

# NAVIGATING HUMAN RIGHTS IN THE DIGITAL ENVIRONMENT THE G20



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## About this tool

The Group of Twenty (G20) process has not, historically, been a focus for human rights defenders working on digital issues. In part, this is because the G20 has never paid these issues much attention.

But this has changed. The current G20 host country (or President), Germany, has put digitalisation and the digital economy at the heart of the G20 agenda for the first time; and for this reason, we think it is important that human rights defenders engage in it.

So, we've developed this tool with two aims. The first is simply to help human rights defenders understand and navigate the G20 – showing how it works, who's who, and where, when, and how to effectively engage within it on digital issues, including privacy and freedom of expression online, which are strongly impacted by commitments that states make at the global level.

The second aim is to identify three specific advocacy goals for human rights defenders (short, medium and longer term), and show how they can be achieved.



## The Timeline

The G20 process works in year-long cycles, with a new host country taking the helm every December. Within each cycle, there are several key dates and outcomes around which human rights defenders should focus their activity.

Much of the information in this tool is designed to be relevant several years from now, but in terms of the specific goals and advocacy pathways outlined, its scope extends from June 2017 to the next G20 Leaders' Summit (which will likely take place in September or October 2018).

Some key dates to bear in mind:

**December 2016:** The German government assumed the Presidency of the G20

**July (07-08) 2017:** The Leaders' Summit of Germany's G20 Presidency

**December 2017:** Argentina assumes the 2017-18 G20 Presidency

## Why should I care about the G20?

Before we go into the ins and outs of the G20, an obvious question poses itself: why should we care about it?

It's a fair question. Human rights defenders working on digital issues haven't traditionally engaged here, and there are plenty of other important forums already demanding our attention. Why start now?

Here are three good reasons:

### 1. It's influential

On the face of it, the G20 might not look very influential as a policy forum. Its outcomes are non-binding, their implementation is voluntary, and there are no formal mechanisms to make member states follow up on their commitments. But this is deceptive; in fact, the G20 has very powerful normative influence on the development of policy. Its constituent states are among the wealthiest and most powerful in the world, and it also includes representation from some of the key regional forums like the New Partnership for Africa's Development (NEPAD) and the African Union (AU), and closely cooperates with global bodies like the

International Monetary Fund (IMF) the International Labour Organisation (ILO), the Organisation for Economic Development (OECD), the World Bank and the United Nations. As such, the decisions the G20 reaches carry significant weight – and states considering the development of policy look closely to it for examples of guidance.

Take climate change policy, for example. The G20's commitment to tackling climate change at the 2009 Leaders' Summit, following persistent and concerted civil society advocacy, is widely seen as a landmark moment, paving the way for more recent achievements like the binding Paris Agreement (whose ratification by the US and China was, notably, first announced as a trailer to the 2016 Leaders' Summit).

Getting the G20 to acknowledge the need for a human rights-respecting approach on emerging policy areas like cybersecurity would therefore be more than just a gesture. It could have significant, wide-ranging impacts on policies at the national, regional and global level.

## 2. There's an explicit digital focus

This year, for the first time in the G20's history, the host country has decided to give special attention to 'digitalisation' – defined as the rapid spread of digital technology and the consequent impact this is having on society and the global economy – as a cross-cutting issue, informing the agenda's three themes of "Resilience, Sustainability and Responsibility". Because the G20 was originally convened to address finance and economic policy issues, one of its biggest concerns is the digital economy.

This represents a big opportunity for human rights defenders working on digital issues. In practical terms, the G20's inclusion of digitalisation means that there is now a ministerial meeting on it (feeding into the main outcome text) and a dedicated working group, or task force, on the digital economy; offering, for the first time, a real opening for civil society to influence the commitments that G20 members, and its partner bodies, make on a wide-ranging set of digital issues. One specific issue where real progress could be made is encryption, given the already strong recognition among policymakers in G20 countries of the importance of user trust and confidence in the digital economy. And for human rights defenders, recognition of the importance of strong encryption would be a win for privacy and freedom of expression online.

### 3. Potential for follow-up

The G20 doesn't just function as a 'one-off' meeting. It is also supported by an extensive system that works throughout the year to both prepare for the Leaders' Summit, and follow up with commitments from previous meetings. This means that there are commitments human rights defenders can follow up on, and concrete initiatives to contribute to (like national action plans, study groups or expert committees), making it potentially a more impactful focus for their time and resources than other forums, which do not have such concrete outcomes.

## How it works

### BACKGROUND

The G20 Leaders' Summit is an annual meeting of the heads of state of 19 of the world's most politically and economically powerful countries and an EU representative. It began as a one-off 'crisis meeting' to address the global economic crash in 2007 but has since evolved into an annual governance mechanism which sets or affirms policy positions on the most pressing issues facing the global economy.

Over the years, the range of issues discussed has expanded. The presidency of the G20 rotates annually, which means that every year a different country hosts the meeting and sets the agenda, which can include issues as wide-ranging as climate change, global health, and more recently, digital issues. Although digitalisation has previously been discussed by the G20, this is the first time the host country has made it a priority agenda item.

The G20 is an informal mechanism, which means it doesn't have a permanent organisational body, like a secretariat. It is essentially made up of a series of meetings and related processes that feed into two main tracks: one led by finance ministers and central bank governors; dealing with all traditional fiscal and monetary issues; the other, known as the Sherpa track, covering other issues: it is in the Sherpa track that all work on the digital economy is carried out.

However, the meetings of the central bank governors and finance ministers in the first track can result in outcomes that have relevance to the second track too – for example, in the current G20 process, the outcomes of one of the main meetings of finance ministers makes explicit reference to digitalisation.

## WHO'S WHO

### Troika

To help ensure continuity of agenda priorities and follow-up in between the annual summits, the current host country works with both the previous host country and the upcoming host to decide agenda priorities and prepare the meeting. This grouping of three is called the 'troika', and this year comprises representatives from China, Germany and Argentina.

### Sherpas

The heads of G20 states do not, and likely could not, attend all the meetings related to the G20 preparations; so the planning, preparations and negotiations are left to their personal representatives, known as Sherpas. Sherpas have three to five of their own 'Sherpa-only' meetings, where they prepare and negotiate policy positions on the G20 agenda, and also attend the Ministerials (see below) where they negotiate the final outcome documents of the meetings with ministers.

### Ministerials

A Ministerial is an issue-specific meeting (e.g. relating to finance, trade, energy, labour, or agriculture) where respective ministers from the G20 countries meet, discuss, and agree on key issues, and produce a document that summarises these discussions, includes recommendations, and acts as an input into the Leaders' Summit. The Leaders' Summit is where the final outcome documents, including the main one – the Leaders' Communiqué – are negotiated. April 2017 saw the first ever Ministerial focused on digital issues.

## Working Groups

The G20 Working Groups (sometimes also called task forces) support the work of Sherpas and the Ministers of G20 countries in between Leaders Summits by producing research and policy recommendations. They are composed of governmental officials and experts, steered by member state representatives, and are typically responsible for implementing any action plans committed to by members.

As the G20 agenda expands or changes, new Working Groups may be set up to provide expertise on certain issues. There is currently a total of twelve of these groups, with some more established than others. In 2017, a task force on the digital economy was set up for the first time, but as it is new it does not yet have a publicly available terms of reference or website.

## Non-governmental engagement groups

Aside from the member state led mechanisms that input into the G20, there are also non-governmental stakeholder groups that aim to influence the G20 process. They are independent from the process itself and their influence greatly depends on the host country. Traditionally, the stakeholder group representing the interests of business and the private sector (the B20) has had the most influence.

Engagement groups representing different non-governmental stakeholder groups coordinate between Leaders' Summits to agree their priorities and prepare positions and recommendations for the G20 member states, with the aim of influencing the outcome documents, including the Leaders' Communiqué. Engagement groups can also coordinate with each other to produce joint statements or letters to present to policymakers at Ministerials, Working Group meetings and Sherpa meetings.

As the G20 host country, Germany has repeatedly expressed its openness to stakeholder input. There are seven engagement groups at this year's G20, including:

**Business20 (B20)**, which represents the business community and is made up of more than 700 members from 39 countries.

**Civil20 (C20)**, which represents the interests and priorities of civil society groups to the G20.

**Labour20 (L20)**, which represents the interests of workers at the G20. It unites trade unions from G20 countries and inputs into consultations with the G20's Employment Task Force and Sherpa meetings, as well as Labour and Finance Ministers meetings.

**Think20 (T20)**, which is a network of research institutes and think tanks from the G20 countries. The T20 provides research-based policy advice to the G20, and facilitates interaction among its members and the policy community.

**Women20 (W20)**, which is one of the newest engagement groups (first created in 2015). It is an umbrella organisation of more than 50 nationwide women's associations and organisations working to strengthen the economic power and participation of women.

Each engagement group holds its own meetings to discuss policy proposals, strategise, share information and coordinate lobbying and advocacy efforts. They also define positions on the G20 agenda topics and present these to the Sherpas.

Among these groups, the T20, L20 and B20 are the most established, and have both greater capacity and leverage with the G20 than the C20. The B20 has made digitalisation a key focus and has outlined key messages on digitalisation. The T20 has also published a series of policy briefs with recommendations on digitalisation.

For the current G20 process (until the handover in December 2017), the C20 comprises a steering committee and six Working Groups that have prepared policy positions on six topics related to the G20 agenda: Reform of the International Financial System; Responsible Investment and Role of the Private Sector; Global Health; Inequality, Gender and Social Protection; Sustainability: Climate, Energy and the Environment; and Agriculture, Water and Food Security. These positions have already been presented to the G20 Sherpas. The C20 is open to any civil society group (not just those in G20 countries), but its membership does not presently reflect many human rights perspectives working on digital issues. Later in this tool, we'll look at ways we might change this.

The Organisation for Economic Co-operation and Development (OECD) is another way into the G20 which may prove more amenable to digital human rights defenders. The OECD has a close relationship to the G20, and has long been working on digital issues via its Committee on the Digital Economy (CDEP). For this reason, when Germany made digital issues a priority during its G20 Presidency, it asked the OECD to organise a workshop and produce a report that would serve as an input into its discussions on digitalisation.

The main way to engage with the OECD's work on digital issues is through its Civil Society Information Society Advisory Council (CSISAC), which is the civil society voice on the OECD's work on digital issues. It's easy to join and open to all civil society groups (including those in non-OECD countries). In the final section of this tool, we'll look at why it might be a good channel for effective engagement.

## Key outcomes

The main outcome of the annual G20 Summit is the G20 Leaders' Communiqué. This document does several things: sums up the leaders' positions and commitments on the issues on the agenda; launches or endorses initiatives and action plans on certain issues; and (in the appendices) outlines further statements, commitments and set-up mechanisms – like Working Groups – which are designed to follow up on these commitments.

The Communiqué is a constantly evolving document which gets closer and closer to finalisation with every Sherpa meeting, Ministerial meeting and Working Group meeting scheduled during the Presidency. Opportunities for civil society to input into this evolving document include letters or statements presented to Working Group meetings, Sherpa meetings and Ministerial Meetings. However, the Leaders Communiqué is not itself made public until after it has been finalised at the Leaders' Summit.



## What we can do

As civil society groups (in both G20 and non-G20 countries), there are several things we can do in the short and medium-long term to secure more rights-respecting outcomes at this year's G20. This includes reference and commitment to strong encryption.

**1. Make sure the Leaders' Communiqué, including its appendices, contains or references text which supports rights-respecting policies online** (Timeline: now – July 2017)

To achieve this, civil society needs to participate in the C20 summit: a two-day event taking place on 18 and 19 June 2017 (the first day focused on workshops, networking and information sharing within civil society; the second on outreach with policymakers and other engagement groups).

At this summit, we'll need to:

- Secure broad support from C20 participants on mainstreaming digital rights issues into the C20's current six working group themes
- Ensure that discussions with policymakers on the second day (including the panel discussions with representatives of the German G20 Presidency) reference the importance of privacy-respecting policies in the digital age

Are you a civil society group in a G20 country? Here are a few extra steps you could take:

- Share the CSISAC G7/G20 Digitalisation Task Force position with your relevant Ministries (Ministries of ICTs and Foreign Affairs)
- Find out what consultation mechanism (if any) your country's Sherpa has with its engagement groups (for example does it have a website?)
- Identify if there are members of the L20, B20 or other engagement groups in your country. If so, connect with them and share the CSISAC taskforce position, asking them to circulate it within their network

**2. Convince the Argentinian government to commit to multistakeholder involvement in the implementation of its digitalisation work** (Timeline: during the interim handover to Argentina in December)

As soon as the Leaders' Summit hosted by Germany is over, the new host, Argentina, will start preparing for the next summit. Although the official opportunities for input will not be clear until the calendar of meetings is shared in December, there will be opportunities to influence the new host's agenda. There are several things we can do to achieve this:

- Work with Argentinian civil society (in particular Asociación por los Derechos Civiles) to support their advocacy with the Argentinian government, in order to:
  - Ensure digitalisation is included as a main priority in the Argentinian Presidency's agenda
  - Obtain a public comment period for all outcome documents of meetings that feed into the Leaders' Communiqué
  - Acquire the option of remote participation in the Ministerial Meetings.

After the Leaders' Summit in July, civil society should then:

- Study the G20 Leaders' Communiqué and identify opportunities to get involved
- Work with the C20 and other engagement groups (B20, T20 and L20) to request clear, measurable objectives and timeframes to achieve the targets in the Digital Ministers' roadmap; and have progress on the targets monitored according to multistakeholder principles

**3. Shape the next Presidency** (Timeline: December 2017 – next Leaders' Summit)

- Map opportunities for input into the next Presidency (e.g letters or statements presented to Working group meetings, Sherpa meetings and Ministerial Meetings). The host is responsible for providing a calendar of scheduled meetings once it assumes the Presidency in December.
- Form a network with other digital rights groups to set out recommendations to present to the G20 Sherpas, citing existing concrete commitments and policy instruments they should commit to in the Leaders' Communiqué. One example of how this can be done is the global anti-poverty network, InterAction's, policy recommendations brief: <https://www.interaction.org/document/2017-g20-summit-recommendations>

## How we can do it

If you are a civil society group from a G20 member state country, the most direct way to get involved is through your government representatives. Your government will have a G20 Sherpa and a team who support the Sherpa. Contacting this team and letting them know you exist is an important first step and should be done early in the G20 process (during the handover period after the Leaders' Summit). However, the Sherpa team will most likely be interested in hearing what 'civil society' as a whole thinks on certain issues, so you should also engage with other civil society groups to offer a broader perspective to your government.

The most established civil society mechanism for influencing the G20 is, as we have outlined above, the C20. It is a very open mechanism: any civil society group (including those from non-G20 countries) can join it, and it represents a very diverse set of groups working on issues ranging from sustainability, to poverty, to health.

However, because the C20 group does not currently include many human rights perspectives on digital issues, approaching the group alone may not be the most effective way in. Going through the CSISAC (see **Who's who** for details) may make more sense for several reasons.

- **It's a digital rights focused coalition that already exists.** The C20 has not, historically, been very receptive to digital issues (understandably, given the huge range of challenges already covered by groups within it). Since the C20 is the main formal mechanism for civil society input into the G20, representing a significant number of advocates, persuading it to recognise the importance of a rights-respecting approach to digital issues would be a major victory. To succeed, digital civil society groups will need to approach the C20 with a strong, united message and voice – and CSISAC, a group with lots of like-minded actors already in it, may be a good vehicle for this.
- **CSISAC has direct inputs into the OECD's influential work on digital issues.** It is represented on the OECD's digital economy committee annual meetings and feeds into its Working Groups, guidelines, recommendations and other activities. This work is highly influential in the G20; so being in CSISAC will give you opportunities to indirectly shape its policy direction.
- **The OECD is a key partner in the G20's digitalisation work – so it will have a say on how the Digital Ministerial roadmap is implemented.** This means, as a CSISAC member, you may have a direct avenue for influencing the implementation of the commitments it contains.

# Annex I: Key meetings and outcomes

## Previous

MEETING	WHAT IS IT?	OUTCOME
OECD and G20 conference on Key Issues for Digital Transformation in the G20  (January 2017)	This conference, jointly hosted by the German G20 Presidency and the OECD, signalled the start of the G20's German Presidency's dialogue on digitalisation.	A <u>165 page report</u> that outlines key issues and make recommendations to G20 members. It functions as the main input or basis for the Digital Ministerial meeting in April.
Civil society meeting at RightsCon  (March 2017)	A meeting of civil society groups at the annual RightsCon event to strategise and prepare for engagement in the G20, including at the C20 summit.	An <u>updated and finalised policy position</u> of the CSISAC taskforce was agreed.
Second Finance and Central Bank Governors meeting  (March 2017)	The second meeting of the finance and central bank governors. Originally the G20 was a meeting of the finance and central bank governors, and was only later replaced by a meeting of heads of state or 'Leaders' Summits'. Finance and central bank governors continue to meet on their own and often meet multiple times in advance of the Leaders' Summit.	The <u>final communiqué of the March meeting</u> , includes several references to digitalisation, including to financial inclusion and trust (referred as 'security and confidence').
Ministerial Meeting on digitalisation  (April 2017)	A first-ever meeting of 'Digital Ministers' was convened "to discuss the opportunities and challenges of digitalisation" and to prepare for the Leaders' Summit. It included dialogue with international experts from politics, business and civil society.	The G20 Digital Ministers presented a joint plan as an international framework for action. It includes a programme or 'roadmap' with various targets to be achieved by the G20 in the coming years.

## Upcoming

MEETING	WHAT IS IT?	OUTCOME
C20 meeting  (June 2017)	This is a two-day meeting of the C20. During the first day, participants will discuss “what kind of globalisation civil society wants” in a series of panel discussions and workshops. There will be one workshop dedicated to the discussion of digital rights issues. On the second day, representatives from politics, international organisations and wider society will discuss the C20 policy recommendations. Among them will be G20 chair and German Chancellor Angela Merkel.	The aim of the summit is to stimulate knowledge sharing, information exchange, collective actions, and establish best practice and global networks.
G20 Leaders’ Summit  (July 2017)	The Leaders’ Summit is a largely closed event where leaders host discussions on the main agenda items and jointly launch the outcome documents of the meeting, including the Leaders’ Communiqué.	Outcomes may vary from summit to summit but always include a Leaders’ Communiqué which summarises the positions and commitments of the G20 members. To get an idea of what the outcome may look like, outcomes of all previous summits can be access here: <a href="http://www.g20.utoronto.ca/summits/index.html">http://www.g20.utoronto.ca/summits/index.html</a>

## Annex 2: G20 members

Argentina

Australia

Brazil

Canada

China

France

Germany

India

Indonesia

Italy

Japan

Republic of Korea

Mexico

Russia

Saudi Arabia

South Africa

Turkey

United Kingdom

United States

European Union

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