, spectrum licensing fees, and lowering device-costs through measures such as exempting budget mobile handsets from luxury taxes, to enhance affordability. Also, they should explore the possibility of setting up a universal mobile data allowance targeted at marginalised women, similar to food rations or basic social security benefits. The Universal Service Obligation Fund should be effectively leveraged for this.

3. States must invest in a national level fixed broadband backbone and the establishment of gender-responsive public access points where connectivity is provided free/at subsidised costs, that can also serve as hubs for digital skills-building of marginalised women and girls. IT for Change's research in 2015-16 on gender and e-government in the Asia-Pacific reveals that women and girls use public access spaces only when they are motivated and persuaded about the benefits of access.[12] We found the Community eCentres programme of Malvar Municipality, Batangas, Philippines an especially useful model to emulate, in this regard. Under the Community eCentres programme, across the country, public access points have been set up in remote islands where connectivity infrastructure is absent. These centres provide facilitated access to e-governance services as well as free-of-cost digital literacy trainings to both women and men. The Municipality of Malvar has creatively brought in a focus on women's inclusion in its implementation of this national programme. Dedicated budgetary allocations for training marginalised women have been made in the municipal budget, and site-selection for the establishment of the Community eCentres have been guided by a gender perspective – those areas with low levels of female work-force participation and a high drop-out rate among young women have been zeroed-in, to house these centres. Also, women facilitators have been recruited at the centres, and tasked with conducting community meetings and home visits to motivate and persuade women from the community to enrol for the programme.[13]

4. Investing in building the digital capabilities of women and marginalised girls is an essential dimension of the task of universalising access. In this regard, it becomes important to invest in national-level digital literacy programmes specifically targeted at women, which use 'training of trainers' methods so that women emerge as teachers for their peer group. The Republic of Korea used such a model to build women's digital capabilities, as part of its Basic Plan for Informatization, in the early 2000s, with a high rate of success.[14] What we would like to highlight here is that digital literacy programmes cannot be a one-time exercise; with every generation of technological development, there will be new areas where capacity-building is required.

2. Ensuring that unconditional access is not compromised: why municipal broadband networks and investment in meaningful use cultures at the local level are a better option than zero-services

In recent times, there is a growing trend of policymakers in Asia and Africa exploring zero-service platforms as effective strategies for promoting affordable access – and the argument being made is that *"some access is better than no access"*, and that over time, access to parts of the Internet will gradually open up the full Internet for populations who otherwise will never have the chance to go online. In India (the national context IT for Change works in), there was a major policy debate on this issue last year, when Facebook proposed to introduce its Free Basics service in partnership with Reliance Communications, advertising this as a route to promoting digital equality in the country. Net neutrality activists and IT start-ups completely opposed the view; while there were some sections of civil society who argued for allowing the service as a pragmatic compromise to enable faster growth of Internet access in rural areas. Our own primary research on patterns of use of the urban-poor, carried out in New Delhi during this period, revealed that social media use does not automatically enable the poor to proceed to the next step of effectively leveraging the open web for expanding their strategic life choices. In fact, in our research with 800 marginalised urban-poor women in New Delhi, we found that 46% of women were using the Internet, of whom 98% were on FaceBook.

12 IT for Change (2016), E-government for women's empowerment in Asia and the Pacific, http://egov4women.unescapsdd.org/report/annex-ii-case-study-synopsis

13 IT for Change (2016), E-government for women's empowerment in Asia and the Pacific, http://egov4women.unescapsdd.org/report/annex-ii-case-study-synopsis

14 IT for Change (2016), E-government for women's empowerment in Asia and the Pacific, http://egov4women.unescapsdd.org/report/key-recommendations

However, 51% of women FaceBook users reported having never followed links outside FaceBook, which clearly indicates that for many female users, the Internet experience seems to be constrained to FaceBook's *"walled garden"*.[15]
Also, zero services reinforce the power of a few platforms with a high market share, by consolidating their position as gatekeepers of the Internet. Lack of safeguards for data privacy and controls on re-use of user data by these platforms are another major concern. This becomes especially critical in contexts such as Bangladesh, where the Free Basics platform is being used extensively by non-profit organisations to provide 'free-of-cost' sexual and reproductive rights-related information services to marginalised women and girls.

IT for Change's position is that all commercially-driven zero service arrangements, even those which are telecom service provider-agnostic, should be disallowed. This is because they lock-in users into specific platforms and pose grave concerns for users' informational privacy and protection of personal data. Further, they distort the level playing field of the Internet by putting a few powerful players in the privileged position of gatekeeping all user communication online.[16] The only exception to this rule can be public interest messages broadcast by government agencies and other public institutions, related to rights and entitlements.

In the final analysis, investing in national broadband networks that provide broadband access as a public utility accompanied by strategies to promote uptake by women's organisations and collectives at the local level may be more suitable for a rights-based approach to promoting women's access. For example, UK has encouraged the development of municipal broadband networks, and is promoting women's uptake of these services, through its 'Women and Broadband' Project. This project has not only invested in the development of high-speed broadband infrastructure in rural areas, but also sought to encourage rural women entrepreneurs in these areas to set up or expand businesses, fully utilising digital and cloud technology, through free-of-cost trainings and workshops that help women set up websites for their businesses and use other online tools to expand their business networks.

3. Clear legal frameworks to protect women's rights online

National governments must enact a robust human rights framework for the Internet at the national level, that safeguards user freedoms of expression and association, and right to privacy and data protection. A related, but separate issue, is revamping historical legislation on Violence Against Women to keep pace with new developments in the digitalised context, and effectively balancing women's right to freedom from violence with freedom of speech. In this regard, we would like to highlight that legal frameworks against online violence and harassment must not end up privatising censorship by delegating this function to intermediary platforms. Instead, an independent ombudsman must be established to process user-complaints of specific "harmful communication" that they have received, including anonymous trolling, based on clearly defined yardsticks of what constitutes "harm" and rules that effective balance rights of authors to free speech and expression with the need for preventing "public harm" ensuing from misogynistic speech online. New Zealand's Harmful Digital Communications Act 2015 is a sound measure in this direction.[17]

4. Investing in local content production efforts:

It is well recognised that the online information and knowledge commons are dominated by languages and world-views of the global North, and that there is a complete paucity of information and knowledge which is relevant to the day-to-day lives of women from the global South, especially in local languages. Research suggests that unless communities see a clear benefit in terms of using the Internet to meet their everyday informational needs or communicational networking, they do not take to the Internet. The perception that the net is not relevant to one's life is one of the largest barriers to marginalised women's uptake and use of the

15 IT for Change (2015), The Internet as a game-changer for marginalised women -going back to the real Basics, http://webfoundation.org/2015/10/india-womens-rights-online/
16 http://www.thehindu.com/opinion/op-ed/Free-Basics-now-through-the-backdoor/article14471120.ece
17 IT for Change (2017), op.cit.

Internet – and women are more likely than men to cite 'lack of relevance' as an inhibitor to their use of the Internet.[18] This cannot be addressed, except through support for cultures of use that help communities use the Internet for peer learning, solidarity-building and coordinating local action, which can trigger virtuous cycles of uptake and increased use. Strategies for the production of context-appropriate content become critical to these efforts – through subsidised access to bandwidth for community media efforts; public provisioning of information in local languages via channels and platforms most accessible to women; partnering with CSOs to collaboratively produce local content in partnership with women's collectives. The SA Community initiative of the government of South Australia is an interesting initiative in this area. This project has developed a public service directory which serves as the content backbone for the Women's Information Service of the Office of Women that addresses informational queries of older women, through community crowdsourcing of content development, backed by robust verification mechanisms.[19]

5.Developing reliable and robust data sets for effective programming that are respectful of women's rights:

Efforts to close the gender divides in access and use are often impeded by the paucity of in-depth qualitative data about contextual trends. As part of the agreed-upon indicators in the SDGs process, the indicator that is being measured to capture progress towards Goal 5b is *"Proportion of individuals owning a mobile phone, by sex"*. Needless to add, this indicator is extremely limiting. And if we are to get to the bottom of inequalities that underpin the access experience, measures such as household level computer use by gender, subscriptions to data plans by gender etc., gender break-up of visitors to public access points etc. may become essential to capture. Also, there must be other in-depth qualitative assessments to capture specific opportunities and challenges with respect to women's uptake of the Internet and digital technologies, in specific contexts. In the face of weak institutional capacity in developing countries to track progress towards SDGs, there is a push towards exploring Big Data to fill the gap in official statistics. This embracing of Big Data without critical debate is directly at odds with the *"empowering access"* agenda. Scholars have clearly shown how extractive and experimental the 'Big Data for Development' industry can tend to be given that it is not governed by a strong international framework[20]. It is imperative that in the name of evidence and data, new age development policy making does not violate the rights of the most marginalised women to anonymity and privacy[21]. Therefore, legal protections on data – at national and global levels – become a non-negotiable precondition for a human rights approach to gender equal access.

18 WWW Foundation (2015), Women's Rights Online: Translating Access into Empowerment, http://webfoundation.org/docs/2015/10/womens-rights-online21102015.pdf

19 IT for Change (2016), op.cit.

20 https://www.itc.nl/PDF/NewsEvents/Geo-Ethics/4-Linnet-Taylor.pdf

21 Gurumurthy, A. (2015), Panel on Post 2015 SDGs and their implications for gender and media, https://www.itforchange.net/sites/default/files/Anita%20Gurumurthy%20-%20UNESCO-GAMAG%20-%20SDGs%20panel%20.pdf