Protecting human rights during and after COVID-19:

Submission in response to the joint questionnaire by Special Procedure mandate holders

Association for Progressive Communications (APC)[1]

June 2020

Submission to the Human Rights Council Special Procedures: Joint questionnaire on COVID-19 and human rights[2]

Introduction

The Association for Progressive Communications (APC) is an international organisation and a network of organisations dedicated to empowering and supporting people working for peace, human rights, development and protection of the environment, through the strategic use of information and communication technologies (ICTs). APC has 57 organisational members and 35 individual members active in 73 countries, mostly in the global South. We work to build a world in which all people have easy, equal and affordable access to the creative potential of ICTs to improve their lives and create more democratic and egalitarian societies.

APC welcomes the invitation of the HRC's Special Procedures to reflect on the impacts of COVID-19 on the exercise of human rights offline and online. The current pandemic has posed challenges for human rights and, in some cases, responses by governments have revealed fault lines that challenge international human rights law. While we recognise that these are extraordinary times, this should not be the basis for human rights violations in online spaces. States' responses to the crisis should be proportionate and avoid curtailing human rights.

Impact on human rights: Internet

Access to the internet is vital for an informed, cooperative and people-centred global response to the COVID-19 pandemic. It plays a crucial role in enabling a flow of information and sustaining communities in times of crisis, and is integral to any disaster management plan. While devastating structural inequalities across the world are being laid bare by the virus, a sense of community and collective resilience are acquiring new meaning and importance. The internet is part of this emerging resilience. Because of this, it needs to be protected as a public good, and human rights must be upheld online in any response to the crisis.

1. What challenges and obstacles has the pandemic highlighted in terms of access for all to the internet?

Equitable, affordable and reliable internet connectivity is paramount in accessing relevant information and effective online health assistance, for staying connected and for psychological and psycho-social support. The continuation of education for children and adults has now also become dependent on reliable connectivity and devices. The internet allows us to sustain economies through remote work and, just as importantly, to strengthen responses from communities and social movements, including to ensure that human rights are upheld by authorities.

Interruptions to access to the internet or shutdowns are in violation of international human rights law,

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2 This submission builds on *Closer than ever: Keeping our movements connected and inclusive*, the position paper that outlines the Association for Progressive Communications' thinking on the pandemic, as well as pieces produced by members and referred to throughout the text. See: https://www.apc.org/en/pubs/closer-ever-keeping-our-movements-connected-and-inclusive-association-progressive

as the Council has recognised, and cannot be justified under any circumstances during the pandemic.[3] Prolonged and intentional disruption of communications services continues, for instance, in Kashmir, where the population is now restricted to 2G internet services, which affects access to critical health information.[4] Repeated malfunctions in both the electrical grid and telecommunications connectivity have kept a large part of Venezuela without access to the internet throughout the pandemic.[5] For Africa as well, the provision of electricity is closely related to internet access; without electricity, internet access is rendered meaningless. A World Bank report indicates that in Sub-Saharan Africa, only 14% of people have access to grid electricity – even though nearly 70% have access to mobile phones. Overlooking the centrality of electricity to internet access can have enormous consequences.[6]

Other measures such as the so-called social media tax introduced in Uganda in 2018, which requires telecom subscribers to pay a daily subscription to access social media platforms, stifles meaningful access to the internet. As the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) stated, despite several requests to suspend the tax during the pandemic, the government has upheld it, thereby excluding segments of the population from easily accessing information and resources via these platforms.[7]

People who have been historically marginalised are the most adversely impacted by the pandemic. This is particularly true for people at the intersections of multiple forms of discrimination and exclusion, including those related to sexuality and gender. Inequality in terms of internet access exacerbates an already repressive, harmful and unequal context for women and people of diverse genders and sexualities.[8] In addition, the lack of access to a reliable or affordable internet connection can also hamper the work of human rights and women's rights defenders supporting these groups and communities, as Unwanted Witness, an APC member organisation, documented in Uganda.[9]

Concerted efforts to bring the benefits of meaningful internet access to all people are necessary in the current circumstances. In the immediate and short term, barriers related to costs and data capacity should be addressed. Establishing fee waivers for key disadvantaged groups, reducing the costs of internet-enabled devices (smartphones) and data packages, and eliminating data caps or at least increasing mobile data allowances are practices that can be easily adopted and implemented by internet providers to ensure people can access the internet while under lockdown. Governments should include subsidised data packages and laptops as part of measures related to social protection strategies for low-income populations and health workers to assist them in the crisis. They should also

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3 Voule, C. N. (2019). Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. https://www.ohchr.org/Documents/Issues/FAssociation/A_HRC_41_41_EN.docx

4 https://thewire.in/government/kashmir-2g-internet-restored-in-eight-of-ten-districts

5 http://espaciopublico.ong/internet-confinado-libertades-linea-cuarentena/

6 https://www.apc.org/sites/default/files/AfDecPositionPaperCOVID19_EN.pdf

7 https://www.apc.org/en/news/cipesa-ugandas-social-media-tax-undermining-covid-19-fight

8 Bridging the gender digital divide from a human rights perspective: APC submission to the Office of the High Commissioner for Human Rights, February 2017. https://www.apc.org/sites/default/files/APCSubmission_OHCHR_BridgingGenderDigitalDivideHumanRightsPerspective_0.pdf

9 https://www.unwantedwitness.org/internet-barriers-constrain-the-work-of-uganda-hrds-amidst-covid-19-pandemic/

acknowledge the importance of free public access facilities and hotspots by putting them back on the connectivity agenda and investing in these solutions, which will be particularly important while the social distancing restrictions are progressively eased. It will clearly take a longer time for developing countries to universalise household connectivity. Because of this, public access is an important step in mitigating the social and economic effects of the crisis.

In the longer term, it is critical that attention is urgently given to affordable and appropriate internet access for communities. A radical change of policy, logic and strategy is necessary to address the needs of the billions of people in developing countries who still suffer from digital exclusion.[10] The first step is to provide alternatives for infrastructure deployment, expanding coverage and addressing affordability. Governments should create enabling ecosystems to allow small-scale networks and locally owned telecommunications infrastructure to emerge and expand. Decentralised community-built and owned networks are the most effective way to overcome digital exclusion in areas that are still isolated from the social and economic dynamics of the digital era.

Digital technologies can play a part in mitigating the impacts of climate change, as well as helping displaced and affected communities to adapt to the challenges that lie ahead. We would like to draw the Special Procedures' attention to the fact that the increased reliance on the intensive use of digital technologies to perform numerous activities, including remote work, schooling and provision of services, among others, eventually increases the production of devices and the resulting impact on the environment.

2. Has the recent situation given rise to increased violations of human rights, mobbing and bullying online? If so, how was this addressed?

As emphasised by United Nations experts, any restrictions adopted on human rights "should be narrowly tailored and should be the least intrusive means to protect public health."[11] However, some states are using the current public health emergency as a justification to implement measures that arbitrarily restrict human rights, with the risk that these restrictions could become permanent and normalised. In Latin America, organisations reminded states that "adherence to human rights also includes any digital development or technological deployment that, in the context of controlling this health crisis, our governments want to apply."[12] The use of digital technologies to fight the pandemic should also be subject to necessity and proportionality scrutiny, given the significant impact they may have on the exercise and enjoyment of a variety of human rights. We point out below some main areas of concern:

- **Privacy and surveillance**

APC is concerned about the increasing use by governments of surveillance and facial recognition technologies to manage COVID-19 widespread testing and contact tracing. Governments such as those of Ecuador, India, Israel, Colombia, Chile, Mexico, Peru and Kenya, among others, have

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10 https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx

11 OHCHR. (2020, 16 March). COVID-19: States should not abuse emergency measures to suppress human rights – UN experts. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E

12 https://www.derechosdigitales.org/14301/civil-society-from-latin-america-and-the-caribbean-demands-to-respect-human-rights-when-governments-deploy-digital-technologies-to-fight-against-covid-19/

deployed mobile apps and other digital technologies for controlling and monitoring the population.[13] In many such cases, as in Latin America, the conditions for the governmental usage of data within each application are less than clear.[14] In Brazil[15] and Colombia, governments have requested detailed personal information for state purposes, without sufficient authority or safeguards.[16] In South Korea, the Central Disaster and Safety Countermeasures Headquarters (CDSCHQ) announced that it plans to introduce an "electronic entry register system (QR code)" for facilities deemed to be high-risk for spreading COVID-19, including entertainment facilities.[17] As APC member organisation Jinbonet and others expressed, this initiative seeks to establish a more wide-reaching surveillance and control system in the name of preventing the spread of COVID-19, hindering fundamental rights such as privacy and informational self-determination.

Whether technology is used for sharing information about the pandemic, assisting with diagnosis, reporting suspected cases or keeping track of individuals who have contracted the virus, it is crucial to ensure adherence to the criteria of necessity and proportionality in the use of those technologies in order to safeguard human rights. Recent examples such as India's contact-tracing app Aarogya Setu exposing the data of millions of users[18] show that sufficient information on the scope of measures implemented by governments should be clearly communicated to the population, as well as the protocols to be adopted in order to prevent illegitimate access to and use of the information by third parties – both within and outside the public administration.[19] As guidance from the World Health Organization and the American Civil Liberties Union states, these technologies should be used only for public health purposes; their use should be voluntary and limited to the duration of the pandemic; oversight measures should be put in place; and there should be transparency about how the applications operate, and publication of open source and open access codes.[20] If new legislation or emergency rules are enacted to ensure the protection of fundamental rights in the deployment of these technologies and the processing of personal information, those safeguards should be a part of the law.[21]

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13 APC & Derechos Digitales. (2019). Ecuador: Surveillance technologies implemented to confront COVID-19 must not endanger human rights. https://www.apc.org/en/pubs/ecuador-surveillance-technologies-implemented-confront-covid-19-must-not-endanger-human-rights; CIPESA. (2020, 27 March). Covid-19 in Africa: When is Surveillance Necesary and Proportionate? https://cipesa.org/2020/03/covid-19-in-africa-when-is-surveillance-necessary-and-proportionate; https://7amleh.org/2020/03/15/netanyahu-imposes-dangerous-big-brother-surveillance-under-the-pretext-of-a-security-response-to-the-coronavirus/; https://www.apc.org/en/node/36191/.

14 https://www.derechosdigitales.org/14411/

15 https://www.derechosdigitales.org/14467/

16 https://web.karisma.org.co/organizaciones-de-la-sociedad-civil-rechazan-circular-de-la-sic-sobre-uso-de-datos-personales-para-controlar-la-pandemia/

17 https://www.apc.org/en/news/era-covid-19-south-koreas-new-normal-digital-surveillance-state

18 https://techcrunch.com/2020/05/05/aarogya-setu-app-security-privacy-concerns-india-response

19 For example, see: Access Now. (2020). *Recommendations on privacy and data protection in the fight against COVID-19*. https://www.accessnow.org/cms/assets/uploads/2020/03/Access-Now-recommendations-on-Covid-and-data-protection-and-privacy.pdf

20 https://www.aclu.org/press-releases/aclu-issues-governance-principles-covid-19-contact-tracing-technologies and https://apps.who.int/iris/bitstream/handle/10665/332200/WHO-2019-nCoV-Ethics_Contact_tracing_apps-2020.1-eng.pdf

21 https://www.derechosdigitales.org/wp-content/uploads/herejia-tecno-optimista.pdf

Attention should also be given to public-private partnerships offering technological solutions in the area of health, but also for home schooling and distance online learning strategies.[22] Because a large percentage of the population is forced to use commercial solutions, tools and platforms, governments should be transparent about any agreements with ICT companies. As stated in a joint letter, APC and other organisations have emphasised that any public-private partnership that the UN may enter into during the COVID-19 pandemic should also be fully transparent and the human rights implications of the agreement should be adequately assessed.[23]

In the meantime, several governments have started using social media intelligence techniques to gather information on social activity, alleging the need to "cyber patrol" the internet to collect evidence of illicit behaviour, including acts of disinformation. The Bolivian government announced such a "cyber patrolling" initiative in March,[24] amidst an outcry over the measures adopted by the government to address the pandemic. In Argentina, the Ministry of Security issued a protocol for "cyber patrolling" at the beginning of June,[25] to last at least as long as temporary measures on the pandemic, regulating via presidential decree what stakeholders had deemed as the authority of Congress when consulted by government.[26] The conditions of the pandemic and social distancing and the prevalence of digital communications should not be used as an opportunity for governments to screen public statements by private citizens in order to profile them or investigate them unless there are clear rules of procedure to allow it with proper transparency, accountability and due process safeguards.

- **Attacks on journalists and human rights defenders**

Journalists and bloggers have a critical role to play in the current situation by sharing health information and keeping authorities accountable. They need to be able to report freely on the unfolding pandemic, and should not be censored online. We are concerned by the fact that journalists and human rights defenders have been experiencing online harassment in the context of the COVID-19 health crisis in countries such as El Salvador,[27] Nicaragua,[28] Venezuela[29] and Pakistan.[30] As UN human rights experts emphasised, any emergency declaration based on the COVID-19 outbreak

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22 https://www.apc.org/es/news/propuestas-de-educacion-distancia-exponen-desigualdades-y-acuerdos-que-ponen-en-riesgo-los

23 https://www.apc.org/en/pubs/joint-civil-society-open-letter-un-public-private-partnerships

24 https://www.lavanguardia.com/politica/20200318/474252441598/bolivia-anuncia-ciberpatrullajes-contra-la-desinformacion-sobre-el-covid-19.html

25 https://www.clarin.com/politica/crean-protocolo-ciberpatrullaje-dure-emergencia-coronavirus_0_ozarNo2l9.html

26 https://adc.org.ar/en/2020/05/25/adc-upholds-the-necessary-participation-of-the-legislative-branch-in-regulating-cyber-patrolling/

27 "El Salvador: Bachelet preocupada por la erosión del estado de derecho en medio de las medidas para la COVID-19" http://www.oacnudh.org/el-salvador-bachelet-preocupada-por-la-erosion-del-estado-de-derecho-en-medio-de-las-medidas-para-la-covid-19/; and "El Salvador: Organizations express concern about the increase in digital violence against Women Human Rights Defenders" http://im-defensoras.org/2020/06/el-salvador-organizations-express-concern-about-the-increase-in-digital-violence-against-women-human-rights-defenders/

28 https://pen-international.org/news/nicaragua-double-censorship-covid-19-and-threats-to-journalists

29 http://espaciopublico.ong/internet-confinado-libertades-linea-cuarentena/

30 http://mediamatters.pk/media-matters-for-democracy-expresses-concern-on-safety-of-journalists-covering-covid-19-health-crisis-demands-aqeudate-protection-measures/

"should not function as a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders."[31]

- **Online gender-based violence, hate speech and discrimination**

The pandemic has put lives across races, classes, gender and ethnicity at risk. There has been an upsurge in racist and Islamophobic messaging in online spaces in India and other countries,[32] vilifying particular communities for the spread of the virus. Online and traditional media as well as political actors and non-state actors have resorted to violent hate mongering in these countries, resulting in loss of life and sense of security. States and the private sector need to take immediate action to address these forms of violence in accordance with international law to ensure that communities and individuals are not further marginalised.

During this time of lockdowns and limited mobility, there has been an increase in domestic violence, since women are forced to be at home with their abusers. There has also been a visible impact on online manifestations of violence against women.[33] This situation has highlighted the need to collect data during the pandemic to design meaningful responses to such violence. Experts, however, call attention to the importance of always questioning, who, how and where this data is collected, as well as the relevance of understanding exactly how the information will be used.[34]

Gender diverse, trans, lesbian, gay and queer people are also more at risk when their freedom of movement is curtailed and they have to live in proximity to abusive and controlling families or communities.[35]

3. What approach have the relevant authorities taken to monitor online information related to the pandemic? Have some contents been removed from the internet? If so, what criteria were applied to decide that the specific contents should be erased? Have specific measures been implemented against hate speech in cyberspace?

The COVID-19 pandemic and associated social distancing measures have induced a surge in internet usage, and in particular in the use of social media. Official trustworthy information on health, sanitary and other public issues are especially relevant during the crisis. In some countries, lack of reliable public sources of information, however, led to confusion and disorientation among the population. This provided especially fertile ground for the increased circulation of disinformation, misinformation, and hatred and discriminatory speech. Reactions to this situation involved strategies led by platforms themselves and by states, mainly seeking to pass legislation on so-called "fake news". Additionally, government control over the flow of information can take the form of censorship of non-governmental

31 APC & Derechos Digitales. (2019). Ecuador: Surveillance technologies implemented to confront COVID-19 must not endanger human rights. https://www.apc.org/en/pubs/ecuador-surveillance-technologies-implemented-confront-covid-19-must-not-endanger-human-rights
32 Equality Labs. (2020, 7 April). #StopCOVIDIslamophobia: COVID-19 Appeal Letter. https://medium.com/@EqualityLabs/stopcovidislamophobia-covid-19-appeal-letter-c47dd0860ff1
33 https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/brief-online-and-ict-facilitated-violence-against-women-and-girls-during-covid-19-en.pdf?la=en&vs=2519; https://www.apc.org/en/news/kictanet-online-gender-based-violence-times-covid-19
34 https://www.derechosdigitales.org/14529/otros-datos/
35 https://genderit.org/resources/open-letter-friends-and-partners

information regarding the novel coronavirus, as has been reported though the blocking of at least 17 websites in Venezuela.[36]

- **Misinformation and social media platforms**

In line with the Human Rights Council resolutions on the right to privacy in the digital age,[37] on the promotion, protection and enjoyment of human rights on the internet,[38] and the UN Guiding Principles on Business and Human Rights,[39] social media platforms have responsibilities regarding human rights. The increasing use of artificial intelligence and automated decision-making systems by platforms during the crisis[40] could affect access to crucial information to reduce the risks of contagion, and freedom of expression could be affected through automated content moderation and takedowns. Human rights laws should be the default standards guiding companies' content moderation policies and procedures, and principles of accountability, transparency and meaningful appeal processes, among others, should guide content moderation responses to the pandemic.[41] In addition, practices of information verification should be promoted instead of suppressing or censoring content or criminalising disinformation.[42] We also would like to draw the Special Procedures' attention to the situation of gig workers and content moderators heavily impacted by the pandemic. This labour is often invisibilised and gendered. The labour rights of these workers, including their right to a healthy and safe work environment, need to be upheld during the pandemic.

The use of artificial intelligence to rank and prioritise content on social media platforms may also have the impact of increasing polarisation in societies already divided on socio-political issues and influencing debate on the public health policies to address the COVID-19 pandemic. In some countries, politicisation of the public health debate has negatively impacted on public decision making in the field. This has been especially true in countries where social media platforms have acted on accounts belonging to high-level politicians, including Donald Trump, Jair Bolsonaro and Rudy Giuliani, considering their posts were in violation of their institutional policies and could be categorised as a risk to the health of others.[43]

- **States seeking to regulate disinformation**

With the inundation of misinformation on social media platforms, some states have also proposed regulation aimed at curtailing its dissemination. The increase in false and misleading content during (and related to) the COVID-19 crisis has prompted hasty legislative solutions, with little open and multistakeholder debate, to very complex issues. Some bills have been using penal provisions that can

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36 http://espaciopublico.ong/internet-confinado-libertades-linea-cuarentena/

37 https://undocs.org/en/A/HRC/RES/42/15

38 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/13

39 https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

40 Kayyali, D. (2020, 19 March). As content moderators go home, content could go down. WITNESS. https://blog.witness.org/2020/03/as-content-moderators-go-home-content-could-go-down

41 https://santaclaraprinciples.org

42 https://foreignpolicy.com/2020/04/01/coronavirus-censorship-pandemic-disinformation-fake-news-speech-freedom/

43 See, for example, https://www.apc.org/en/news/social-medias-response-covid-19-misinformation and https://misinforeview.hks.harvard.edu/article/using-misinformation-as-a-political-weapon-covid-19-and-bolsonaro-in-brazil/

have a severe impact on freedom of expression and privacy online in the long run, such as the case in Brazil,[44] where the proposed bill creates criminal offences, prohibitions and obligations that hamper legitimate ways of expressing ourselves online and severely expose users' communications.[45] In Bolivia, a presidential decree on pandemic containment measures also included a provision penalising the publication of information deemed incorrect by the government,[46] while also announcing "cyber patrolling" to identify and prosecute those spreading messages qualified as misinformation,[47] only withdrawing the provision after international outcry.[48] As for Africa, disinformation laws exist in countries like Kenya, Uganda and Tanzania. In South Africa, the government has criminalised the dissemination of false information through regulations published in terms of the Disaster Management Act 57 of 2002, which seeks to address the publication of any statement published through any medium, including social media, with the intention to deceive any other person in respect of information relating to COVID-19. In Zimbabwe, section 14 of Statutory Instrument 83 of 2020, Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, stipulates criminal penalties to any person who "publishes or communicates false news about any public officer, official or enforcement officer involved with enforcing or implementing the national lockdown in his or her capacity as such, or about any private individual that has the effect of prejudicing the State's enforcement of the national lockdown."[49]

Developed against a backdrop of rapidly accelerating state action on COVID-19-related disinformation, a coalition of civil society groups launched a tool to track responses to disinformation in Sub-Saharan Africa, currently covering 31 countries.[50] Initiatives such as this seek to usher in more in-depth work analysing laws and policies around the disinformation phenomenon in the region, to ensure that any restrictions and penalties are always justifiable, proportionate and compliant with international standards.

As for the platforms, compliance with state laws needs to be seen in the context of many of these laws being new, often quite vague, and/or applied in a very arbitrary manner. Platforms' readiness to comply with state regulation runs the risk of legitimising such laws and reinforcing the trend for states to regulate online speech in the first place.

- **Access to public information**

Timely and proactive disclosures of information in the public interest regarding COVID-19 are of critical importance. This serves to ensure that the public can appropriately respond to developments and participate in decisions being made. This requires not only the existence of appropriate legal frameworks securing the right to information, but also systems to ensure that they are enforced once

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44 Coalizao Direitos na Rede. 10 Reasons not to Vote the Fake News Bill. Available at https://direitosnarede.org.br/2020/06/02/10-motivos-para-nao-votar-o-relatorio-do-pl-das-fake-news.html
45 https://www.eff.org/deeplinks/2020/06/new-hasty-attempt-tackle-fake-news-brazil-heavily-strikes-privacy-and-free
46 https://www.hrw.org/news/2020/04/07/bolivia-covid-19-decree-threatens-free-expression
47 https://www.lavanguardia.com/politica/20200318/474252441598/bolivia-anuncia-ciberpatrullajes-contra-la-desinformacion-sobre-el-covid-19.html
48 https://es-us.noticias.yahoo.com/bolivia-anula-decreto-restringe-libertad-232615364.html
49 https://www.apc.org/sites/default/files/AfDecPositionPaperCOVID19_EN.pdf
50 https://www.disinformationtracker.org/

enacted.[51] A recently launched report by ARTICLE 19 notes that the right to information is crucial for ensuring public awareness and trust, fighting misinformation, ensuring accountability, as well as developing and monitoring implementation of public policies aimed at solving the crisis.[52]

In that sense, the development of zero-rated content portals should be encouraged. Furthermore, it is essential that the role of the media be respected and promoted to ensure that they can perform their essential function in informing and educating the public, as well as in ensuring accountability.

Many countries around the globe, however, have introduced restrictions to their freedom of information legislation during the pandemic. A large majority have flexibilised the frameworks for processing information requests. According to a study covering 15 Latin American countries, only 44% of those that have an access to information oversight body are processing appeals normally in times of COVID-19. Organisations have called attention to the poor and incomplete information being made available online to allow individuals to follow up public expenditure and programmes aimed at confronting the health crisis underway.[53]

The availability of open data on COVID-19-related public information, respecting the rights to privacy and data protection, would also allow for its use by the public and academia, who could contribute with innovative analysis and solutions to assist in the tackling of the crisis.

Recommendations

To the Human Rights Council:
- Work with states to ensure that measures to respond to the current health crisis are adequate, necessary and proportionate.

- Work with states to guarantee that the internet is a means for secure and private communications, and a platform that enables human rights that are vital for overcoming the social and economic effects of the pandemic.

- When considering partnerships with the private sector, prioritise engaging with ICT companies that demonstrate a public commitment to human rights, and to undertake consultations with various stakeholders, including civil society.

- Work with states to take appropriate measures to counter online gender-based violence and intimidation, threats and attacks against journalists and human rights defenders.

To governments:
- Ensure that internet access is maintained at all times. Freedom of expression and access to information need to be safeguarded. Internet shutdowns or other restrictions to internet access should not be considered as a response to the crisis under any circumstances.

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51 https://www.apc.org/sites/default/files/AfDecPositionPaperCOVID19_EN.pdf
52 https://www.article19.org/resources/ensuring-the-publics-right-to-know-in-the-covid-19-pandemic/
53 http://www.alianzaregional.net/wp-content/uploads/2020/05/ACCESS-TO-INFORMATION-IN-THE-CONTEXT-OF-HEALTH-EMERGENCY-1.pdf

- Acknowledge the importance of free public access facilities and Wi-Fi hotspots by putting them back on the connectivity agenda and investing in these solutions.

- Include subsidised data packages and laptops as part of measures related to social protection strategies for low-income populations and health workers to assist them in the crisis.

- Ensure that surveillance measures adopted to address the pandemic are lawful, necessary and proportionate. They must be provided for by law and must be justified by legitimate public health objectives, as determined by the appropriate public health authorities, and be proportionate to those needs.

- Avoid censoring content or criminalising disinformation.

- Be transparent about the measures being adopted so that they can be scrutinised and if appropriate later modified, retracted or overturned. Transparency and respect for human rights should be ensured when entering public-private partnerships in the context of the COVID-19.