The gender digital divide and COVID-19: Towards feminist internet regulations in Southern Africa

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INTRODUCTION

The full impact of COVID-19 is yet to be fully understood, and, while there are many unknowns, the rapid and continued reliance on the internet cannot be denied. The internet has been lauded as a lifeline and critical force during this global health crisis,[1] but without equal and meaningful access to the internet, its ability to solve problems is limited. The gender digital divide in the Southern African region ordinarily discourages gender equality and entrenches the discrimination of marginalised and at-risk groups. Within the context of a global pandemic, the pervasiveness of existing inequalities and structures of discrimination are magnified.[2] The time has come – a feminist internet is imperative.[3]

The African Declaration on Internet Rights and Freedoms (African Declaration)[4] and the Feminist Principles of the Internet (FPIs)[5] advocate for an internet that is accessible, available, useable and affordable to all persons, without discrimination. Realising these principles has become increasingly urgent in the context of the COVID-19 pandemic. Against the backdrop of structural

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1 Jorge, S., Sarpong, E., & Nakagaki, M. (2020). *COVID-19 Policy Brief: Internet Access & Affordability*. Alliance for Affordable Internet and Web Foundation. https://a4ai.org/research/covid-19-policy-brief-internet-access-and-affordability

2 United Nations. (2020). *Policy Brief: The Impact of COVID-19 on Women*. UN Women and United Nations Secretariat. https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women

3 Association for Progressive Communications (APC). (2020). *Closer than ever: Keeping our movements connected and inclusive – APC's response to the COVID-19 pandemic*. https://www.apc.org/sites/default/files/closerthanever_pp.pdf

4 https://africaninternetrights.org/articles

5 https://feministinternet.org/en/principles

inequality and contemporary challenges, this article reviews the COVID-19 regulations in select countries[6] in the Southern African region to determine the extent to which the regulations and responses meet the standards envisaged in the African Declaration and the FPIs, in particular, whether present responses recognise the principles of internet access, gender equality, and non-discrimination of marginalised groups and groups at risk.[7] As becomes apparent, the responses by states in the region are largely underwhelming. While most states reviewed included some reference to information and communications technologies (ICTs), recognition of digital gender inequality is lacking, as are meaningful responses to it.

This article highlights that certain conditions have aligned to present a unique opportunity to recalibrate existing efforts, shift narratives and develop new standards that can enable and reflect genuine equality and inclusion on the internet. These conditions include (i) pre-existing inequalities and vulnerabilities; (ii) the magnification of these issues in the present context; (iii) inadequate regulatory responses; and (iv) the online nature of the COVID-19 pandemic. Combined, these conditions present an opportune moment for the FPIs to be re-galvanised and infused, alongside the African Declaration, into the ICT regulatory response to COVID-19 in the region. While the COVID-19 context presents innumerable challenges, it has sparked important conversations around online spaces and digital rights, and within this crisis, there are opportunities for the FPIs and the African Declaration to be realised. This article suggests that now, more than ever, is the time to ensure that we have a feminist internet. The article concludes with recommendations on suggested requirements for feminist ICT regulations.

COVID-19 AND THE MAGNIFICATION OF THE GENDER DIGITAL DIVIDE

It is common cause that digital transformation continues to expand, offering significant opportunities and empowering those who have access to online spaces. However, it is also common cause that the benefits of digital transformation are not equally shared, and access, use and ownership of digital tools is neither equitable nor inclusive.[8] Digital divides highlight the varying disparities in meaningful access, use and ownership of ICTs, and capture the online manifestations of structural and systemic inequalities that persist offline.[9] One

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6   Botswana, Malawi, Namibia, Zimbabwe and South Africa have been selected to provide a spectrum of responses and realities within the region.

7   Principles 2, 13 and 10 of the African Declaration.

8   Organisation for Economic Co-operation and Development (OECD). (2018). *Bridging the Digital Gender Divide: Include, Upskill, Innovate*. https://www.oecd.org/internet/bridging-the-digital-gender-divide.pdf

9   See Association for Progressive Communications (APC). (2017). Bridging the gender digital divide from a human rights perspective: APC submission to the Office of the High Commissioner for Human Rights. https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/APC.pdf; see also Mutsvario, B., & Ragnedda, M. (2019). Comprehending the Digital Disparities in Africa. In B. Mutsvario & M. Ragnedda (Eds), *Mapping the Digital Divide in Africa: A Mediated Analysis.* Amsterdam University Press. https://assets.ctfassets.net/4wrp2um278k7/6eNjNfkQbsLHEEUZMkegdx/66ba7342323fff1250a9552e-72fe33fe/9789048538225_ToC_Intro.pdf

of the more pervasive digital divides relates to gender disparities. The gender digital divide, the "measurable gap between women and men in their access to, use of and ability to influence, contribute to and benefit from ICTs,"[10] creates significant barriers in the realisation of human rights and impedes social and economic development.[11]

It is difficult to ascertain the full extent of the gender digital divide in Africa, particularly given the fact that Africa is one of the regions that has ranked lowest with regard to the availability of sexdisaggregated ICT data.[12] Nevertheless, there are indications that the prevalence of the gender digital divide in Africa is a cause for concern. For example, reports indicate that Africa is the only region with a marked increase in the internet user gender gap.[13] Sub-Saharan Africa appears to be in line with the continental trend, with over 300 million unconnected women living in the region.[14] More recent data suggest that women in Sub-Saharan Africa are 14% less likely to own a basic mobile phone and 34% less likely to own a smartphone that can connect to the internet.[15]

While the gender digital divide ordinarily has a disproportionate impact on gender equality and marginalised and at-risk groups,[16] in the context of a global pandemic the pervasiveness of these issues is magnified, and an already dire situation is amplified as many aspects of daily life move online.[17]

In the COVID-19 climate, unequal access to reliable information means limited access to health care and educational materials.[18] The disparity in the use and ownership of ICTs becomes stark when women, children and vulnerable groups cannot access services for fear of being monitored by perpetrators or family

10 United Nations. (2020). Op. cit.

11 For purposes of this article, the understanding of the gender digital divide takes into account considerations that "[g]ender is a broad and fluid social construct that is not limited to the conventional male/female dichotomy that commonly informs gender analysis in ICT." See Sey, A., & Hafkin, N. (Eds.) (2019). *Taking Stock: Data and Evidence on Gender Equality in Digital Access, Skills and Leadership.* United Nations University and EQUALS. https://www.itu.int/en/action/gender-equality/Documents/EQUALS%20Research%20Report%202019.pdf; see also APC. (2017). *Bridging the gender digital divide from a human rights perspective: APC submission to the Office of the High Commissioner for Human Rights.* https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/APC.pdf

12 Sey, A., & Hafkin, N. (2019). Op. cit.; see also APC. (2017). Op. cit., where it is noted that "representative and gender-disaggregated data should be gathered in a consistent and rigorous manner to reach a better understanding of the factors shaping women's access to and ability to benefit from meaningful internet access in diverse contexts."

13 Sey, A., & Hafkin, N. (2019). Op cit.

14   GSMA Connected Women. (2015). *Bridging the gender gap: Mobile access and usage in low- and middle-income countries.* https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/02/Connected-Women-Gender-Gap.pdf

15 OECD. (2018). Op. cit.

16 APC. (2017). Op. cit.

17 Mlambo-Ngcuka, P. & Albrectsen, A. (2020, 6 May). Op-ed: We cannot allow COVID-19 to reinforce the digital gender divide. *UN Women.* https://www.unwomen.org/en/news/stories/2020/5/op-ed-ed-phumzile-covid-19-and-the-digital-gender-divide

18 Statement of Feminists and Women's Rights Organizations from the Global South and from marginalized communities in the Global North. (2020). *Call for a Feminist COVID-19 Policy.* https://feministallianceforrights.org/blog/2020/03/20/action-call-for-a-feminist-covid-19-policy

members.[19] Economically vulnerable members of society, who are now expected to work from home with inefficient ICT infrastructure, are placed in an even more precarious situation.[20] In a time where access to the internet is becoming indispensable to everyday life, those who are unable to connect are isolated socially, economically and politically.[21] The Association for Progressive Communications (APC) has explained:

> Communities without access to the internet or with limited connectivity are more isolated and vulnerable, and are unable to readily access the public health information and services they need. This will result in deepened social and economic inequalities in the future. A lack of internet access can also exacerbate an already repressive, harmful and unequal context for women and people of diverse genders and sexualities.[22]

Women, girls and marginalised communities are at even more risk of falling behind and having to fight to access, enjoy and realise their human rights, both online and offline. The pre-existing access barriers, amplified by COVID-19, illustrate the dire need for adequate and appropriate responses. A feminist internet is imperative.

REGULATORY GAPS AND OPPORTUNITIES FOR FEMINIST RESPONSES

This section is dealt with in two parts. First, a cursory review of the COVID-19 regulations and responses of selected countries in the region reveals that there is insufficient recognition of the principles of internet access, gender equality, and non-discrimination of marginalised groups and groups at risk. Second, the responses, in many ways, fall short of the principles of the African Declaration and the FPIs. These inadequacies, existing issues and now the online nature of the COVID-19 pandemic present a unique opportunity to re-imagine how best to bring the FPIs and the African Declaration to the fore.

FINDING THE GAPS

Most COVID-19 responses included some reference to communication or technology as an essential service, whereas others were more proactive in enabling access to ICTs during periods of lockdown.[23] Despite Botswana's high rankings

19   UN Women. (2020). *COVID-19 and Ending Violence Against Women and Girls*. https://reliefweb.int/sites/reliefweb.int/files/resources/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf

20   Magenya, S. (2020, 17 March). Making a feminist Internet in Africa: Why the internet needs African feminists and feminisms. *GenderIT.org*. https://www.genderit.org/editorial/making-feminist-internet-africa-why-internet-needs-african-feminists-and-feminisms

21   Turianksyi, Y. (2020, 14 May). COVID-19: Implications for the 'digital divide' in Africa. *Africa Portal*. https://www.africaportal.org/features/covid-19-implications-of-the-pandemic-for-the-digital-divide-in-africa

22   APC. (2020). Op. cit.

23   African Declaration on Internet Rights and Freedoms Coalition (AfDec Coalition). (2020). *Position paper in response to the COVID-19 pandemic*. https://africaninternetrights.org/updates/2020/06/article-902

in the region for affordable smartphones and mobile data, and strong "policy and regulatory frameworks in place to encourage growth and ensure provision of affordable and equitable access,"[24] its ICT COVID19 response is found wanting. Apart from listing "communication services" and "communication supplies" as essential in the COVID-19 Regulations, Botswana appears to have done very little in terms of ensuring or facilitating better access and connectivity, particularly during the lockdown period.[25] The Botswana Communications Regulatory Authority (BOCRA) issued several notices, largely relating to the publication of false news,[26] and the use of online platforms to remotely access

BOCRA services.[27] There appear to be no recorded measures or responses concerning the gender digital divide and the disproportionate gendered impact of COVID-19 on digital rights.

The Malawi Public Health Rules listed "information and communication" as an essential service.[28] The reference to communication and media services online as an essential service is an indication of the government's recognition of the need for access to information online during this critical time. Further to this, in April 2020, the Malawian government appeared to take more proactive measures, engaging with mobile network operators to facilitate the provision of free internet to learners.[29] While these are steps in the right direction, the efforts of the Malawian government need to be significantly increased if there is any

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24   Alliance for Affordable Internet (A4A1). (2019). *The 2019 Affordability Report.* https://a4ai.org/affordability-report; see also The Economist. (2020). *The Inclusive Internet Index.* https://theinclusiveinternet.eiu.com/explore/countries/BW

25   Republic of Botswana. (2020). *Emergency Powers (Covid-19) Regulations, 2020 – S.I. No. 61 of 2020.* https://www.tralac.org/documents/resources/covid-19/countries/3352-botswana-extraordinary-government-gazette-emergency-powers-covid-19-regulations-2-april-2020/file.html

26   BOCRA. (2020, 27 March). Public Notice: Publishing, Forwarding or Creating False Information Using Online Platforms is an Offence. https://www.bocra.org.bw/public-notice-3

27   BOCRA. (2020, 24 March). Public Notice: Use of Online Platforms to Remotely Access BOCRA services. https://www.bocra.org.bw/public-notice-2

28   Malawi Ministry of Health. (2020). *Public Health (Corona Virus Prevention, Containment and Management) Rules, 2020.* https://africanlii.org/akn/mw/act/gn/2020/5

29   Gondwe, G. (2020, 24 April). Free Internet for Malawi's learners. *ITWeb.* https://itweb.africa/content/rW1xL759R3O7Rk6m

chance of elevating Malawi out of its low global ranking for internet access.[30] Similarly to Botswana, there are no recorded COVID-19 responses that target equal and inclusive access, despite Malawi having a "huge gender digital divide".[31]

The Namibian COVID-19 Regulations list ICTs as a critical service stating that "data centers, fibre optic infrastructure, towers and antennae will need to operate at high efficiency to ensure connectivity remains stable."[32] This expanded recognition of connectivity is notable. The Namibian government has made concerted efforts to facilitate access to the internet for educational purposes, setting aside funds to ensure internet connectivity for universities.[33] However, there is limited evidence to suggest that there have been measures responding to gender equality and non-discrimination, which is a poor reflection of Namibia's past efforts of addressing the digital gender divide.[34]

Zimbabwe's initial Public Health Order was silent on ICTs; however, this was amended and it now includes a reference to "communications and telecommunication services", including the internet and any public or licensed broadcasting service, as an essential service.[35] Despite this acknowledgement, Zimbabwe's ICT response has been of concern.[36] Amidst already high data prices and announcements by mobile operators of further price increases, there were increasing concerns regarding access in a COVID-19 context, prompting a request for the decrease in the cost of mobile data and internet fees.[37] Fortunately, the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) heeded the call and announced the allocation of free temporary spectrum for the main mobile network operators.[38] The freeing up of temporary spectrum is a welcomed development. While POTRAZ has indicated that it continues to regulate tariffs and find a balance between affordability for consumers and

30   Freedom House. (2019). *Malawi: Freedom on the Net 2019*. https://freedomhouse.org/country/malawi/freedom-net/2019; see also https://theinclusiveinternet.eiu.com/explore/countries/MW/

31   Mthawanji, D. (2019, 9 May). Malawi: Putting MGDS III under gender microscope. *Gender Links*. https://genderlinks.org.za/news/putting-mgds-iii-under-gender-microscope

32   Republic of Namibia. (2020). *COVID-19 Regulations Proclamation 9 of 2020*. https://africanlii.org/akn/na/act/p/2020/9

33   Ngatjiheue, C. (2020, 9 June). Namibia: Govt Pumps N$9m into University internet. *All Africa*. https://allafrica.com/stories/202006100153.html

34   Bidwell, N. (2018, 4 July). Measuring the digital divide: Why we should be using a women-centred analysis. *GenderIT.org*. https://www.genderit.org/feminist-talk/review-measuring-digital-divide-why-we-should-be-using-women-centered-analysis; The Economist. (2020). *The Inclusive Internet Index*. https://theinclusiveinternet.eiu.com/explore/countries/NA/performance/indicators/readiness/policy/national-female-e-inclusion-policies

35   Government of Zimbabwe. (2020). *Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) (Amendment) Order, 2020 (No. 3)*. https://www.veritaszim.net/node/4083

36   AfDec Coalition. (2020). Op cit.

37   MISA Zimbabwe. (2020, 8 April). Internet access a fundamental human right – data must fall! https://zimbabwe.misa.org/2020/04/08/internet-access-a-fundamental-human-right-data-must-fall; Thompson, J. (2020, 1 May). Another data price hike shock for Zimbabweans. *Times Live*. https://www.timeslive.co.za/news/africa/2019-05-01-data-price-hikes-shock-zimbabweans

38   Mudzingwa, F. (2020, 10 May). POTRAZ Gives Mobile Operators Additional Spectrum for the Rest Of 2020: Internet Use Has Ballooned. *TechZim*. https://www.techzim.co.zw/2020/05/potraz-gives-mobile-operators-additional-spectrum-for-the-rest-of-2020-internet-use-has-ballooned

ensuring the survival of operators, it is likely that data prices will remain high and connectivity will remain a challenge for many ICT users in Zimbabwe. Further to this, and despite also being known for its gender digital divide, there appear to be no recorded responses that specifically address it in a COVID-19 context.[39]

South Africa has been more responsive, publishing directions early on in the pandemic that emphasised the importance of continued access to the internet.[40] These directions resulted in the Independent Communications Authority of South Africa (ICASA) allocating temporary spectrum to major mobile networks.[41] The directions further prohibited all licensed entities from effecting price increases.[42] Mobile network operators in South Africa have contributed toward facilitating access during the pandemic, decreasing data prices and providing access to a zero-rated USSD line for reporting infections and accessing critical information.[43] More recently, the Acting Minister of Communications and Digital Technologies published directions that provide a framework for the zero-rating of websites for education and health.[44] However, similarly to the above states, South Africa has not explicitly addressed the gender digital divide, although its overall promotion of access is a step in the right direction.

This brief mapping exercise illustrates the gaps in the regulatory response to COVID-19, gaps which can adversely affect women, girls, and members of marginalised communities. While states have noted the import of access, few states have adopted measures that meaningfully try to ensure it. The gender digital gap has largely been ignored, leaving space for continued discrimination and harm.

The FPIs envisages a feminist internet that starts with "enabling more women and queer persons to enjoy universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet."[45] This type of access is needed, particularly during this time, and in a region where the current gender

39   Nyamutswa, C. (2018, 3 January). Bridging the Gender Divide. *ITU*. https://www.itu.int/en/council/cwg-internet/Pages/display-oct2017.aspx?ListItemID=34

40   Department of Telecommunications and Postal Service. (2020). *Electronic Communications, Postal and Broadcasting Directions issued under Regulation 10(8) of the Disaster Management Act, 2002 (Act 57 of 2002)*. https://www.gov.za/sites/default/files/gcis_document/202003/43164gon-417.pdf

41   ICASA. (2020, 17 April). Temporary radio frequency spectrum issued to qualifying applicants in an effort to deal with COVID-19 communication challenges. https://www.icasa.org.za/news/2020/temporary-radio-frequency-spectrum-issued-to-qualifying-applicants-in-an-effort-to-deal-with-covid-19-communication-challenges

42   The prohibition on price increases has since been removed. Department of Telecommunications and Postal Service. (2020). *Amendment of Electronic Communications, Postal and Broadcasting Directions issued under Regulation 10(8) of the Disaster Management Act, 2002 (Act 57 of 2002)*. https://www.gov.za/sites/default/files/gcis_document/202005/43351gon590.pdf

43   Khumalo, S., & van der Merwe, M. (2020, 20 March). MTN Slashes Data Prices. *News24*. https://www.news24.com/fin24/Companies/ICT/mtn-slashes-data-prices-20200320; Buthelezi, L. (2020, 10 March). Vodacom to slash data prices by at least 30%, clients to get free access to some websites. *News24*. https://www.news24.com/fin24/Companies/ICT/vodacom-to-slash-data-prices-by-at-least-30-20200310

44   Department of Telecommunications and Postal Service. (2020). *Directions on Zero-Rating of Websites for Education and health issues under regulation 4(10) of the Regulations made under the Disaster Management Act, 2002 (Act 57 of 2002)*. https://www.gov.za/sites/default/files/gcis_document/202006/43411gon651.pdf

45   https://feministinternet.org/en/principles

digital gap continues to leave millions offline. The African Declaration captures the central role that access to the internet plays in the realisation, exercise and enjoyment of human rights. It promotes the values of equal access, to learn about, define, use and shape the internet. The pre-existing inequalities now compounded by a global pandemic require heightened responses from states. While the inclusion of ICTs as essential and critical services is important, it is arguably the bare minimum in the current COVID-19 context. The regulatory frameworks and responses within the region fall short of the standards of access and equality envisaged by the FPIs and the African Declaration.

Furthermore, the lack of measures enabling meaningful and equal access during the pandemic proves a lack of inclusive discussions regarding crucial internet-related decisions. Both the FPIs and the African Declaration encourage a multistakeholder approach to internet governance.[46] This requires that the voices of those who face multiple forms of discrimination and who have been historically underrepresented in decision-making processes are invited to the table and are given an opportunity to contribute towards the policies and regulations that shape how people access the internet. The current regulations are clearly missing a feminist voice.

FILLING THE GAPS

The pre-existing access barriers, which have been amplified by COVID-19, warrant better responses, and now is the time to push states to do better. This next part will highlight that the gaps identified above, coupled with the immediate issues presented by COVID-19 and the realisation of the long-term reliance on the internet, are essential components of a formula that makes this moment an opportune one for the FPIs to be re-galvanised to ensure that feminist regulations take us through this crisis and become part of our post-COVID-19 existence.

There is increasing acceptance that "internet rights and freedoms are more important now than ever before," particularly considering lockdown, social distancing, and reconfigurations to education systems and economic activity.[47] For individuals, governments, educational institutions, businesses and health care institutes, access to the internet has become crucial, and it is apparent that "internet access is a lifeline – not a luxury."[48] Access to the internet enables the dissemination of information and is integral to any disaster management

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46 The FPIs state: "Our principle on governance highlights the need to democratise the multi-stakeholder process, as well as get more feminists and queer activists onto the discussion tables in order to advocate for a gender perspective in crucial internet-related debates;" Principle 12 of the African Declaration states: "Everyone has the right to participate in the governance of the Internet. The Internet should be governed in such a way as to uphold and expand human rights to the fullest extent possible. The Internet governance framework must be open, inclusive, accountable, transparent and collaborative."

47 AfDec Coalition. (2020). Op. cit.

48 Sarpong, E. (2020, 15 April). Covid-19 shows why internet access is a basic right. We must get everyone connected. *Alliance for Affordable Internet*. https://a4ai.org/covid-19-shows-why-internet-access-is-a-basic-right-we-must-get-everyone-connected; see also United Nations Economic Commission for Africa. (2020, 10 June). COVID-19: Africa in urgent need of affordable broadband internet. https://www.uneca.org/stories/covid-19-africa-urgent-need-affordable-broadband-internet
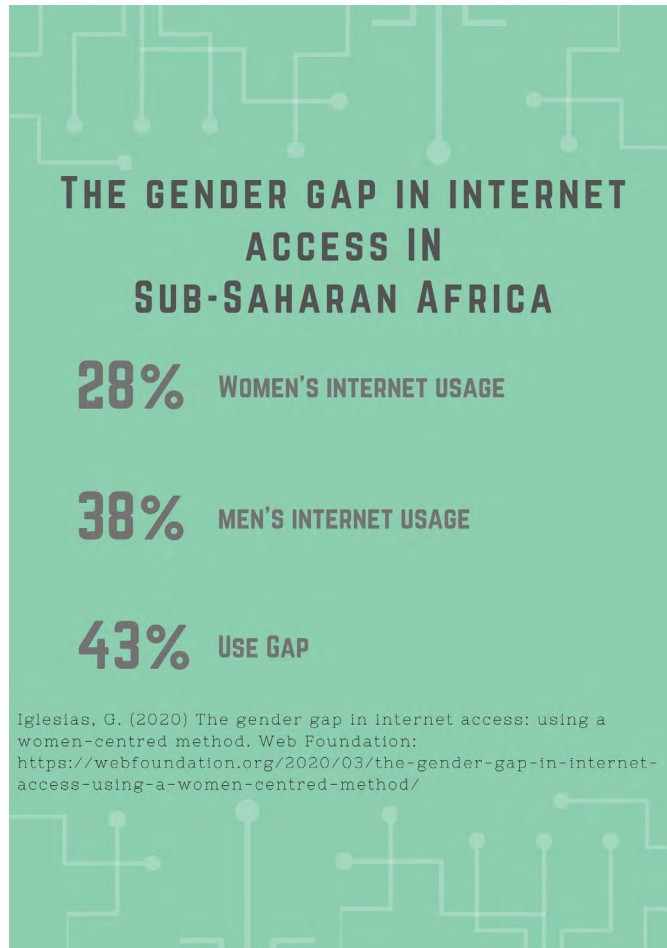
response.[49] Beyond the clear need for immediate access to the internet, the COVID-19 pandemic has cemented the notion that the world can exist online and will largely remain online going forward. Analysts predict that "[i]n the post-pandemic world, technology will be as ubiquitous as it is now, if not more."[50] Prolonged and increased tech dependence will become an integral part of society and how we learn, communicate and trade.

Our current and future realities dictate that internet access is crucial. While this may be so, the above discussion on gender digital inequality and the underwhelming responses from states in the region indicate that the internet as a solution is meaningless without equal access. In other words, "If digital technology and the internet are the lifeline of our days, then a feministinternet becomes an imperative."[51] That is why, given the urgent need for access, listing ICTs as an essential service is simply not enough. Magenya explains that presenting the internet as a solution to a social problem in the absence of equality of access, use and representation is a falsehood.[52] She explains further that "this is why we need even more African feminists and feminisms on, in, around the internet, to counter the idea that technology somehow levels the playing field for all, and is an infallible solution to all our problems."[53]

Taking the pre-existing status quo and adding a new reality that is internet reliant creates a key moment for change. The time is now for activists to critically re-imagine how best to prioritise the FPIs and the African Declaration. This moment provides an opportunity for targeted advocacy around COVID-19

THE GENDER GAP IN INTERNET ACCESS IN Sub-Saharan Africa

28% WOMEN'S INTERNET USAGE

38% MEN'S INTERNET USAGE

43% USE GAP

Iglesias, G. (2020) The gender gap in internet access: using a women-centred method. Web Foundation: https://webfoundation.org/2020/03/the-gender-gap-in-internet-access-using-a-women-centred-method/

← The gender gap in internet access: using a women -centred method. Web Foundation. https://webfoundation.org/2020/03/the-gendergap-in-internet-access-usinga-women-centred-method/ Source: Igelsias, G. (2020)

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49 APC. (2020). Op. cit.

50 Rasheed, Z. (2020, 26 March). Our lives after the coronavirus pandemic. *Al Jazeera*. https://www.aljazeera.com/news/2020/03/world-coronavirus-pandemic-200326055223989.html

51   APC. (2020). Op. cit.

52   Magenya, S. (2020, 17 March). Op. cit.

53   Ibid.

responses, as well as an opportunity to ensure the principles of the FPIs and the African Declaration are present post-COVID-19. Feminist regulations and responses can have the potential to address past and present inequalities, recognise and prioritise the needs of the most vulnerable members of our societies, and pave the way forward for an inclusive, accessible and meaningful response. It is necessary to echo existing calls for feminist COVID-19 policies:

> It is critical that governments utilise a human rights and intersectional based approach to ensure that everyone has access to necessary information, support systems and resources during the current crisis.[54]

When calling for feminist regulatory and policy responses, it is important to ensure that among other things, such responses are of a high quality, and include objectives and frameworks for implementation and impact assessments and ensure meaningful opportunities for participation.[55] Further to this, there are three stepping stones toward the inclusion of feminist regulations in Southern Africa. The first is an acknowledgment by states that there are pre-existing structures of inequality and discrimination and that the harms of such inequalities are amplified in a COVID-19 context. Second, there needs to be regulatory reform of the current COVID-19 responses. The principles of the FPIs and the African Declaration need to be infused into the regulations and responses. A significant part of this step requires feminist voices to be part of the decision-making processes. States must ensure that there is "meaningful inclusion and participation of all stakeholders in internet policy decision-making processes and forums" during the pandemic.[56] Third, the measures and responses need to manifest in reality. States need to engage with creative solutions in the short, medium and long term. These measures must be both local and regional and must be supported by the African Union and the African Commission on Human Rights.

CONCLUSION

The impact of COVID-19 on existing digital gender inequalities has gone almost unnoticed by states in Southern Africa. Urgent acknowledgement by states is necessary, but this recognition must also be coupled with appropriate, inclusive and meaningful measures that ensure access to the internet amidst the current crisis. Equally, the role of the private sector cannot be ignored, and during regulatory reform processes, states must undertake to engage with the private sector mobile network operators and telecommunications service providers to facilitate free ICT services and/or reduce the prices of services.

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54   Statement of Feminists. (2020). Op. cit.

55   For further recommendations on regulatory and policy governance see OECD Regulatory Policy Committee. (2012). *Recommendations of the Council on Regulatory Policy and Governance*. https://www.oecd.org/gov/regulatory-policy/49990817.pdf

56   APC. (2020). Op. cit.

Drawing on and reinforcing existing recommendations,[57] this article presents specific recommendations for regulatory reforms. ICT-specific regulations, from the relevant ministries, need to be published in order to address access to ICTs during the global pandemic. All and any decisions made must be open, inclusive, accountable, transparent and collaborative and include feminist voices. Below are the suggested inclusions for feminist ICT regulations:

- Recognition of the impact of COVID-19 on existing digital gender equalities is imperative, including express recognition that women, girls and marginalised communities in the region risk falling further behind as a result of the pandemic.

- The regulations must include an explicit acknowledgement that access to ICTs means affordable, meaningful and equal access

- There must be an affirmation that existing access to ICTs cannot be restricted during this time of crisis.[58]

- States must take urgent steps to enable the establishment and use of Universal Service and Access Funds and Digital Inclusion Initiatives and Funds.[59]

- Digital literacy materials must be developed and made accessible. These materials must be understandable and appropriate for meaningful digital literacy training. The training and tools must address safety, online harm and privacy.

- States, along with the relevant regulatory bodies, must provide temporary spectrum relief.

- Zero-rated information portals must be established. Zero-rated content must include portals that provide: vital information about the COVID-19 pandemic; health-related and educational information; platforms for reporting gender-based violence; spaces that provide psycho-social support; and sites that provide digital literacy training.

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57   AfDec. (2020). Op. cit.; Jorge, S., Sarpong, E., & Nakagaki, M. (2020). Op. cit.

58   International experts on freedom of expression and freedom of the media have stated that "internet access is critical at a time of crisis. It is essential that governments refrain from blocking internet access; in those situations where internet has been blocked, governments should, as a matter of priority, ensure immediate access to the fastest and broadest possible internet service. Especially at a time of emergency, when access to information is of critical importance, broad restrictions on access to the internet cannot be justified on public order or national security grounds." OHCHR. (2020, 19 March). COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts. https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E

59   Jorge, S., Sarpong, E., & Nakagaki, M. (2020). Op. cit.

- Access to education must not be hampered. The provision of online teaching and learning materials must be coupled with digital tools to facilitate access. Online resources must be zero-rated and digital tools to facilitate access must be made available to those who need them. While digital tools are being distributed, collaboration with schools and post offices is necessary to deliver teaching and learning materials to ensure that no learner falls behind.

- Policies must be developed, and measures must be put in place, to address and curb technology-related and ICT-facilitated violence.

- Oversight and review mechanisms must be included in the regulations to ensure that they develop at a speed commensurate with technological developments.

Regulations along these lines, coupled with proper implementation, can lessen the gender digital divide and can set the correct tone for internet access beyond the pandemic. "In this global health crisis, the web is both a lifeline and a critical force in helping to curb the spread of COVID-19,"[60] but its value is limited if there is non-existent or inequitable access. For the internet's potential to be meaningful, the FPIs and the African Declaration must be infused into COVID19 responses. The time is now for concerted efforts to ensure this. "In this global moment of crisis and isolation, the need for a feminist internet, one that includes and centres the voices of African feminists, is no longer necessary, it is crucial."[61]

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60   Jorge, S., Sarpong, E., & Nakagaki, M. (2020). Op. cit.

61   Magenya, S. (2020, 17 March). Op. cit.