Forging Digital Resiliency

ENHANCING GLOBAL CIVIL SOCIETY AND INDEPENDENT MEDIA'S DIGITAL RESELIENCY

Ky James Schardein, MPP Candidate
FRANK BATTEN SCHOOL OF LEADERSHIP AND PUBLIC POLICY | UNIVERSITY OF VIRGINIA
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Prepared by:
Ky Schardein
Master of Public Policy Candidate
Frank Batten School of Leadership and Public Policy
University of Virginia

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Acknowledgements and Disclaimer

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Disclaimer

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Glossary

ADD: Advancing Digital Democracy [Program]

CSO: Civil Society Organization

HFAC: [United States] House Foreign Affairs Committee

DI: [Economist Intelligence Unit] Democracy Index

DECA: Digital Ecosystem Country Assessment

DRG: [United States Agency for International Aid and Development Bureau of] Democracy, Human Rights, and Governance

DRO: Digital Rights Organization

DRSN: Digital Rights Solidarity Network

FOC: Freedom Online Coalition

FotN: [Freedom House] Freedom on the Net

GDPR: General Data Protection Regulation

GF: [Freedom House] Global Freedom

PIDR: Presidential Initiative on Democratic Renewal

SADC: Swiss Agency for Development and Cooperation

SCFR: [United States] Senate Committee on Foreign Relations

USAGM: United States Agency for Global Media

USAID: United States Agency for International Aid and Development

Executive Summary

Digital repression is a growing global problem. As global internet governance has fragmented over the preceding decade, more and more countries are adopting tactics and tools, such as internet shutdowns, content filtering, and disinformation campaigns that are antithetical to freedom of expression and openness principles that are the United States' position that the Internet should be open and free (State, N.d.).

Worse, the literature suggests that digital repression often serves as a warning indicator for broader democratic erosion (ODNI 2022; OHCHR, 2021, Shahbaz et al., 2023). It is not a coincidence that as governments gain access to increasingly sophisticated digital technology and tools, Freedom House has recorded thirteen consecutive years of global democratic erosion (Shahbaz et al., 2023).

As the COVID-19 pandemic accelerated digital repression trends and laid bare citizens dependency on digital infrastructure, the international democratic community has invested more attention in understanding and mitigating this complex problem (Feldstein, 2021a; Głowacka et al., 2021; Poetranto and Ruan, 2021; Powers-Riggs, 2020; Sombatpoonsiri and Mahapatra, 2021; Yayboke and Brannen, 2020).

In the United States, the United States Agency for International Development (USAID), particularly its Bureau for Democracy, Human Rights, and Governance (DRG) has been at the forefront of these efforts. Under President Trump, USAID developed its first Digital Strategy extending from 2020 to 2024 (USAID, 2020). President Biden has expanded these efforts, launching a whole-of-government Presidential Initiative on Democratic Renewal (PIDR) in 2021 (United States White House, 2021a). Now, more data is beginning to emerge on the first set of PIDR initiatives. The intersection of these trends, with more data becoming available and the first Digital Strategy ending, provides a natural opportunity for review as the agency continues to try to mitigate digital repression.

This report begins by tracing the history of digital repression, its purpose, and its tactics. From there, this report identifies the following four alternatives to mitigate the harm to civil society:

Alternative I: Status Quo

Alternative II: Renew and Expand the Digital Ecosystem Country Assessments (DECAs)

Alternative III: Strategic Litigation Grants

Alternative IV: Digital Rights Solidarity Network (DRSN) Grants

These alternatives are subsequently evaluated on cost, scalability, a two-part effectiveness standard, political feasibility, and frequency of approach.

Ultimately, this report recommends Alternative II: Renew and Expand the Digital Ecosystem Country Assessments (DECAs) based on this alternative high scalability and political feasibility, and moderate effectiveness. This Alternative would see USAID continue the DECAs Initiative beyond the expiration of its current Cooperative Agreement with DAI, the implementing partner that it has partnered with the majority of current DECAs.

PROBLEM STATEMENT

Over the last decade, state-based digital repression capabilities have grown. States have used these advanced capabilities to target civil society. This has resulted in a restriction of civic spaces, imperiling the continued operation of civil society organizations and the digital privacy and physical safety of activists in affected countries.

BACKGROUND

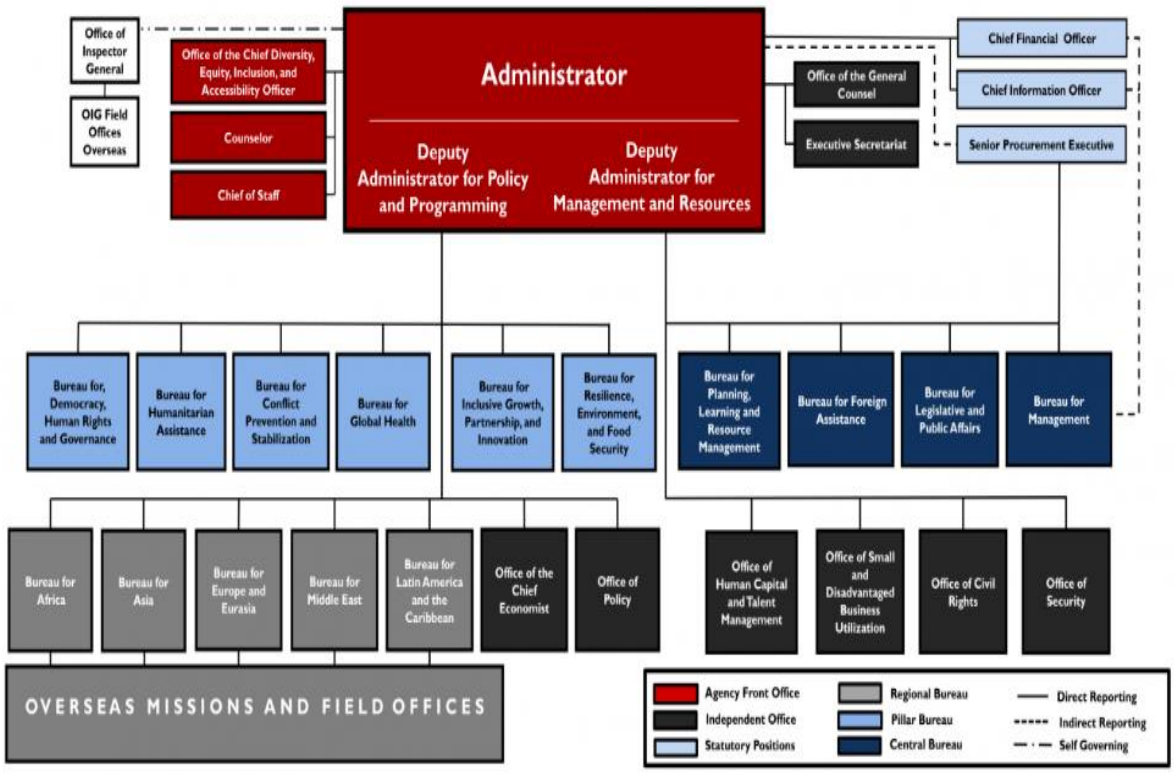
Client Orientation

The United States Agency for International Aid and Development's (USAID) primary mission is to "promote and demonstrate democratic values abroad, and advance a free, peaceful, and prosperous world" (USAID N.d.k). The agency is the leading global development agency, with an over 40-billion-dollar budget as of FY 22 (McCabe). It addresses a range of issues, including measures to alleviate poverty, disease, and humanitarian needs, as well as to support economic growth. As of 2022, they provided a range of assistance to more than 130 countries, with top recipients including Ukraine, Ethiopia, Afghanistan, and Syria (McCabe).

Within USAID, the Bureau of Democracy, Human Rights, and Governance (DRG) exists to help create, analyze, and coordinate strategies and policies to guide efforts toward democratic good governance. As part of this task, the Bureau touches on diverse issues, including promoting free, fair, and competitive elections, advocating for the rule of law, and pushing back against authoritarianism, including in the digital space. (USAID, N.d.f.; USAID, 2013). A seen in Figure 1, bureaus, including the DRG, are the primary organizational units of the agency.

Figure 1

USAID's Organizational Structure



USAID, N.d.l

Client's Background

Since the early 2010s, USAID has steadily elevated its DRG work. the Center for DRG was set up in 2012, as part of a new initiative to better support democracy issues and consolidate programs from across the agency (USAID, 2023a). Since 2013, USAID has identified the risk to civil society organizations (CSOs) and independent media organizations as a serious threat. The 2013 DRG Strategy identified myriad devastating impacts digital repression could have on USAID's mission, including harming CSOs (USAID, 2013). Demonstrating continuity of concern, the agency's 2020-2024 Digital Strategy built on this foundation (USAID, 2020).

USAID's prioritization of online freedoms and focus on digital repression has grown in tandem with the Internet's expansion. This growing concern fits within a broader USAID position that fundamental and universal human rights do not terminate when one goes online (USAID, 2020; USAID, 2013; USAID, 2023a). This approach is antithetical to digital authoritarianism that seeks to weaken online freedoms.

USAID's specific focus on digital repression's impact on CSOs and independent media is primarily due to the vital roles these organizations play in society. CSOs are organizations outside the direct control of the state that often have significant organizational capacity. Professional associations, formal religious groups, and academia are manifestations of civil society. Alongside independent media, CSOs provide channels for non-governmental information dissemination and can serve as an institutional mechanism to pursue government accountability. Put simply, CSOs and independent media are the lifeblood of a democratic society and democratic movements (Cooper, 2018; Ingram, 2020). Additionally, as part of USAID's ongoing efforts to empower local communities, CSOs are often critical partners (Ingram 2020; USAID, N.d.j).

Broader Client Context

After being inaugurated in 2021, President Biden elevated the prioritization of global democracy issues. The Biden Administration announced an initiative to expand USAID's focus on democracy issues by elevating DRG from a Center to a Bureau. (United States White House, 2023a; United States White House, 2023b; USAID, N.d.e.; USAID, N.d.f; USAID, N.d.l). Further, they designated the Bureau as an implementing agent for many of the programs and funds unveiled as part of the Biden Administration's 2021 Initiative on Democratic Renewal (PIDR) (United States White House, 2023b). Under the leadership of the current Administrator Samantha Power and the Bureau head, Assistant to the Administrator, Shannon N. Green, digital authoritarianism has been elevated among the many competing priorities of USAID (Power, 2022).

Alongside the PIDR, the Biden Administration has signaled continuing high-level interest in digital democracy programming, including through promulgation of internet principles (the Declaration on the Freedom of the Internet), Joint State-USAID planning decisions on the issue, and successive Summit of Democracies (State and USAID, 2022; State, N.d.; United States White House, 2021a; United States White House, 2021b; United States White House, 2023b).That the Administrations of Presidents Obama, Trump, and Biden all have identified digital repression as a growing global threat suggests an encouraging foundation of bipartisan political salience for this issue.

Problem Background

Digital Authoritarianism

Digital authoritarianism or digital repression does not refer to one activity but a diverse spectrum of actions. Nevertheless, definitions tend to identify certain key characteristics. USAID formally defines digital authoritarianism as, "The use of digital information technology by authoritarian regimes to surveil, repress, and manipulate domestic and foreign populations" (USAID, 2020, p. 48). Similarly, a European Parliament report asserts that the connective thread is a united desire by state actors to use digital tools "to control, repress, and manipulate domestic and foreign populations for the purposes of power consolidation" (Głowacka, 2021, pp. 11-12). The commonalities across these definitions indicate digital authoritarianism's salient characteristics, primarily the use of digital mechanisms to pursue repression and manipulation, often to bolster domestic regime stability.

Many digital repression tactics have physical analogs. Digital repression often manifests in four categories of actions: physical infrastructure manipulation, digital content manipulation, state-backed enhanced surveillance, and digital-backed 'lawfare' (Bosch and Roberts 2021; Earl et al., 2022; Frantz et al., 2020; Głowacka et al., 2021; Radsch, 2023; Sallick, 2021; Sombatpoonsiri and Mahapatra, 2021; ODNI, 2022). Part of the challenge to identifying and responding quickly and effectively to digital repression is the breathtaking diversity of digital authoritarian tactics and methods. Digital authoritarianism is not confined to a country or region, and different modalities manifest depending on local context (Minkoff et al. 2023; Shahbaz et al. 2022).

For instance, the United States Senate Committee on Foreign Relations (SCFR) and Freedom House have noted three different variants of digital repression unfolding in three countries: Uzbekistan has invested in surveillance technology, Türkiye has used social media laws to curtail the circulation of independent media, and Moroccan authorities have used disinformation and misinformation accounts to harass and intimidate activists online (Freedom House, "Morocco," 2022; Freedom House, "Turkey," 2022; USSCFR, 2020).

History of Digital Repression

Since its invention, digital technology has steadily become increasingly integrated into global daily life. CSOs were among the early adopters of digital technology and social media, entrenching an initial impression of it as 'liberation' technology (Bosch and Roberts, 2021). In many authoritarian states where physical organizing faced restrictions, organizers saw the utility of these technologies to act as a digital public square. Roughly, the vision was that these digital public squares would compensate for heavily censored physical public squares. Enhanced organizing capabilities would converge with improved knowledge streams to empower citizens to hold their governments accountable and push for more democratic reforms (Elsitra et al, 2021; Frantz et al., 2020; Mounk, 2018).

Initially, this model appeared to bear up. Many commentators highlighted the role of technology in bolstering the pro-democracy movements of the Color Revolutions and the Arab Spring (Feldstein, 2021b; Sallick, 2021). However, this analysis neglected some early

warning signs. Paramount among these was that certain governments were adopting digitally authoritarian positions. Most notably, in China, the ruling Chinese Communist Party (CCP) has long evinced a determination to exercise control over its digital spaces (Elsitra et al., 2021; USSCFR, 2020). The CCP would pioneer and serve as a model for many of the tactics and practices adopted by other authoritarian regimes (Sallick, 2021; Wilson, 2022).

Following the Arab Spring, authoritarian regimes invested resources into building their digital capacities, especially in surveillance and censorship (Franz et al., 2020; Sallick, 2021). Given a core focus of digital authoritarianism is mobilization prevention and to stabilize the existing regime, civil society was targeted in the digital-enabled crackdown starting in the 2010s (Firmin et al., 2018; Polyakova and Meserole, 2019; Puyosa, 2019).

As technology became more sophisticated and costs lowered, repressive regimes began realizing that digitally repressive technology could be more effective and affordable than physical analogs (Frantz et al., 2020; Earl et al., 2022; Sallick, 2021; Unver, 2021). Best practices and technical training assistance began to spread, abetted by Russia and China, who actively promoted their methods (Franz et al., 2020; Elsitra et al., 2021; Polyakova and Meserole, 2019; Powers-Riggs, 2020). For example, this trend coincided with the development of China's Belt and Road Initiative that included—as of 2019—more than 3,000 technology cooperation agreements (Elsitra et al., 2021; Polyakova and Meserole, 2019; USSCFR; 2020; Unver, 2021).

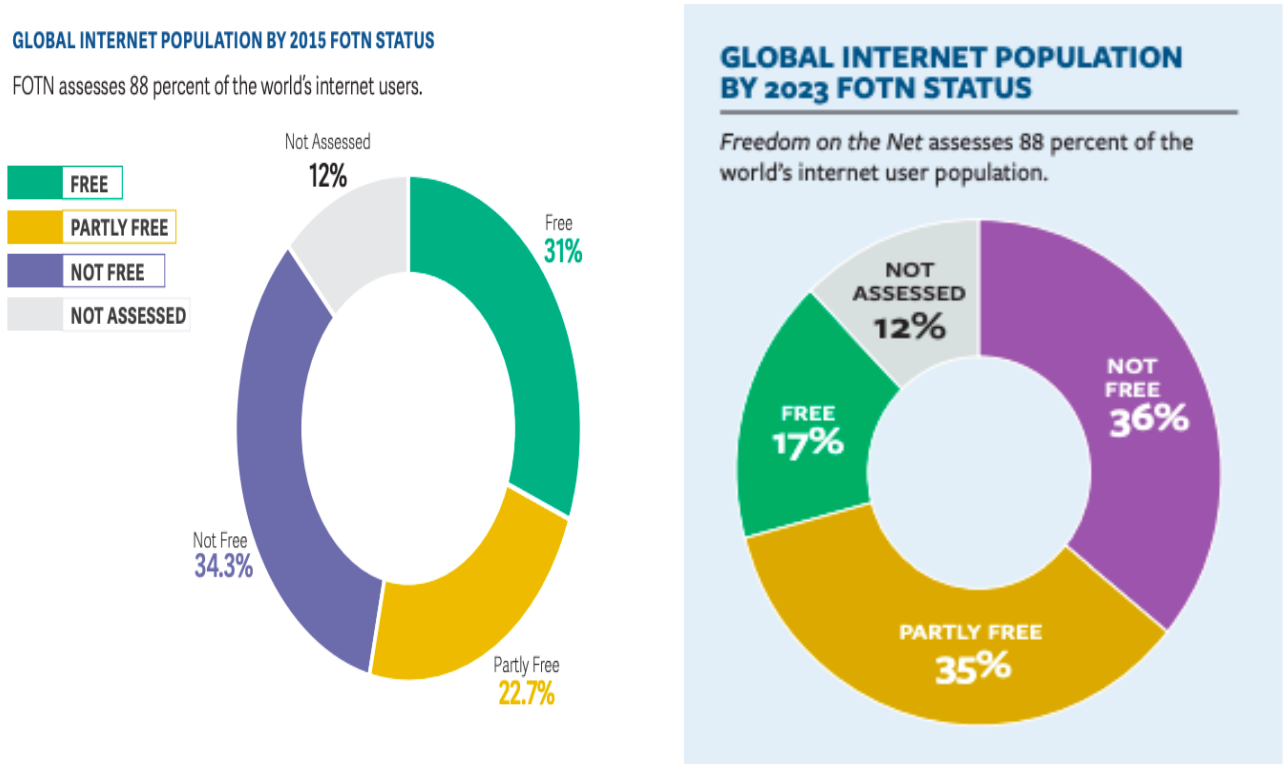
Trajectory

By the start of the 2020s, two key trends had emerged. First, the internet continued to expand; by 2020, over 60% of the global population had access to the internet (Zaman, 2022). Additionally, states were increasingly taking an active role in the digital space (Anthonio et al., 2023; Głowacka et al., 2021; ODNI, 2022; Radsch, 2023). Even non-digitally repressive states began more aggressively regulating their internet ecosystems. In 2016, the European Union passed a set of data privacy regulations known as the General Data Protection Regulation (GDPR). Following this trail, several other states, including South Korea, Japan, and Brazil have passed similar enhanced digital privacy laws (Bryant 2021; Woodward, 2021).

The Covid-19 pandemic accelerated the trend of more aggressive government action in the digital space as many governments adopted enhanced powers to combat online disinformation or surveil their public with public health rationales (Feldstein, 2021a; Głowacka et al., 2021; Poetranto and Ruan, 2021; Powers-Riggs, 2020; Sombatpoonsiri and Mahapatra, 2021; Yayboke and Brannen, 2020). These new authorities, when combined with the growing sophistication of emerging technologies, enable governments to exercise expansive control over their digital spaces (Open Technology Fund, 2021). Figure 2 shows expanding digital repression since 2015. Policy research institutions have tracked abuses, noting trends of these laws being used to suppress watchdog organizations and human rights activists (Poetranto and Ruan, 2021; Powers-Riggs, 2020; Shahbaz and Funk, 2020; Sombatpoonsiri and Mahapatra, 2021).

Figure 2

Tracking the Decline: Freedom House's Global Assessment of Internet Freedom 2015, 2023



Kelly et al., 2015; Shahbaz et al., 2023

Globally, the net result was empowered governmental actors right as digital dependency was at an apex (Głowacka et al., 2021). By 2023, as shown in Figure 2, of the 89% of global digital users studied by Freedom House, 71% lived in countries with some element of unfree online ecosystems, and just 17% were in countries deemed to have 'Free' digital spaces (Shahbaz et al., 2023). Organizations, including the National Intelligence Council have projected, that authoritarian actors are likely to continue developing and expanding their use of digitally repressive technology and tactics (ODNI, 2022).

LITERATURE REVIEW

Costs to Society

Digital repression contributes to multifaceted harms to society. Several academic, think tank, and governmental sources, including Freedom House, the United Nations Office of the High Commissioner for Human Rights (OHCHR), and the U.S. National Intelligence Council have linked digital repression to broader democratic decay (ODNI 2022; OHCHR, 2021, Shahbaz et al., 2023). Though the exact causal mechanisms by which digital repression produces decay varies based on the tool or tactic used, how it is implemented, and country characteristics, the weakening of civil society is frequently at the heart of it. To an authoritarian government, weakening civil society confers several benefits, including limiting access to unapproved knowledge streams for the civilian populace and making the civilian populace harder to mobilize (Głowacka et al., 2021).

Beyond enabling broader democratic erosion, the loss of civil society can often be highly detrimental to local populations. Civil society often encompasses organizations that provide services, such as operating schools or helping provide medical aid. Vulnerable populations typically are particularly reliant on these services (Cooper, 2018). Actions, such as digital repression, that weaken civil society risk creating significant gaps in the provision of these critical services.

Additionally, it is important to acknowledge the impact on civil society actors, themselves. Often, when they are driven from this space, it involves intimidation campaigns, harassment, and even the jailing or killing of civil society (OHCHR, 2021). Moreover, in some countries, including Colombia and Serbia, even civil society figures who are not physically harmed directly by the state often face a very real threat of physical violence. This threat is due to how government-aligned partisans may react to government disinformation campaigns that portray these figures as corrupt, treacherous, or otherwise undesirable. In many cases, this creates a permission structure of perceived tolerance for violence directed at the targeted individual or groups (Uzelac et al., 2023; Wilson, 2022. In research conducted with Colombian and Guatemalan civil society activists, Wilson recorded that over 90% had experienced online intimidation, and a majority linked physical violence against civil society and online attacks (Wilson, 2022).

Finally, it is critical to acknowledge that digitally repressive tactics can have impacts that extend beyond the groups or individuals targeted. Many digital repression tactics are blunt force tools. For instance, while there have been growing advancements in building the technological capacity to replace internet shutdowns with more narrowly targeted filtering tools, historically, shutdowns have targeted a city, province, or other geographical area lacking precise discrimination (ODNI, 2022). This, then, can have economic costs. The Brookings Institution estimated the global cost of internet shutdowns just between July 2015 and June 2016 to be over $2.4 billion, with the highest losses occurring in India ($968 million), Saudi Arabia ($465 million), and Morocco ($320 million) (West, 2016).

Digital Rights Organizations

Digital rights activism often flows from broader civil rights organizing. Many early digital rights organizations (DROs), such as the ADC in Argentina, were either outgrowths or offshoots of civil rights groups, particularly freedom of expression and privacy advocates (ADC, N.d.). In recent years, as authoritarian governments have moved toward greater sharing of best practices to entrench and advance digital authoritarianism, DROs have responded by increasing their transnational organizing. As a result, several transnational digital rights solidarity networks (DRSNs) have emerged. Many of these organization remain regional in focus, such as the Southeast Asia Freedom of Expression Network (SafeNet), the European Digital Rights (EDRi), and Al Sur in Latin America. These organizations typically offer a diverse array of support and services, including supporting local civil society and spotlighting their findings, documenting governmental abuses, and engaging in advocacy and informational campaigns on digital rights issues (Al Sur, N.d.; EDRI 2021, SafeNet, N.d.).

Advocacy and Spotlighting

Advocacy and spotlighting aim to increase domestic and international pressure on regimes by increasing domestic political and reputational costs of digital repression. This strategy relies on combined digital and offline initiatives (Sallick, 2021). Illustrative of these tactics is Access Now and their #KeepItOn Coalition. As a DRSN, Access Now works with over 300 partners, holding training sessions for activists, journalists, and other civil society members on best practices. The #KeepItOn coalition and its partners have been successful in increasing the degree of joint coordination between disparate CSOs in certain countries, particularly in Africa (Anthonio et al., 2023; Sallick, 2021).

Since its 2016 formation, Access Now has sought to elevate digital authoritarianism's profile on the international agenda and raise reputational costs for countries engaging in digital repression. Their advocacy has helped lead to the issue's inclusion on the agenda of the U.S. Summits of Democracy and the United Nations Office of the High Commissioner for Human Rights (Anthonio et al., 2023; ODNI, 2022; United States White House; 2021a; United States White House 2021b).

However, digital authoritarianism is usually intended precisely to prevent mobilization and enhanced surveillance enable governments to crush campaigns in their infancy (Azelmat, 2019; Elsitra et al., 2021; Sallick, 2021; ODNI, 2022; Zaman, 2022). Depending on the government involved, advocacy campaigners could risk fines, imprisonment, or even physical violence. Moreover, by trying to mobilize to prevent digital repression, activists risk prompting an intensification of tactics (Shahbaz and Funk, 2020; Shahbaz et al., 2022; Sinpeng and Koh, 2022; Wilson, 2022).

Strategic Litigation

Strategic litigation is an approach that focuses on the ambiguous and sometimes contradictory nature of mixed regimes. In these countries, regime elements interested in expanding their digital capabilities may be able to be stopped by another institutional actor, namely the courts. If successfully pursued, strategic litigation carries an additional benefit in setting a democratic precedent (Bosch and Roberts, 2021). CSOs have successfully pursued successful litigation in diverse courts, including in Zimbabwe, Colombia, and India against governments for government-perpetrated internet shutdowns (Anthonio et al., 2023; Bosch and Roberts, 2021; Sallick, 2021; Shahbaz et al., 2022).

This success is critical because, despite some evidence of a shift toward more precise methods, internet shutdowns remain among the most frequent digitally repressive tactics used (Głowacka et al., 2021; Rydzak, 2021; Sallick, 2021; Zaman, 2022). According to Access Now, in 2022 over 180 shutdowns were perpetrated spread between 35 countries, breaking the previous annual record for the number of governments instituting shutdowns (Anthonio et al., 2023). Exempting India—where unique dynamics inform the situation—this represents a more than doubling of the internet shutdowns from 2020 to 2022 (Anthonio et al., 2023).

The challenge with this type of approach is threefold. First, it relies on protections being embedded into the law and the issue being deemed in a court's jurisdiction. Second, strategic litigation presupposes that there is a degree of judicial independence. If the regime has consolidated control of the court system, this approach is unlikely to be successful. Third, court processes are often—by design—slow-moving, whereas shutdowns are often used to blunt the momentum of protests or to cover a specific event like elections (Sombatpoonsiri and Mahapatra, 2021; USSCFR, 2020; Zaman, 2022).

Despite these significant challenges, experts—including those with the Carnegie Endowment for International Peace, Freedom House, and Media Defence—have noted that existing evidence demonstrates that strategic litigation is a meaningful channel to push back on digital repression (Feldstein, 2022; Funk, 2023; Media Defence, 2023). Steven Feldstein notes, "In 2019…litigants brought nineteen internet shutdown-related legal cases before courts in twelve countries, many leading to positive outcomes" (Feldstein, 2022).

Gaps

The literature on digital authoritarianism suffers from three key gaps. First, much of the research in this field is concentrated in Global North countries and China. This is changing, but slowly. Second, given that digital authoritarianism is most advanced in closed and opaque societies, even within those countries most studied—such as China—the literature is fragmentary. There is a rough understanding of their most common tactics and strategies, but this is by no means comprehensive (Anthonio et al., 2023; Bosch and Roberts, 2021; Frantz et al., 2020; Zaman, 2022). Finally, research is still relatively novel, making it challenging to understand long-term trends. The literature contains evidence of countries' annual fluctuations, but there is limited ability to understand if some reforms may 'lock in' gains and be more stable than others.

EVALUATIVE CRITERIA

Cost

Direct costs will be measured in U.S. dollars and be based on established costs for prior implementation of the alternative or similar initiatives, when available. When these figures are not available, it shall be estimated based on prior budget allocations and standards in the field. For additional information on costing for each alternative, please refer to Appendix D.

Scalability

Scalability refers to the evidence of an alternative's relative generalizability. This report will operationalize scalability by looking, when possible, at where the alternative or a similar program has been tried previously. If success is limited to countries that share a certain characteristic, such as the same geographic area, or democratic characteristics then that will factor into the score. Scores will be assessed on a High, Moderate, or Low rating system. For a more detailed discussion on of this criterion and how the assessments are made, please see Appendix G.

Effectiveness: Case Study

Case studies will be one of the tools used to measure the effectiveness of an alternative. This criterion will focus on the extent to which, in the case study, an organization meet their own goals for an intervention. For each alternative, a specific case study of the alternative's intervention strategy will be analyzed. Case studies will be assessed on a three-point range: a score of one will indicate that an intervention failed to meet its goals, a score of 2 indicates partial fulfillment of goals, and a score of three indicates that an intervention completely meet or exceeded its stated goals. For a more detailed discussion of this criterion and how case studies were selected, please see Appendix A.

Effectiveness: Scores Matrix

Effectiveness as measured by the Scores Matrix will be operationalized through using a combination of Freedom House's Global Freedom (GF), Freedom of the Net (FotN), and the Economist Intelligence Unit's (EIU) Democracy Index. All three of these metrics were chosen both because they publish annual assessment enabling the tracking and comparing of scores over time and due to their high credibility in the field (ODNI, 2022). In the event of a neutral score, the results shall be interpreted by examining whether the country was above or below the global average trend for the given period.

Each metrics' score will be capture in the coverage period where an intervention or alternative took place and compared to its score in the next coverage period.[1] This analysis is intended to be short-term and correlation, not causational, but this is appropriate given data limitations and the rapidly evolving nature of the digital sector. If all three metrics show continuing decline, the result will be assessed as Ineffective. If only one metric shows improvement, the result will be assessed as Low Effectiveness. If two metrics shows improvement, an alternative will be assessed as Moderately Effective. If all three metrics show improvement, an alternative will be assessed as Highly Effective. For a more detailed discussion of this criterion, please see Appendix A

Political Feasibility

Political Feasibility will be measured centering on U.S. actors. This includes three key actors, senior Administration officials and USAID senior leadership, USAID decomposing into the Bureau of DRG and other USAID actors (if applicable), and congressional support. Each actor will be assessed on a three-point scale: 1 (low or not supportive) 2 (moderate support), 3 (strong support). Scores will then be collated and total score between 8 and 9 points will result in a total score of high political feasibility, 5 and 7 as moderate, and 3 and 4 as low. Scores will then be collated and total score between 8 and 9 points will result in a total score of high political feasibility, 5 and 7 as moderate, and 3 and 4 as low. Given high variability among implementing partners and target countries they are not assessed separately for political feasibility, though concerns regarding implementing partners and foreign countries may factor into the support or opposition of Congress, the DRG, or USAID leadership.

Measuring USAID support will be taken through the similarity of alternatives to past or current USAID initiatives, as well as Fact Sheets and other documents that address priorities. To measure the support of Senior Administration official and USAID leadership, this analysis will focus on the statements, comments, and testimony of USAID Administrator Power and other senior officials. This analysis will focus on the House Foreign Affairs Committee (HFAC) and the Senate Foreign Relations Committee (SFRC) to measure congressional support, these committees are the relevant congressional oversight bodies for USAID.

Frequency of Use by Other Actors ("Frequency")

Frequency of Use by Other actors seeks to provide information on whether USAID's peers, namely other departments of the U.S. Government, such as the Agency for Global Media or foreign development agencies or their equivalents —such as the British Foreign, Commonwealth, and Development Office—are involved in the alternative. If there is indication of none or only one foreign peer involvement it will be assessed as being Low on Popularity. If two or three foreign Peers are involved in similar work, an alternative will be assessed as having Moderate Popularity. More than three foreign peer institutions being involved will led to an assessment of High Popularity. If there is available evidence of any U.S. Government Peers involved in similar work an alternative will be assessed as High Popularity.

[1] For alternatives that involve legal intervention, the period when a ruling or court action was enacted will be used as the intervention coverage period, when it is not the same as the year when said action was filed.

ALTERNATIVES

The next section of this report will discuss four alternatives on how the Bureau of Democracy, Human Rights, and Governance can help build resiliency into civil society organizations and independent media. These alternatives are drawn from both literature and current initiatives in the digital democracy programming space.

Alternative I: Status Quo

Alternative II: Renew and Expand the Digital Ecosystem Country Assessments (DECAs)

Alternative III: Strategic Litigation Grants

Alternative IV: Digital Rights Solidarity Network (DRSN) Grants

Alternative I: Status Quo

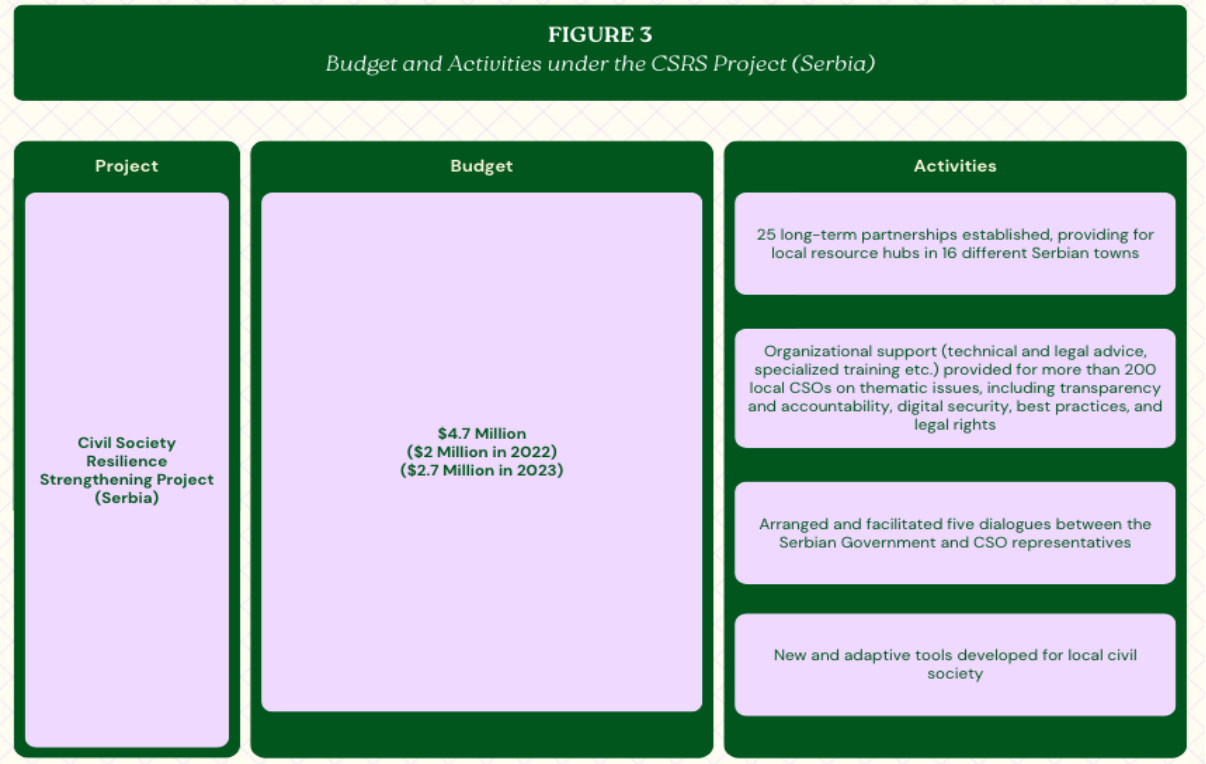
The first alternative is to maintain current democracy and digital programming. Over the tenure of the Biden Administration, USAID has extensively expanded its democratic programming as part of the Presidential Initiative on Democratic Renewal (PIDR) (United States White House, 2021a). Current operations, including the agency's Advancing Digital Democracy (ADD) Program, would be maintained, but no new programs would be established (USAID, N.d.i; USAID, 2023c).

Cost

A country-level breakdown reveals that in one of the two current ADD partner states, Serbia, USAID provided $2 million in 2022 as part of a multi-pronged DRG program to strengthen civil society resiliency between 2022-2027. This money was allocated to USAID's primary implementing partner for this program—Partners Global—under a cooperative agreement as the first installment of a planned $6 million to be allotted to this program between 2022 and 2027. This was followed by a subsequent $2.7 million provided to Partners Global in 2023 (USAID, 2023b; USASpending, 2024a).

Though a line-item breakdown of Partners Global use of this money is not publicly available, USAID does release information on the activities undertaken in the first year, providing understanding of how this money is used. In 2022 and 2023, Partners Global engaged in the activities outlined in Figure 3 as part of the Civil Society Strengthening Resilience (CSRS) Project in Serbia with a total USAID allocation of $4.7 million (USAID, 2023b; USASpending, 2024a). *This results in annual program cost of approximately $2.35 million.*

Figure 3



Scalability

Embedded in the aim of the Advancing Digital Democracy (ADD) Program is to work with multiple stakeholders, including governments in the targeted country to advance multistakeholder models of digital and internet governance. This commitment to governmental inclusion in building out multistakeholder models limits the scalability of this alternative by giving governments an effective de facto veto. This risk is particularly salient as governments, particularly in more authoritarian countries may have a vested interest in not allowing this kind of programming to be established. For example, though the countries selected for the pilot round of ADD funding—Zambia and Serbia— are geographically diverse, both countries scores by Freedom House classify them as mid-to-upper level Partly Free countries and it remains to be seen if this alternative could be implemented in a country classified as Not Free (USAID, 2023c; Freedom House, N.d.a.). *Thus, this alternative is assessed as having Moderate generalizability.*

Serbia Case Study

Overview: Serbia has significant and continuing digital repression concerns, especially involving data privacy and intimidation campaigns against CSOs viewed as critical of the ruling Serbian Progressive Party, likely informing USAID's decision to partner with the country under the Advancing Digital Democracy (ADD) Initiative (Bjelos, 2023; Uzelac et al., 2023).

Intervention: USAID launched the CSRS Project in 2022 with six concrete goals and an overarching mission to strengthen Serbian civil society resilience both by providing tools to local CSOs and by advocating changes in Serbia digital ecosystem (USAID, 2023b).

Results: In its first year, the CSRS Project met two of its specific goals and made progress toward two others (USAID, 2023b).

Key Takeaway: Evaluated against its stated goals, the Project is assessed to have partially met (2) its aims so far.

For more information, see Appendix B

Effectiveness: Scores Matrix

As illustrated in Table 1, Serbia has experienced significant democratic decay across GF and DI metrics over the last five years, with Freedom House recording a ten-point-decline in its GF Score and DI showing an overall .08 decline (EIU, 2023; Freedom House, N.d.a). The brief period this project has been in operation limits the ability to evaluate its effect. Preliminarily, though, the effectiveness of these programs has not appeared to be associated with improvements Serbia's GF or FotN Scores. However, it is associated with a DI improvement**.** *The preponderance of metrics associate this alternative with no measurable improvement, so this alternative is assessed as having low short-term effectiveness.*

Table 1

ALTERNATIVE I SCORES MATRIX (SERBIA)

SERBIA					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	66	64	62	60	57
GF SCORE (ADJUSTED)	(-0.62)	(-1.53)	(-1.48)	(-1.77)	(-2.46)
DI SCORE (RAW)	6.41	6.22	6.36	6.33	6.33
DI SCORE (ADJUSTED)	(0.04)	(-0.12)	(0.23)	(-0.04)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022 INTERVENTION POINT	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	N/A	N/A	71	72	71
FOTN SCORE (ADJUSTED)	N/A	N/A	N/A	(1.24)	(-0.7)

The following section will briefly highlight each component of Table 1.

Global Freedom Score

Based on direction and magnitude, the intervention is not associated with any improvement in GF Scores. Serbia experienced continued decline in 2023, extending a pattern of decline dating to at least 2019 (Freedom House, N.d.a). Serbia's decline following the intervention continued to be worse than the global average. The period between 2022 and 2023 was even farther outside the global mean that the preceding three periods, further suggesting alternative ineffectiveness on this metric.

Freedom of the Net Score

Incomplete FotN data is available for Serbia in 2023, however that which is available suggests scores are likely to decline in 2023. Since the FOTN assessment runs from June 1, 2022 to May 31, 2023, a partial image may be gleaned by looking at report assessment factors from January 2023 to May 2023. Freedom House notes that the first six months of 2023 were on a trajectory to surpass the 137 attacks on journalists recorded in 2022. Moreover, the

Serbian Parliament passed a law in April 2023 that has raised digital privacy concerns as it requires the registration of all SIM cards. This law passaged informed a score downgrade already in 2022 and the implementation is likely to foster further score declines, unless repealed (Freedom House, "Serbia: Freedom on the Net," 2023).

Democracy Index Score

Based on direction and magnitude, the intervention is associated with an improvement in Democracy Index Scores. Serbia's Index Score held stable in 2023, despite by a global average decline of .06. This is a significant fluctuation from 2022 when Serbia declined by more than the global average (EIU, 2023).

Political Feasibility

Given sustained and strong support for the ADD and similar counter-digital repression initiatives from senior Administration officials, USAID, and congressional leaders, the political feasibility of the status quo is assessed to be high.

Table 2

Political Feasibility of Alternative I

Stakeholder	Support Assessment
Senior Administration and USAID Officials	3 Points
USAID	3 Points
Congress	2 Points
Overall Points Total	8 Points
Overall Assessment	High
Detailed Explanation of each rating provided in Appendix C	

Frequency

Evidence suggest that this kind of democracy programming is highly popular as an approach within the U.S. Government (USG) and other external actors. In Serbia, USAID is already partnering with the Swiss Agency for Development and Cooperation (SADC) on the CSSRP. As part of the PIDR, both the State Department and the U.S. Agency for Global Media (USAGM) have been developing digital democracy tools aimed at reinforcing a multi-stakeholder model of internet governance through the Freedom Online Coalition (FOC) and the Open Internet Fund (OTF), respectively (United States White House, 2023b; USAGM, 2023). Distinct from the ADD, as part of the State Department's PIDR work, it has worked with over two dozen foreign governments to help reinforce internet freedom priorities (United States Department of State, N.d.; United States White House, 2023b).

Alternative II: Renew and Expand the DECAs

Alternative II seeks to address the knowledge gaps in information about country-level dynamics. Since 2019, USAID has invested in building out its Digital Ecosystem Country Assessment (DECA) report capabilities. DECA reports analyze a country's entire digital ecosystem focusing on three pillars: I. Digital Infrastructure and Adoption, II. Digital Society, Rights, and Governance, and III. Digital Economy (USAID, 2021; USAID, 2022). The DECA report structures were specifically created to "enhance the quality of inputs into the planning and execution of USAID's strategies and implementation of its activities" (AIR, 2023, p. 1). It seeks to achieve this goal by doing a comprehensive analysis of the country's digital ecosystem, trying to identify potential windows of opportunities and provide insight into country-level dynamics.

Cost

DECA Reports are developed by implementing partners with the assistance of USAID Mission Staff. As of January 2024, 21 DECA Reports have been released. *Given the cost for the most recent DECA (Ghana), the cost to commission and complete a DECA is estimated at approximately $204,350 (USASpending, 2024b).* For more information on how this approximation is reached, please see Appendix D.

Scalability

The DECAs have a demonstrated ability to be done in countries across the globe and the democratic spectrum, thus affording them a rating of High on this criterion. The 21 Missions that have successfully completed DECAs to date, include countries across Africa, Asia, Europe, South America, and the Middle East. Further, they include countries ranging on the democratic spectrum from Uzbekistan and Libya (Not Free) to Guatemala and Tanzania (Partly Free) and Colombia and Ghana (Free) (Freedom House, N.d.a; USAID, N.d.e).

Zambia Case Study

Overview: USAID's 2022 Zambia DECA identified integrating CSOs more into the national conversation around digital rights and improving legal protections for the management of the digital sphere as a major goal.

Intervention: Through its Open Spaces Zambia Initiative, USAID aims to support independent media, boost respect for, and understanding of, digital safety and

Effectiveness: Scores Matrix

Overall, this alternative is assessed to be moderately effective on the Scores Matrix due to subsequent gains for a majority of countries on a majority of metrics. This overall rating is based on first six DECAs, released in a two-year period between July 2020 and July 2022. To standardize the timespan, all scores compare the year of the DECA rating to the next coverage period. Table 3 shows the results.

Table 3

ALTERNATIVE II SCORES MATRIX

COLOMBIA					
METRIC	2019	2020 INTERVENTION POINT	2021	2022	2023
GF SCORE (RAW)	66	65	64	70	70
GF SCORE (ADJUSTED)	(0.38)	(-0.53)	(-0.48)	(6.23)	(0.54)
DI SCORE (RAW)	7.13	7.04	6.48	6.72	6.55
DI SCORE (ADJUSTED)	(0.21)	(-0.02)	(-0.47)	(0.23)	(-0.11)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021 INTERVENTION POINT)	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	67	66	65	64	65
FOTN SCORE (ADJUSTED)	(-1.12)	(-0.82)	(-0.38)	(-0.76)	(1.3)

KENYA					
METRIC	2019	2020 INTERVENTION POINT	2021	2022	2023
GF SCORE (RAW)	48	48	48	52	52
GF SCORE (ADJUSTED)	(0.38)	(0.47)	(0.52)	(4.23)	(0.54)
DI SCORE (RAW)	5.18	5.05	5.05	5.05	5.05
DI SCORE (ADJUSTED)	(0.11)	(-0.06)	(0.09)	(-0.01)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021 INTERVENTION POINT	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	68	67	66	68	66
FOTN SCORE (ADJUSTED)	(0.88)	(-0.82)	(-0.38)	(2.24)	(-1.7)

NEPAL					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	56	56	57	58	62
GF SCORE (ADJUSTED)	(2.38)	(0.47)	(1.52)	(1.23)	(4.54)
DI SCORE (RAW)	5.28	5.22	4.41	4.49	4.6
DI SCORE (ADJUSTED)	(0.14)	(0.01)	(-0.72)	(0.07)	(0.17)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022 INTERVENTION POINT	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	N/A	N/A	N/A	N/A	N/A
FOTN SCORE (ADJUSTED)	N/A	N/A	N/A	N/A	N/A

SERBIA					
METRIC	2019	2020	2021 INTERVENTION POINT	2022	2023
GF SCORE (RAW)	66	64	62	60	57
GF SCORE (ADJUSTED)	(-0.62)	(-1.53)	(-1.48)	(-1.77)	(-2.46)
DI SCORE (RAW)	6.41	6.22	6.36	6.33	6.33
DI SCORE (ADJUSTED)	(0.04)	(-0.12)	(0.23)	(-0.04)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022 INTERVENTION POINT	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	N/A	N/A	71	72	71
FOTN SCORE (ADJUSTED)	N/A	N/A	N/A	(1.24)	(-0.7)

UZBEKISTAN					
METRIC	2019	2020	2021 INTERVENTION POINT	2022	2023
GF SCORE (RAW)	10	11	11	12	12
GF SCORE (ADJUSTED)	(1.38)	(1.47)	(0.52)	(1.23)	(0.54)
DI SCORE (RAW)	2.01	2.12	2.12	2.12	2.12
DI SCORE (ADJUSTED)	(0.04)	(0.18)	(0.09)	(-0.01)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022 INTERVENTION POINT	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	26	27	28	27	25
FOTN SCORE (ADJUSTED)	(1.88)	(1.18)	(1.63)	(-0.76)	(-1.7)

ZAMBIA					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	54	52	51	54	54
GF SCORE (ADJUSTED)	(0.38)	(-1.53)	(-0.48)	(3.22)	(0.54)
DI SCORE (RAW)	5.09	4.86	5.72	5.8	5.8
DI SCORE (ADJUSTED)	(-0.48)	(-0.16)	(0.95)	(0.07)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023 INTERVENTION POINT
FOTN SCORE (RAW)	58	59	59	58	59
FOTN SCORE (ADJUSTED)	(0.88)	(1.18)	(0.63)	(-0.76)	(1.3)

The following section will analyze the collective scores across the three metrics for this alternative.

Global Freedom Score

Four of the six countries (Kenya, Nepal, Uzbekistan, and Zambia) saw improvements on this metric from the intervention year to the next coverage period. In the two instances of

scores remaining the same (Kenya and Zambia), adjusted scores illustrate that this result was better than the global average trend for the yearly period, thus justifying the classification as a positive result.

Freedom of the Internet Score

A plurality of the six countries (Colombia, Serbia, and Uzbekistan) saw declines on this metric from the intervention year to the next coverage period, two (Kenya and Zambia) saw improvements, and one country (Nepal) lacked the necessary data.

Democracy Index Score:

Three of the six countries (Kenya, Nepal, and Zambia) saw improvements in the post-intervention period, while Colombia and Serbia saw declines. Uzbekistan represents a curious case. The country's score remained stable, but the trend was negative by 0.01. To clarify the tie, countries' magnitude of change the global average was added together and compared. Overall, the countries that declined following the release of a DECA declined by a total of .53. The total improvements in the countries that saw improvements was .8. Thus, because the amalgamated gains were larger the combined losses, this metric is overall counted as having a positive result.

Political Feasibility

Given sustained and strong support for the ADD and similar counter-digital repression initiatives from senior Administration officials, USAID, and congressional leaders, the political feasibility of the status quo is assessed to be high.

Table 4

Political Feasibility of Alternative II

Stakeholder	Support Assessment
Senior Administration and USAID Officials	3 Points
USAID	3 Points
Congress	2 Points
Overall Points Total	8 Points
Overall Assessment	High
Detailed Explanation of each rating provided in Appendix C	

Frequency

Though other metrics to measure and assess a country's digital ecosystem exist, the comparative advantage of the DECA is its twin pillars approach of comprehensively assessing the entire digital ecosystem while maintaining a distinctive focus on opportunities for development agencies to take advantage of emerging openings (USAID, 2022). No similar approach and framework by any other development agency or USG body is known to exist. *Thus, this alternative is assessed to be Low in frequency*.

Alternative III: Strategic Litigation

As noted in the Literature Review, strategic litigation has emerged as a tool to fight digital authoritarianism through judicial systems. Strategic litigation combats growing governmental digital capabilities by using existing privacy and expression protections (Bosch and Roberts, 2021). Moreover, beyond a focus on one specific case, strategic litigation seeks to enshrine legal precedents that make it more difficult for subsequent digital repression actions to recur (Okonkwo, 2023).

This alternative proposes that USAID leverage its significant advantages by offering financial support to organizations involved in internet-related strategic litigation cases. The exact details of this support will be tailored to a targeted country's local conditions and legal regime. However, broadly, the financial component would involve the disbursement of grants to support organizations involved in this kind of strategic litigation, such as Media Defence, Access Now, or the Southeast Asia Freedom of Expression Network.

Cost

Consistent with this customary practice, individual grants from USAID for this alternative would be capped at $32,000 annually and start with an initial pilot batch of up to four grants ($128,000) in line with how USAID has approached previous, new initiatives (USAID, N.d.e). For more information on how this approximation is reached, please see Appendix D.

Scores Matrix Methodology Note

No exhaustive list of global internet shutdown-related litigation exists; however, primarily cross-referencing Access Now's Shutdown Lawsuit Monitor (SLaM) and Columbia University's Global Database of Freedom of Expression Case Law (hereafter Columbia) reveal a list of thirty-one litigation attempts in sixteen countries aimed at internet shutdowns between 2009 and 2023. While this list is certainly incomplete, it provides a starting basis with detailed information.

In examining this dataset (See Appendix E, there are two central questions: whether the lawsuit was successful, and—if so—what impact that has on overall CSO resilience. In this dataset, there are 25 cases where Columbia has rulings available. Fifteen of the cases ended in verdicts that expanded expression rights (60%), four had mixed outcomes (16%), and six resulted in adverse rulings (24%). When the analysis is restricted to cases where, the country in which is assessed by Freedom House to be either Partly Free or Free and have an at least partially independent judiciary, there are a total of sixteen cases. Ten (62.5%) of these cases are ones with a ruling that Columbia deems expanding expression, three resulted in mixed rulings (18.8%), and three (18.8%) resulted in adverse rulings. These results are showed in Table 5. For a full accounting of the limitations of Strategic Litigation, please see Appendix F.

Table 5

Columbia/SLaM Dataset

Unrestricted Dataset			Restricted Dataset	
Columbia Ruling	Percent of Total		Columbia Ruling	Percent of Total
Expanded Expression Rights	60%		Expanded Expression Rights	62.5%
Mixed Outcomes	16%		Mixed Outcomes	18.8%
Constrained Expression Rights	24%		Constrained Expression Rights	18.8%
N=25			*N=16*	

Scalability

The significant decrease in adverse rulings in the Restricted Dataset supports the crucial limitation noted in the literature review: in fully authoritarian, or 'Not Free' states, the government is likely to exert a considerable degree of influence over the legal sector and the judiciary. This means that it would be implausible that a legal challenge could be successfully pursued. Although proponents of strategic litigation note that litigants have enjoyed success in a geographically diverse range of countries, including in Africa, Asia, Oceania, and South America, crucially, countries cited as success cases usually have at least partially independent judiciaries, according to Freedom House (Anthonio et al., 2023; Bosch and Roberts, 2021; Freedom House, "Colombia: Freedom on the Net," 2023; Freedom House, "India: Freedom on the Net," 2023; Freedom House, "Indonesia: Freedom on the Net," 2023; Freedom House, "Nigeria: Freedom on the Net," 2023; Media Defence, 2023). *Thus, though this alternative has been implemented in a geographically diverse range of countries, due to independent judiciary requirement, it is assessed to be moderate on scalability.*

India Case Study

Overview: India's position as a global leader in internet shutdowns, constitutional design, and ongoing concerns about democratic erosion makes it an ideal case study example for measuring the impact of strategic litigation on internet shutdowns. Though India has seen a multitude of court challenges to its internet shutdowns, the case of *Ashlesh Biradar v. State of West Bengal* offers an instructive example

Effectiveness Matrix

Effectiveness: Scores Matrix

While not causal, the preponderance of metrics supports strategic litigation cases being associated with limited (low) short-term improvements in a country's democratic health. This result is due to an associated improvement in DI Scores but associated overall declines in GF and FotN Scores. To examine short-term impacts, scores in the coverage period for the verdict were compared to the immediately preceding coverage period. It must be noted that any conclusions on effectiveness must remain provisional due to the relatively small sample size of strategic litigation cases. Table 6 Shows an excerpt of these scores, please see Appendix E for the fully dataset.

Table 6

ALTERNATIVE III SCORES MATRIX

SERAP V. FEDERAL REPUBLIC OF NIGERIA (COMMUNITY COURT OF ECOWAS)					
METRIC	2019	2020	2021	2022 RULING	2023
GF SCORE (RAW)	47	45	43	43	44
GF SCORE (ADJUSTED)	(-2.62)	(-1.53)	(-1.48)	(0.23)	(1.54)
DI SCORE (RAW)	4.12	4.10	4.11	4.23	4.23
DI SCORE (ADJUSTED)	(-0.28)	(0.05)	(0.1)	(0.11)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023 RULING
FOTN SCORE (RAW)	64	60	59	57	60
FOTN SCORE (ADJUSTED)	(1.88)	(-3.82)	(-0.38)	(-1.76)	(3.3)

RAJU PROSAD SARMA V. STATE OF ASSAM (HIGH COURT OF GAUHATI)					
METRIC	2019	2020	2021	2022 RULING	2023
GF SCORE (RAW)	71	67	66	66	66
GF SCORE (ADJUSTED)	(-3.62)	(-3.53)	(-0.48)	(0.23)	(0.54)
DI SCORE (RAW)	6.9	6.61	6.91	7.04	7.18
DI SCORE (ADJUSTED)	(-0.29)	(-0.22)	(0.39)	(0.12)	(0.2)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023 RULING
FOTN SCORE (RAW)	55	51	49	51	50
FOTN SCORE (ADJUSTED)	(-1.12)	(-3.82)	(-1.38)	(2.24)	(-0.7)

ALLIANCE OF INDEPENDENT JOURNALISTS V. MINISTER OF COMMUNICATION (JAKARTA STATE ADMINISTRATIVE COURT)					
METRIC	2019	2020 RULING	2021	2022	2023
GF SCORE (RAW)	61	59	59	58	57
GF SCORE (ADJUSTED)	(-0.62)	(-1.53)	(0.52)	(-0.77)	(-0.46)
DI SCORE (RAW)	6.48	6.3	6.71	6.71	6.53
DI SCORE (ADJUSTED)	(0.13)	(-0.11)	(0.5)	(-0.01)	(-0.12)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021 RULING	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	51	49	48	49	47
FOTN SCORE (ADJUSTED)	(-2.12)	(-1.82)	(-0.38)	(1.24)	(-1.7)

The following section will briefly explain the results of the dataset contained in Appendix B.

Global Freedom Scores

Looking at the GF Scores for the restricted set of countries reveals eighteen cases with necessary data: nine (50%) cases where there were improvements in scores and nine (50%) cases where scores declined. To clarify the tie, the total magnitude of change from the global average was added together and compared. Overall, the countries that declined following a strategic litigation case declined by a total of 19.37. The total improvements in the countries that saw improvements was 6.28. Thus, because the amalgamated losses were larger the combined gains, this metric is overall counted as having a negative result.

Freedom of the Net Scores

There were fifteen cases with the requisite FotN data. In four (26.7%) cases scores improved and in eleven (73.3%) cases scores declined — a result likely influenced by Freedom House accounting for the governmental action that triggered the lawsuit. Overall, the results for this metric were negative.

Democracy Index Scores

In eighteen cases there were sufficient EIU data. In eleven cases (61.1%) there were recorded improvements in scores, compared to seven (38.9%) cases of decline. On this metric, the majority of scores indicate associated improvement from strategic litigation.

Political Feasibility

Strategic Litigation Grants are assessed to have moderate political feasibility due to alignment with key goals of senior officials and congruity with an emerging policy direction within USAID, but limited direct evidence of support, particularly from Congress.

Table 7

Political Feasibility of Alternative III

Stakeholder	Support Assessment
Senior Administration and USAID Officials	2 Points
USAID	2 Points
Congress	2 Points
Overall Points Total	6 Points
Overall Assessment	Moderate
Detailed Explanation of each rating provided in Appendix C	

Frequency

This alternative is assessed to be moderately popular. While there is a growing interest in this approach among researchers and civil society organizations, it is unclear the degree of activity by governmental institutions, including development agencies. The information provided about Access Now's governmental donors (see Appendix H) shows funding explicitly for Access Now's #KeepItOn Coalition from Swiss, German, and British development or foreign ministries. However, this shows an imprecise measurement of governmental support for strategic litigation as the #KeepItOn Coalition also holds digital hygiene seminars and other governments may be funding strategic litigation cases with more generalized donations (Anthonio et al., 2023).

Alternative IV: Grants to Digital Rights Organizations (DROs) and Digital Rights Solidarity Networks (DRSNs)

This alternative seeks to support civil society organizations by growing support for existing solidarity networks through offering discretionary grants for Digital Rights Solidarity Networks. DRSNs have emerged in response to the rise of digital repression. Usually regional in focus, these organizations typically offer a diverse array of support and services, including supporting local civil society and spotlighting their findings, documenting governmental abuses, and engaging in advocacy and informational campaigns on digital rights issues (Al Sur, N.d.; EDRI 2021, SafeNet, N.d.).

Cost

This report suggests individual DRSN grants between of approximately $302,000, though support costs to digital rights solidarity networks are intrinsically variable and scalable depending on the financial support available. This figure was reached by examining contributions from other international aid agencies and governmental donors to one of the largest DRSNs, Access Now. Assuming that USAID would want to be in line with the second largest international aid agency, Germany, this number is based on the 2023 figures of German grants to discrete Access Now thematic areas (Ainsworth, 2024; Access Now, N.d.). Like the Strategic Litigation Grants (Alternative III), this should begin with an initial pilot of four grants for a total cost of $1.2 million (USAID, N.d.e). For more information, please see Appendix D.

Scalability

Ultimately, DRSN Grants are assessed to be highly scalable. This is due to the expanding presence of DRSNs across the globe. DRSNs have successfully established themselves in geographically and democratically diverse countries, including states assessed by Freedom House to be ‘Free’ (the Netherlands, Argentina), countries assessed to be ‘Partly Free’ (Indonesia, Kenya), and countries assessed to be ‘Not Free’ (Lebanon) (Anthonio et al., 2023; Al Sur, N.d.; EDRI 2021; Freedom House, N.d.a; SafeNet, N.d.; Sallick, 2021).

Kenya Case Study

Overview: In 2022, Kenya prepared for presidential elections to be held in August. Given the history of significant civil strife and allegations of the manipulation of state infrastructure during past elections, analysts raised alarms that the election period may see increased civil strife, including the risk of the then-incumbent Kenyatta Administration imposing an internet slowdown or shutdown (Anthonio et al., 2023; Campbell, 2017; EIU, 2023).

Intervention: Access Now adopted a two-pronged strategy: public pressure and workshops for CSOs to pressure the Kenyatta Administration to ensure stable internet access during the voting period (Access Now, 2023a; Anthonio et al., 2023).

Results: Despite a history of election-related repression and misinformation campaigns, there were no internet connectivity issues surrounding the 2022 elections Anthonio et al., 2023)

Key Takeaway: **In this case, the Access Now succeeded in achieving their state aims.**

For more information, see Appendix B

Effectiveness Score Matrix

Overall, DSRNs are assessed to have low effectiveness due to negative short-term impacts for a majority of cases on FotN and EIU Scores, and a positive score improvement on GF Scores. This analysis is based on five DRSN Interventions in five different regions: Africa, Europe, the Middle East, Oceania, and South America. To try to capture the diverse contributions of DRSNs, the example cases utilize different influence channels. First, the Access Now Intervention is an example of a public advocacy campaign (Anthonio et al., 2023). Next, the Joint Intervention in Thailand and the SMEX intervention in Lebanon are examples of documenting abuses (Scott-Railton et al., 2022; SMEX, 2019). Finally, the Netherlands and Argentina interventions are examples of two different types of mobilizing relevant stakeholders and offering digital improvement recommendations (ADC and Privacy International, 2022; Bits of Freedom, N.d.; EDRI, 2021). While these interventions illustrate different tactics, they are linked by their organizations' role as part of solidarity networks.

Table 8

ALTERNATIVE IV SCORES MATRIX

ACCESS NOW INTERVENTION (KENYA) SCORES					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	48	48	48	52	52
GF SCORE (ADJUSTED)	(0.38)	(0.47)	(0.52)	(4.23)	(0.54)
DI SCORE (RAW)	5.18	5.05	5.05	5.05	5.05
DI SCORE (ADJUSTED)	(0.11)	(-0.06)	(0.09)	(-0.01)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022 INTERVENTION POINT (BEGINNING)	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	68	67	66	68	66
FOTN SCORE (ADJUSTED)	(0.88)	(-0.82)	(-0.38)	(2.24)	(-1.7)

ILAW, DIGITALREACH, CITIZEN LAB JOINT INTERVENTION (THAILAND) SCORES					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	32	30	29	30	36
GF SCORE (ADJUSTED)	(2.38)	(-1.53)	(-0.48)	(1.23)	(6.54)
DI SCORE (RAW)	6.32	6.04	6.04	6.67	6.35
DI SCORE (ADJUSTED)	(1.73)	(-0.21)	(0.09)	(0.62)	(-0.26)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023 INTERVENTION POINT
FOTN SCORE (RAW)	35	35	36	39	39
FOTN SCORE (ADJUSTED)	(0.88)	(0.18)	(1.63)	(3.24)	(0.3)

BITS OF FREEDOM-LED INTERVENTION (THE NETHERLANDS) SCORES					
METRIC	2019	2020	2021 INTERVENTION POINT	2022	2023
GF SCORE (RAW)	99	98	97	97	97
GF SCORE (ADJUSTED)	(0.38)	(-0.53)	(-0.48)	(0.23)	(0.54)
DI SCORE (RAW)	9.01	8.96	8.88	9	9
DI SCORE (ADJUSTED)	(0.16)	(0.02)	(0.01)	(0.11)	(0.06)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021 INTERVENTION POINT	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	N/A	N/A	N/A	N/A	N/A
FOTN SCORE (ADJUSTED)	N/A	N/A	N/A	N/A	N/A

ASSOCIATION FOR CIVIL RIGHTS (ADC) AND PRIVACY INTERNATIONAL (PI) INTERVENTION (ARGENTINA) SCORES					
METRIC	2019	2020	2021	2022 INTERVENTION POINT	2023
GF SCORE (RAW)	85	84	84	85	85
GF SCORE (ADJUSTED)	(1.38)	(-0.53)	(0.52)	(1.23)	(0.54)
DI SCORE (RAW)	7.02	6.95	6.81	6.85	6.62
DI SCORE (ADJUSTED)	(0.04)	(0)	(-0.05)	(0.03)	(-0.17)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023 INTERVENTION POINT
FOTN SCORE (RAW)	72	71	71	71	73
FOTN SCORE (ADJUSTED)	(0.88)	(-0.82)	(0.63)	(0.24)	(2.3)

SMEX INTERVENTION (LEBANON) SCORES					
METRIC	2019 INTERVENTION POINT	2020	2021	2022	2023
GF SCORE (RAW)	44	43	42	43	42
GF SCORE (ADJUSTED)	(-0.62)	(-0.53)	(-0.48)	(1.23)	(-0.46)
DI SCORE (RAW)	4.36	4.16	3.84	3.64	3.56
DI SCORE (ADJUSTED)	(-0.23)	(-0.13)	(-0.23)	(-0.21)	(-0.02)
METRIC	JUNE 1, 2018 - MAY 31, 2019	JUNE 1, 2019 - MAY 31, 2020 INTERVENTION POINT	JUNE 1, 2020 - MAY 31, 2021	JUNE 1, 2021 - MAY 31, 2022	JUNE 1, 2022 - MAY 31, 2023
FOTN SCORE (RAW)	52	52	51	51	50
FOTN SCORE (ADJUSTED)	(-0.12)	(0.18)	(-0.38)	(0.24)	(-0.7)

The following section will briefly explain each component of Table 8.

Global Freedom Score

In all cases, except Lebanon (80%), GF Scores improved in the next coverage period following the intervention. As a clear majority of cases are associated with score improvements, the alternative is assessed positively on this metric.

Freedom of the Net Score

In three cases (60%), there is a lack of data on FotN Scores due to the recency of the interventions. Kenya and Lebanon's FotN Scores declined in the period following the intervention. Given that a plurality of available cases document a decline in scores post-intervention, the alternative is assessed negatively on this metric.

Democracy Index Score

Thailand, Argentina, and Lebanon all experienced declines in their DI Scores post-intervention, while Kenya and the Netherlands experienced improvements. As a majority of as cases are associated with a decline in scores post-intervention, the alternative is assessed negatively on this metric.

Political Feasibility

Given strong support from senior Administration officials and USAID, but unclear congressional support this alternative is assessed to have moderate political feasibility.

Table 9

Political Feasibility of Alternative IV

Stakeholder	Support Assessment
Senior Administration and USAID Officials	3 Points
USAID	2 Points
Congress	2 Points
Overall Points Total	7 Points
Overall Assessment	Moderate
Detailed Explanation of each rating provided in Appendix C	

Frequency

There is significant evidence to suggest that several governmental organizations are involved in supporting DROs and DRSNs. Appendix H shows that in 2023, at least seven foreign government agencies donated to a single, albeit prominent, DRSN. Further, through the OTF and the OTF's Internet Freedom Fund, USAGM has been involved in supporting CSOs, including DROs across the globe (Quinn, 2020; USAGM, N.d.). *Given the crowdedness of this space, this approach is assessed to be highly popular compared to the other alternatives.*

Outcome Matrix

Table 10
Outcome Matrix

ALTERNATIVES	COST	SCALABILITY	EFFECTIVENESS CASE STUDY	EFFECTIVENESS SCORES MATRIX	POLITICAL FEASIBILITY	FREQUENCY
STATUS QUO	$2.35 MILLION (ANNUALLY, PER A PROGRAM)	MODERATE	2	LOW	HIGH	HIGH
RENEW AND EXPAND THE DECAS*	**$204,300 (PER A REPORT)**	**HIGH**	**2**	**MODERATE**	**HIGH**	**LOW**
STRATEGIC LITIGATION GRANTS	$128,000 (PILOT PROGRAM GRANTS)	MODERATE	3	LOW	MODERATE	MODERATE
DRSN GRANTS	$1.2 MILLION (PILOT PROGRAM GRANTS)	HIGH	3	LOW	MODERATE	HIGH

Recommendation

This report recommends that USAID adopts Alternative II: Renews and Expands the DECAs. While all the alternatives demonstrate some promising effectiveness potential, this analysis suggests that effectiveness is highly contingent on country characteristics. Thus, generalizability is prioritized. This judgment that is reinforced given USAID's global mission and operations in over a hundred different countries, which requires a recommendation that is flexible enough to adapt to varied local conditions.

With a lens focused on generalizability, the DECAs emerge as a clear favorite. Since 2019, USAID has proven the ability to develop the assessments across a range of country contexts, including countries from every one of Freedom House's democracy status grouping. A distinction only matched by the DRSN Grants.

Moreover, this recommendation benefits from a high pre-existing level of bipartisan political support and demonstrated institutional capacity. The DECAs have survived as high-profile USAID tool during one administration change already, suggesting significant institutionalization within the agency. In reviews of congressional testimony, there is no evidence of Members of HFAC or SFRC, specifically targeting the DECAs despite their status as a 'flagship' USAID initiative under the PIDR. At a time when foreign operations' budget has come under significant pressure from some factions in Congress, the relatively bipartisan nature of the DECAs' development is especially an asset.

This recommendation does require trade-offs, particularly due to the nature of the DECAs. The DECAs are intended as informational tool to better refine existing activities and better tailor future initiatives. Unlike the other alternatives, Alternative II presupposes

subsequent action by USAID. Implicit in the DECA framework is the assumption that the report's receivers (USAID Mission Staff) implementing the report's recommendations. The analysis in this report is based on the first six DECAs. Between 2022 and the March 2023, fifteen more DECAs have been conducted and it is possible that, as more data becomes available, implementation of recommendations emerges as a significant issue (USAID, N.d.g). If that trend emerges, USAID may need to implement a more extensive monitoring and evaluation process to ensure recommendations are meaningfully engaged with.

Ultimately, the DECAs position USAID to continue to grow its knowledge on individual country dynamics and better position itself to ensure it is leveraging its support for maximal effectiveness in each country Mission area.

Implementation

Actualizing the recommendations faces three initial challenges:

1. First, to date, under a Cooperative Agreement, the organization DAI has served as part of the external research team for a majority of assessments. However, this Cooperative Agreement expires in September 2024. Thus, one of the first major questions for DECA renewal and expansion is if USAID will continue its partnership with DAI, seek to find a new partner, or even shift greater responsibility onto the Missions to conduct the DECAs.
2. The second challenge is to decide on any reforms to the DECA selection process and identify what countries could be key country targets for subsequent DECAs.
3. The final challenge is begin assembling evidence on subsequent DECA recommendation implementation to identify if there are any gaps in the adoption of recommendations and if greater monitoring and evaluation oversight may be necessary.

To address all these challenges, it would be helpful for the DRG to launch a comprehensive consultative review of the DECA Program. As part of this review, other internal stakeholders should be consulted, including Mission-level Staff, the Cybersecurity Team, and the Legislative and Public Affairs (LPA) team. Mission-level staff who have engaged in the DECA process should be invited to share their experience of the process. The LPA Bureau, as the body that leads USAID's relationships with the NGO community, can advise on challenges and opportunities in staffing external research teams (USAID, N.d.c). Finally, the Cybersecurity Team, owing to their subject-area expertise on digital and cyber issues and prior experience working with Missions to boost cybersecurity capacity may be able to contribute valuable insight.

This consultative review carries two benefits. First, the expiration of DAI's current Cooperative Agreement (AIDOAAA1700033) provides a natural window of opportunity to evaluate the internal DECA process and modify as needed (USASpending, 2024c). Taking advantage of this window may help generate ideas useful for DRG to consider as they evaluate whether to pursue a new Cooperative Agreement with DAI. Engaging in this broad-level internal consultative process may also provide knowledge based on past challenges other actors may have had with potential external implementing partners, enabling DRG staff to know what the areas are where a potential partner might need increased monitoring or support.

Second, bringing these institutional actors within USAID into the process at an early stage will ideally provide greater opportunities to secure their buy-in and lower any resistance to subsequent implementation. This is particularly salient for the country-level Mission staff since they will serve as in a hybrid doers/implementation managers' role later, making having their buy-in critical to overall successful implementation.

One of the topics considered in this review process should be the selection process for DECAs. To date, DECAs have mostly been driven by the preferences of individual USAID Missions and Offices. There may be value in examining reforms to this strategy, but any reform must ensure that country selection should not become a top-down approach by DRG officials.

Moreover, as more Missions conduct DECAs, it may be beneficial to clarify recommendations on how frequently the assessments should be carried out. Given the rapidly evolving pace of digital technology and digital governance, there may be value in ensuring that the 21 countries that have already completed a DECA should are not excluded from consideration for subsequent DECA selection.

Selecting preliminary targets may also be informed by past USAID programming. Partnerships formed in pursuing other Presidential Initiative on Democratic Renewal (PIDR) or related digital democracy programming may make certain countries more attractive initial targets. For example, the nine current members of the Partnerships for Democratic Development (PDD), an initiative under the PIDR, are potentially viable targets. These nine countries—Armenia, Dominican Republic, Ecuador, Malawi, Nepal, North Macedonia, Paraguay, Timor-Leste, and Zambia—represent a geographically and institutionally diverse set of countries for pilot programs and have demonstrated willingness to work with USAID (USAID, 2023c; USAID, N.d.h). Conducting DECAs on these countries may lead to better alignment with other PIDR stakeholders.

Once a preliminary set of target countries and a preliminary intervention approach are identified, it is critical to identify different roles actors will take in the implementation process. Applying Weimar and Vining's model of implementation managers, doers, and fixers to this circumstance, as mentioned, Mission-level staff will likely serve in a hybrid doer/implementation manager capacity. Alongside them, the Cybersecurity Team will serve as fixers due to their subject-area experts on digital and cyber issues and capabilities and prior experience working with Missions to boost cybersecurity capacity in USAID partner countries (USAID, N.d.e). Given this knowledge of technical details related to improving cybersecurity capacity, they are a natural fit for the role of fixers and a bridge between the implementation managers and external research teams (Weimar and Vining, 2017).

Conclusion

Digital repression poses a significant and growing threat to USAID's mission and broader U.S. national interests. Years of global internet freedom decline attests to the unacceptability of the status quo (Shahbaz et al., 2022). Given USAID's mission, the agency must reckon with digital authoritarianism and take proactive steps to combat it. Political conditions may be trending toward a conducive environment for action on this issue. High-level USAID officials and Biden Administration policymakers have demonstrated consistent engagement on digital repression and there is evidence of bipartisan political support (USAID, N.d.d; USAID, 2023a; United States White House, 2023b). Renewing and

expanding the DECA initiative will position USAID well to both grow its knowledge base on digital repression and respond to emerging trends.

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Appendix A

Effectiveness: Overview

The two Effectiveness Criteria are intended to cover gaps in each other. Effectiveness: Scores Matrix looks at broader impacts in the digital and democratic ecosystem. Its focus on impacts and correlational nature leaves questions about the extent to which an intervention is having a measurable impact. Effectiveness: Case Study attempts to mitigate this issue, by focusing on whether the intervention meets its stated aims.

Effectiveness: Case Study Methodology

Given the limitations in the correlation scores matrix, case studies will be used to supplement the Scores Matrix. For each alternative, a specific example of the alternative's intervention strategy being implemented will be analyzed. Case studies will be assessed on a three-point range of whether an intervention met its stated goals. A score of 1 indicates that an intervention failed to meet its goal, a score of 2 indicates partial fulfilment of goals, and a score of 3 indicates that an intervention completely or exceeded it stated goals.

Case study selection will be driven by three considerations:

1. Similarity to the Proposed Alternative: The purposes of case studies is to give insight into how an alternative may look in practice. To this end, selection will privilege examples that are the most similar to the proposed alternative.
2. Available data and evidence: As case studies are intended to help elucidate dynamics at work in the effectiveness of an alternative, cases where there is a high-level of data available, ideally from multiple sources, will be prioritized in case selection.
3. Representativeness: This is a secondary consideration to the first two. However, when possible, case studies will be selected with aim towards demonstrating cases that represent potential generalizable challenges to an alternative's implementation based on current evidence and data.

Effectiveness: Scores Matrix Methodology

Effectiveness as measured by the Scores Matrix will be operationalized from the combination of Freedom House's Global Freedom (GF), Freedom of the Net (FotN), and the Economist Intelligence Unit's (EIU) Democracy Index (DI). All three of these metrics were chosen both because they publish annual assessments enabling the tracking and comparing of scores over time and due to their high credibility in the field. Each metrics' score will be captured in the coverage period where an intervention or alternative took place and compared to its score in the next coverage period. This limits analysis to be short-term and correlation, not causational, but this is appropriate given data limitations, such as short post-implementation evaluation windows for many alternatives.

If all three metrics show continuing decline, the result will be assessed as Ineffective. If only one metric shows improvement, the result will be assessed as Low Effectiveness. If two

metrics show improvement, an alternative will be assessed as Moderately Effective. If all three metrics show improvement, an alternative will be assessed as Highly Effective.

Though directional scores will be the most important consideration informing the scores matrix, when appropriate, they will be supplemented by Adjusted Scores that show the degree of variance from the global trend between two coverage periods. This will be used primarily to interpret scores that do not change between two coverage periods. If that zero score is above the global average, it will be interpreted as a positive result. If, however, that zero score is lower than the global average, it will be a negative result.

Appendix B

Effectiveness: Serbia Case Study (Alternative I)

Many programs announced under the PIDR are still being stood up or are so new that there is limited data on their effects. However, Serbia is one of the first two ADD pilot partners initially set up in 2022 and will serve as a case study for this report (United States White House, 2022). USAID's 2021 Digital Ecosystem Country Assessment (DECA) on Serbia noted these significant, continuing concerns about journalists' digital privacy and online campaigns targeting journalists and activists considered critical or oppositional to the ruling Serbian Progressive Party (USAID, 2021). A joint independent investigation by a constellation of digital rights groups, including Access Now and Citizen Lab, reaffirms this privacy concern as it revealed that Serbian civil society activists had been targeted with spyware (Bjelos, 2023).

Meanwhile, the Balkan Investigative Reporting Network (BIRN) recorded 103 instances of digital rights infringements in Serbia throughout 2023, including significant cyber and physical harassment of independent journalists and propaganda campaigns conducted to boost Prime Minister Vucic's party (Uzelac et al., 2023). This is reflective of broader digital repressive trends, particularly in Central Europe (Higgins, 2022). This record illustrates that Serbia has significant and continuing digital repression concerns, likely informing USAID's decision to partner with the country under the Advancing Digital Democracy (ADD) Initiative.

The Initiative's initial focus in Serbia has been bringing together interested parties from across Serbian civil society to support greater data privacy protections (United States White House, 2022). Further, USAID has partnered with the Swiss Agency for Development and Cooperation (SDC) on the Civil Society Resilience Strengthening Project, which seeks to work with local partners to build resilience in Serbian civil society (USAID, 2023b). The Project began in 2022 and is slated to run until 2027.

USAID articulated six goals for the Project: "

1. Recruit and engage 25 civil society actors across Serbia to serve as hubs to support a network of more than 300 CSOs
2. Launch comprehensive Capacity-building and resiliency-building programs
3. Establish a rapid response facility to provide direct legal and technical support to CSOs
4. Organize dialogue with domestic and international funders, private sector representatives, CSOs, informal civic actors, and activists on new funding streams for civil society
5. Provide technical support to the Serbian Government on effective dialogue and best practices related to civil society legislative frameworks
6. Support longer-term advocacy to strengthen the legal and regulatory framework affecting civil society" (USAID, 2023b).

The Project is assessed to have partially fulfilled its aims so far. Since beginning, USAID has reported gains, including meeting two of its overarching aims. It has established the desired 25 CSO partnerships across Serbia (Objective 1) and it has contributed support to the Serbian Government on how to pursue dialogue with CSOs (Objective 5). Moreover, it is making progress toward meeting two more (Objectives 2 and 6) having engaged in capacity-

building both through direct engagement with CSOs and by making available a series of tools on the "Neprofitne" platform (USAID, 2023b).

Effectiveness: Zambia Case Study (Alternative II)

USAID's 2022 DECA on Zambia identified integrating CSOs more into the national conversation around digital rights and the management of the digital sphere both in the legislative and public spheres as a major goal under the Digital Society, Rights, and Governance Pillar. Through its Open Spaces Zambia Initiative, USAID supported efforts to actualize this goal, including notable 2023 victories in providing training for over a hundred journalists, donating material worth more than $1 million to independent media organizations, and helping to convene greater CSO-government interaction around the shaping and passage of the Access to Information Law (passed in December 2023) (USAID, 2024). While the launch of Open Spaces preceded the completion of the DECA, it likely helped inform and focus Open Spaces' activities, especially around the Access to Information Law. This would be consistent with how DECAs have impacted the initiatives of USAID Missions in other countries according to Mission Staff (Malone, 2023).

Effectiveness: India Case Study (Alternative III)

In March 2022, India's state of West Bengal ordered a temporary internet shutdown to take place over eight days. Birader, a Fellow at the Internet Freedom Foundation (IFF), filed suit arguing that the law violated the Indian Constitution, the Telegraph Act and Telecom Suspension Rules, and the Indian Supreme Court's guidelines promulgated in another internet shutdown case, *Anuradha Bhasin v. Union of India*. The High Court agreed the government's action violated legal precedents and ordered that the ongoing shutdown end (Global Freedom of Expression, 2022). IFF's Senior Counsel, Tanmay Singh hailed the ruling, praising the court's swift response (UNESCO, 2023).

In this case, the plaintiffs fully succeeded in achieving their stated goal. This case is a powerful illustration of a successful case using strategic litigation, albeit also showcasing some limitations of this approach. Both the modeling of Court's swift response and the ruling itself will set a precedent that analysts hope will make it easier for subsequent litigation to challenge internet shutdowns in a timely manner in West Bengal and across India (Global Freedom of Expression, 2022). Indeed, successes in Indian courts, including in *Biradar*, have led to the steady growth of citizens, activists, and digital rights organizations using the court system as a primary venue to push back on internet shutdowns and related digitally repressive tactics (Feldstein, 2022). However, as a state case, *Biradar* is not a binding precedent across India (Global Freedom of Expression, 2022).

Effectiveness: Kenya Case Study

In 2022, Kenya prepared for presidential elections to be held in August. Given the history of significant civil strife and allegations of the manipulation of state infrastructure during Kenyan elections, analysts, including Access Now and the EIU, raised alarms that the election period may see increased civil strife, including the risk of the then-incumbent Kenyatta Administration imposing an internet slowdown or shutdown (Anthonio et al., 2023; Campbell, 2017; EIU, 2023). This concern was particularly acute due to prior behavior by officials to restrict information access during past elections (Campbell, 2017).

Therefore, Access Now adopted a two-pronged strategy: public pressure and workshops. Through letters, drawing media attention, and sustained public pressure, the organization kept public pressure on President Kenyatta, senior officials, and telecommunications executives to publicly acknowledge the importance of internet access during the election season and the need for it to not be interfered with. Simultaneously, Access Now invested in offering digital rights and digital access workshops to Kenyan civil society, journalists, and activists (Access Now, 2023a; Anthonio et al., 2023.

Access Now's intervention specifically targeted maintaining internet access during the election cycle. On this front, it was successful in achieving that goal. Since the 2007 elections that sparked ethnic violence, resulting in over a thousand deaths, Kenya's elections have suffered from recurrent high-level tensions, including efforts by ruling parties to manipulate the flow of information (Anthonio et al., 2023; Campbell, 2017). The last general elections in 2017 demonstrated this trend. In that period, Kenya's GF and FotN scores declined by three points in the coverage period covering the election, largely due to election-related repression and misinformation (Freedom House, "Kenya: Freedom in the World," 2023; Freedom House, "Kenya: Freedom on the Net," 2023). Given this history, that there were no internet connectivity issues surrounding the election and that the trends were less severe in 2022 is significant**.** Therefore, this alternative is assessed to have high case study effectiveness, relative to the other alternatives.

Appendix C

Political Feasibility: Alternative I. Status Quo

Senior Administration and USAID Officials (3 Points)

President Biden and Administrator Power have made international democratic renewal a signature theme of their tenures. This is evidenced by organizing and hosting two Summits of Democracies to discuss ways to bolster digital democratic governance, promulgating the Declaration of Free Internet, launching the PIDR, and engaging in organizational restructuring to elevate DRG from a center to a bureau within USAID (United States Department of State, n.d; United States White House, 2023b).

Specifically, the ADD has been spotlighted by the White House, by name, in press releases extolling the PIDR and described by USAID as one of its 'key contributions' to the PIDR (United States White House, 2023a; USAID, N.d.n). Since 2021, Administrator Power has consistently signaled strong support for the program in speeches and other public remarks (Power, 2021; Power 2022).

USAID (3 Points)

Institutional political feasibility is assessed as high due both to this initiative presently being implemented, thus demonstrating both administrative and political capacity, with a planned expansion, and due to bipartisan continuity in programming principles across successive administrations. In 2023, USAID announced plans to build upon the pilot programs and expand ADD programming to six other country Missions (The United States White House, 2023).

In 2013, under the Obama Administration USAID's 2013 Strategy on Democracy, Human Rights, and Governance, the agency highlighted the threat of digital repression and authoritarianism for the first time (USAID, 2013). The Trump Administration developed the current USAID Digital Strategy. Although the Biden Administration has expanded the breadth of digital democracy programming, the same precepts remain the basis, suggesting continuity of concerns (USAID, 2020).

Congress (2 Points)

Finally, congressional support for USAID's current democracy programming remains relatively robust, however overall foreign operations may face funding cuts. When Administrator Power testified before the House Foreign Affairs Committee (HFAC) and the Senate Foreign Relations Committee (SFRC) on USAID's 2023 Budget Appropriations Request, she highlighted digital repression in both of her opening Statements and did not receive significant pushback from either Committee members. In the Senate, the only questions on democracy programming were from the then-chairman, who questioned why more money was not allocated to DRG issues (USSCFR, 2023b). In the House, she drew a question from a committee member expressing concern that USAID may not be investing sufficient funding in this pathway (USHCFAC, 2023). Since Administrator Power specifically noted digital repression as a threat, the silence may likely indicate a lack of disagreement from the Committee on this issue, further reflecting the continuity from 2013-2023 (USHCFAC, 2023; USSCFR, 2023b).

However, as part of growing concerns about the size of the budget deficit, certain Members of Congress, especially Republicans, have targeted non-defense foreign operations and aid for budget cuts. This included a topline cut included in Foreign Operations in the FY 2024 budget from $59.7 billion in FY 2023 to $58.3 billion in FY 2024. Even if opposition to expanding digital democracy programming, in principle, is not a significant force on the HFAC or SFRC, the FY 2024 cuts indicates that deficit reduction is a potent force, particularly within the current House Republican Conference. Members of Congress concerned about deficit reduction likely would oppose funding expansions closing off one of the principal pathways for USAID to pursue this alternative (Shutt et al., 2024; VOA, 2024).

Political Feasibility for Alternative II: Renew and Expand DECAs

Senior Administration and USAID Officials (3 Points)

The 2020-2024 USAID Digital Strategy identified the DECASs as the top initiative of USAID's new digital strategy (USAID, 2020). Since then, leadership within DRG and USAID more broadly often refer to the DECAs as a 'flagship' initiative of the DRG and the Digital Strategy 2020-2024 (N.d.g). In this capacity it underpins a broad swath of the digital development and digital democracy programming that the agency engages in. Further, it has demonstrated the ability to maintain this position across leadership changes, most notably the transition from Administrator Mark Green to Administrator Samantha Power in April/May 2020.

USAID (3 Points)

The DECA Initiative has secured broad internal stakeholder support across USAID. To date, 21 Missions have seen the value of the initiative, requested, and ultimately completed a DECA (N.d.g).

Congress (2 Points)

Finally, congressional support for USAID's current democracy programming remains relatively robust. Since 2020, in congressional hearings with Administrator Power before the Senate Foreign Relations Committee (SFRC), both then-chairman and the ranking member expressed support for USAID's DRG programming, even as they offered criticism of other USAID policies (USSCFR, 2021; USSCFR, 2023b). In 2023, the SFRC's Democratic Staff released a report calling on USAID to up both democracy programming and digital investments in the Indo-Pacific to strengthen U.S. relationships in the region (USSCFR, 2023a).

However, like Alternative I, concerns emerge due to congressional focus on deficit reduction targeting foreign operations. Certain Members of Congress, especially Republicans, have targeted non-defense foreign operations and aid for budget cuts. This included a topline cut included in Foreign Operations in the FY 2024 budget from $59.7 billion in FY 2023 to $58.3 billion in FY 2024 (Shutt et al., 2024; VOA, 2024). Even if opposition to expanding digital democracy programming, in principle, is not a significant force on the HFAC or SFRC, the FY 2024 cuts indicates that deficit reduction is a potent force, particularly within the current House Republican Conference. Members of Congress concerned about deficit reduction likely would oppose funding expansions closing off one of the principal pathways for USAID to pursue this alternative.

Political Feasibility for Alternative III: Strategic Litigation Grants

Senior Administration and USAID Officials (2 Points)

Though information on senior Administration officials directly opining on strategic litigation to rebut digital repression has not been found, an accumulation of other research suggests that this idea is in line with Administration principles. The principles of President Biden's PIDR has expressed a focus on the regulatory and legal regimes of foreign countries and working with civil society to ensure that these regimes are structured in a way conducive to democracy and freedom of expression (USAID, 2023b).

USAID (2 Points)

Circumstantial evidence suggested that USAID and the DRG would be comfortable with this alternative. First, USAID's 2023 Rule of Law Policy, developed under the current Administrator, noted that the agency should increase its focus to help support local partners in securing an environment conducive to the maintenance of civil society, independent media, and human rights activists (USAID, 2023c, p. 16). Second, under the PIDR, the agency's leadership has shown increased willingness to fund issues that may become embroiled in foreign legal regimes. For example, in 2023, the agency unveiled a new initiative called Reporters Shield, which is designed to help protect journalists and NGOs from repressive legal threats by defraying legal costs (USAID, N.d.m.; USAID, 2023c).

Congress (2 Point)

In the absence of indications of support and with circumstantial evidence suggesting possible opposition, this alternative is assessed to have low congressional support. To date, there is no direct evidence of Members of the HFAC, SFRC, or congressional leadership offering criticism or support for the concept of strategic litigation. However, Members of the HFAC and SFRC, including SFRC Ranking Member Senator Risch, have expressed concern about ensuring that U.S. foreign aid adheres to the 'do no harm' principle and reinforces U.S. strategic interests (USSCFR, 2021; USSCFR, 2023b). It is conceivable that if a foreign Government actor found that a lawsuit against its action was being financially supported by the USG, that could damage relations. Further, Congress may be wary of setting a precedent of having the USG support foreign lawsuits, especially given criticism of the U.S. approach to data privacy by foreign governments.

Political Feasibility for Alternative IV: DRSN Grants

Senior Administration and USAID Officials (3 Points)

The current USAID Administrator, Samantha Power, has made localization—ensuring more and more decision-making power resides with local civil society—a priority of her tenure, arguing that it promotes more sustainable engagement and collaboration between various USAID partners and a shift away from a hub-and-spokes model with USAID permanently at the center (USAID, N.d.j.). In line with USAID's Localization Policy, this alternative shifts power to those closer to the problem, in this case, the mainly regional solidarity networks.

USAID (2 Points)

Under Administrator Power, USAID has adopted agency-wide policies aiming to ensure a greater, sustained shift towards localization. This includes setting specific benchmarks for the agency to reach toward a goal of 50% of programming being driven by empowered local CSOs by 2030 (N.d.j). However, given that this initiative has been driven

by Administrator Power and she is the current Administrator, it is unclear its degree of institutionalization and whether it will endure following her tenure.

Congress (2 Points)

In the absence of indications of support and with circumstantial evidence suggesting possible opposition, this alternative is assessed to have moderate congressional support. To date, there is no direct evidence of Members of the HFAC, SFRC, or congressional leadership offering criticism or support for funding external DROs. However, certain DROs, publicly criticize U.S. digital privacy protections and weigh in on U.S. digital ecosystem debates in a way that could conceivably attract congressional opposition (Electronic Frontier Foundation, N.d.b).

Appendix D

Costing Elaborations

Costing Calculations for Alternative II

Of the 21 DECAs with publicly available information fourteen were written by DAI Global's Digital Frontiers Project under a Cooperative Agreement with USAID. Under this agreement, from September 2017 to March 2024, USAID paid DAI Global $67.5 million in return for a multitude of support services, including writing DECA Reports (USASpending, 2024c). DAI Global does not make publicly available a line-item figure for each DECA report compared to other provided services. However, to complete the contract for a DECA as well as broader evaluation and monitoring activities, USAID paid the American Institutes for Research (AIR) $7.3 million (AIR, 2023). Ultimately, the most insight is provided by USAID's contract with LINC, LLC. LINC subcontracted the DECA out to Women In Digital Transformation, LLC who spent a total of $204,354 to complete the report (USA Spending, 2024b).

Costing Calculations for Alternative III

The costs of strategic litigation vary depending on various factors, including the jurisdiction in question. Further, in many jurisdictions the costs a plaintiff pays to support litigation are not a matter of public information, increasing opacity. However, the current activities of organizations that provide grants and other financial support to internet-related strategic litigation cases provide a rough upper boundary of around $32,000. Media Defence, a UK-based NGO, supports strategic litigation with grants of up to £25,000 (roughly $32,000) (Media Defence, 2022). This is consistent with the 2022 donations made by UNESCO to the India-based Internet Freedom Foundation (IFF), an organization involved in many of India's strategic litigation cases, which amounts to approximately $31,000 (Internet Freedom Foundation, N.d.).

Access Now, one the largest campaigners against internet shutdowns acknowledges that they provide some financial support for anti-shutdown litigation but does not provide a public breakdown of what percent of their grants go to that purpose. Using the summary figures, they do provide shows that Access Now's average grant in 2021, 2020, and 2017 were all between $31,000 and $34,000 and that the average of its annual average grant between 2016 and 2023 is approximately $30,000 (Access Now, 2023b). Please see Appendix I for details.

Costing Calculations for Alternative IV

Due to privacy concerns and varying legal disclosure regimes, many digital rights organizations limit the information they disclose about their donors. For example, the Electronic Frontier Foundation (EFF) specifically tries to minimize the amount of donor information it discloses due to the potential harm donors could face if their identities were publicly disclosed (Electronic Frontier Foundation, N.d.a).

However, one of the largest DRSN, Access Now, does provide more detailed information, including the names of most of its donors and the amount they have donated each year. Appendix 3 shows this information for governmental agencies between 2020 and 2023. This information provides USAID a glimpse into what peer international aid and

development agencies are contributing to digital rights and digital rights solidarity programming.

For instance, in 2022, Access Now relied on international aid agencies and other governmental donors for 58.6% of its funding, and the top donor governments were Germany (~$1.3 million), Canada (~$1 million), and the Netherlands ($869,000). Each of the seven government donors contributed at least $200,000 with the smallest contribution provided by Switzerland. In 2023, several countries increased their donation totals, making the UK the lowest annual contributor at $282,790.01 and Germany the highest annual contributor at approximately $1.9 million.

Appendix E

Strategic Litigation Combined Dataset

Please see attached excel file "Strategic Litigation."[2]

[2] Data provided from:
Freedom House (N.d.a.). Freedom in the World: About the Report. https://freedomhouse.org/report/freedom-world.
Freedom House (N.d.b.). Freedom on the Net. https://freedomhouse.org/report/freedom-net.
The Economist Intelligence Unit (EIU). (2023). Democracy Index 2023: Age of Conflict. *The Economist Intelligence Unit*. https://pages.eiu.com/rs/753-RIQ-438/images/Democracy-Index-2023-Final-report.pdf?version=0&mkt_tok=NzUzLVJJUS00MzgAAAGRS_wbJa1rENm5hAPY9wqEOJNYoHVbiX0RqSrOZwV7VQ49_M3GIlA5tVVtKVqCYmVKxNuWld4d_h5fFjTbez_rPDLXlndhKxav6EtEY-hHeNIQ.
Further, Columbia University has released a project called Global Freedom of Expression Case Law Project at https://globalfreedomofexpression.columbia.edu/ to summarize cases and their verdicts.

Appendix F

Strategic Litigation Limitations

Beyond the necessity of independent judiciaries to strategic litigation's success, strategic litigation introduces two further complexities. First, sometimes, as with the case study, verdicts have localized, rather than national effects. Given that democracy and internet freedom analyses, such as those created by EIU and Freedom House focus on the national level, assessing the impact of the rulings that constrain subnational governments can be difficult to disentangle. Secondly, Court rulings can also be appealed. It is not unheard of for higher-level courts to narrow or reverse the ruling of a first-instance court. For instance, digital rights organizations (DROs) sued following internet disruptions in the Indonesian States of Papua and West Papua. In *Alliance of Independent Journalists v. Minister of Communication*, the Jakarta Administrative Court initially ruled for the digital rights plaintiffs (Global Freedom of Expression, 2020). On appeal, Indonesia's highest court, the Constitutional Court, overturned that ruling (Digwatch, 2021).

Appendix G

Scalability: Rating System

To achieve a score of ‘High’ an alternative must have a demonstrated history of being implemented in countries that are geographically and democratically diverse. Democratic diversity, for this purpose, will follow Freedom House’s three-point scale of Not Free, Partly Free, or Free.

To achieve a score of ‘Moderate’ an alternative must have a demonstrated history of being implemented in countries that are either geographically or democratically diverse.

A score of ‘Low’ will be assessed to alternatives where this insufficient history to demonstrate implementation in countries that either geographically or democratically diverse. This means that either the alternative has only been tried in one country or countries that are both in the same region and share broadly similar democratic ratings.

Appendix H

Access Now Donor Spreadsheet

Please see attached Excel file, “Access Now Donors.”[3]

[3] [3] Data provided from Access Now. (N.d.). Funding. https://www.accessnow.org/financials/.

Appendix I

Please see attached excel files “Access Now Grantees (2016-2023).”[4]

[4] Data provided from Access Now. (2023b). Full List of Grantees. https://www.accessnow.org/grants/full-list-of-grantees/#2022.

Appendix J

Please see attached excel files “FIW [Freedom in the World], “FotN,” and “EIU.”[5]

[5] Data provided from:

Freedom House (N.d.a.). Freedom in the World: About the Report. https://freedomhouse.org/report/freedom-world.

Freedom House (N.d.b.). Freedom on the Net. https://freedomhouse.org/report/freedom-net.

The Economist Intelligence Unit (EIU). (2023). Democracy Index 2023: Age of Conflict. *The Economist Intelligence Unit*. https://pages.eiu.com/rs/753-RIQ-438/images/Democracy-Index-2023-Final-report.pdf?version=0&mkt_tok=NzUzLVJJUS00MzgAAAGRS_wbJa1rENm5hAPY9wqEOJNYoHVbiX0RqSrOZwV7VQ49_M3GIlA5tVVtKVqCYmVKxNuWld4d_h5fFjTbez_rPDLXlndhKxav6EtEY-hHeNIQ.