

Intervention EUI on 9. April 2024 by Sebastian Kneidinger on behalf of epicenter.works

Dear colleagues,

I am speaking on behalf of the Austrian NGO epicenter.works. We are involved in the negotiations on the UN Convention on Cybercrime and the UN Tech Envoy (UNTE) initiative to create universal safeguards for digital public infrastructure. Based on this experience and our more than 14 years of work on digital human rights policy in Austria, the European Union and the UN, we would like to make the following comments in regards to the zero draft of the Global Digital Compact (GDC):

- **Privacy and data protection:** Privacy and Data protection are the cornerstone of a trustworthy digital ecosystem that respects human rights. They are an enabler of many other human rights such as freedom of assembly and expression. Only through applied privacy measures such as encryption, privacy-by-design and data minimisation digital technology becomes predictable and safe to use. We therefore urge the inclusion of privacy and data protection in the set of principles and furthermore a commitment that national legislation enshrines an data privacy centered approach, including a right to encryption and data minimization.

- **Sustainability:** We welcome the focus on sustainability and the importance of the Sustainable Development Goals. In order to make much needed tangible progress in this area, we recommend the inclusion of a right to repair in the GDC to reduce waste, encourage product reuse rather than replacement and incentivise manufacturers to develop more sustainable products and business models.

- **Multistakeholder approach and role of the Internet Governance Forum:** We welcome the clear commitment to the multi-stakeholder approach and the Internet Governance Forum. We regard the relevant passages to be extremely positive and essential for the GDC.

- **Net Neutrality:** We believe that an inclusive and equitable digital transformation on a global scale can only be achieved if all data is treated equally and connectivity on public networks is universal, regardless of origin, content, application, sender or recipient. We therefore recommend that net neutrality be defined as a clear commitment in the GDC. This commitment is needed in light of the real risk of fragmentation of the global internet and the millions of people left without meaningful connectivity.

- **Internet Fragmentation:** We welcome the clear language on the importance of a stable and unfragmented internet. However, we would suggest addressing the phenomenon of sub-internets (such as Free Basics, Google Zero, Free WhatsApp) that do not provide meaningful connectivity and are therefore not suitable for ensuring an unfragmented internet.

- **Surveillance:** We recommend to include in the GDC a more detailed wording on surveillance. For example, it has to be ensured that all forms of surveillance comply with the standards and principles of international human rights law, in particular the criteria of legality, necessity and proportionality. Targeted surveillance must be accompanied by robust data protection rules. Furthermore, we urge the implementation of a global moratorium on the sale and use of surveillance technologies that pose a disproportionate threat to human rights and democracy – such as Pegasus and Predator.

- **Digital Public Infrastructures (DPI):** In our view, the requirements for DPI are too lax and we therefore call for additional provisions, such as ensuring that appropriate safeguards and conditions be put in place to ensure that DPI is safe to use and respects privacy. In addition, digital public

infrastructure projects should be accompanied by the necessary human rights safeguards to ensure they don't exclude parts of society like the elderly, vulnerable groups, the unconnected, or the stateless. Digital Public Infrastructure – which is often promoted by the UN – has to respect human rights, and needs to adopt a privacy-by-design approach which protects against excessive information sharing or surveillance and tracking of individuals by the private or public sector.

Finally, we would like to thank the European External Action Service, DG CONNECT of the European Commission and the Global Initiative on the Future of the Internet for the opportunity to participate in this stakeholder consultation. We would also like to thank the EUI for organising this event. Nevertheless, we would like to note that we would have welcomed a consultation at an earlier stage of the document's development and look forward to a fruitful cooperation on this important endeavour Thank you.