INTERNET GOVERNANCE FORUM
BEST PRACTICE FORUM ON GENDER & DIGITAL RIGHTS

- Virtual Meeting IV | 11 August 2022 at 15:00 UTC -

SUMMARY REPORT

Attention: this call faced technical issues and was not recorded in full nor uploaded to a cloud service.

Action items and next steps
- The co-facilitators ask for referrals of experts and/or researchers dealing with the topic of hyper-fiscalization. Please direct your nominations to any of the co-facilitators (Amrita, Bruna, Courtney) or the IGF Consultant (Daphnee) and we will get in touch with them with an invite to join the next BPF Call and explore the theme with the community. Deadline for the community: 17 August
- The community is invited to share in this collaborative document any known examples of past/current rules and/or policy that were meant to protect marginalised communities but have provoked the opposite effect instead (e.g., tightened persecution, hindered freedom of expression etc). Deadline: 21 August
- The community is invited to share successful case studies and good practices that have acted against such pervasive regulations/policies, from local or national level. Deadline: 21 August
- Next meeting: **25 August 2022, 15:00 UTC.** A calendar invite will follow earlier next week. Initial proposed agenda:
  a. Discussion on community input and collaborative document on 2022 output report
  b. Framing of GDC collaboration
  c. Other applicable matters

Notes

0. The fourth meeting of the Internet Governance Forum (IGF) Best Practice Forum on Gender and Digital Rights (BPF Gender) was hosted online on 11 August 2022 at 15:00 UTC. The meeting's purpose was to continue the discussion of the term hyper-fiscalization in order to give shape and direction to the 2022 work, in addition to exploring if participants have come across regulations manifesting towards gendered censorship.

1. Discussion:

- Amrita Choudhury opened the meeting by discussing the concept of hyper-fiscalization as an over regulatory practice which impacts women and LGBTQIA+ communities on their privacy, freedom of expression and criminalises activism. She asks the BPF members to share their experiences on such rules impacting the public policy processes, the lack of female voices in inclusion, or even certain regulatory practices which hinder communities from participating in societal life. Is it important to discuss if people have come across regulations and how they are manifesting towards gendered censorship.

- Daphnee Iglesias goes on by explaining the BPF aims to explore how new proposed regulation tries to cut back on rights of already marginalised communities, either by not preserving their online safe/civic space but also by criminalising their lifestyle or their will on being online. To get to the core of the output process, first the BPF members need to have a deep knowledge on what hyperfiscalization means. The topic is part of the 2022 Process but it is up to the discussion of the group how to carry it forward: the idea of regulation that minimizes rights is already known, what we need is to find a way to transmit that into the output document. The BPF also aims at displaying a good set of case studies in which one can then identify where these regulations can be persuasive and how they can affect the wellbeing gender-marginalised communities.

- Amrita invites the participants to take the floor and share their thoughts: are they seeing certain regulations or case studies which they would like to share with the group?

- Madhavan Pallan joins the conversation with a question about analysing hyper-fiscalization from the standing view of true democracies, having the democratic decision process as tool. Amrita clarifies the BPF's goal is to analyse rules, regulations, or policies which are currently being drafted or implemented that may be adversely affecting gender, freedom of speech, or criminalisation of activities connecting to the earlier. There are also some good practices which are also being observed that we want to explore. It is indeed a very new concept; the BPF also want to explore hyper-fiscalization actually means to different people and how they look at it.

- K Mohan Raidu confirms the existence of unethical practices but he would like to hear about instances of governmental regulation as examples to the work. Amrita clarifies that various rules could be cited, to be example of the US anti-abortion rule and the concerns it raised if someone wants to go to another state for a procedure, will they be tracked and what the issue in it. Additionally, many times there are rules on speaking against certain community or established regimes - however, there may be some marginalized communities willing to voice their thoughts and that is taken contrary to the local, mainstream thoughts. They again are marginalized or curbed in their speech. Overall, the BPF focus is on rules and regulations related to internet and internet governance, which adversely impact gender and the LGBTQI community in terms of their civic spaces, how they can communicate, their safety etc.

- Poncelet O. Ileleji joins the discussion with an example from Africa: in most parts of the continent, including The Gambia, there are really no sort of any set regulations, but you are confronted by government officials coming up with directed statements if you are within specific marginalised communities (e.g., an LGBTQI group). A public statement on the intolerance of certain group that does not set any rules but at the same time society reacts to it. In places whereby there are no sort of regulations, but officials stated such demands under culture or religion, how do deal with it? Amrita recognised the importance of the question and what can happen disguised as culture. She cites the work done by the BPF last year in which it was highlighted that women politicians or journalists face

more sexist hate speech than men do. Perhaps the rules need to be clearer and we need to check regulations themselves on what is considered abuse by that area. It is very difficult to say this and very tricky. It happens in most parts, not only in the African region, perhaps that's something which also needs to be looked at. Mohan follows up on Poncelet's question and brings the topic of women not being free due to religion: could this be discussed during the BPF works? Amrita agrees on the issues but clarifies that for this year's process the BPF will look specifically on regulatory practices which are harming, creating barriers, or censoring women, minorities, LGBTQI communities.

- Daphnee goes on explaining that members should not be so focused on the words to do their analysis on the topic, as we all do understand that governments run lots of different legal instruments too, so perhaps it might not be a regulation that is preventing specific groups of exercising their rights. Hence the BPF also wants to tackle case studies, including past situations or isolated cases. From this we can then extract what is the cause of the problem and what is then preventing people from occupying all the spaces that they belong to. Amrita thanks Daphnee for the statement and hopes the group will be clearer on the activities we wish to take: any practice which is hindering women and LGBTQI communities from fully participating in social life. Any example for the participants' own countries of other that made the headlines would be helpful to be noticed. If someone wants to raise the point that hyper-fiscalization is not happening it also makes sense, as we would need to know if there is evidence/ manifestation in some view or the other.

- Madhavan asks if we could take tier one institutions like the United States, which have established liberal rules for women and the LGBTQI community and pull down such standards through identified organizations which would like to have these sets of rules for themselves, helping them without actually not overwhelming them. These governing organizations could then have a bit of control when things go out of bound. Amrita clarifies that at the BPF we will look at case studies and what is happening throughout the world, besides what could be the ways forward. This is what the report normally looks like, which is normally prepared by November, and then discussed at the BPF main session during IGF. We come up with the report, but we do not come up with directives. We just give what could be non-binding recommendations.

- Avri Doria asks if anyone has written anything on the concept of hyper-fiscalization that explains the derivation of the term fiscalization from its origin as a legal term dealing with retailers and customer receipts? She affirms she is new to the term and has trouble understanding it. Amrita states that hyper-fiscalization is quite a new term for BPF co-facilitators too. They are trying to find some experts to come and speak in the calls, to explain more on the concept. Unfortunately, that has proven difficult given it's a holiday time. So if any of the BPF participants can refer an expert, it would be very helpful. Amrita also makes reference to a collaborative document where anyone can add suggestions of speakers, cases examples, or even links which can help to synthesize the concept a bit more.

- Josephine cites telecommunication space in Kenya as a possible case study. It has been noticeable that the government of Kenya, but also of other African countries, are constantly increasing taxes on the internet and also on mobile devices. Kenya has also just introduced the digital tax. With such new regulation, the government might continue to widen the gender digital divide because of access affordability. This is one of the key issues or one of the key barriers for women. Amrita welcomes the suggestion and asks for Josephine to include it in the reference document.

- Lucía León brings the topic of defamation laws, which are been used to criminalize women who report online gender-based violence. Amrita agrees it can be a good case and also asks Lucía to share the reference in the cited document.
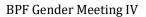
- Avri reflects on the examples coming from the United States on the prohibition of initiating conversations that are disturbing to specific groups of people (e.g., those who want to avoid historical truths). Sometimes these are just social norms, but some states are actually turning them into laws where the upsetting of someone by telling a historical truth, or by calling someone out for inappropriate humor/comments becomes itself a breach of the collegiality. She wonders if it would fit in the definition of hyper-fiscalization. Amrita believes it does to some extent, when one considers whether the positioning is mainstream or a minority one. Daphnee draws attention to the different ways that freedom of expression is treated in different countries. Depending on the case study, we can fit this approach into the BPF scope of work. Avri's example can bring a connection with right wing extremism, for instance, which affects freedom of expression.

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- Courtney Radsch, co-facilitator, joins the call and would like more information about the origin of the term hyper-fiscalization. According to academic research, Daphnee states it comes from the financial market and it was defined as a way of entangling one's competitors via regulation in a way they could not progress in the market. As the field of internet governance borrows several terms from other areas, the idea strangling opponents might be behind the adoption. There could be other reasons and origins for the term, too, yet to be researched. Avri volunteers to do so and to assist with this writing part on the output report.

- Madvahan affirms that in computer science, the term deadlock is widely used, which is similar to the idea transmitted here by hyper-fiscalization. He suggests having a transfer learning of topics from ITU as well and give the example of the project AI for Good. Amrita states that if there are examples within the project that have shown to adversely affect freedom of expression, gender, or criminalizing activities, it can be included in our reference materials.

- Courtney expresses her concerns on finding a balance between defining hyper-fiscalization, by trying to introduce it to the audience, and looking at the BPF as a place to address best practices at the intersection of, i.e., freedom of expression. She states there is still more to do on gendered information, which was BPF's topic last year, and she does not see how hyper-fiscalization fits into the BPF work. Amrita asks Daphnee to clarify the topic choice and she states that hyper-fiscalization was already highlighted into the proposal that was presented to the IGF Secretariat last year. Amongst eight pressing ideas, it was one of the themes people wanted to dwell upon not because we need to have high fiscalization, but more of awareness this is happening and we should tackle the problems that come within it, using the three focus areas of privacy, freedom of expression and criminalization of activism. Amrita complements that last year the co-facilitators asked the BPF community to come up with suggestions of what should be discussed and hyper-fiscalization was amongst them. That was the genesis of the theme.

- Courtney would like to hear about the framing from the person or organizations that suggested it, since she contacted other coalitions that work on online harassment, digital rights, and gender and it seemed challenging for people to understand. It would be important to define whether the BPF wants to center it as the main focus or recall previous work with organizations that already have identified best practices for promoting gender equality and combating online harassment and disinformation. It would be important to communicate the BPF goals in a clearer way, and she poses the question whether the community would still like to invest in this compilation of best practices? Amrita agrees with the concerns and the questioning, stating the BPF can do what flows easier to achieve the expected results. For instance, if getting to the definition is an issue, perhaps we can concentrate on other challenging issues like the regulatory practices, gender in freedom of expression etc. She is open to looking at coming up with something which is more substantial, depending on what the group collectively wants to do. If getting to the definition is difficult, we can look at the other aspects and then come to it.

- Courtney remembers there has been a previous discussion on work there has been performed by the BPF before vis à vis responding to the IGF's mandate to increase stakeholder participation. To do this, the cited collection of best practices would not start from scratch. She proposes two parallel tracks: one on definitions and another on compiling existing research and best practices. Amrita welcomes the suggestion but encourages the BPF participants to manifest their thoughts. She asks Daphnee to circulate an email to the mailing list asking the community to share examples of best practices one have come across during their work, along with a call for definitions on hyper-fiscalization.

- On definitions, Madhavan expresses his view that both hyper-fiscalization and regulation have a very similar meaning, so using both terms might cause unnecessary repetition. Avri highlights that, following the use in financial markets, the issue becomes one that in making rules that are directed to making things safer, the rules can be turned against those it was intending to protect. She does not know of any other term for that tendency or particular partiality to the term, but it would be important to define it if the BPF is going to use it: lack of definitions can be a barrier to understanding and discussions.

- Amrita then defines two action points: 1) ask people to identify if there are rules which are meant to protect but are instead harming communities in terms of the freedom of expression or criminalizing gender; 2) ask for best practices which are enhancing freedom of expression, combating criminalization. Courtney agrees, clarifying that then the BPF would have two sets of resources to work with. She suggested then that for the main session the Forum can map out where the holes and challenges are. Daphnee will circulate these along the third action point on the referral for experts to join the calls; Amrita asks Daphnee to choose a deadline receiving the information.

- Courtney will try to bring in experts too, most likely for September. Additionally, she suggests to the BPF, with the assistance of the Secretariat and the consultant, more increased use of social media to raise our profile and get more people involved.

- Amrita confirms the next call for 25th August and thanks the community for the continued support and assistance in framing this year's discussion and the output document.

2. Next meeting: 25 August 2022, 15:00 UTC – zoom link to follow.

List of Participants

(incomplete list; given technical glitch all names could not be retrieved)

Amrita Choudhury

Avri Doria

Courtney Radsch

Daphnee Iglesias

Josephine

K Mohan Raidu

Lucía León

Madhavan Pallan

Poncelet O. Ileleji