Annex: Terms of Reference

Study on digital development & human rights – how to strengthen responsible technological development and digital resilience to enhance democratic governance?

Background

Digital development and use of technology are affecting our lives in all aspects, connecting people in an unprecedented manner, and affecting governance structures and relations. There are great opportunities for digital development to promote and protect human rights and enhance democratic governance. Digital platforms, social media, and e-governance can improve freedom of expression and information, open up new ways of engaging people in political processes and public life, and enhance accountability and transparency in governance processes. Globally new social movements and engagements are flourishing, and especially young people engage in politics and democracy in more ad hoc and informal ways supported by digital platforms. The COVID-19 pandemic became a catalyst, for better or worse, for a massive digital leap.

At the same time, digital development has also caused new risks of violations of human rights and been misused by authoritarian regimes. New technology provides opportunities for enhanced surveillance, suppression, behavioral control, and censorship i.e. through limiting access to information, restricting freedom of expression, spreading of dis- and misinformation, misuse of private data and algorithmic decision-making, and internet shutdowns. This can cause severe human rights impacts, especially in countries with rising authoritarianism, shrinking civic space, and with no legal framework in place to protect people. Large parts of digital life take place on platforms owned and managed by private companies. Contrary to the state, these private companies are not obliged to protect human rights. Furthermore, in terms of equality and access, the digital divide is still creating a gap between those who are benefitting from digital development and those who are left behind, especially when it comes to gender equality.

Denmark is a long-term and strong supporter and promoter of human rights, democracy and good governance globally through its bilateral and multilateral engagements. Denmark is at the same time one of the world's most digitalized democracies, which gives a great opportunity to take leadership in how the promotion of a human rights-based approach to digital development. As part of the Danish tech-diplomacy efforts, a new strategy for 2021 – 2023 was just launched, which includes a focus on democracy, safety, and social responsibility to ensure that technology strengthens democracy and does not weaken it. Additionally, under the umbrella #DK4CivicSpace, Denmark is actively engaged in the field of defending human rights using technology and enhancing digital resilience of civil society.

Based on this, there is a need to analyse current trends, opportunities and barriers in order to explore how the Danish MFA through its development cooperation can further support governance processes and institutions to strengthen responsible digital development to protect, promote and fulfill human rights and enhance democratic governance and civic mobilization.

This study will include a focus on a few selected Danish priority countries to assess opportunities for future programmatic engagements and partnerships.

To identify relevant, effective and efficient ways to promote and strengthen human rights in technological developments, it is important to identify key focus areas and opportunities for anticipatory and inclusive innovation within existing Danish development cooperation programming in addition to how and where to pilot new approaches, initiatives, and partnerships.

1. Objective

The objective of the study is to help the MFA identify concrete entry points for how to strengthen digital resilience and responsible technological development to enhance democratic governance, and boost civic mobilization for democracy, in the development cooperation.

2. Scope of work

The study should include an analysis of current trends and provide recommendations on how to address the opportunities and challenges technology has for democratic governance, with a focus on how to support a rights-based approach to responsible technological development in developing countries. Emphasis should be on how to operationalize and what it would take to strengthen efforts as part of Denmark's development engagements to support human rights and democratic governance. The study should ask key questions and provide pointers to how to take this work forward in the MFA's governance programming, and hence serve a tool to facilitate dialogue within the MFA and with external stakeholders.

To identify relevant, effective and efficient ways to promote and strengthen human rights in technological developments, it is important to identify key focus areas and opportunities for innovation within existing Danish development cooperation programming in addition to how and where to pilot new approaches, initiatives, and partnerships. Furthermore, the study should entail a brief foresight component, to help Denmark anticipate future risks and opportunities of inclusive and responsible digital development in selected low- and middle-income countries.

The study should examine, but not necessarily be limited to, the following aspects:

- A brief review of main global trends in how technological development is influencing governance relations, i.e. in terms of digitalization and civic mobilization and engagement, and challenging democratic governance with a focus on the specific impact it has on developing countries.

- Highlight examples of ongoing engagements and identified lessons learned in programmatic efforts to strengthen a human rights-based approach to technological development to serve as inspiration and provide pointers for how incorporate these aspects as part of the MFA's support to democratic governance and human rights.

- Develop a framework that helps prioritize, plan, and identify concrete pointers and recommendations for how the MFA can further strengthen programmatic support to address the challenges technology has for civic mobilization, democratic governance and how to support a rights-based approach to responsible technological development in developing countries. The framework should be based on and informed by public available resources, examples of external initiatives and projects including from other donors, existing MFA analyses and reviews and be developed in close dialogue with MFA counterparts.

3. **Method of work**

The study should include a brief analysis of current trends and provide recommendations on how to address the opportunities and challenges technology has for democratic governance, with a focus on how to support a rights-based approach to responsible technological development in developing countries. Emphasis should be on how to operationalize and strengthen efforts as part of Denmark's development engagements to support human rights and democratic governance.

The study will include a focus on a few selected Danish priority countries to assess opportunities for future programmatic engagements and partnerships. It is proposed to include two country cases with Danish representation and ongoing governance programming as focus of the study.

The work will be based on existing literature and data in addition to relevant MFA documents. A selected number of interviews will be conducted virtually with staff members of the MFA in addition to external experts and stakeholders, including civil society organisations and donors.

4. **Outputs**

The study will have the following outputs:

- A short inception note outlining in more details the focus, methodology and content of the study with key questions to be addressed and discussed with the Reference Group.
- Brief overview of global trends and lessons learned based on publicly available resources in addition to MFA reviews, analyses, and strategies (see Appendix 1).
- Light mapping of what DK is doing in this field (international norms and standard setting, global and country programmatic engagements). Deep dive into two country engagements in DK priority countries. This will be conducted by reaching out to Danish representations and data gathered on MFA governance and human rights projects.
- Framework to establish an overview of the thematic landscape and options for engagement by the MFA.
- Recommendations for further engagements

The final report should be max. 25 pages plus annexes, in English and with a short executive summary

5. **Organisation**

The study will be conducted by one independent consultant with input from a resource person, both with extensive expertise in the areas of democratic governance and human rights,

including the intersection with technology, in addition to experience with development cooperation. The contract will be a total of 6 weeks, during April – June 2021.

A small reference group, with external experts and representation from relevant departments and embassies in the MFA will be established and expected to feed into the scope of the study with a view to ensure usability and relevance. The group will as a minimum meet twice virtually; at the inception of the study to discuss data, background documents, methodology, and a proposed study outline (mid/end of April 2021) and when the draft report is available (end of May/early June 2021).

The final version of the paper will be made publicly available as a study report. It will be part of the contract for the consultant to present the final version of the study at a virtual internal MFA meeting. Moreover, the study is to be presented at virtual external seminar in spring 2021 (TBC) and expected to feed into a wider initiative on technology and human rights.

The contract will be managed by ELQ, Ministry of Foreign Affairs. ELQ will ensure that all relevant and requested documents are made available to the consultants.

6. **Reporting and timeline**

The assignment will commence beginning of April 2021 and the consultants are to submit a draft version of the study by the end of May, 2021 (tbc) and a final version at the latest two weeks after comments have been received to the draft version of the study from ELQ.

Anne Kahl,
ELQ, March 2021

Appendix 1

(List of resources will be further elaborated and uploaded on Sharefile before commencement of the assignment):

MFA Resources:
- Strategy for Denmark's Tech Diplomacy 2021.
- Governance and democracy mapping and assessment, June 2020
- Evaluation of Danish Support to Promotion and Protection of Human Rights 2006-2016 - May 2018 (netpublikationer.dk)

Other Resources:
- Digital transformation and the futures of civic space to 2030 | en | OECD
- World e-Parliament Report 2018 | Inter-Parliamentary Union (ipu.org)