



Towards Developing a Global Policy Framework to Regulate Big Tech's Impact on Democracy: A Global South Perspective

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Abstract

Technology and innovations have been rapidly evolving and infiltrating almost every aspect of human lives. These innovations have allowed humanity to excel in unprecedented manners. State, market, and culture form the basis of a society, and Big Tech companies have now captured all. Through online surveillance, political advertising online, and algorithmic targeting, there have been serious implications on the fabric of democratic institutions around the world.

This research project aims to create indications that would be kept in mind to appropriately design an inclusive international policy framework for regulating Big Tech's impact on democracy in a world that is now digital. This is done by first conducting an analysis of selected events as case studies where democracy was impacted, reviewing existing policies, and analyzing expert opinion. The methodologies utilized to conduct this study are content analysis and critical discourse analysis. This research takes a human rights-based approach accompanied by theoretical concepts such as surveillance capitalism, digital colonialism, and intersectionality, to study scholarly critique on the existing framework and the best way forward. Key takeaways from this study are that future policies must be embedded in international human rights law, International cooperation of States, have multi-stakeholder participation and include voices from Global South.

Key words: Big Tech Regulation, Tech, and Human Rights, digital colonialism, surveillance capitalism, privacy, tech policy, Global South

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*For Mama and Papa who encouraged me to dream,
and for all the girls that dare to dream.*

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1. Introduction

1.1 Background

Ove the past decade, technology and activities of Big Tech corporations have seeped into almost all aspects of human lives all around the world. With a global pandemic and rapidly evolving technologies and innovations, policymakers have been trying to grasp the matter while it develops.

As noted by the United Nations General Assembly in the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind; ‘scientific and technological progress has become one of the most important factors in the development of human society’, and that ‘while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations’ they can also give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individual’ (UN. Office of the High Commissioner for Human Rights, 1975). Today, almost half a century later to this statement, the world is scrambling on how to regulate social media platforms, artificial intelligence, and algorithms run by a few powerful Big Tech corporations that may in effect impact how government structures and democratic processes work. Just as our predecessors looked at the industrial changes, we are looking forward to the promises of the digital age, and it is necessary to analyze the potential threats, which come along with the opportunities in order to regulate them effectively (Yevhen, 2021).

There is no doubt that ‘The future of human rights will be intertwined with the advancement of technology’ (Piracés, 2018). Therefore it is an urgent matter to realize that technology must be regulated with a human rights-based approach in order to maximize its utility and innovation while protecting the rights of individuals and communities.

For this reason, this research project is focused on analyzing Big Tech’s Impact on democracy and understanding how to effectively regulate it. It aims to understand the issues with the intention to develop a fair and inclusive international regulatory mechanism without hindering innovation.

In the form of online surveillance, political advertising online, and targeted algorithms, there have been serious implications on the fabric of democratic institutions around the world (Andrews, 2019). There is an urgent need for a balanced regulation that addresses the unique impacts of activities by or via Big Tech companies on democracy. It is important to have a broad, inclusive, and consultative approach keeping in mind the diverse and consistently evolving nature of this phenomenon. If there is no urgent, direct, internal, and external intervention in the activities of the companies there is a danger that democracies will no longer be able to govern themselves.

There have been various positive developments ranging from innovative tools to enhance education, access to information, and freedom of expression. However, there have also been consequences of Big Tech powers and their functions on human rights around the world at an unprecedented scale. Specifically, its ability to polarize communities and new forms of political campaigning, significantly impacts the global state of democracy governance and elections (Andrews, 2019). The impact can be seen in various recent examples such as political campaigning during the 2016 US Elections, Brexit, and Myanmar's Rohingya Genocide and Facebook (elaborated in chapter two).

Governments across the world have been attempting to regulate Big Tech companies by strengthening data privacy, moderating content, and ending competitive practices, etc (Shahbaz and Funk, 2021). However, due to the unique nature of the situation, there is a lack of understanding of the impact the Big Tech powers have over democracies, leading to inconsistent and ineffective regulation, or a complete lack of internationally agreed regulation. These unprecedented powers have also been misused significantly by authoritarian regimes, alarmingly where democracies are already weak. For modern democracies to function effectively, the people must have access to the same kind of information and knowledge to make informed decisions (Marciel, 2023). However, with the uneven and selective distribution of information, democracy is being significantly disrupted due to the lack of shared attention on issues and polarization. The concern is that companies have exceeded the power of traditional regulatory institutions, impacting the foundations of democratic institutions globally – leading to the 'Big Tech and small State' phenomenon (Andrews, 2019). Hence, there is an evident need for regulation and policies that protect human rights and democratic systems while also promoting and encouraging innovation of tech and communication for the good of humanity.

A few decades ago, the world could not have perceived a digital media platform that dictates political decisions and influences democratic processes and government systems. The world was not prepared for these changes, and so this generation has been thrown into the digital world without any tools or knowledge. Technological developments are now traveling at the speed of light. In a recent experiment, a test model trained on functional magnetic resonance imaging scans volunteers was able to predict entire sentences with striking accuracy, by just looking at their brain activity, and despite being a ground-breaking discovery, this calls for an urgent need to study and regulate how to protect brain data and a person's mental privacy (Williams, 2023). The idea that your thoughts can be translated into words through a scan sounds utopian, but it may be possible sooner than we think, and it may be able to influence your democratic rights. This forces us to consider the policy implications of how such developments would impact various human rights, and how these tools can be manipulated to influence thoughts independent decision-making, and politics. The future of technology is intertwined with the future of democracy and the human condition. Human rights should be at the heart of tech governance. (UN. Office of the High Commissioner for Human Rights, 2022a)

With a human rights-based approach the research will attempt to understand the ideal path towards developing a global policy framework to regulate big tech's impact on democracy with an added Global South perspective.

1.2 Problem Statement and Relevance to Human Rights

It is rapidly being accepted that Big Tech companies and online platforms have a strong impact on democracy and the political processes of various states (Andrews, 2019). This is a human rights problem. As explained above the concept of a 'democratic' government is synonymous with many universally accepted and practiced fundamental human rights (Universal Declaration of Human Rights (UDHR), 1948).

Despite the existence of various traditional international human rights laws and policies that have been impacted by the increasingly influential digital powers (discussed ahead), these seem to be falling short and not catering to the uniqueness this situation presents. Simply put, new human

rights problems require new human rights solutions. The system today lacks the ability to solve the problems of today. Today, there is a need for international cooperation and a globally agreed human rights framework for the digital realm that allows for innovation and development that support the growth and education of humanity and improved living conditions, rather than hinder or infringe human rights.

Therefore, following an analysis of recent events/case studies where democracy was impacted, existing policies, and a review of expert opinions this project aims to create indications that would be kept in mind to appropriately design an inclusive international policy framework for regulating Big Tech's impact on democracy in a world that is now digital.

1.3 Research Questions

This research aims to develop the best approach to regulate the impact of Big Tech corporations on global democratic processes (elections, political participation, privacy, and freedom of expression). This leads to a series of research questions:

- How do Big Tech companies impact democracy?
- What are the current forms of regulation?
- What is the ideal way forward toward developing a human rights-focused 'international framework' regulating Big Tech's impact on democracy?
- Is the current policy-making process inclusive of voices from the Global South?

1.4 Delimitation

Due to the vast scope of this topic that hopes to provide support to the formation of a future 'global' or 'international' legal or policy framework to regulate Big Tech's impact on democracy, the limited time and space of the project is indeed a limitation. For this reason, a few case studies that are the most known and popular and span multiple continents were selected and elaborated on as the foundation of the literature review. Secondly, since this is a new and unprecedented topic the existing research is mostly very new and based on guesses and expert opinion. This also creates a discrepancy and lack of representation within the research as most of the conversation on this issue

is being hosted in the global north. For this reason, the issue of global south representation is also highlighted in the discussion chapter.

1.5 Dissertation Outline

Chapter 1 – Introduction: This chapter provides background and contextualizes the topic that will be the focus of this research project. It also explains and defines the key terms that are repeatedly used throughout the study: Big Tech, Democracy, and Global South – for this research specifically. The chapter also states a clear problem statement, how this is a human rights problem, the specific research questions being addressed ahead, and the delimitations of this project.

Chapter 2 – Literature Review: This three-tiered chapter aims to provide a deeper understanding of the scale and context of the issue in focus. First, with the help of four case studies, it lays down practical examples of when Big Tech and online platforms impacted democracy (i.e., the 2016 US Elections, Brexit, Myanmar’s Rohingya Genocide and Facebook and EU Disinfo Lab, and the Indian Chronicles. Second, it studies the existing international human rights laws and policies that influence Big Tech’s activities today. And finally, it provides a brief overview of scholarly opinion on the impact of online platforms and the current conundrum of regulations. This also identifies the gaps in scholarly work that will be discussed ahead.

Chapter 3 – Theoretical Framework: This chapter elaborates on the theoretical framework used in this research. This explains the idea behind using a mixed approach, primarily focused on an overarching Human Rights-Based Approach (HRBA) combined with three theories that are inherently based on the human rights ideology, i.e., surveillance capitalism, digital colonialism, and intersectionality.

Chapter 4 – Methodology: This chapter elaborates on the methodology being used to conduct the analysis. It elaborates how since the research will be evaluating commentary by experts on best way to regulate Big Tech’s impact on democracy, the two main methods used to address the research questions are the content analysis and the critical discourse analysis method.

Chapter 5 – Discussion/Analysis/Findings: This chapter analyzes the relevant policies and scholarly texts and articles with the support of the methodology and theoretical frameworks discussed earlier.

Chapter 6 – Recommendations and Conclusions: following the thorough analysis of a discussion and critique of the existing framework and policy-making process, this chapter aims to provide key guidelines on the best way forward towards developing a human rights-focused ‘international framework’ regulating Big Tech’s impact on democracy – ultimately answering the research questions initially presented.

2.Literature Review

This section will explore the current state of knowledge analyzing and regulating big tech's impact on democracy. This project aims to understand the current state of regulation of big tech's impact on global democracy at the international level and then identify the best way forward in a way that is inclusive and consultative of the Global South. For this, it is necessary to situate the research problem in the existing research and prevalent legislative and policy frameworks. Due to the evolving, social and technological aspects in the field as depicted in the research above, this project aims to explore this ignored gap with a renewed approach in order to develop policies and legislation which include the voices of those most impacted.

This chapter is therefore divided into three main sections. Firstly, utilizing existing research and coverage of issues there will be a holistic dive into the impact of big tech's activities on democracy utilizing case studies in the United States Election, Brexit, the correlation between Myanmar's Rohingya genocide case and Facebook, and the EU Disinfo Lab's Indian Chronicles. This section will discuss the positive and negative impacts on political rights and democracy around the world. As discussed above in the delimitation section, due to a limited amount of time and space for research this is a selective study based on the most impactful and known examples. The second section will entail an overview of the existing international human rights law and policies regulating Big Tech's Impact most accepted and applicable. Finally, this section will study the current discussion on the most appropriate manner to regulate Big Tech's Impact on Democracy. This will be concluded with whether there is a sufficient representation of global south issues in the international framework at present, in order to lay a foundation for the discussion and analysis on the best way forward in the chapter ahead. This study will form the basis to explore the way forward in developing a unified and consultative regulatory system or guideline in the area.

2.1 Defining Big Tech, Democracy, and Global South

As the title of this study suggests, it aims to understand the ideal approach towards Developing a Global Framework to Regulate Big Tech's Impact on Human Rights with an added Global South

Perspective. The key terms Big Tech, democracy and Global South can be interpreted in various manners. SO, in order to specify their meanings for the purpose of this research these have been defined below.

i. Big Tech

‘Big Tech’ is a term that has rapidly claimed its spot center-stage for discussions on politics, society economics, and beyond. The term is used to define the most influential technological companies in the world (SDIA, 2022). Today it is most used to refer to Apple, Amazon, Microsoft, Google or Alphabet, and Facebook or Meta. These leading corporations have become a focal point of discussion for corporate surveillance, monopoly, and market power and are now dominating the political and social dynamics of the world as Big Oil or Big Banks once did (Birch and Bronson, 2022). Very recently, the European Commission under the Digital Services Act designated 17 Online Platforms under the title of Very Large Online Platforms (VLOPs), and these include, Alibaba, AliExpress, Amazon Store, Apple AppStore, Booking.com, Facebook, Google Play, Google Maps, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, TikTok, Twitter, Wikipedia, YouTube, Zalando (European Commission, 2023).

For the purposes of this study, the term Big Tech will be referring to mostly Meta (formerly known as Facebook) and Twitter due to their most prominent impact on politics and democracy.

ii. Democracy

To understand the appropriate framework to regulate the impact of big tech on democracy it is important to understand what democracy means. There is no internationally agreed definition of democracy and ‘while democracies share common features, there is no single model of democracy’ (UN Resolution on promoting and consolidating democracy (A/RES/62/7), 2007). The concept of democracy varies in different contexts due to geographic, economic, and other social considerations. For this reason, it is important to stay mindful that the term cannot have a ‘one size fits all’ approach. However, there is a general acceptance to basic standards of democracy which

promote a fair, transparent, and inclusive political process for the people of a community. This means that the rules and policies enforcing the flexible ‘democracy’ will also be required to be flexible by nature to accommodate the various communities and contextual requirements.

At the time of drafting the United Nations Charter the member states did not explicitly cite the word ‘democracy’ as a preferred system as many didn’t even practice it. It is interesting however to note that the opening words of the Charter ‘We the Peoples’ depict the basic principle of democracy, i.e., the legitimacy of sovereign States and the United Nations as a system stems from the independent will of people (UN). Despite the variations in how the concept is defined it seems to be the most widely accepted and endorsed form of a government consistent with the universal values of human rights. As Article 21 of the Universal Declaration of Human Rights states the ‘will of the people shall be the basis of the authority of government’ (Universal Declaration of Human Rights (UDHR), 1948). The concept of democracy is intricately connected to the most well-recognized fundamental human rights such as the freedom of thought, conscience, and religion (UDHR, Article 18), freedom of Expression (UDHR, Article 19) and freedom of peaceful assembly and association (UDHR Article 20), to name a few.

Some common characteristics and parameters amongst variations of democracy identified by the Secretary General of the Council Europe include the separation of powers amongst the three branches of power (executive, legislative, judiciary), An effective system of checks and balances amongst these institutions, an equal distribution of powers through the levels of government, political pluralism (freedom of expression, freedom of association and freedom of assembly; and the existence of a range of political parties representing different interests and views), free and fair elections, and a plurality of forms of civil and political participation, accountability of those in power, respect of the principle of the rule of law (Jagland, 2017).

Different forms of democracy include Representative democracy, Direct democracy, Deliberative democracy, - Participatory democracy. Representative democracy is a system in which the electorate elects representatives to initiate and vote on laws, policies, and other matters of government on their behalf, in direct democracy the electorate initiates and/or votes on laws and other matters of government, within a deliberative democracy a deliberation (by consensus or majority) is central to decision-making and with participatory democracy there is direct participation by citizens and civil society at large, individually or in associations, in public

decision-making (Council of Europe, 2021). These systems can exist simultaneously with a combination of elements from each depending on the context the State in question. This is a non-exhaustive list of the different forms.

iii. Global South

While understanding what the term global south means warrants an entire research study on its own, for the purposes of this project, the term refers broadly to the regions of Latin America, Asia, Africa, and Oceania, and is one of a family of terms, including ‘Third World’ and ‘Periphery’, that mean regions outside Europe and North America, most of which are low-income and often politically or culturally marginalized (with exceptions) (dados and connell, 2012). As Dados and Connell elaborate the phrase references a history of colonialism, neo-imperialism, and differential economic and social change through which large inequalities in living standards, life expectancy, and access to resources are maintained (2012).

Despite being reluctant to frame the research in the context of the global south due to the lack of better words and terminology in academia now, this perspective is lacking in the big tech regulation discussions at an international level, and so there is an urgent need to address that. As suggested by Sebastian Haug, if we do use this terminology, it calls for us to refrain from ‘sweeping generalizations’ that ‘*Southern*’ countries or people are *per se* destitute’ (2021). As presented by Sinah Theres Kloß; ‘the Global South is not an entity that exists *per se* but has to be understood as something that is created, imagined, invented, maintained, and recreated by the ever-changing and never fixed status positions of social actors and institutions and for the context of knowledge production in academic institutions, the idea of the Global South may be embraced as a process or practice through which new modes of knowledge production are created and learned and more balanced relationships in the global system of knowledge production are achieved’ (Kloß, 2017).

In the context of this project, the general discussion is on regulating the impact of big tech’s activities on democracy, but since it looks to discuss a global framework, it also aims to be inclusive of voices that are commonly ignored – the *global south*.

2.2 Case Studies/Setting the Scene: Understanding Big Tech's Impact on Democracy

New technologies and online platforms created by big tech companies such as Meta (formerly known as Facebook), Twitter and TikTok have created a space for individuals and communities to find a safe space to connect, find like-minded people and come together to form something like a digital public square. These platforms have had numerous advantages which should not be ignored in lieu of their negative impacts and criticism.

Since the past few years, the world of politics has heavily used these tools and platforms for campaigning and targeted influencing and moved away from the traditional methods that were once common. The State's government system, politics and fairness are strongly connected to these platforms and therefore it is imperative to maintain or restore their integrity. Citizens and users must be assured that their data is not being used against them, while being given the space to freely express themselves. This requires all tech policymakers to strike the perfect balance between user's human rights and the ability of Big Tech companies to continue innovating and conducting business in the industry.

Social media platforms have been notorious for influencing conversations on important topics such as the Covid-19 pandemic and climate change (Gibbins, 2020). It has been speculated that these narratives have been framed and set up by political groups with strategic agendas. Misinformation on serious issues like this is extremely dangerous as was seen in the pandemic outbreak in 2020, when there was a spike in misinformation and disinformation, leading to what was called an 'infodemic'. The World Health Organization defined it as "an overabundance of information – some accurate and some not – occurring during an epidemic. It makes it hard for people to find trustworthy sources and reliable guidance when they need it" (WHO, PAHO, 2020). During the pandemic, the social media platform owned and run by Big Tech companies became an integral element to guarantee and further the right to health and information for most people. This was only one of many recent instances that shook the world to realize the power big tech corporations had to control narratives, and how political groups could manipulate even a pandemic for their gains.

The platforms have been strategically used by authoritarian regimes to influence opinions that are economic, social, religious, and political in nature, in turn violating human rights and freedoms afforded to all human beings as per the international bill of human rights. This section of the literature review aims to illustrate the intensity of power these platforms have, and the magnitude of concern needed through recent events.

i. US Elections – Political Campaigning and Big Tech

After the US presidential elections in 2016, Big Tech companies like Facebook, Google and Twitter seriously questioned with concern on their impact on the circulation of ‘fake news’ as it came to be (Allcott and Matthew, 2017). The term fake news became a household term, as a label to identify the truth and legitimacy at the national and international levels. It was claimed that illegally obtained data of Facebook users was utilized as a tool for political ad targeting methods and digital campaigning. Some reports hinted towards external influence by other States in the internal elections through the assistance of these platforms, specifically Facebook (Masters, 2018). Most commonly known as the Facebook-Cambridge Analytica Scandal, the event led the world to question the future of political campaigning in a digital world, whilst shedding light on the vulnerability of users’ data on these mediums (Chang, 2018). Although there has not been concrete evidence that Cambridge Analytica’s work was the defining element leading to the results of the presidential elections, one cannot ignore that Facebook allowed a third-party developer to engineer an application for the sole purpose of gathering data (Chang, 2018). At the end the larger question was if this was a Facebook scandal more than a Cambridge Analytica one.

The debate heightened leading up to the 2020 presidential elections. It was claimed by Republicans that Big Tech companies are censoring relevant information, while the Democratic officials claimed they were not censoring enough. The scale of commotion that started in the previous elections began a movement for change but also created a feeling of mistrust amongst the masses regarding the democratic structure of the country, regardless of their political affiliations. Although there were no drastic policy changes, it opened many eyes on the intensity of the situation (Wong, 2019). Within this context, some platforms completely banned political advertisements, and others attempted to tighten their ad policies and make them more ‘transparent’ (Wagner, Bergen and Frier, 2020). This however was also criticized by political speech activists as completely banning

these ads would impact a free and free election and result in losing out on the most innovative tool mankind has had available to encourage political participation.

ii. Europe – Brexit and Big Tech

It was alleged that similar tactics were used by the Cambridge group, through data of millions of Facebook users with ad targeting and personalized political messaging to formulate a campaign and influence the 2016 Brexit vote. The rumor was that various groups had tried to impact the UK to vote for Brexit, under Russian influence. Although after two years, 300,000 documents, and 700,000 gigabytes of data later, the ICO investigation into the issue it was declared that Cambridge Analytica and Brexit had nothing to do with one another – there was a serious air of mistrust and powerless in the institutions. Big tech platforms such as Facebook were again facing scrutiny. This instance again led to rising concerns of the power the platforms have in world politics and glaring ‘systemic vulnerabilities in our democratic systems’ (ICO investigation into the use of personal information and political influence., 2020). It was again obvious that there is not just a single continent or country affected by this global phenomenon, it is an international concern and will only continue to grow.

iii. Myanmar’s Rohingya Genocide and Facebook

United Nations investigators reported in 2018 (Human Rights Council) that Myanmar’s military carried out mass killings and gang rapes of Muslim Rohingya with ‘genocidal intent’, and certain personnel should be prosecuted for crimes as per international law (Nebehay, 2018). The report also shed light on the role of Facebook in the incident, as the most dominant social media network in Myanmar. Facebook was accused of being a forum used to incite hatred amongst the masses.

In a country where the term Facebook was synonymous to the internet, this was a serious concern and Facebook declared it will block accounts identified by the investigation panel which had ‘committed or enabled serious human rights abuses’ (McLaughlin, 2018). Due to the low number of Burmese-speaking officials in the team regulating hate speech content online, critics were not satisfied by this response.

Due to the mass violations of international human rights norms and crimes against humanity involved, the case caught attention worldwide and was submitted to the International Court of Justice in 2019. A crucial element in the case was the request filed on behalf of Gambia to the U.S. district court to order Facebook to release posts and communications of the country's military and police as they 'may constitute evidence of genocidal intent' (Reuters, 2020). Facebook admitted that it 'can and should do more' at the time the report was issued, but later refused to disclose the evidence requested on the basis of a U.S. law, namely the Stored Communications Act (SCA) that refrains electronic communication services from disclosing users' communications (Warofka, 2018). Critics have said that the SCA should be amended by the U.S. to enable and require social media companies to share important information with official bodies and litigants at international tribunals attempting to hold perpetrators of genocide and mass atrocity crimes accountable (Smith, 2020). The International Court of Justice (ICJ) ruled in July 2022 that it has jurisdiction to proceed with a case against the Myanmar government under the Genocide Convention based on Myanmar's treatment of the Rohingya (Amnesty International, 2022a).

This case shows the immense power Big Tech companies have to not only influence narratives but also to be misused to further grave human rights violations. Additionally, local and national issues are concerns for the international community. The issue here goes beyond democratic interference and political freedom, it depicts how the era of unregulated Big Tech has enabled the 'corporate capture of our social infrastructures and information ecosystems, with grave consequences for human rights throughout the world', and how crucial it is for States to act by effective legislation to control surveillance-based business models in the tech sector (Amnesty International, 2022b).

iv. EU Disinfo Lab and the Indian Chronicles

A recent study by a European non-government organization also illustrates how the issue of regulating the Big Tech industry is an international concern that goes beyond the State(s) involved. EU Disinfo Lab, a think tank, released the Indian Chronicles report identified a network of fake media outlets and organizations serving Indian interests and discrediting the country's rivals, in particular Pakistan, at international forums such as the European Union and United Nations (Alaphilippe, Adamczyk and Grégoire, 2020). The 15-year-old network spanning over 100 countries has managed to attribute various statements and narratives to many accredited NGOs,

scholars and officials – some of which were dead or just closed down at the time. There is no doubt that both countries have long sought to control the narrative against the other, however the issue is not limited to the two countries (Hussain and Menon, 2020). This raises legitimate concerns on the usage of the platforms created by the Big Tech companies as a new form of a battlefield – one that is not limited to the parties involved. Mistrust has been cast on the credibility of many international NGOs, and many have also questioned the trustworthiness of various European and United Nations officials that have presented on behalf of the network at international forums. As shared by BBC, it is important to mention that there is no evidence that the network is linked to India's government, which creates concern that private actors possess such immense power to influence narratives (2020).

2.3 International Human Rights Laws & Policies regulating Big Tech's Impact Today

From the analysis of case studies spanning over three continents, it is evident that the activities of big tech companies have the potential to violate a range of fundamental human rights. The rights at risk are the freedom of expression and opinion and the right to privacy, amongst others (International standards: Special Rapporteur on freedom of expression and opinion). With the rapidly developing nature of the platforms and Big Tech activities, along with the increasing reliance on them for social, economic, and political purposes, these have also started to influence right to free and fair elections, right to education, right to health and access to information etc. As discussed above the platforms have been tools to incite hatred and target specific groups of cultural, racial, and religious minorities, and so impact other rights such as the right to live without prejudice or discrimination. This without any doubt impacts democracy at the national and global scale. It is therefore pertinent to look towards the existing international human rights legislation and policies regulating Big Tech's impact on these human rights and particularly democracy.

These rights are rooted in the international bill of human rights; the Universal Declaration of Human Rights (UDHR 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) and the International Covenant on the Social, Economic and Cultural Rights (ICESR 1966). While this is a great avenue to hold States accountable with regards to their activities, as is the case

with most international human rights obligations and their enforceability, not all States have ratified them, or may have taken up relevant reservations, freeing themselves of their responsibilities. Without going into too much depth, these documents form the foundation to hold authorities accountable at international forums such as the United Nations and other regional platforms. These rights are also heavily reflected in the values of many regional human rights frameworks such as the European Convention of Human Rights. As technology is so intertwined with almost all fields of life today, these traditionally protected rights are now translated to the digital world, albeit not directly referring to the unique situations. However, it is only the States that are bound by these laws – if they choose to be.

A notable reference is a general comment on children’s rights in the digital era by the Committee on the Rights of the Child (General comment No. 25 (2021) on children’s rights concerning the digital environment (CRC/C/GC/25), 2021), and publications from the UN Office of the High Commissioner for Human Rights (OHCHR and privacy in the digital age), a UN General Assembly resolution that focuses on challenges to privacy in light of mass surveillance in the digital (UNGA, 2013); a recent Digital Cooperation Report of the UN Secretary-General’s High-Level Panel on Digital Cooperation, among other efforts (2019).

That begs the question, how can the big tech companies (some of which are wealthier and more powerful than many countries) be held accountable for violating any of these rights? This has been a conundrum that has been the main struggle for human rights scholars and policymakers in recent times. As Facebook has stated on its website, it does not consider itself bound by international human rights laws that countries have signed on to, they pointed out its membership with the global initiative which offers internet companies a framework for applying human rights principles to the platforms (Allan, 2018). Although it is admitted that they do draw influence from these as standards of international human rights law, e.g., Article 19 of the ICCPR (1966).

The notion of holding businesses responsible for the human rights impact of their activities has gained traction around the world. The United Nations Guiding Principles on Business and Human Rights (UNGPs), also known as the Ruggie principles, is a form of soft international law which stress on these responsibilities (2011). The three-pillar structure of these principles complements the established international human rights framework explained above while imposing a duty on

first the governments to ‘Respect’, second for the businesses to ‘Protect’ and lastly, both to provide sufficient ‘Remedies’. Although the UNGPs do not focus particularly on the tech industry and doesn’t consider many nuances particular to the sector and its impact, it requires States and businesses to work separately and in collaboration to develop policies that address and enforce human rights in the area. Furthering the idea of the UNGPs and dealing with the dominating platforms as businesses, the United Nations has set up the Business and Human Rights in Technology Project (“B-Tech Project”) to provide an authoritative and broadly accepted roadmap for applying the UNGPs to the development and use of digital technologies (UN Human Rights, 2019b). The UNGPs are also being used as a starting point for many nations across the world to show commitment to the cause and develop National Action Plans on how to address the gaps in the system in collaboration with the dominant businesses in the respective countries. The UNGPs and respective National Action Plans can be used as an additional tool to hold both governments and businesses accountable regarding human rights abuses caused due to the activities of big tech companies.

These international human rights standards should be understood as the basis in developing any sort of regulatory mechanism within a company or beyond. It projects a generally accepted format that will allow these companies to balance their interests and present themselves as responsible entities to the world while following a predictable and consistent standard for user behavior (Stefano, 2020). As argued by previous UN Special Rapporteurs on Freedom of Opinion and Expression, David Kaye, there needs to be a discourse on human rights within the companies and how they plan their policies. This will add a further layer of checks and balances and allow companies such as Facebook to not only ensure these international standards during their activities but also allow them to ‘articulate their positions worldwide in ways that respect democratic norms and counter authoritarian demands’ (Stefano, 2020). However, what is lacking in all these discussions is the varying needs and contexts that are being ignored due to the conversations being hosted primarily in the global north than the south.

2.4 Regulating Big Tech’s Impact on Democracy

Reiterating what many scholars have recently said, this research aims to reaffirm that Big Tech companies and online platforms such as Facebook will remain a prominent institutions for years to come, and how policymakers choose to address it, regulate it and understand it, will define the way human societies are able to function in a democratic system – promoting human rights values (Andrews, 2019). In other words, addressing the ‘Big Tech, small State phenomenon’ and corporations should not go beyond the power of democratic institutions it should not (Andrews, 2019).

As one familiarizes with the topic through the lens of case studies and existing policy framework as discussed above, it forces the question should the Control of National and International Dialogues by Big Tech be Regulated? Should the impact of Big Tech’s activities on online platforms on democracies be regulated? And if the answer is yes, how?

Facebook and other platforms are not all bad. They provide connection, happiness, a sense of being – all basic human desires (Zeynep Tufekci in Andrews, 2019). It has been as source of support for budding small businesses, fundraising to support communities facing hardships during climate and other crises (J Khan, 2022). These platforms also have proven to also be extremely advantageous in mobilizing communities and individuals to positive causes, benefitted human rights activism and hosted monumental discussions on racial justice and sexual harassment around the world with movements like #blacklivesmatter and #metoo (Phillips, 2022). This gives more incentive to preserve the integrity and power of these platforms as a tool for good and prevent it from being weaponized.

The case studies mentioned above are of course not exhaustive and are studied here just as an indicator to the severeness of the need for regulation of the uncharted territory we now tread on. The instances above also shed light on how these issues cannot be seen in isolation, as technology and social media see no borders and territories, it is important to understand that this is not a national issue, but a global one. This means the varying laws and policies will have different implications for users and may even become a guise for those who mean ill to exploit the more lenient or accommodating laws in one jurisdiction to achieve evil means in another. Consistency in basic international standards on regulating the large tech companies is crucial as their role in the effectiveness of justice is seen to increase massively. A relevant example is seen where the U.S.

law regarding to the storage of data by communication services has become crucial to a genocide case occurring in the world court relating to a country in Asia.

With the COVID-19 pandemic, these issues are more pressing as the digital world has become relevant to our lives. Whether it be health, education or political campaigning, there have been immediate shifts to the digital world that may not have been expected to occur at such a fast pace. Due to this sudden change, the need for swift policymaking is essential. Unfortunately, during the trying times, these were used as an excuse by authoritarian regimes to restrictively regulate the activities of the digital platforms undermining basic rights to privacy and speech. It is therefore now a tipping point in the history of digital policy to create a legislative landscape that allows for freedom of speech, and privacy with transparency and consistency throughout the international community.

As Facebook founder Mark Zuckerberg has noted; ‘from India and Indonesia across Europe to the United States - we’ve seen the candidate with the largest and most engaged following on Facebook usually wins’ (Hutchinson, 2017). As Andrews notes, as the platform claims to be build on a foundation of ‘connection’ as ‘building global community’, this leads a ‘populist’ rather than ‘democratic’ formulation (2019). Today, for democratic values to be held Facebook must do more than protect the security of elections, it must support democratic institutions. Until this is the case, it will be questioned time and again by experts on the role it can play in controlling state-sponsored cyber-warfare, terrorism, hate speech, child abuse, human rights abuses and even genocide (Andrews, 2019).

For these reasons, Facebook has been under political scrutiny for a while, and policymakers have been navigating their way through this unprecedented journey with the support of academics and intellectuals (Andrews, 2019). As Schneier aptly puts it, ‘the systems of governance we designed at the start of the Industrial Age are ill-suited to the Information Age’, especially with the influence of artificial intelligence and algorithms (2023). Owing to all this commotion ‘liberal democracies’ have rushed to build capacity and address these issues, however it is clear that what is needed is coordinated international regulation, and modernized electoral laws around the world (Andrews, 2019). However, this may not be a one size fits all situation. In the process of building capacities and new policy frameworks, we must not fall prey to that mistake, rather we must understand the

various political and economic realities, and power dynamics of technology in the parts of the world beyond the west, particularly within the Global South (Fejerskov, 2017).

This research, therefore, aims to understand the best way forward in developing a coordinated framework to regulate big tech's impact on democracy throughout the world, whilst being mindful of contextual nuances that may vary. It also aims to understand how to maintain the unique nature of these platforms and encourage innovation all in a manner that does not jeopardize human rights. Given the existing knowledge and research presented above, despite there being a strong interest internationally in the best way to regulate big tech on democracy-related issues, I have found a dearth in the research that represents voices from the global south – hence the gap is what I *also* seek to fill with my study. As a disclaimer, it is crucial however to keep in mind that this research is aimed at providing overall guidance to the best way to create an international regulatory framework to regulate Big Tech's impact on democracy *while keeping in mind contextual and geographical differences throughout the world.*

3. Methodology

As the research will focus on evaluating commentary by experts on the best way to regulate Big Tech's impact on democracy, the two main methods used to address the research questions are the content analysis and the critical discourse analysis method. After reviewing both methods, in this chapter I will explain how they were used. These will both be utilized simultaneously to efficiently unravel criticisms and praises of regulatory frameworks for Big Tech over the recent years. Ultimately this approach will enable a coherent and well-informed result in the form of recommendations for the best way towards developing a global framework to regulate Big Tech's impact on human rights from a global south perspective.

Due to better accessibility and fewer resources needed for the designated time of this research project; the research has been focused on secondary data. This includes journal articles, published expert opinions, and commentaries (Stimson, 2014). While there is some analysis of certain international and domestic legislation, which may be considered a primary legal source, this is mostly seen from the lens of the experts via their critique.

3.1 Content Analysis

The first and primary method utilized in this research project is content analysis. According to Krippendorff (2018) content analysis involves replicable and valid methods for making inferences from communications to their contexts. Additionally, broadly by Holsti content analysis is a technique for making inferences by objectively and systematically identifying specified characteristics of messages (Parker, 1970). I will utilize the content analysis method by studying the scholarship and opinions on the issue with the human rights-based approach, which will be used to analyze how it negatively impacts democracies and whether the law caters to these negative externalities. This is of course one example of how many such works of scholarship will be analysed via this method. Keywords and concepts that shall be used include polarization, political campaigning online, and digital democracy.

Content analysis is also useful for examining trends and patterns in documents (Stemler, 2001). Following this reasoning, the work and analysis by various scholars will be used to draw out patterns that can be identified as irregularities in the regulation of Big Tech. This method is very appropriate for this research project because this is a new and constantly evolving topic and phenomenon which requires an assessment of the varying analysis by experts. The content analysis method allows the perfect lens for the human rights-based approach theoretical framework being used as the pattern of criticism regarding the legal policy will be easily identifiable. As there is a dearth of research on the area, a thorough study of existing ideas and critiques is necessary to reach the ultimate goal of this project, i.e., to decipher an appropriate approach for regulating the big tech activities in the realm of democracy.

Additionally, since there are no geographic limits to this research project, and there is a lack of input by experts from the global south, it is imperative to consider as much expert opinion as possible, ranging from all parts of the world. This of course in itself is a limitation as there may be a lack of expertise and representation from certain regions to conduct a thorough pattern analysis under the content analysis approach – however this can be used as a research advantage to highlight the immense need of research in these areas.

Krippendorff criticizes content analysis by claiming that it is bound by the nature of popularization can do nothing but conform when seeking to validate support for its results and with its emphasis on individually meaningful single interpretations it is designed to inquire into the reception of single or statistically aggregated individuals (1969). Although this is a major criticism of this methodology approach, it actually works in favor of this research project, as the emphasis is on ‘democracy’ and the concept of ‘We the people’ (UDHR, 1948), to create an international regulatory system that is supported and suited to the majority.

3.2 Critical Discourse Analysis

Critical Discourse Analysis (CDA) is a research method with the ability to enable the researcher to build a link between language, power, and ideology, and further describe the traditions and practices within and behind the texts which uncover political and ideological investment. (Machin

and Mayr, 2012). As Machine and Mayr reiterate, CDA is also quite blatantly committed to political intervention and social change which is the focus of this study (2012). The largest criticism when it comes to the regulation of Big Tech companies and their impact on democracies is that the existing legal and policy frameworks do not cater to nor respond to the needs of the modern times and its rapidly evolving nature. For this reason, the second research method for this project will be the critical discourse analysis. Applying critical discourse analysis, the comments by experts in the field will be analysed, to eventually decipher commonly found critiques and suggestions for the way forward.

Additionally, there is a criticism of the lack of consultation when it comes to discussions on international tech policy and policies. With the urgent need to regulate and create concrete international laws and policies it is important to ensure the process is inclusive and history does not repeat itself in creating international standards that may overlook marginalized groups, and contexts, particularly from the Global South. Undoubtedly the concerns, impacts and consequences of Big Tech vary from region, but the concern is still global and grave. For this reason, this approach fits perfectly within the theoretical framework of a human rights-based approach combined with digital colonialism (elaborated ahead), to analyse whether the voices, problems and contexts from the Global South are being acknowledged in the current policies and proposals for international regulations. CDA also allows the researcher to study how social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context and through dissident research, critical discourse analysts take explicit positions – leading them to understand, expose, and ultimately resist social inequality (van Dijk, 2005). As a researcher this seemed to resonate with the aim and purpose of this project as it aims to uncover and discuss the inequalities and power imbalances within the policymaking processes regarding Big Tech and its impact on democracy and human rights in general.

Using this approach will allow me to study the patterns in the discourse and discussions over the years and recently that the previous and current policy makers and scholars assume to be, which has led them to conclude that these policies and future proposals are accurate or inaccurate to address the problem. Through this I will be able to identify the gaps that are not being addressed and which problems are being ignored.

Although the diversity in opinions and school of thought that result from the approaching research through CDA, an emerging criticism of CDA is whether this really is a strength or a weakness (Breeze, 2011). Since findings of the CDA-focused researchers stem from a range of different philosophical and sociological concepts means that the field has a strong base. However, some believe that this is a weakness as it creates complication and biases. For this study this seems to be a strength rather than a challenge.

3.3 Combining the Methods

This approach will complement content analysis method mentioned above and elevate the entire research process in terms of assessing how experts have seen this from a critical perspective. An example for this is how certain States have completely refused the use of certain social media platforms, hence not allowing any form of invasion in the domestic narrative or dialogue. However, is this really the solution, or is this another authoritarian method to dictate opinions and undermine democracies? Questions like this will be addressed via a combination of both these methods in the discussion.

This is an underrated combination and scholars have recently commended this multi-perspectival approach as it allows researchers to develop a deeper understanding in the subject matter since discourse analysis may be enhanced through careful supplementation with the quantification allowed by content analysis (Feltham-King and Macleod, 2016).

3.4 Content Selection Process

The analysis focuses on two main policy documents, the United Nations Guiding Principle on Business and Human Rights and the Declaration for the Future of the Internet. It primarily focuses on scholarly articles, commentary and opinion ranging from journals, books, news opinions and beyond. Due to the unique and unprecedented nature of this topic there is a limitation on the extensiveness of data available. Additionally, since this issue is recent, most of the data and opinions used are from the past decade itself, unless referring to traditional human rights documents or concepts.

3.5 Alternative Method in Consideration

Since the opinions of experts holds a lot of value for the purpose of this research, the Delphi method was seriously considered as an ideal option to collect feedback. This method has recently gained a lot of popularity in academic research as a valuable technique to reach a consensus on an issue where data is limited or contentious – as is the case in the matter at hand due to its unprecedented nature (Maite *et al.*, 2021). The Delphi method aims to achieve an agreement or consensus on a certain topic by rounds of questionnaires and discussion from a carefully selected panel of experts on the topic of interest, which would in this case be policymakers and scholars on the intersection of technology and human rights (Keeney, Hasson and McKenna, 2006).

However, due to the time and space restraints in identifying experts, their availability, and other logistical aspects this was not possible. So, it was concluded that while this approach would be significantly helpful it would require a similar study to be conducted at a much larger scale.

3.6 Ethical Considerations

As the data used in this research project was not collected by any interviews, participants, or focused group discussions (FGDs) there were no serious ethical issues involved, such as privacy, consent, or sensitive information. All the data utilized for this research was publicly available or accessed via authorized academic portals.

4. Theoretical Approach

This research project aims to address what is the ideal way forward towards developing a human rights focused ‘international framework’ regulating Big Tech’s impact on democracy, and whether policy-making process inclusive of voices from the Global South.

To assess the present problem statement and address the research question the theoretical framework will be based on an overarching Human Rights-Based Approach (HRBA). With HRBA as the primary umbrella theoretical framework, this research will also benefit from three theories which are inherently based in the human rights ideology, i.e., surveillance capitalism, digital colonialism, and intersectionality. For this research, it is believed that with a similar underlying objective as a human rights-based approach these theories combined will provide a lens through which the research questions will be efficiently addressed. This mixture will ultimately assist in identifying the ideal approach to regulate big tech impacts on democracies at an international scale that is inclusive and address all peoples and contexts.

The conversation on the regulation of Big Tech companies concerning their impact on democratic functions has sparked globally and there is great debate on how to address concerns in the form of domestic legislation, policies, and international policies such as the Declaration for the Future of the Internet and the United Nations Guiding Principles on Business and Human Rights. Legally speaking the Big Tech corporations are mere businesses which aim to make profits through their activities. However, due to their unmeasurable scale, their adverse impacts are not comparable to human rights violations caused by business activity in the traditional sense. Hence this must be studied in an interdisciplinary framework, not isolating to just legal or social sciences – which has motivated this research study to be conducted in this mixed theoretical framework.

4.1 Human Rights-Based Approach (HRBA)

As defined by the UN Office of the High Commissioner for Human Rights, the Human Rights-Based Approach (HRBA) is a: *‘Framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities which lie at the heart of*

development problems and redress discriminatory practices and unjust distributions of power that impede development progress' (UN. Office of the High Commissioner for Human Rights, 2006).

As the name suggests this approach makes use of the standards, principles and methods of human rights, social activism and of development (Theis, 2004). The approach also has the flexibility to understand, adopt and be applied to a wide range of fields as it has been applied in the past to studies on cultural property, food security, migration, and the rights of children (Ochom, 2022). As the HRBA is an 'evolving approach' it is more than appropriate to keep up with the rapidly evolving nature of technology and innovations (Theis, 2004).

Contextualizing HRBA for Big Tech and Democracy Policy Development

The HRBA framework is based on five main human rights principles, also known as PANEL: Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality (ENNHRI). In the ambition to understand the best approach towards developing a global framework to regulate big tech's impact on human rights with an added global south perspective, these principles are extremely helpful in guiding the conversation. Firstly, encouraging participation the policymaking and regulatory process is a core focus of this study as it aims for it to be as inclusive, consultative, and representative as possible. Second, future policies must be made with in-built tools and mechanisms for redressal and for holding duty-bearers accountable in fulfilling their obligations. Third, empowering the masses, as individuals and communities on their rights in this unique digital world and how to exercise these is another important factor. Fourth, and extremely important in this context is to enable a policy that does not discriminate and promotes equality, which allows equal protection to all regardless of geographic location, economic situation, gender, race, or status. This also ties in with the first principle in this context which requires equal and fair representation from policymakers and experts in their regions and fields (specifically the global south) to form an internationally acceptable policy framework. Non-discrimination and equality – all individuals are entitled to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented, and eliminated. Fifth and finally, the policy framework being developed to regulate Big Tech's impact on democracy must align with the well-established legal concepts and norms as described by local and international laws.

As there is an increasing debate on the need to regulate new technologies such as artificial intelligence there is a positive development of ethical guidelines emerging from within the tech industry. However, as human rights are an internationally recognized and agreed set of rules that are identified with globally due to their shared values, and years of development, established mechanisms and institutions for accountability and redress, they provide the clarity and structure hold the power of law (Berthet, 2019). With the help of the HRBA framework, developing regulations for technology and specifically Big Tech's impact on democracy, policymakers can rely on this framework for extensively analyzing the possible impacts of any disruptive technology whilst protecting basic civil, political, economic, cultural and social rights freedoms leaving no blind spots (Berthet, 2019). To clarify, this research is not intended to discourage the use of ethical guidelines stemming from within the tech industry, rather it is to encourage the involvement of human rights practice and policy experts to enhance the future legislation as we are working towards developing a Global policy framework to regulate big tech's impact on human rights.

Possible Shortcomings

To reiterate, rather than inventing the wheel with new forms of policies and laws, it may be appropriate to build on the well-established, i.e., the human rights framework. However, this comes with its own criticisms, as the current human rights system does not come without its shortcomings. As some scholars have voiced, the flexibility and ability of HRBA to mould into a variety of topics has the ability to dilute its meanings, and be used by certain powers to push a specific agenda with its label as a masquerade (Koskenniemi, 2010). There's also a serious concern regarding the risk of addressing the competing hierarchy of certain human rights, how to balance collective with individual rights, the role of non-state actors in the equation, and their general ability of institutions to be effective in executing these big obligations (ODI, 1999).

Therefore, this research project further delves into three theories discussed below (surveillance capitalism, digital colonialism, and intersectionality) to emphasize on certain values and values that must be reinforced as we develop policies in the future from with HRBA in mind.

4.2 Surveillance Capitalism

Surveillance capitalism is a term coined by Shoshana Zuboff as the economic system centered around the capture and commodification of personal data for the core purpose of profit-making

(Zuboff, 2019). It is a starting point to understand the concerns regarding private corporations gaining power in democratic systems. In this research, the concept of ‘surveillance capitalism’ is treated as a one of the theoretical lenses through which Big Tech’s impact on democracy is explored. Building further on the approach taken by Laniuk, Zuboff’s understanding of freedom in the context of capital surveillance involves three ethical dimensions, namely privacy, autonomy, and authenticity – I contend this is inherently based in human rights, and therefore an extension to the HRBA framework being utilized in this research (Yevhen, 2021).

The core of the discussion for this research project is corporate power in the age of surveillance capitalism (Andrews, 2019). As noted by Zuboff herself, within the last decade, surveillance capitalism has ‘gradually constituted itself during embodying new social relations and politics that have not yet been well delineated or theorized’ (Zuboff, 2015). Various research has gone on to analyse how tech has severely impacted democratic elections through modern methods of political campaigning on democracy (Thwaite 2019). Inaccurate information, influence through algorithms, and surveillance can negatively impact the decision-making process of the public, in turn harming the foundation of good governance and democracy (The Consilience Project, 2021).

Four years ago, Zuboff noted that with little resistance from law or society, surveillance capitalism is on the verge of dominating the social order and shaping the digital future—if we let it (2019). Today now that European Union has demanded that Meta reform its approach to personalized advertising, experts claim that maybe the slow death of surveillance capitalism has begun but maybe what comes next might not look that different (Meaker, 2023). And this calls for more attention from human rights experts around the world.

In the book, Zuboff also comments how surveillance capitalism is a ‘prominent force in the perilous drift toward democratic deconsolidation that now threatens Western liberal democracies’ (2019). And although the theory of surveillance capitalism is a tremendous value added for this field of research, critics such as Rafael Evangelista claim that the democratic balance she suggests are now disturbed, are the social, economic, and democratic relations that are fundamentally characteristic of Anglo-Saxon America and Western Europe (2019). However, Zuboff also noted that surveillance capitalism, like mass production, is ‘an American invention... [That] became a global reality ‘and that the development of this invention would have occurred in the US’, but the ‘consequences of these developments belong to the world’ (2019). Critics are concerned that this

assertion ignores the global and inter-relational characteristics of capitalist development, which was also present in previous centuries, marked by colonization and slave trade that targeted huge vulnerable populations, and if surveillance capitalism were to proceed in the same footsteps it may follow a specific pattern of exploitation of said populations (Rafael, 2019).

It is suggested that maybe the concept presented would be more powerful if it were de-centered and considered other global realities (Rafael, 2019). In order to address this, the theoretical lens of digital decolonization has been added to this study.

4.3 Digital Colonialism

Digital colonialism can be described as a ‘structural form of domination exercised through the centralized ownership and control of the three core pillars of the digital ecosystem: software, hardware, and network connectivity, and it is claimed that control of these pillars vests in the west with immense political, economic, and social power (Kwet, 2019b). According to Kwet ‘GAFAM’ (Google/Alphabet, Amazon, Facebook, Apple, and Microsoft) along with other corporate giants and State intelligence agencies such as the National Security Agency (NSA) may possibly be the New Imperialists in the international community, and through tech products, models, and ideologies of foreign powers constitutes a 21st-century form of colonization (2019).

The scholar also expands on the concept of surveillance capitalism as discussed above by saying that due to lack of resources, Global South firms to compete with the established giants, large, pristine databases in the hands of the private sector, Global North domination of technical architecture leaves the Global South disadvantaged. As established by now, Artificial Intelligence typically learns about the user by analyzing enormous datasets to predict outcomes and when this is applied to people, it collects personal and historical information to predict the future. (Kwet, 2019b).

Apparently, ‘data is the new oil’ and like traditional colonialism where raw materials were extracted and local labor was exploited by power empires and States, the concentration of data is now seen as the concentration of power (Kwet, 2019a). This puts the data of vulnerable societies and communities in the Global South at risk of major invasion of privacy, ability to be influenced through algorithms, targeted advertisement and in turn influence political decision-making and

impacting democracy in countries which more than often are already undergoing conflict, political, social, or economic instability.

For this reason, digital colonialism will be used as an additional aspect to study the best approach to develop international policies that are informed by the human rights needs of those affected by surveillance capitalism in the Global South.

4.4 Intersectionality in Tech Policy

Intersectionality can be defined as ‘the assertion that social identity categories such as race, gender, class, sexuality, and ability are interconnected and operate simultaneously to produce experiences of both privilege and marginalization, has transformed old conversations while inspiring new debates across the academy’ (Wilson, 2013). In today’s technologically motivated world, women and other vulnerable groups are unable to effectively utilize the benefits that tech has to offer and are unable to protect themselves from its harms. Lack of access to digital technologies is a core reason behind gender inequalities still being prevalent in this day and age (Ceia, Nothwehr and Wagner, 2021). Women, and especially those from the minority are vulnerable to face misogynistic attacks, abuse, and violence online and is primarily due to the lack of clear regulation in the tech area (Ceia, Nothwehr and Wagner, 2021).

Research that explores gender in the tech sector are lacking in academic literature and this leads to a huge gap which may also impact the kind of legal and policy framework that comes in to being soon (Ceia, Nothwehr and Wagner, 2021). It is important to note that factors such as gender, race, geographic location, age, ability, or socioeconomic class cannot be seen in isolation, and all these factors must be taken together when it comes to research and policy development for Big Tech’s activities. Building on the framework of digital colonization, it is imperative to add that the decolonial feminist scholarship reinforces how raced and gendered colonial practices constitute “Eurocentric” forms of knowledge-production, which marginalize other forms of knowing and being in the world (Asher and Ramamurthy, 2020).

National and international systems such as the United Nations and the European Union are now keenly exploring intersectionality approaches to develop policies and respond to issues with a more sophisticated awareness of diversities across and within identity groups, it is important to use an

intersectional approach whilst developing the policies which regulate a major part of the future (Wilson, 2013). Additionally, the terms we use in legal instruments, policies, conventions, resolutions, and institutions give individual subjects meaning by at times extending, and at others resending, rights (Wilson, 2013).

The motivation of incorporating this as the final theoretical lens to explore the research question of how to develop an international policy framework that regulates Big Tech's impact on democracy is to ensure that this is done while having an intersectional approach – keeping in mind the varied nuances that may need to be represented in terms of gender, race, and beyond. As Wilson elaborates, for social science researchers there is a paradox because it exists as a highly structured theoretical framework, yet a loosely configured research paradigm (2013). Therefore, it is used in combination with the theories of digital colonization, surveillance capitalism within the overarching background or the human rights-based approach.

5. Analysis

To approach the discussion and analysis that will allow us to reach a result that addresses the research problem we look at the development of policies in a linear framework through time, i.e., past, present, and future. Beginning from where it all start, to get to the root of the problem, the first section looks at the flaws and shortcomings of policy frameworks and scholarly opinion on what went wrong (if it did) in the past. Second, the research moves on to examine key predominant documents that are used as policy guidance today, and this will be accompanied opinions of social science and legal experts who can comment on its effectiveness. Finally, collecting learnings from the ‘past’ and ‘present’, the research will collect comments and best approaches for developing an appropriate international policy that has the capacity to regulate Big Tech’s impact on democracy. The motivation behind adopting this historical/study through time approach is to enable the future of tech policy and regulation and relevant international legislation and policy to be informed by past learnings and mistakes, to create the most equal, effective, and consultative and representative framework possible.

All these steps will be studied with the theoretical framework designed above, primarily looking at the issues with a human rights-based approach, and adding on layers of surveillance capitalism, digital colonization theory and intersectionality, where relevant and deemed necessary.

5.1 The Past: Getting to the Root of the Problem

i. Big Tech and Small State: A Human Rights Issue

Linking back to the research presented in the literature review section above, as presented through case studies that span across America, Europe and Asia, it is more than obvious that Big Tech does indeed have an impact on the state of democracy within a nation and beyond. These examples, provided of course as a non-exhaustive list to address the first question of this research, i.e., how do Big Tech companies impact democracy. The short answer to this question appears to be it

influences political decision-making powers of individual, has the ability to interfere privacy of users, collect personal data and utilize it as a tool to develop targeted ads.

Essentially, as claimed by Amnesty International, it is the business model of Google and Facebook (now Meta) which threatens human rights (2019). Taking a step back, we are able to see a bigger picture and analyze, using our theoretical HRBA framework we can see how this is a clear violation of numerous human rights. As we look to the past in order to get to the root of the problem – the issue problem stems from the unique, unprecedented and therefore unregulated nature and force that the Big Tech companies and online platforms will turn to be. Only recently a couple of years ago, probably around the 2016 US elections, a large part of the world alarmingly woke up to Big Tech’s ability, ambitions, expansion and unaccountable power to shape the human condition and the ability to influence on discourse in democratic societies (Saran and Mattoo, 2022).

But why does the battle for tech matter? Things clearly got out of hand much faster than anyone had imagined and there was a quick and significant power imbalance between States and corporations – which heavily impacts human rights. Primarily because Big Tech companies such as Facebook and Twitter with the tools to curate information the users interact with, now had power over freedom of speech and expression, and hence over politics, and this immense power in unparalleled throughout history (Baer and Chin, 2021). And while a powerful business or corporation was nothing new for the world, this transnational extractive power that could violate fundamental human rights through surveillance capitalism is incomparable and beyond the reach of how big oil or big tobacco was (comparatively) easily regulated and tamed through domestic and international policy and legislation (Lago, 2021). According to The Consilience Project, when ‘future historians look back on the early 21st century, they will probably consider the rapid rise and influence of internet technology companies to be one of the most striking and perhaps puzzling aspects of our societies’ (2021).

Once the magnitude of the issue struck to the industry, policymakers and the world in general, it didn’t take long to understand that these large companies are being regulated as any other small business, and more importantly the business model of these kinds of companies are more likely to be a monopoly and large and unique and user data is an important competitive edge that rivals cannot duplicate (The Consilience Project, 2021). This meant the Big Tech company through the monopolization of data information now had the ability to be more powerful than the State.

Unlike the government, the Big Tech companies owed no duty to protect the ‘citizens’ of the State, rather they were mere ‘users’ or customers. And interestingly, these services are free of cost, where the value added is by the user providing personal data (knowingly or unknowingly) which can later be monetized by the companies. Researchers have gone as far as saying that these ‘companies are not just another type of business; in fact, they have acquired a number of the functions of government, albeit in pursuit of profit rather than in service of the population’s interests’ (The Consilience Project, 2021).

This concern did not go unnoticed and motivated many States such as the United States and the EU went on to regulate and control the monopolizing impacts of social media platforms run by Big Tech companies, albeit in different manners they had a similar goal. However, in almost every instance the corporations were able to ‘obstruct, obfuscate and outmaneuver regulatory efforts’(Clayton, 2021, Saran and Mattoo, 2022). The conclusion seems to be that if not regulated the digital spaces have the potential to ‘suffocate democracy’, and it urgently needed a breath of fresh air (Saran and Mattoo, 2022). According a joint statement by Access Now and other renowned internet organizations, ‘truth and democracy will forever be under attack with Big Tech calling the shots and manipulating information flows to pad their pockets’ (Access Now et. al, 2022).

This leads us to question all traditionally accepted norms about democracy, a power selected by people running the State, and of course human rights. Applying the HRBA and surveillance capitalism theories, we can deduce that this is an attack on the foundation of freedom elaborated by Shoshana Zuboff on the users privacy, autonomy, and authenticity and of course political rights (Yevhen, 2021). What Andrews (2019) referred to as ‘Big Tech, small state’ is *indeed a human rights issue*.

ii. The Traditional Human Rights Framework

In order to address the second research question i.e., what are the current forms of regulations, it is important to explore the traditional international framework and to see if it is sufficient, with the help of the theoretical framework. As this has been discussed in detail in the literature review this section will try to understand its relevance to the regulation of Big Tech by applying the HRBA

approach. Application of this theoretical framework in our research of the core human rights instruments including the Universal Declaration of Human Rights (UDHR), 1948 and the core international conventions (International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child (CRC), International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)).

It is clear that this system allows us to protect basic civil, political, economic, cultural and social rights freedoms from any kind of disruptive technology without leaving blind spots (Berthet, 2019). However, it does not cater directly to the specific human rights need called for by Big Tech activities. Additionally, this may also become problematic if the State is not party or has reservations. Another factor is that these instruments place the onus on the State to protect the rights of individuals and collectives, and when there is 'Big Tech and small State', as discussed above this becomes problematic. However as argued by (Land and Aronson, 2020) these criticisms do not mean that the law is irrelevant, rather it needs to evolve to fill in the gaps created by these new technologies.

5.2 Present: Do we need a UDHR for Technology?

This leads us to the third and probably the main research question for the purposes of the study; what is the ideal way forward towards developing a human rights-focused 'international framework' regulating Big Tech's impact on democracy? As established above there is a lot of consensus over the fact the policy/legal framework dealing with the regulating of Big Tech's impact on democracy should be inherently in the human rights-based approach. Although there is an existing traditional international human rights framework, this has its shortfalls in terms of being applicable to this unique situation. Now that the entire world and many industries are becoming digital, this means that we must start all over again, and create a Universal Declaration of Human Rights for a digital world? Maybe, but we should prepare for what we aim to achieve.

According to former United Nations Special Rapporteur on the promotion and protection of the freedom of opinion and expression, Big Tech companies should be basing their policies on international human rights law as a foundation, moving forward (UN. Office of the High Commissioner for Human Rights, 2018). That aligns with the HRBA approach we seem to be noticing as a pattern in suggestions from experts. And while having companies incorporate such policies in theory does seem to provide a hope for a promising approach moving forward, in terms of uniformity in practice, a well-accepted standard, and ability to hold them accountable via international market standards, the reality may be a bit different. As noted by Evelyn Douek ‘international law doesn’t mean universal rules’, the age old cultural relativists debate arises yet again (2019). She elaborates that a huge misconception regarding companies adopting international human rights standards on their online platforms is that it will lead to a one-size-fits-all rule or result, however this is not the case as it requires a lot of contextualization and may vary on a case-by-case basis (Douek, 2019).

As was recently noted by Elizabeth M. Renieris with regards to governing the impact of generative artificial intelligence (AI) tools such as OpenAI’s ChatGPT, before we launch a new agency or introduce a new law, let’s use and leverage the tools we already have (2023). As she elaborates about the tech sector, it is a common strategy to demand new laws and regulations, while continuing to ignore or violate existing ones, which eventually becomes an excuse to distract from, delay and defer attempts to regulate (Renieris, 2023). So, in this section we will analyse the United Nations Guiding Principles on Business and Human Rights, and the Declaration for the Future of the Internet against the criteria developed within the theoretical framework to assess whether they can suffice to guide the future of the regulation of Big Tech.

i. UN Guiding Principles on Business and Human Rights (UNGPR)

The UN Guiding Principles on Business and Human Rights are a list of guidelines for companies and States to Protect, Respect and Remedy human rights violations that result from business activities (UNGPR, 2011). These were suggested by the UN Special Representative on business and human rights John Ruggie and later endorsed by the UN Human Rights Council in June 2011, where the Council established the UN Working Group on business & human rights. In the past decade the concept of business and human rights has gained prominence and the need for a specific

framework that applies to powerful businesses has been realized, where the UNGPs have played a significant role in setting a standard for respecting human rights in the corporate sector.

More recently in 2019, UN Human Rights Office of the High Commissioner launched the Business and Human Rights in Technology (B-Tech Project) after consultation with civil society, business, States, and other experts about the scope of the B-Tech Project (UN Human Rights, 2019c). The B-Tech Project shares authoritative resources and further guidelines for implementing the UNGPs in the tech sector. The B-Tech blog also provides access to a rich array of documents and knowledge that will be helpful in navigating through this uncharted territory of regulating Big Tech platforms through the UNGPs on business and human rights (UN Human Rights, 2019a).

While this is a huge step in the right direction in provided multiple resources and knowledge for those developing policies, building capacity, or just wanting to learn more, there seems to be a generalization in the policy challenges and issues these platforms create. To elaborate, there is a gap in the framework, and to put it more precisely is a need for an explicit effort to include, educate and advocate unrepresented voices and create knowledge on the platform which addresses contextual concerns – more than often from the global south.

In 2022, the Human Rights Council pursuant to resolution 47/23 requested the High Commissioner to convene a multi-stakeholder consultation to discuss the practical application of the UNGPs to activities of technology companies. During the sessions, the stakeholders and discussants stressed on the ‘need to have a human rights-based approach to new and emerging technologies, which can enhance rights and promote economic development at the same time’ in addition to the ‘need for such human rights-based approach to apply to the whole life-cycle of digital technologies – i.e. the design, development, deployment and use of digital technologies’ (UN. Office of the High Commissioner for Human Rights, 2022b). It discussed role of the UNGPs in informing policy makers and tech regulation, participants emphasized on the strong need for collaboration and alignment at the regional and global level to avoid fragmented regulatory and policy approaches to digital technologies. These are positive foundations for the future and the consultation is a sign of hope for an inclusive method of tech policymaking in the future.

ii. Declaration for the Future of the Internet

More recently the Declaration for the Future of the Internet was launched in 2022 by a global coalition of over 60 countries with the non-binding statement calling for ‘a single global Internet – one that is truly open and fosters competition, privacy, and respect for human rights’ (Declaration for the Future of the Internet, 2022). The Declaration states that it ‘intends to ensure that the use of digital technologies reinforces, not weakens, democracy and respect for human rights; offers opportunities for innovation in the digital ecosystem, including businesses large and small; and, maintains connections between our societies’ (2022). The text of the declaration repeatedly focuses on the focus of human rights as we move into the future of the internet, which is in line with the HRBA approach, it also addresses the concerns about data privacy and storage which can be connected to the surveillance capitalism concept discussed above.

The declaration provides a hopeful sentiment for the future of the internet and a shared message to the world that it is crucial need of the time. However, despite agreeing with the general message that promotes a human rights and democratic approach, experts from Access Now have criticized it by claiming that it has ‘unclear authorship, not consultative with the civil society, and avoids addressing mass digital surveillance, and does little to combat the rampant profiling and maximal data collection that characterizes the big tech business model and fuels disinformation campaigns (Access Now, 2022). This critique seems to hit the nail on the head from the surveillance capitalism theoretical perspective, and claims that a huge area has been ignored in the Declaration. They also criticize that this may be another ‘empty promise’ that adds on to the plethora of global principles and comments that appear without any practical effect (Access Now, 2022). In addition, Adi Robertson argues that the Declaration due to its broad and encompassing nature doesn’t specify ‘how’ exactly the countries will shape the future of the internet (Robertson, 2022).

One is also forced to think, is this the UDHR of the internet? Both documents being declarations do not have any legally binding power. However, the UDHR is seen as the foundation of all the following international human rights treaties and legislation that came forward after it. The UDHR is referred to till date almost a century later and will probably always be the basis for the modern international human rights system. The difference although is that this Declaration has not been endorsed by the United Nations, rather it is a document developed in coalition of 60 countries that

decided to come together for this message and spearheaded by the United States and the European Commission. As noted by Zoe Hawkins for the Council on Foreign Relations, representatives from the Global South and nongovernmental organizations criticized the declaration's exclusionary language, non-consultative drafting process, and failure to involve civil society or the private sector and she added that the exclusionary language may be a feature, not a bug as a U.S. government representative confirmed the Declaration 'sets out to differentiate' between governments (Hawkins, 2023). This goes to add on the scepticism around the document, specifically regarding its inclusivity and level of consultation from the Global South.

5.3 Future of Big Tech

Having discussed the past and present standing of the policy framework that is capable of regulating Big Tech's impact on democracy, this final section of the discussion looks at the future of the policy-making process and analyses any specific lessons that may be learnt from the past and the present.

i. The Global South Perspective: Learning from the Past

Finally addressing the final and fourth research question; is the current policy-making process inclusive of voices from the Global South? With regards to the two documents that have been analyzed above it can be said that there is a significant room for improvement in terms of consultation and representation, as pointed out by critics specifically in the case of the Declaration on the Future of the Internet.

This brings us back to the age old debate of cultural relativism and western imperialism where relativists such as Mutua critique the 'the Eurocentric human rights corpus,' making a case against 'the dominant Western human rights project' and advocate the need for the 'human rights movement to rethink and reorient its hierarchized, binary view of the world in which the European West leads the way and the rest of the globe follows in a structure that resembles a child-parent

relationship’ (Mutua, 2002). And while certain scholars are still trying to contextualize and ‘decolonize’ the discourse of the seven-decade old UDHR – there is a danger that this would happen all over again, for the ‘UDHR of the internet’.

As put by Michael Kwet, ‘digital colonialism has become highly integrated with conventional tools of capitalism and authoritarian governance, from labor exploitation, policy capture, and economic planning to intelligence services, ruling class hegemony, and propaganda’ (Kwet, 2019a). The lack of representation and consultation from experts from the Global South and the civil society within may be seen as an extension of this concept, and therefore it is an urgent need to ensure complete representation in the policy-making process.

Additionally as pointed out by Land and Aronson, in order to address these issues, there must be affirmative actions to decentralize the processes of knowledge and power in the construction of the technology itself (2020). Taking this concept, a step further, one may draw an analogy with the policy-making process to say that the issue of consultative and representative international policymaking in to regulate Big Tech’s impact on democracy requires specific attention and investment in education and building capacity of human rights practitioners in the field and from the relevant locations.

The contextual differences that users of Big Tech owned platforms face in the Global South vs. the Global North vary immensely. This ranges from the disparity in access, economic needs, climate disasters, conflict, political instability, reliance on the platforms due to professional requirements in the booming gig economy or even basic affordability issues. If there is to be a future UDHR for the internet, these issues must be taken into consideration, and reflected in the policies. If this is done at an international level, this would in turn allow easier acceptance and translation into domestic policies and eventually, easier practical implementation in the affected areas. While there are significant efforts being conducted to decolonizing the digital rights fields(EDRi, 2023), there need to be more of these to amplify voices and build a more inclusive future, based in human rights ideals.

As suggested by Kwet, ‘to become empowered participants in the digital society, the world’s people must forge an alternative path’ and just as ‘decolonization requires re-designing colonial

railroads or panoptic mining, digital equality requires re-designing technology for communal control and decentralization' (Kwet, 2019b).

ii. An Intersectional Big Tech Policy

As aptly noted by Douek, there cannot be a one size fits all approach when developing such a broad policy at an international scale for regulating the impact of Big Tech (2019). Moving forward from the discussion above, it is more than obvious that regulation of Big Tech is an urgent need and topic that is being discussed heavily. In applying the theories of digital colonization and intersectionality, the intention is to highlight the need to remember to have an equal and representative approach whilst developing these policies that will lay the foundation for the future generations to come, in a world we probably cannot comprehend today.

Being based in a HRBA, the future polices should already be representative and inclusive of gender, race, and all other social identity characteristics. However, with an added lens and focus from the intersectionality point of view it should not leave any room for it to be ignored.

6. Conclusion

This research aimed to conduct a research study to understand the most ideal approach that should be taken towards developing a global framework to regulate big tech's impact on human rights, with an added Global South perspective. It set out to do so with four main research questions in mind; how do Big Tech companies impact democracy? what are the current forms of regulation? what is the ideal way forward towards developing a human rights-focused 'international framework' regulating Big Tech's impact on democracy? and is the current policy-making process inclusive of voices from the Global South?

In the literature review process, in order to do so the research began by first defining the key terms relevant to the project, i.e., Big Tech, Democracy and the Global South. Then it moved on to identifying and conducting a brief study on four selected case studies that span over the United States, Europe and Asia to understand the level of impact Big Tech activities had. Once this impact was established, it moved on to analyze existing international human rights frameworks that may be useful in regulating or developing a basis to create regulations in the future. Next it studied the critique by various scholars and identified gaps where intervention was needed. A major one was the lack of Global South perspective in the policy development process and outcomes.

After establishing the above, the methodology and theoretical framework being used was elaborated in order to guide the reader about the lens or perspectives this research is conducted with. It was clarified that the methodologies being used were content analysis and critical discourse analysis of scholarly opinion over the recent years. Since the issue is quite recent, the research is mostly limited within the last decade, unless there are references made to traditional human rights concepts or documents. In terms of theoretical approach, the human rights-based approach was considered as the primary framework through which content was analyzed. However, there was a deliberate decision involved in adding three further theoretical perspective layers to enhance certain point of views. These included surveillance capitalism, digital colonialism, and intersectionality, with the objective to work towards well-informed and equal future policy.

Finally, the analysis was broken down into a linear timeline: past, present and future of Big Tech policy. This was intentionally done to help understand the growth, fast pace of evolution and gaps,

if any. While studying the past it was established that a core problem is the business model nature of Big Tech, and how the priority never was to create a human rights-based approach to cater to the people. It established that today's world is one of Big Tech and small State, meaning corporations are more powerful than State and in turn control political and democratic systems. This section also established that there is a traditional human rights framework that may be used to guide this situation, however it may not suffice for the nuances this situation requires. Studying the present, the analysis was limited to a brief study of the UNGP on business and human rights and the Declaration for the Future of the Internet. From this, it was deduced, that although the UNGP and its B-tech project are a promising and consultative process forward, the Declaration had some major loopholes in terms of inclusivity and practical actionability. Looking to the future, this section applied the digital colonialism theory and the intersectionality lens to understand how the policy-making process could be decolonized and made as inclusive as possible. This resulted in the urgent need to address issues of representation and consultation from Global South and voices from minority groups to avoid making mistakes made in the past while developing international policy frameworks.

Key takeaways from the research:

- The way forward requires an approach embedded in international human rights law.
- International cooperation is key.
- Representation and diversity of voices from all over the world are crucial.
- Urgent need to address the concentration in power in a handful of companies.
- Regulation must be flexible and contextualized to fit in different scenarios.
- There is a dearth of expertise and capacity that needs to be addressed, focusing on the Global South.

It is crucial to point out here that the given research had neither ambition nor capability to examine all relevant issues pertaining to Big Tech regulation and democracy. This study aimed to reveal key problems and recommendations in relation to protecting human rights in during Big Tech's activities which impact democracy within the limited space and time.

Technology has rapidly changed the way we live our lives as individuals and as a collective at a global scale. Some have gone as far to say that Big Tech's its power has grown to a scale that is extremely difficult and maybe even too late to control (DeCook, 2020). Due to its unique and

unprecedented nature there was no way to know what to expect and how can you possibly regulate something you don't understand? You just go with the flow, and that seems to be what has been happening in the policymaking world. The digital world has transformed the world we live in and has seeped in real life (also known as IRL). From the way education is done, to healthcare, business and as the power of digital and social media platforms grew, even the way governments are run, political decisions are made and the state of democracy at a national and international level. Fundamental human rights that had taken dozens of years to protect through hardships, wars and legal and policy documents and discussions, are now facing an unprecedented challenge, a new world online. Human Rights issues such as privacy, freedom of speech, right for and against religion, and political rights are now facing a new realm of challenges. The digital world was now entering into the real world and unchartered, unregulated territory. This led to policies and legislation that were mostly based on trial and errors, guessing, and learning on the job. Unfortunately, this also led to misuse of powers by creating authoritarian rules and utilizing these powerful tools in their favor. It is crucial to balance the rights of individuals while preserving and encouraging innovation that continues to assist humankind and improve lives. As a space that was meant to be different, the people are now asking 'Can we get our internet back now please?' (Privacy International, 2020).

A positive future that utilizes innovation such as AI to its benefit will not be seen in isolation, it requires an intense amount of international cooperation, with the mindset to learn from the past. In this ambitious journey of protecting democracy and human rights of the current and future generations it is imperative to keep thinking, growing, and evolving with the technologies. We should 'think of regulation as a process, not an event'. (Andrews, 2019). There are no definite answers, and there are no correct answers, it will truly be a game of trial and error. However, one thing is definite, that action is required immediately as the future of human rights and democracy around the world depends on it.

7. Recommendations

To build a way forward, here are a collection of recommendations based in policy, practice, possible further research and theory which aim to assist in the cause of developing an appropriate regulatory framework for Big Tech's impact on Democracy:

i. **Policy:**

- **Tech in National Action Plans:** With National Action Plans being more swiftly being introduced in the domestic mechanisms of States across the world, it should be a serious consider including the aspect of digital technologies. This would create an influential guidance in case the State chooses to legislate on the issue, if it has not already, and it will maintain consistency and uniformity of standards globally.
- **Break the monopoly:** A possible policy area to research is developing an international anti-trust policy like the US and EU which addresses the concentration of power in a handful of Big Tech corporations. H

ii. **Practice:**

- **Incorporate voices from the Global South:** At each stage of the policy development process, research, capacity building.
- **Address the digital divide:** To address the digital divide, it is crucial to invest resources in digital literacy and develop scholarship in the area to prepare experts that can provide nuanced inputs in this rapidly evolving field. This also goes in line with the HRBA as a human rights-based empowerment approach, by equipping right holders with the tools to claim their rights and preparing duty-bearers to better meet their responsibilities.
- **Build capacity, create scholarship opportunities** and more seats at the table at international and national forums for diverse opinions and representation from the Global South
- **Multi-stakeholder Involvement:** Amplify traditionally suppressed voices by creating forums specifically to discuss minority group's multiple geographic locations.
- **International cooperation:** Recently it has been recommended by experts to create an 'Intergovernmental Panel on Digital Change (IPDC)', building on the mould from the similar United Nations' Intergovernmental Panel on Climate Change, so as to unite

countries interest in the form of a UN Framework Convention on Digital Change (similar to the United Nations' Framework Convention on Climate Change) (Tauchnitz, 2023).

- Civil Society Coalition: Free speech NGOs such as Article 19 have proposed the international 'Social Media Council' that would be a transparent, participatory body which would consist of academics, journalists, legal experts and other stakeholders working towards guiding social media companies on issues of speech, content moderation and privacy while applying international human rights law (Article 19).

iii. Research:

- Due to lack of space and limited time in this research project, it could not focus on all important aspects and complexities involved in preparing for the ideal approach forward in policy development regarding Big Tech. To further this research, an area of academic interest should be 'South-South imperialism', and the influence and rising impact of large tech companies in Asia (Kwet, 2019b).

iv. Theory:

- Although this research project took the approach of developing the study around a mixture of theories, it primarily focused on the Human Rights-Based Approach (HRBA) and then added on perspectives from the surveillance capitalism theory, digital colonization, and intersectionality. The reason to add on the already comprehensive theory was to ensure that certain ignored aspects through history are amplified in the future. And so, building on this ideology, it would be beneficial to continue to evolve this theoretical framework to form the ideal structure through which to analyze and develop policies in the future.

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