

IGF 2017 - Session Reporting

- **Session Title:** Surveillance from the Margins

- **Date:** December 19, 2017

- **Time:** 11:00 am to 12:00 noon

- **Session Organizer:** Hija Kamran, Digital Rights Foundation

- **Moderator:** Alexandrine Pirlot de Corbion, Advocacy Officer, Privacy International

- **Rapporteur:** Hija Kamran, Researcher and Communications Manager, Digital Rights Foundation

- **List of Speakers and their institutional affiliations:**

- Nihat Dad, Executive Director, Digital Rights Foundation
- David Kaye, UNSR Freedom of Expression
- Joanna Varon, Director, Coding Rights
- Amalia Toledo, Project Coordinator and researcher, Karisma Foundation

- **Key Issues raised (1 sentence per issue):**

- How targeted surveillance on journalists and human rights defenders affect their right to privacy and exclude them from the larger narrative of privacy
- Gendered nature of surveillance in conservative societies
- How tech-based surveillance perpetuates the notion of patriarchal control over women and marginalised individuals
- The degrees of vulnerability when one's right to privacy, through various forms of surveillance and under different power dynamics, is infringed
- The forms of surveillance that journalists who identify themselves as female, experience
- The interplay of surveillance and privacy from a global context and how, in the current global socio-political climate, state practices differ according to gender in the larger privacy discourse
- How is intersectionality relevant to the privacy discourse
- How technologies have been created, and then are used, with a discriminatory intent, thereby indicating systemic forms of discrimination that uphold power structures

- **Please describe the Discussions that took place during the workshop session (3 paragraphs):**

Surveillance is not a uniform experience, be it surveillance by the state, companies or social actors. The gendered nature of surveillance and the different forms it takes given the positionality of the person experiencing it is particularly glaring when experienced by members of a particular gender or a marginalised community. Sometimes surveillance is discriminatory per se, in that it is directed specifically at people because of their gender, race, class, disability, sexual orientation, etc. For instance, phishing attacks experienced by human rights activists, or offline and on-the-ground surveillance of journalists covering controversial topics. In other instances, facially non-discriminatory surveillance is experienced differently by certain individuals because of their marginality and positionality through the disparate impact that it has. It is the second form of surveillance that is often left undiscussed and the intersectionality of race, class, gender, religion, sexual orientation and ability is unexamined.

The purpose of this panel comprising of people from diverse backgrounds, was not only to map and understand the diversified experiences of surveillance but to take these findings regarding the diffused nature of surveillance and work towards actively finding solutions to the particular kinds of surveillance

experienced by marginalised groups. The aim of the discussion was also to mainstream discourse from the margins at a global level.

Digital Rights Foundation is already engaged in critical work that seeks to map and understand the differentiated impact of surveillance. The session not only fed into that work, but will allow us to partner with others working from the periphery to work towards campaigns and literature that mainstreams this discourse.

- Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):

The key takeaways of the panel discussion focused on decentralisation of surveillance industry witnessed in the past couple of years. David Kaye noted that in 2013, much of the conversation was on the broad scope of surveillance particularly by the United States of America and its affiliates, and also in the context of how surveillance is operated without respecting individual's privacy and freedom of expression as constitutional rights. The rise of surveillance tech is used to monitor journalists and human rights defenders, to counter dissent. Kaye also emphasised that there's a need to have specialised regulatory mechanisms and legislations in place to oversee how targeted surveillance impacts individual's right to privacy, both on local and international levels. The conversation should also discuss to regulate surveillance technology, and restrict its spread given the human rights violations this results into.

Joana Varon mentioned a great example from during the Football World Cup 2016 that took place in Brazil. The government of Brazil had surveillance mechanisms and tools in place during the event. While they had reasons to carry out this surveillance in order to protect national security and the security of the people coming from around the world, there was no transparency around what tools are being used and how is the information collected being used when the event was happening and once it was over. Alexandrine Pirlot de Corbion highlighted that there is a huge amount of money spent on setting up these tools and devices of surveillance so it's highly unlikely that the authorities will dismantle the entire system after one event. She also emphasised that these surveillance mechanisms are used to further undermine other constitutional rights of the citizens like freedom of assembly. We can't be speaking about these rights in isolation, because when one is infringed or interfered disproportionately, it's very likely that it will interfere individual's enjoyment of other fundamental rights.

Nighat Dad added that people tend to talk about surveillance as the practice only carried out by the state and tech-based companies, but they often forget the marginalised communities who are most affected and don't have a voice against the violation of their right to privacy. And when an extra layer of gender is added to it, we see how it plays out against those minorities or marginalised groups or individuals that are already constantly fearing for their safety in public domains. She pointed towards how Pakistani society has particularly been insensitive towards the gender and sexual minorities along with other kinds of persecution, and culture and traditions add a great deal of distress to this discourse in conservative societies. Surveillance that stems from home translates into larger social narrative and ultimately switch to online spaces, affects the entire personality, and life on a whole, of the surveilled individual.

Gender Reporting

- **Estimate the overall number of the participants present at the session:**
The estimated total number of participants was around fifty.
- **Estimate the overall number of women present at the session:**
The estimated total number of women present were around 30, including the 6 panelists.

- **To what extent did the session discuss gender equality and/or women's empowerment?**

The session was solely focused on gender rights to privacy in the digital age.

- **If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion:**

The session primarily discussed how marginalised groups and individuals including women, nonbinary, and LGBTQI+ people, experience surveillance in the world of technology and how it impacts their right to privacy, and ultimately their everyday life.