



TERMS OF REFERENCE

Research on the human rights impacts of tech company operations in authoritarian countries

1. Introduction

ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. ARTICLE 19 does this by working on two interlocking freedoms which set the foundation for all our work. The right to freedom of expression concerns everyone's right to express and disseminate opinions, ideas and information through any means, as well as to disagree with and question power-holders. The right to information concerns the right to demand and receive information by power-holders in support of transparency, good governance and sustainable development. When either of these rights comes under threat, ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society.

ARTICLE 19 seeks a consultant to conduct research and draft a report published by ARTICLE 19 on the human rights impacts of tech company operations in authoritarian countries in the Asia-Pacific region. The research contributes to Engaging Tech for Internet Freedom, an international human rights project that seeks to create an evidence base to inform CSO capacity-building and advocacy activities through research on internet freedom issues in authoritarian countries; enhance the capacity of Asia-Pacific CSOs to engage with tech companies operating in authoritarian and semi-authoritarian contexts and advocate for stronger human rights practices; and strengthen international resistance to authoritarian internet regulation models through advocacy at the UN and other international fora and with tech companies.

2. Research timeframe, budget, and methodology

ARTICLE 19 seeks a consultant or group of consultants to conduct research and draft a report focused on online censorship and surveillance-related rights abuses in the Asia-Pacific region with a specific focus on documenting and analyzing human rights concerns associated with tech company operations in authoritarian contexts in the Asia-Pacific region. The goal of the report is to create an evidence base for CSO engagement with the private sector, highlighting key issues and potential areas of focus.

The research should:

- address how various forms of internet regulation – including, but not limited to – the push in the Asia-Pacific region for “internet sovereignty” through internet gateways, data localization and retention requirements, notice and takedown orders amounting to censorship, emphasis on real-name identity verification or penalties for anonymity and encryption tools, among other means of surveillance, intermediary liability, as well as laws enabling states to shut down all or parts of the internet and surveil internet users, affect the ability of tech companies to uphold the UNGPs.

- examine the extent to which these internet regulations affect the decision of tech companies to enter and exit authoritarian or semi-authoritarian countries.
- explore how tech companies adapt their operations in authoritarian countries and the effects these adaptations have on human rights.
- identify the potential ramifications of tech company operations in authoritarian contexts, such as increased global censorship or complicity in surveillance of civil society actors in order to raise awareness with key stakeholders about the human rights implications of tech sector operations in authoritarian countries.

Geographical Scope

The research of the report must draw on case studies from China, Vietnam, and Burma, and related diaspora communities. However, the analysis in the report should go beyond country-specific case studies and provide analysis that can be valuable for other countries in the region and to confront global ramifications of tech sector operations in authoritarian countries. As such, the report may include information regarding additional Asia-Pacific countries including Cambodia, Indonesia, Malaysia, Singapore, and Thailand, as well as countries farther afield such as Australia, New Zealand, or Europe and North America in order to explore the relationship between the authoritarian countries prompting acts of censorship or surveillance and their impacts/influences on internet freedom in other countries.

Methodology

The successful applicant should apply a participatory research methodology drawing heavily from CSO needs and contributions, open-source research, legal analysis, and key informant interviews.

Timeline

All activities and outputs described in these terms of reference must be completed no later than **1 May 2023**.

Budget

The total budget should not exceed USD 30,000.

3. Outputs

ARTICLE 19 seeks a collaborative approach with the selected applicant to ensure smooth delivery of the research outputs. The selected applicant is expected to:

- Work collaboratively with ARTICLE 19 on all stages of the process, including methodology development, report structuring, and the interviewing process.
- Commit to brief check-in calls (once a month) to check the status of the project and provide space for questions and feedback.

The Consultant will be expected to deliver the following:

- A first draft of a report addressing the research questions above.

- Collaboration with ARTICLE 19's Asia and Digital Teams in revising and finalizing the research (committing to a minimum of two rounds of revisions based on ARTICLE 19 feedback).
- A final draft of the report of approximately 30-50, that incorporates both rounds of feedback and is publication-ready. ARTICLE 19 is responsible for formatting the report and ensuring the report complies with its house style. ARTICLE 19 is responsible for dissemination of the report.
- Raw data collected through the research process, including consent forms where applicable.
- Participation in at least one event to disseminate the findings of the research.
- Participation in at least one event as a resource person at a regional workshop organized by ARTICLE 19 in June or July 2023.

Submission of expressions of interest

Interested individuals, groups or coalitions should submit an expression of interest and budget to Caroline Stover, Head of Asia Programme, at caroline@article19.org by 30 November 2022.

The expression of interest should be no longer than three pages and address the following matters:

- Composition of research team, including CVs of all research team members;
- Proposed research methodology, including manner of collecting information, and type and minimum number of stakeholders engaged;
- One example of past unedited work relevant to the current TOR;
- Proposed research locations;
- Detailed timeline of research;
- Ethical considerations;
- Security considerations; and
- Contact information for at least one reference person who can speak to past research output.

The budget should specify how project funds would be spent to achieve the research objectives. The total budget should not exceed USD 30,000. The budget should include all expenses that will be incurred by the researcher(s) including travel expenses, expenses associated with research activities such as interviews or focus group discussions, and compensation for the research team.

ARTICLE 19 will notify applicants on the status of their applications no later than 15 December 2022. After reviewing expressions of interest, ARTICLE 19 will work with the selected applicant to refine the research plan and budget prior to signing a contract.