



## Introduction

ARTICLE 19 (A19) is an international human rights organization that focuses on the protection and promotion of the right to freedom of expression and access to information. Headquartered in the United Kingdom, A19 has regional offices around the world, including the United States. A19's Global Digital Program advocates for human rights considerations in the design, development, and deployment of global Internet infrastructure technologies. Since 2014, the Program has engaged in key global technical standards bodies including the Internet Engineering Task Force (IETF) and Internet Research Task Force (IRTF), the Institute for Electrical and Electronics Engineers (IEEE), the International Telecommunication Union (ITU), the Third Generation Partnership Project (3GPP), and the World Wide Web Consortium (W3C).

A19 staff have held several leadership positions in these standards bodies, including the chair of the Human Rights Protocols Considerations Research Group of the IRTF, chair of the Randomized and Changing MAC Address Topic Interest Group (RCM TIG) of the IEEE 802.11 Working Group, and chair of the Methods Committee within the IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems. Since 2016, A19 staff have also participated in ITU conferences and study groups as part of the United Kingdom Member State delegation, including as the delegation coordinator for privacy issues at the 2017 World Telecommunication Development Conference (WTDC-17) and 2018 Plenipotentiary Conference (PP-18).

A19 appreciates the opportunity to submit a public comment in response to the National Institute of Standards and Technology (NIST) Request for Information on "People's Republic of China (PRC) policies and influence in the development of international standards for emerging technologies". This public comment is based on A19's seven years of primary experience in engagement in global technical standards bodies, particularly in relation to the standardization of emerging technologies. This public comment will address the participation of the PRC in international standards-setting organizations, the interests of the PRC and international standards of select emerging technologies, and recommendations for the United States government.

### *Fundamental Concerns Regarding the Scope and Structure of the RFI*

A19 welcomes the increasingly stronger commitments of the United States to protect and promote human rights including freedom of expression in the context of Internet standards, particularly emerging technologies, as recently supported in [the Carbis Bay Group of Seven \(G7\) Summit communique in June 2021](#). This RFI indicates a specific focus on the standardization activities of the PRC as an "undue influence" and a potential threat to US public and private sector participation in international standards-setting. While A19 has recognized and responded to numerous instances of PRC-led standardization efforts, where they have threatened to undermine the free exercise of human rights, we are concerned by the frame and form of this RFI's focus. This kind of rhetoric, which indirectly furthers the narrative that Chinese technologies are fundamentally antithetical

to US values and interests, may result in the alienation of other governments that are engaged in the development of their national information and communications infrastructures as well as the fragmentation of multilateral and global Internet governance.

We support the United States' consideration of how it can bolster its engagement in global Internet standards-setting, particularly of emerging technologies; however, we strongly encourage the government to re-orient its focus to consider how it can seek its advantage by championing robust human rights considerations in Internet standards-setting, in line with its recent G7 commitments - not only in response to activities led by the PRC, but by all public and private sector actors, including its own.

## **The Participation of the PRC in International Standards-Setting Organizations**

*The International Telecommunication Union Technical Standardization Sector (ITU-T).* Since the start of A19's engagement in the ITU-T in 2016, we have noted a significant increase in the participation of PRC stakeholders representing government, academia, and both state-run and private telecommunication/ICT vendors in several study groups that address emerging technologies, particularly [Study Group 20 on Internet of Things and Smart Cities and Communities \(SG20\)](#) and [Study Group 16 on Multimedia \(SG16\)](#). While SG20 includes participation from a number of Member States, PRC-led standardization efforts comprise a significant number of work items. Largely, these work items are produced as high-level frameworks or architectures, rather than standards that set out technical specifications based on code. Over the last three years, there has been a growing number of such frameworks or architectures that set out models for various "smart" applications that have fundamental implications for human rights, particularly privacy and freedom of expression; for example, recent or current versions of proposed standards for [smart shopping malls](#), [construction sites](#), and [hospitals](#) include real-time location tracking of individuals via biometric recognition. While the editors of these work items are willing to revise drafts when human rights concerns are voiced by stakeholders, they are not uniformly or robustly addressed. In SG16, PRC stakeholders have engaged increasingly since 2019 in efforts to standardize facial recognition technologies, including most notably ["Requirements for face recognition application in visual surveillance"](#). While several Member States have since objected to the progression of this and similar standards on the basis of human rights and other grounds, PRC and other ITU-T Members have stifled any meaningful discussion of setting redlines on the standardization of technologies that pose fundamental threats to privacy or other human rights.

*The Institute for Electrical and Electronics Engineers (IEEE).* Similarly, we have noted an increasing interest from PRC stakeholders to standardize facial recognition technologies in the IEEE. In particular, [the P2945 Facial Recognition Working Group](#), which is chaired and largely composed of PRC industry stakeholders, was created in 2019 after an earlier, multi-stakeholder working group came to a deadlock regarding whether to standardize facial recognition technologies. While there is little information available about the progress of the P2945 working group, A19's experience is that efforts by other stakeholders, including civil society, are met with major roadblocks. This type of working group capture reflects similar trends in the ITU-T SGs 20 and 16, and increases the threat that technologies that are fundamentally inconsistent with human rights may be standardized despite a lack of multi-stakeholder consensus.

While the growing interest and participation of PRC stakeholders in standardization processes is evident in other standards bodies, such as the recent discussions regarding “New IP” in the IETF, we believe that the above examples of efforts in the ITU-T and IEEE reflect the tactic of working group capture that has enabled PRC stakeholders to develop standards that have significant implications for human rights, particularly in standards bodies that relatively lack openness, transparency, and multi-stakeholder participation.

## **The Interests of the PRC and International Standards of Select Emerging Technologies**

It is difficult to analyze the extent to which PRC-led standardization efforts are resulting in the publication of standards that directly reflect technologies and systems that are being designed, developed, and deployed by PRC stakeholders, given the fact that standardization processes should facilitate participation from other stakeholders - not just editors - to develop outputs. Nevertheless, it is evident that the proposals that are driven by PRC stakeholders include, at least in part, frameworks and architectures for technologies that are real and being deployed, mostly in China. For example, in 2019, ITU-T SG20 determined a new ITU Recommendation, [“Requirements and functional architecture of smart residential community” \(Y.4556\)](#). Earlier versions of this standard, as proposed by its editors, included several intrusive surveillance requirements that would undermine the right to privacy, including the deployment of license plate readers and facial recognition. This architecture for “smart residential communities” [reflects the lived experiences of communities in China, as documented by journalists, where the same companies are known to have deployed smart cities technologies.](#)

## **Recommendations for the United States**

While it is certainly not the case that PRC-led standardization necessarily yields adverse implications for human rights, we recognize that the United States can play a strong role in countering the development of standards that do pose significant threats to human rights, whether led by PRC stakeholders or others. By framing its standards-setting strategy in terms of its commitment to human rights, rather than an explicit political agenda against a single state, the United States will promote a more sustainable future for a free, open, reliable, and secure Internet.

The RFI appears to prioritize standards development that occurs in industry-driven bodies such as the IEEE and IETF; however, the United States must consider the growing relevance and legitimacy of intergovernmental standards bodies such as the ITU, as reflected in the infrastructure procurement and deployment strategies of other states around the world. While the United States can certainly develop strategies to strengthen its direct engagement in intergovernmental standards bodies, it must not play a direct role in industry-driven standards bodies; at the same time, it is clear that the protection and promotion of strong public interest values such as privacy and freedom of expression cannot be done across the entire constellation of standards bodies by a single actor. As such, the United States should consider a strategy that promotes multi-stakeholderism in Internet standards-setting, particularly including civil society and public interest stakeholders. Civil society has the capacity and technical expertise to participate in these bodies and promote Internet freedom principles, in line with the stated interests of the United States.

In this context, A19 recommends that the United States should:

- **Reorient the focus of the US standards-setting strategy to strengthening human rights considerations for Internet technologies.**
- **Encourage US private sector stakeholders to champion the inclusion of civil society stakeholders in industry-driven processes.**
- **Increase human resources and coordination capacity across US government agencies to strengthen US engagement in intergovernmental standards bodies, such as the ITU-T, particularly to map working groups where standardization trends pose threats to human rights.**
- **Advocate for greater openness and multi-stakeholderism, particularly the inclusion of civil society stakeholders, in intergovernmental standards bodies such as the ITU.**
- **Prioritize the creation of multi-stakeholder US delegations not only to major conferences, but also technical study/working group meetings.**
- **Support the participation of civil society organizations in Internet standards bodies through grantmaking.**