

**Deutscher Bundestag**

Ausschuss für Menschenrechte  
und humanitäre Hilfe

Ausschussdrucksache  
19(17)98

**Stellungnahme der Sachverständigen Nighat Dad zur öffentlichen Anhörung des Ausschusses für Menschenrechte und humanitäre Hilfe am 17. Juni 2020 zum Thema „Menschenrechte und politische Teilhabe im digitalen Zeitalter“**

In the context of South Asia, digital spaces and civic freedoms are under attack through regressive legislation and regulation as well as the deployment of surveillance technology that aims to tighten the control the governments have on the population. This has been exasperated by the Covid-19 pandemic, where tolerance for the use of technology to track citizens. In the absence of any sunset clauses or regulatory framework to monitor the use of this technology, the long-term effects of ceding this space are very concerning.

Furthermore, online spaces and technologies are not experienced uniformly by everyone. Based on your gender, sexual orientation, or class, your access to the internet will be different. Women are less likely to own a device or have a social media account. According to the GSMA “Mobile Gender Gap Report 2019”, Pakistan had the widest mobile ownership gender gap as women were 37 percent less likely than men to own a mobile phone. The barriers are both economic and societal. 31 percent of women who do not own a mobile phone in Pakistan report that disapproval from their family is the top barrier to owning a mobile phone. This means that even if women were to get access to a mobile phone, without a larger shift in patriarchal attitudes, these devices can become sources of surveillance or even result in violence if any perceived indiscretion is observed in online spaces. However despite these challenges, women have used online spaces to establish networks and build feminist movements--using these spaces, as imperfect as they are, to start conversations on gender, speak about their experiences and hold powerful abusers accountable by employing networks of online solidarity to reverse traditional balances of power.

However as these spaces become increasingly used by activists and human rights defenders, surveillance and erosion of privacy rights become issues of physical safety for many HRDs. As digital technologies are used for mobilisation efforts and important conversations of social justice, they also expose HRDs to new threats which often lead to state and non-state harassment and violence. If left unaddressed, digital spaces can experience systemic self-censoring and shrink considerably.

Regressive legislation in the Global South is always decried for violating international human rights norms, however, as we look towards European countries to set the standard and often times they fall short. Examples of laws such as the Online Harms White Paper circulated by UK government and Germany’s Network Enforcement Act (NetzDG) have created frameworks to hold powerful tech giants accountable, however, have also allowed for excessive government and regulatory power that has the potential for misuse against the freedom of expression, particularly to target journalists and HRDs. These very laws are being adopted by authoritarian governments under the grab of “international best practices”. We expect the lawmakers sitting in powerful parliaments to do better and

be more thoughtful in the interventions that they propose, as they have international repercussions.

We all know that online spaces can provide room for resistance and help groups mobilize so they can speak truth to power, that is true more than ever. In my opinion, these groups: a consortium of movements and local organizations, are best placed to resist moves by the state to curb civic freedoms. Strengthening their ability to organize and amplifying their voices is crucial to ensuring that human rights are defended in the digital space. Import and export of surveillance technology needs to be heavily regulated, as countries which are quick to call out “authoritarian regimes” for human rights abuse are often complicit in providing technologies to these very regimes which are weaponized against human rights defenders, activists, journalists and opposition politicians