GLOBAL INFORMATION SOCIETY WATCH 2021-2022

Digital futures for a post-pandemic world

Association for Progressive Communications (APC)
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ARGENTINA

INTERNET RIGHTS IN A PANDEMIC: HOW CIVIL SOCIETY ORGANISATIONS ADVOCATED FOR RIGHTS AND BETTER POLICIES

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Introduction

The beginning of the pandemic found Argentina with a new, progressive government, committed to expanding rights. It took on the health crisis with pre-emptive measures aimed at protecting the public's health, access to education and the economy.

Internet access was also addressed in several policies – mainly in terms of connectivity, but also in relation to access to equipment – as was access to public information and freedom of expression, including the problem of "fake news". Digital resources aimed at controlling the circulation of people during lockdown and policies on diagnosing COVID-19, monitoring and, more recently, vaccination, were also put in place, some of which raised the challenge of processing personal information using the necessary privacy safeguards.

In this context, organisations and actors that, from different perspectives, address access to technologies and the internet, found themselves confronted by a scenario where internet rights were more visible than ever before. Their challenge was to broaden and deepen a rights-based approach in policies related to information and communications technologies (ICTs).

This report discusses the challenges of internet access, freedom of expression and privacy that were foregrounded during the pandemic, and how civil society organisations addressed the challenges.

Context

On 3 March 2020, the first case of COVID-19 was registered in Argentina. Seventeen days later, the Argentine government decreed mandatory preventive social isolation throughout the country.[1] In the field of health, Argentina played an active role in developing containment policies, strengthening infrastructure, and setting scientific and research policies in place. In the economic field, the government launched an Emergency Family Income and Emergency Assistance for Work and Production Fund, and prohibited lay-offs, evictions and cuts in public services.[2]

The mandatory isolation period was prolonged in Argentina, catalysing the need to be online, especially for education and work. This motivated a series of policies and regulatory measures to meet the demands for access to technology and connectivity. These measures highlighted actual conditions of access in a context in which numerous aspects of daily life are dependent on having a telephone or a computer and an internet connection.

These are some percentages that show the increase in internet access over the past two years:

- In March 2020, fixed internet penetration was 63 per 100 people, with 108% in the City of Buenos Aires (meaning there are more connections than homes). Nine provinces in the country were below 50% penetration.[3]
- At the end of 2020, Argentina reached a year-on-year variation of 8.9%. Over the previous five years this had been an average of 2.8% per year.
- The increase in internet consumption was 50% from December 2019 to December 2020. From April 2020 to May 2020 alone it was 10%.
- In the first half of 2021, only 14 out of 100 households had an internet connection through fibre-optic cables. In Uruguay this figure exceeded 78%, in Brazil 56% and Chile 49%. However, in the last quarter of 2021, official statistics indicate that 65% of households have access to computers, with 40% using them.[4]

These numbers evidence a context of growing internet access, with large variations in relation to geography, the type of devices with which the internet is accessed, and the quality of connectivity. The problems that threaten access are the lack of equipment available in homes, the availability of services,

1 Decreto 297/2020. https://www.boletinoficial.gob.ar/detalleAviso/primera/227042/20200320

2 https://www.argentina.gob.ar/economia/medidas-economicas-COVID19

3 Cámara Argentina de Internet. (2021, 10 June). CABASE Internet Index. Segundo semestre de 2020. https://www.cabase.org.ar/el-32-de-los-hogares-de-argentina-hoy-no-cuenta-con-conectividad-fija-a-internet

4 Instituto Nacional de Estadística y Censos. (2022). *Accesos a internet. Cuarto trimestre de 2021.* https://www.indec.gob.ar/uploads/informesdeprensa/internet_03_22F82A81E9B8.pdf

and the costs of a monopolised and concentrated market.

On 21 August 2020, the national government issued Decree 690[5] which refers to "ICT services and access to telecommunications networks as essential public services." The telecoms regulator, ENACOM, established minimum benefits and costs for each service and a prohibition on rates increases, among other policies. However, in June 2021, the courts repealed the decree at the request of the economic groups that monopolise the internet, telephony and TV markets, who argued that these regulations would produce "irreparable damage to the economy of the companies."[6]

In the educational field, several policies addressed access. The government responded to the request for educational content from ministerial portals under zero-rating policies. At the same time, the Ministry of Education developed a programme called "Seguimos Educando" ("We Continue Educating")[7] with content for television, radio, and digital and paper booklets, which were distributed throughout the country. This programme was nevertheless criticised for being inaccessible to the most excluded sectors. In popular[8] territories there were social initiatives to support education, mediated by ICTs, such as broadcasting lessons on community radio or using community networks.[9]

In relation to access to devices, with the help of organisations, schools promoted the repair of equipment used in Conectar Igualdad, a programme for distributing netbooks to schools that had ended.[10] In 2021, the government also launched a new equipment distribution programme called Juana Manso. However organisations criticised the involvement of Microsoft in the new programme, given that Conectar Igualdad had been explicitly committed to free software.[11]

5 Decreto 690/2020. http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/341372/norma.htm

6 Moreno, A. (2021, 14 August). Argentina en disputa por servicios esenciales. *Radio Gráfica*. https://radiografica.org.ar/2021/08/14/argentina-en-disputa-por-servicios-esenciales-2

7 https://www.educ.ar/recursos/151358/serie-seguimos-educando-cuadernos-para-estudiantes

8 The word "popular" as used in this report refers to communities that lack basic services but also have a certain level of organisation. They could also be referred to as "precarious" or "poor" communities, but "popular" connotes a level of organisation, and a local culture.

9 Ciarniello, M. C. (2020, 12 May). Educación popular para el cambio social. *EnREDando*. https://www.enredando.org.ar/2020/05/12/un-medio-esencial

10 Stoianovich, M. (2021, 10 April). Recuperar y reparar igualdad. *EnREDando*. https://www.enredando.org.ar/2021/04/10/recuperar-y-reparar-igualdad

11 García Alfaro, J. (2022, 22 January). La mano invisible de Microsoft. *Redacción Rosario*. https://redaccionrosario.com/2022/01/22/la-mano-invisible-de-microsoft

Expanding rights and improving policies

Access and the social appropriation of technologies

The lack of access to connectivity, most evident in the pandemic, affects geographically and socially marginalised communities in particular. To address these inequalities, ENACOM developed two public policies:

- The "Connectivity Programme for Popular Neighbourhoods"[12] was created in September 2020 with the aim of promoting access to networks for the inhabitants of settlements registered in the National Registry of Popular Neighbourhoods in the Process of Urban Integration (RENABAP). Since 2017, RENABAP has been used to inform public policies, and now connectivity had been added to its focus areas.
- The "Roberto Arias Programme",[13] launched in June 2021, was aimed at meeting the connectivity needs of rural and Indigenous communities, and promoted self-management through community networks. The programme was named in homage to an icon of community communication.

ENACOM enabled "non-refundable contributions" (or funding) for these programmes, using resources from the Universal Service Trust Fund, which financed connectivity projects, if approved, in their entirety. Before that, ENACOM framed community networks as "those composed of infrastructure managed by their own users or by non-profit entities in populations of no more than 5,000 inhabitants".[14] These programmes expand the framework that regulates community networks in the country.

Both policies are recognised as being created through dialogue between ENACOM, universities and civil society organisations that had already been providing access to marginalised communities.

The community networks movement in Argentina has developed tools and methodologies for expanding community networks, such as the production of the LibreRouter[15] and the development of community training methodologies – efforts that have made some community networks in the country worldwide pioneers. The organisation AlterMundi is a good example. It promoted the Roberto Arias Programme, supporting organisations and sharing community

12 https://www.enacom.gob.ar/programa-barrios-populares_p4615#contenedorSite

13 https://www.enacom.gob.ar/redes-comunitarias-roberto-arias_p5049

14 Resolución 4958/2018. http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/313590/norma.htm

15 https://librerouter.org

network experiences during the pandemic.[16] A member of AlterMundi, Jessica Giudice, pointed out that during the pandemic, "people continued to have a strong need for connectivity, and because of the fact that the state took too long to provide efficient and long-lasting options, the Popular Neighbourhoods and Roberto Arias Programmes were born."

Other organisations develop initiatives in this field, like the Popular Communication Roundtable of Salta and Jujuy, in the north of the country, and an organisation called Atalaya, which worked in precarious neighbourhoods, known as "villas", in Buenos Aires, in the areas of education and the social appropriation of the technologies, and also ran a community network in Villa 20. Another initiative that should be highlighted in this context is the Diploma in Social Appropriation of Technologies offered by the Faculty of Social Sciences of the National University of Buenos Aires with the participation of the Ministry of Social Development. Although the diploma was designed before the pandemic, it had its first cohort of students in 2021.

The diploma includes a module dedicated to community networks that specifically addressed the Roberto Arias Programme and its technical aspects. For Mariela Baladrón, researcher, university professor and director of the diploma, "the richness of this diploma lies in the search for the construction of collective knowledge, located and entangled between people with common interests and diverse perspectives and trajectories."

Manuela Gonzales Ursi is both a professor in the diploma programme and a member of the organisation Atalaya. She said:

> The pandemic made visible the consequences of the digital divide in access to basic rights. The isolation had a major impact in poor neighbourhoods and exposed the lack of public policies, deficiencies in infrastructure, lack of water and, of course [...] the lack of connectivity, which became essential in this context, mainly to sustain schooling. This made it possible for our demands to be reflected in public policies.

Manuela points out that the development of the ENACOM programmes is an example of this influence, and that the political will of the government to carry the programmes forward was essential. She explained:

> As a non-profit civil association, we do not have the necessary capital to make the investments in infrastructure that are required, hence the importance of having public financing programmes.

Both 2020 and 2021 saw the growth of Atalaya's community network in Buenos Aires. According to Manuela:

> The urgency was that families needed to count on the service. With a contribution from the Ministry of Productive Development, the organisation was able to scale up the network to 650 homes. The discussion regarding the internet as an essential service also revalued our experiences in developing community connectivity. Clearly, the judgment against the decree [preventing an increase in internet service fees] shows that the correlation of forces continues to be unfavourable.

Regarding the ENACOM programmes, Manuela points out that "although there are elements of the programmes that should be modified, they meant a great advance for the extension of community networks," which she defines as "fundamental actors in the universalisation of technological appropriation of communities." To sustain and extend them, she said, "it is essential that there are market regulation policies."[17]

Freedom of expression and access to information

The COVID-19 "infodemic" also spread in Argentina. To mitigate it, the state news agency Télam launched an information-checking platform called Confiar ("Trust") to deal with false information about the coronavirus. The government also made agreements with search engines and social networks to rank official information on their platforms.

On 8 April 2020, the Minister of Security announced that it was carrying out "cyber patrolling" of information publicly available on social networks to monitor "social humour".[18] Experts from local and international organisations pointed out that this action "violates the presumption of innocence, breaks

16 Muller, A. (2021, 17 June). Programa Roberto Arias. Una puerta que abre la conectividad comunitaria en la Argentina. *AlterMundi*. https://altermundi.net/2021/06/17/programa-roberto-arias

17 Baladrón, M. (2021). Fondos del Servicio Universal para redes comunitarias urbanas y rurales. Los programas Barrios Populares y Roberto Arias en Argentina. In Instituto de Estudios de América Latina y el Caribe, *V Jornadas Internacionales de Estudios de América Latina y el Caribe. Escenario regional de ofensiva capitalista y rebeliones populares*. http://iealc.sociales.uba.ar/wp-content/uploads/sites/57/2022/04/JORNADAS-IEALC-2021.pdf; Baladrón, M. (2021). Universal Service Funds for Urban and Rural Community Networks: The Barrios Populares and Roberto Arias Programs in Argentina. In L. Belli & S. Hadzic, S. (Eds.), *Community Networks: Towards sustainable funding models.* FGV Direito Rio. ttps://www.intgovforum.org/en/filedepot_download/92/20438

18 Página/12. (2020, 18 April). El "ciberpatrullaje" en la mira de los organismos. *Página/12*. https://www.pagina12.com.ar/260497-el-ciberpatrullaje-en-la-mira-de-los-organismos

the expectation of privacy and turns the security forces into observers of public discourse," in this way "attacking freedom of expression, promoting self-censorship, and reducing citizen participation."

A report that compares measures taken in Argentina, Brazil and Mexico[19] says that fact-checking initiatives, together with the measures adopted by social media platforms to reduce the massive spread of misinformation and disinformation, contributed to the public being able to access reliable information about COVID-19, and are therefore progressive in terms of human rights. On the other hand, the measures to promote self-censorship and the "excessive" use of artificial intelligence for the moderation of content by platforms at a global level are regressive in terms of rights.

Personal data and rights

The Argentine government created the Cuidar ("Care") application to regulate the movement of people during isolation measures, and to guarantee access to health, including diagnosis and vaccination. Cuidar advises on symptoms, provides assistance and recommendations, and is linked to the certificates people need to circulate in public. In the current stage of the pandemic, the application is used to issue vaccination certificates, which also enable people to circulate in public spaces. Another application that was extensively used during the pandemic is MI Argentina, which was launched as a "citizen digital profile" – an identification system linked to a citizen management portal.

Before the pandemic, there were questions regarding the implementation of biometric identification systems and access to social security information for political use. These included the dangers associated with the use of artificial intelligence in facial recognition technologies (in the subway in Buenos Aires, for example) and the use of social data in the application of social policies (as exposed in the province of Salta in which a birth control plan stigmatised young women through social profiling). This challenge became more visible in the context of the health crisis.

The government recognised that "given the sensitivity of the data on the Cuidar system and the recommendations of the WHO [World Health Organization] and PAHO [Pan American Health Organization], the platforms were improved with contributions made by the health sector, the scientific field, civil society organisations, human rights organisations and experts in information technology." These contributions had implications in terms of the mandatory use of the platforms, data proportionality, privacy, identification, geolocation, transparency of the source code and data processing at the end of the pandemic.[20]

More recently, a group of internet rights organisations released an open letter to the executive and legislative branches of government, addressing them on the dangers related to the violation of personal data and the risks associated with personal data.[21] The open letter mentioned a series of worrying aspects such as cases where sensitive information was leaked, the lack of direction in the law enforcement authority, and the judicial persecution of those who had reported vulnerabilities in some computer systems. The Personal Data Protection Law in Argentina was pioneering when it was created in 2000, but, as the letter pointed out, that was "before the internet became a massive tool for large-scale data processing." Currently it is considered one of the most outdated in the region.

"What happened to our data in 2020 is an abrupt acceleration of a process that turns people's daily lives more and more towards digitisation," Beatriz Busaniche, from the Vía Libre Foundation, noted.[22] "Many situations that in other contexts would have raised a reaction [...] in this context became a strategy for dealing with a critical situation."

Beatriz said that epidemiological surveillance is a necessity in any pandemic. However, she noted:

> The big difference is that, in this pandemic, there are a series of technological devices that enable [surveillance] in a much more invasive and efficient way. That is where this tension between epidemiological surveillance, public health measures and the momentary suspension of certain rights comes into play.

Conclusion

In the current context of the health crisis, technologies were resorted to for connectivity, for sustaining the online contact that isolation demanded, and also

19 Bizberge, A., & Segura, M. S. (2020). Los derechos digitales durante la pandemia COVID-19 en Argentina, Brasil y México. *Revista de Comunicación, 19*(2), 61-85. https://revistadecomunicacion.com/article/view/1939/1583

20 Portal Argentina. (2020, 19 September). Cuidar: cuidado y transparencia de un trabajo en sociedad. https://www.argentina.gob.ar/noticias/cuidar-cuidado-y-transparencia-de-un-trabajo-en-sociedad

21 Access Now, et al. (2022, 28 January). Organizaciones de la sociedad civil solicitan la suspensión del desarrollo e implementación de tecnologías de procesamiento masivo de datos personales en Argentina. *Access Now*. https://www.accessnow.org/solicitud-suspension-tecnologias-procesamiento-masivo-datos-personales-argentina

22 Martínez, C. R. (2021, 14 January). Beatriz Busaniche, activista digital: "Lo que pasó con nuestros datos en 2020 es casi una masacre". *elDiarioAR*. https://www.eldiarioar.com/sociedad/beatriz-busaniche-activista-digital-paso-datos-masacre_128_6747272.html

for control. The latter was promoted mainly through health policies, and affected rights, but was necessary for the epidemiological surveillance required to address the pandemic, even though the extent of their impact on rights needs to be debated.

The actions that took place during the pandemic highlight the importance of the participation of civil society organisations that work not only on the realisation of rights associated with access, but guarantee that the use of technologies is carried out in a way that respects rights. They are necessary to help point out when policies may result in the violation of rights in ways that may not be immediately obvious.

In the case of Argentina, the participation of civil society is evident with the policies promoting internet access. Organisations pointed out the lack of access in communities and the concentration of the market that results in unattainable prices for large sectors of the population. Both the decree and the ENACOM programmes responded not only to the experience and input of these organisations, but also created a situation where the organisations will continue to monitor the programmes. The Roberto Arias Programme was a result of the tenacity of social organisations committed to expanding internet access in communities, while questioning the prevailing model of access. It creates a model that respects and responds to the needs of communities. The advocacy work of these organisations managed to define and promote community networks and at the same time consolidate and articulate the need for community access with other actors. The pandemic, which made this need more visible and essential, found Argentina with a government that listened, and with a regulatory authority willing to address the challenge.

The development of government platforms – some implemented for the pandemic, others earlier, but whose use was extended in this context – also had the watchful eye of the organisations who kept a check on the violations of rights that can occur when these technologies are used. The perspectives of these organisations not only influenced the government and public sphere, but also the academic and technical fields.

Although the group of organisations engaged in internet rights is heterogeneous, it is consolidated and includes different successful advocacy experiences. Working together, they managed to make their demands heard, influence the promotion of public policies, and improve existing ones.

In these contexts in which measures are urgent, the urgency leaves fertile ground for hasty decisions without a proper consideration of rights. Even regressive proposals that respond to the specific interest of institutions or business can be created. But they are also contexts in which collective work that draws on the accumulated experience of different actors can respond to fresh opportunities.

Action steps

The following steps are necessary in Argentina:

- Create awareness of the impact of the violation of rights that technology implies and strengthen awareness of the dangers and possible solutions to this problem.
- Strengthen mechanisms that assess rights in the implementation of policies, involving people who have the technical, social and rights knowledge to do so.
- Demand regulatory measures that encourage equal access for all, taking into account the fact that various actors offering access in the private sector are reluctant to modify their business models to achieve this.
- Demand transparency from the government and from the private sector in the development and implementation of technologies that involve the processing of personal data.
- Create awareness campaigns so that citizens understand how data collection works and can then use software, applications and platforms in an informed way.

GLOBAL INFORMATION SOCIETY WATCH 2021-2022

DIGITAL FUTURES FOR A POST-PANDEMIC WORLD

Through the lens of the COVID-19 pandemic, this edition of Global Information Society Watch (GISWatch) highlights the different and complex ways in which democracy and human rights are at risk across the globe, and illustrates how fundamental meaningful internet access is to sustainable development.

It includes a series of thematic reports, dealing with, among others, emerging issues in advocacy for access, platformisation, tech colonisation and the dominance of the private sector, internet regulation and governance, privacy and data, new trends in funding internet advocacy, and building a post-pandemic feminist agenda. Alongside these, 36 country and regional reports, the majority from the global South, all offer some indication of how we can begin mapping a shifted terrain.

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