GENDER JUSTICE AND THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

Submission in response to the call by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for contributions to the thematic report to be presented to the 76th session of the United Nations General Assembly

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EXECUTIVE SUMMARY

The Association for Progressive Communications presents these brief contributions on the issue of gender justice and its intersection with the right to freedom of opinion and expression, from a feminist lens. APC acknowledges that technology-mediated environments can be conducive to hindering expression by exacerbating gender-based violence against women and other people who experience multiple and intersecting forms of exclusion and discrimination in all spheres of human interaction. We also acknowledge that a deep understanding of ICT-related implications is crucial to thwart potential risks of gender-based violence and its impacts on freedom of expression and opinion. We offer some recommendations that resulted from our research work and share some good practices to combat online gender-based violence and reinforce the exercise of the rights related to this mandate.

By reviewing the repercussions that gendered disinformation has on women's public participation, activism and work, we provide a reflection on the main barriers, challenges and threats that result in the curtailment of expression and the chilling effect it has on a wide range of rights, including sexual rights, the right to participate in public affairs, and the right to be free from discrimination, among others. We look at the role of governments and social media platforms and offer recommendations oriented to the adoption of an integral approach to gendered disinformation as a problem related to but different from gender-based online violence.

Women's ability to have meaningful internet access has a direct correlation with the exercise of the right to freedom of expression and opinion and other rights, online and offline. We underscore that bridging the gender digital divides demands an approach that is located within economic, social, political and cultural contexts that recognise existing structural inequalities. We provide recommendations towards deepening the understanding of the problem and creating an enabling environment for addressing the disparities in access to digital technologies.

APC welcomes the call of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to reflect on the intersections between gender justice and the right to freedom of opinion and expression and appreciates the opportunity to provide contributions.

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1. GENDERED DISINFORMATION

1.1 Main barriers, challenges and threats

APC views disinformation as a multifaceted, global and complex issue that must be understood as a symptom of a much broader information disorder.[1]

Disinformation causes confusion and has a chilling effect on freedom of expression and information. It directly impacts on the level of trust in the public sphere as a space for democratic deliberation. People no longer feel safe to express their ideas for fear of online harassment and of being targeted by disinformation campaigns; others feel paralysed and silenced by the puzzlement and uncertainty created by the surrounding information pollution and remove themselves from public debate concerning key issues of public interest.

As stated in a previous APC submission to the mandate, the impact of disinformation is particularly pernicious against groups in situations of vulnerability or marginalisation. APC has observed that longstanding issue-based campaigns are particularly strong in relation to gendered disinformation, hatred against minorities and vulnerable groups, and human rights and environmental activists. These issue-based campaigns take different formats and narratives to adapt to current newsworthy stories and events.

Research by EU DisinfoLab showed that "misogynistic narratives have been retrieved and adapted to fit within the mis- and disinformation landscape around COVID-19 – an event which has had a disproportionately negative impact on women's rights." This research concluded that the narratives tend to produce "either a negative representation of women as enemies, in order to fuel the public debate; or a pitiful depiction of women as victims in order to push an alternative agenda."[2] Examples of such narratives include women framed as responsible for the spread of the virus as a result of 8 March International Women's Day demonstrations[3] and women accused of taking advantage of the pandemic to push a secret gender equality agenda.[4]

The weaponisation of disinformation against women in public spaces has long been pointed out as a form of gender-based violence online. A recent study by the Wilson

1   APC. (2021). *Disinformation and freedom of expression: Submission in response to the call by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*. https://www.apc.org/en/pubs/disinformation-and-freedom-expression-submission-response-call-un-special-rapporteur-promotion

2   Sessa, M. G. (2020, 4 December). Misogyny and Misinformation: An analysis of gendered disinformation tactics during the COVID-19 pandemic. *EU DisinfoLab*. https://www.disinfo.eu/publications/misogyny-and-misinformation%3A-an-analysis-of-gendered-disinformation-tactics-during-the-covid-19-pandemic

3   Maldita. (2020, 7 April). El experto británico que entrevistó Espejo Público no vinculó el 8M con el incremento de casos de coronavirus: la respuesta está cortada. https://maldita.es/malditobulo/20200407/experto-britanico-8m-coronavirus-imperial-college-espejo-publico-antena-3

4   neXt. (2020, 12 June). Il piano Colao e il gender. https://www.nextquotidiano.it/gender-nel-piano-colao-educazione-gender

Center's Science and Technology Innovation Program argues, however, that gendered and sexualised disinformation is a phenomenon distinct from broad-based gendered abuse and should be defined as such to allow social media platforms to develop effective responses. They have defined it as "a subset of online gendered abuse that uses false or misleading gender and sex-based narratives against women, often with some degree of coordination, aimed at deterring women from participating in the public sphere. It combines three defining characteristics of online disinformation: falsity, malign intent, and coordination."[5]

Research has demonstrated how female politicians, for example, are attacked more often than male candidates through disinformation campaigns.[6] Scholars and feminists point out that these attacks have the deliberate goal of preventing women from taking part in the democratic process. As early as 2017, Nina Jankowicz alerted that "[f]emale politicians and other high profile women worldwide are facing a deluge of what you could call sexualized disinformation. It mixes old ingrained sexist attitudes with the anonymity and reach of social media in an effort to destroy women's reputations and push them out of public life."[7]

Those who speak out on feminist issues are also particularly targeted by disinformation campaigns,[8] as well as the issues they convey.[9] In 2019, Koki Muli Grignon, a Kenyan UN diplomat working as the facilitator during the Commission on the Status of Women in New York, a prominent annual women's rights conference at the United Nations, received thousands of emails trying to interfere with her positions and work. One of them demanded that Grignon stand against abortion and same-sex families, criticised her conduct as a facilitator, and said she was being watched.[10]

In 2020, openDemocracy reported on a global network of "crisis pregnancy centres", backed by US anti-abortion groups linked to the Trump administration, that targeted vulnerable women with "disinformation, emotional manipulation and outright deceit."[11]

5   Jankowicz, N., et al. (2021). *Malign Creativity: How Gender, Sex, and Lies are Weaponized Against Women Online.* Wilson Center. https://www.wilsoncenter.org/publication/malign-creativity-how-gender-sex-and-lies-are-weaponized-against-women-online

6   See, for example: Di Meco, L. (2019, 6 December). Gendered Disinformation, Fake News, and Women in Politics. *Council on Foreign Relations.* https://www.cfr.org/blog/gendered-disinformation-fake-news-and-women-politics and Oates, S., et al. (2019, 28 August). Running While Female: Using AI to Track how Twitter Commentary Disadvantages Women in the 2020 U.S. Primaries. SSRN. https://ssrn.com/abstract=3444200

7   Jankowicz, N. (2017, 11 December). How Disinformation Became a New Threat to Women. *Coda.* https://www.codastory.com/disinformation/how-disinformation-became-a-new-threat-to-women

8   See, for example: African Organization for Families. (2017, 31 July). Stop IPAS from killing African babies. *CitizenGO.* https://www.citizengo.org/en-af/73124-stop-ipas-killing-kenyan-babies

9   See, for example: Reid, G. (2018, 10 December). Breaking the Buzzword: Fighting the "Gender Ideology" Myth. *Human Rights Watch.* https://www.hrw.org/news/2018/12/10/breaking-buzzword-fighting-gender-ideology-myth and Gupta, P. (2018, 28 August). Fake News Targeting Women Part Of Social Media Virility: Experts. SheThePeople. https://www.shethepeople.tv/news/technology-law-peddling-fake-news

10   Lee-Lassiter, S. (2019, 14 May). The Case of Harassing a UN Diplomat Via 1,000s of Text Messages. *PassBlue.* https://www.passblue.com/2019/05/14/the-case-of-harassing-a-un-diplomat-via-1000s-of-text-messages

11   Provost, C., & Archer, N. (2020, 10 February). Exclusive: Trump-linked religious 'extremists' target women

Anti-choice groups have used smartphone surveillance to target "abortion-minded women", sending propaganda directly to a woman's phone while she is in a clinic waiting room.[12]

Amnesty International carried out research on the effects of such disinformation campaigns in India, concluding that "[o]nline abuse is silencing – it leads women to self-censoring, limiting what they post, anonymizing their accounts, or leaving Twitter altogether."[13]

The situation is even more striking when reviewed from an intersectionality lens. Female political leaders and activists from racial, ethnic, religious or other minority groups are targeted far more than their white colleagues.[14] This also brings to light the close links currently seen between disinformation and hatred against particular groups. Disinformation campaigns have been promoted by populist leaders, political parties and candidates to fuel nationalism and push fringe ideas and values into mainstream conversations, sometimes leading to violence against minority communities. We have seen reports of how leaders such as Putin[15] and Bolsonaro[16] have used disinformation campaigns against the LGBTIQ+ community in their electoral campaigns.

Disinformation will not be addressed properly if a fragmented approach is adopted. Special attention should be given by platforms and governments to long-term issue-based disinformation campaigns, especially those targeted against specific groups and themes, including human rights, women's rights and environmental issues. Gendered disinformation should be considered as a different phenomenon, separate from gender-based online violence, which requires specific monitoring and solutions.

1.2 Policy and regulatory gaps and recommendations

The dangers of criminalisation

Countries worldwide are using legitimate concerns about online disinformation to deepen their control over the internet and people. These policy and legislative initiatives share some similarities: they give discretionary powers to executive bodies to

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with disinformation worldwide. *openDemocracy*. https://www.opendemocracy.net/en/5050/trump-linked-religious-extremists-global-disinformation-pregnant-women

12 Coutts, S. (2016, 25 May). Anti-Choice Groups Use Smartphone Surveillance to Target 'Abortion-Minded Women' During Clinic Visits. *Rewire News Group*. https://rewirenewsgroup.com/article/2016/05/25/anti-choice-groups-deploy-smartphone-surveillance-target-abortion-minded-women-clinic-visits

13 https://decoders.amnesty.org/projects/troll-patrol-india

14 https://www.amnesty.org.uk/online-violence-women-mps

15 Rescheto, J. (2020, 11 June). Opinion: Vladimir Putin uses homophobia for votes in Russia. *Deutsche Welle*. https://www.dw.com/en/opinion-vladimir-putin-uses-homophobia-for-votes-in-russia/a-53778667

16 Phillips, T. (2020, 8 July). Brazil: Bolsonaro reportedly uses homophobic slur to mock masks. *The Guardian*. https://www.theguardian.com/world/2020/jul/08/bolsonaro-masks-slur-brazil-coronavirus

decide whether a piece of content is false or misleading, and give these bodies the power to issue fines, impose corrections or even hand out prison sentences for creating, publishing or disseminating pieces of content. In these cases, creators, disseminators and publishers of disinformation are the main targets of these regulatory initiatives. These criminalisation efforts often do not distinguish between lawful and unlawful expression, limiting the exercise of freedom of expression and allowing governments to exercise greater discretionary control.[17]

APC has argued that, given the human rights issues at stake, state-driven interventions to regulate content online should be subject to particular precautions. Any legitimate intervention must aim for a minimum level of intervention in accordance with the principles of necessity and proportionality, be based on an inclusive consultation process with all relevant stakeholders, and not strengthen the dominant position of the large incumbents.

States should also take active steps to address disinformation targeted at vulnerable groups. Particular attention should be given to the specific targeting of women and its impact, from an intersectionality perspective.[18]

The role of social media platforms in countering disinformation

With the continuous spread of disinformation during the COVID-19 pandemic, internet platforms have been facing increasing pressure from governments and other actors to take down content that is harmful. Platforms' measures have included promotion of authoritative sources, alongside an increase in automation of content moderation.[19]

Although these are signs of a more reactive and responsive industry, more meaningful and impactful changes targeting the business model of these companies, in particular their exploitation of personal data and the obscure use of algorithms, remain to be seen.
Research from APC member Intervozes shows that digital platforms lack policies and structured processes on the issue of disinformation and that they have been developing specific and reactive actions to combat the phenomenon.[20]

Another important note is that, in many countries, the initial coordination and circulation of disinformation campaigns take place first through messaging services –

17   Vermeulen, M. (2019). *Online content: To regulate or not to regulate – is that the question?* APC. https://www.apc.org/sites/default/files/OnlineContentToRegulateOrNotToRegulate.pdf

18   Intersectionality as a framework gives visibility to and questions powers and privileges that emerge as a result of gender, race, ethnicity, class and other social and cultural hierarchies. See, for example: APC. (2017). *EROTICS South Asia exploratory research: Sex, rights and the internet.* https://www.apc.org/sites/default/files/Erotics_1_FIND.pdf#page=6

19   Meyer, T., & Hanot, C. (2020, 28 September). How platforms are responding to the 'disinfodemic'. *EU DisinfoLab.* https://www.disinfo.eu/publications/how-platforms-are-responding-to-the-disinfodemic

20   https://intervozes.org.br/publicacoes/10-ways-to-combat-disinformation

especially WhatsApp[21] – to only later become viral in social media. Given that these services make use of end-to-end encryption and are not subject to content moderation scrutiny,[22] particular measures should be designed to address their role in the amplification of disinformation.[23]

The pandemic also provoked an increased reliance on artificial intelligence (AI) tools by platforms, removing misinformation and apparently inaccurate information about COVID-19 at an unprecedented rate. The increased use of AI has been fostered by the growth in remote work modalities adopted for content moderation workers in view of the sanitary restrictions imposed during 2020.[24] An increased reliance on AI-driven content moderation with the risk of false positives,[25] limitations in capturing nuances and contextual specificities, and without transparency, accountability and due process pose serious risks for freedom of expression online. APC together with other organisations asked companies, in the context of COVID-19, to commit to preserve all data on content removal during the pandemic, including but not limited to information about which takedowns did not receive human review, whether users tried to appeal the takedown (when that information is available), and reports that were not acted upon, and to produce transparency reports that include information about content blocking and removal related to COVID-19, among other things.[26]

As APC has stated, processes developed by intermediaries should be transparent and include provisions for appeals, users should be informed of repeated posts carrying disinformation that they share, and if there is a systemic pattern, companies should take action.[27]

When such automated processes are used, it is inevitable they will "make mistakes" and therefore their use should be more transparent, all content removal should be

21 Boadle, A. (2018, 20 October). Facebook's WhatsApp flooded with fake news in Brazil election. *Reuters.* https://www.reuters.com/article/us-brazil-election-whatsapp-interpreter/facebooks-whatsapp-flooded-with-fake-news-in-brazil-election-idUSKCN1MU0UP

22 Dixit, P. (2021, 21 January). WhatsApp Fueled A Global Misinformation Crisis. Now, It's Stuck In One. *BuzzFeed News.* https://www.buzzfeednews.com/article/pranavdixit/whatsapp-misinfo-privacy-policy

23 See, for example: Hern, A. (2020, 7 April). WhatsApp to impose new limit on forwarding to fight fake news. *The Guardian.* https://www.theguardian.com/technology/2020/apr/07/whatsapp-to-impose-new-limit-on-forwarding-to-fight-fake-news

24 Kastrenakes, J. (2020, 16 March). YouTube will rely more on AI moderation while human reviewers can't come to the office. *The Verge.* https://www.theverge.com/2020/3/16/21182011/youtube-ai-moderation-coronavirus-video-removal-increase-warning

25 Vincent, J. (2020, 21 September). YouTube brings back more human moderators after AI systems over-censor. *The Verge.* https://www.theverge.com/2020/9/21/21448916/youtube-automated-moderation-ai-machine-learning-increased-errors-takedowns

26 Various. (2020, 22 April). Open letter on COVID-19 content moderation research. *APC.* https://www.apc.org/en/pubs/open-letter-covid-19-content-moderation-research

27 APC. (2020). *APC input to the public consultation on the Santa Clara Principles on Transparency and Accountability in Content Moderation.* https://www.apc.org/en/pubs/apc-input-public-consultation-santa-clara-principles-transparency-and-accountability-content

subject to human review, and users should have easy recourse to challenging removals which they believe to be arbitrary or unfair.[28]

While social media platforms are important avenues for female activists, politicians and researchers, among others, to facilitate expression and opinion, it is also important to dive into the role of these platforms in the sexist, misogynist and discriminatory repercussions of the amplification of misinformation and disinformation.

1.3 Good practices

Disinformation tracker

In the context of rapidly accelerating state responses to COVID-19 disinformation, the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), PROTEGE QV and other groups launched an interactive map to track and analyse disinformation laws and policies in Sub-Saharan Africa. This tool assesses whether laws, policies and other state responses are human rights-respecting.[29]

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28 APC. (2018). *Content regulation in the digital age: Submission to the United Nations Special Rapporteur on the right to freedom of opinion and expression.* https://www.ohchr.org/Documents/Issues/Opinion/ContentRegulation/APC.pdf

29 CIPESA. (2020, 17 June). Coalition of Civil Society Groups Launches Tool to Track Responses to Disinformation in Sub Saharan Africa. https://cipesa.org/2020/06/coalition-of-civil-society-groups-launches-tool-to-track-responses-to-disinformation-in-sub-saharan-africa

2. ACCESS AND DIGITAL INCLUSION

2.1 Main barriers, challenges and threats

Access to the internet and digital technologies is not equal. Women's access is limited by their economic circumstances and where they live and work, but is also affected by cultural norms and practices. This also applies to sexual minorities. In 2019, it was estimated that globally, 55% of the male population was using the Internet, compared with 48% of the female population. According to the International Telecommunication Union (ITU), "there are about 250 million fewer women online than men, and the problem is more pronounced in developing countries." Meanwhile, although 48% of women are online globally, in the global South, this percentage drops to 28%.[30] GSMA data suggests that, over time, in Africa, this gap has been increasing.[31] This demonstrates that the digital gender divide continues to be a major barrier to meaningful participation in a digital society, specially in the global South.[32]

Women's ability to gain meaningful internet access[33] is influenced by factors including location, economic power, age, gender, racial or ethnic origin, social and cultural norms, and education, among other things. Disparity and discrimination in these areas translate into specific gender-based challenges and barriers to meaningful access. For example, gender literacy gaps — including digital literacy — result in uneven capacity among women to use the internet for their needs. Bridging the gender digital divide requires bridging not just one digital divide, but multiple digital divides. Likewise, it also requires bridging other underlying and more fundamental gender divides, and as such demands an approach that is located within economic, social, political and cultural contexts that recognise existing structural inequalities.

The problem is not just unequal access, it also lies in how access, and access divides, are understood. It is not simply a case of affordability or access to infrastructure, or of skills, but also of the underlying needs, the cultural barriers women experience, and the value and impact of access for specific groups of people who face multiple forms of discrimination because of their gender, sexuality and other intersectionalities. The way identity is embedded in the structure and architecture of access interfaces

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30 APC. (2020). *APC Submission to the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet).* https://www.apc.org/sites/default/files/APC_Submission_ITU_CWG_Internet_22_January_2020.pdf

31 Ibid.

32 ITU. (2020). *Measuring digital development: Facts and figures 2020.* https://www.itu.int/en/ITU-D/Statistics/Documents/facts/FactsFigures2020.pdf

33 Access to digital technologies, including the internet, is universal and affordable. Meaningful access should also be without social control in the form of community/household level policing/online vigilantism that curtails women's access. Meaningful, whereby access enables an expansion of strategic life choices for women, without posing threats to their bodily integrity, informational privacy or personal autonomy. Gurumurthy, A., & Chami, N. (2017). *A feminist action framework on development and digital technologies.* APC. https://www.apc.org/sites/default/files/FeministActionFrameworkOnDevelopmentAndDigitalTechnologies.pdf

should also be considered as a barrier, since most of the platforms and devices are not designed to meet women's needs.

In 2016, the Internet Governance Forum (IGF) Best Practice Forum (BPF) on Gender and Access[34] examined barriers to women's access to the internet and participation in online life guided by existing research and BPF participants' inputs regarding what barriers they perceive to be important. Some of the barriers included:

- Availability (e.g. women have no broadband access, public internet centres are in spaces that women do not usually have access to).

- Affordability (e.g. insufficient income to pay for data, cannot afford a device).

- Culture and norms (e.g. boys prioritised for technology use at home, online gender-based violence, restrictions to movement).

- Capacity and skills (e.g. literacy gap in reading, lacking in skills and confidence to access the internet or explore technology).

- Availability of relevant content (e.g. language issues, lack of content that speaks to women's contexts, gender-related content is censored/restricted).

- Women's participation in decision-making roles pertaining to the internet and/or in the technology sector (e.g. when women are not able to pursue careers in science and technology, when their participation in relevant policy-making forums is restricted).

- Availability of relevant policies (e.g. policies with a gender focus and/or that address women's ability to access and benefit from the internet); and/or other barriers.

As APC stated in a submission to the Office of the High Commissioner for Human Rights in 2017, the human rights implications of the gender digital divide are that women are excluded from participating fully in public and social life, and as such are unable to fully exercise their human rights, online and offline.[35] Without meaningful internet access, women are not able to fully realise a range of human rights, whether civil and political rights – such as freedom of expression, the right to seek and impart information, to assemble and associate with others freely – or economic, social and cultural rights – such as to pursue their education online, seek health-related information, or find work and advance their economic well-being.

The gender digital divide exacerbates existing inequality and perpetuates discrimination as ICTs become indispensable to others in society. Research has shown that when women gain meaningful internet access and participate in evolving knowledge

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34   IGF Best Practice Forum on Gender and Access. (2016). *Overcoming barriers to enable women's meaningful internet access.* https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/3406/437

35   APC. (2017). *Bridging the gender digital divide from a human rights perspective: APC submission to the Office of the High Commissioner for Human Rights.* https://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigi-tal/APC.pdf

societies, their families, villages, communities and countries also benefit. Promoting internet access for women is also an essential part of the economic, social and political development of the countries in which women live.[36]

As APC's Feminist Principles of the Internet (FPIs) state, a feminist internet starts with enabling more women and people of diverse genders and sexualities to enjoy universal, acceptable, affordable, open, meaningful and equal access to the internet.[37] Women and people of diverse genders and sexualities should also be able to enjoy access to information relevant to them, and this includes diversity in languages, abilities, interests and contexts. Meaningful access should also be without social control in the form of community/household level policing/online vigilantism that curtails women's access, and should enable an expansion of strategic life choices for women, without posing threats to their bodily integrity, informational privacy or personal autonomy.[38] A holistic approach to access to digital technologies also comprises the right to code, design, adapt and critically and sustainably use them.

2.2 Policy and regulatory gaps and recommendations

Lack of data

As Alison Gillwald from Research ICT Africa noted in the IGF Best Practice Forum on Gender and Access report in 2016,[39] there is a lack of national statistics, or context-specific data that is public and non-rivalrous.

While the need for systematic collection of data, aimed at identifying priorities and defining and monitoring key lines of actions towards bridging the gender digital divide, is recognised in several global policy spaces such as the G20,[40] the OECD[41] and the Freedom Online Coalition (FOC),[42] there is a persistent lack of gender-disaggregated data and insights on internet access and use by women. Without this data, gender differences – and the underlying reasons for the digital gender gap – are also obscured.[43] Representative and gender-disaggregated data should be gathered in a consistent and rigorous manner to reach a better understanding of the factors shaping women's access to and ability to benefit from meaningful internet access in diverse contexts. As Gillwald stressed, there is a need for governance frameworks

36 Van der Spuy, A., & Souter, D. (2018). *Women's digital inclusion: Background paper for the G20.* APC & Internet Society. https://www.apc.org/sites/default/files/WomensDigitalInclusion_BackgroundPaper.pdf

37 https://feministinternet.org/en/principle/access

38 Gurumurthy, A., & Chami, N. (2017). Op. cit.

39 IGF Best Practice Forum on Gender and Access. (2016). Op. cit.

40 http://www.g20.utoronto.ca/2018/2018-08-24-digital.html

41 OECD. (2018). *Bridging the Digital Gender Divide: Include, Upskill, Innovate.* https://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf

42 Freedom Online Coalition. (2020). *FOC Joint Statement on Digial Inclusion.* https://freedomonlinecoalition.com/wp-content/uploads/2020/02/FOC-Joint-Statement-on-Digital-Inclusion.pdf

43 GSMA. (2018). *A toolkit for researching women's internet access and use.* https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2018/05/GSMA-Women-and-Internet-Research-Toolkit_WEB.pdf

that oblige the collection and use of public data to reach a better understanding of digital divides, and only demand-side data can enable a true measurement of differences in access between men and women.

As APC has recommended in the past, more data is needed to enable sound empirical evidence concerning the contexts and issues that affect access and use for women. This is crucial to understanding structural and cultural inequalities as well as the state of the digital ecosystem and infrastructure. Not only is gathering more data important, stakeholders should share data and research on access, within the constraints of data protection, in order to facilitate improvements that are of benefit to all.[44]

In 2017 and building on its previous work to identify barriers for women's access to digital technologies, the IGF Best Practice Forum on Gender and Access explored how barriers like affordability and infrastructure challenges, a lack of relevant and local language content, lack of digital skills and capacity development of skills necessary to access and benefit from the Internet, and social stigma and cultural barriers are experienced across communities. For example, it showed that women from LGBTIQ+ communities tend to experience barriers related to cultural stereotypes and stigmas quite acutely, while women refugees often highlight barriers related to the cost of devices and data. Hence, uniform policy recommendations to address generic barriers to women's meaningful internet access are unlikely to effectively target women's unique needs and challenges. Policy makers and other relevant stakeholders should further investigate and consider the significant effect that unique circumstances have on enabling women's meaningful access.[45]

Lack of gender approach in policies to address digital inequalities

Policies ranging from national broadband plans to public Wi-Fi initiatives should be designed to specifically overcome gender inequalities in access. The 2018 IGF Best Practice Forum on Gender and Access report showed how initiatives such as public access initiatives do not focus on women and do not acknowledge, for example, the constraints on their mobility.[46] As the report recommends, investment in public access facilities should be increased, in particular, public access strategies that emphasise women's needs, and awareness of the value of these facilities should be raised among disenfranchised groups.[47]

More effective radio spectrum management is needed, including allowing innovative uses of spectrum and new dynamic spectrum-sharing techniques such as TV white

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44   Van der Spuy, A., & Souter, D. (2018). Op. cit.
45   IGF Best Practice Forum on Gender and Access. (2017). *Unique challenges for unique women.* https://www. intgovforum.org/multilingual/filedepot_download/3406/1197
46   IGF Best Practice Forum on Gender and Access. (2018). *Impact of supplementary models of connectivity in enabling meaningful internet access for women and gender non-binary persons.* https://www.intgovforum.org/ multilingual/filedepot_download/5004/1455
47   Ibid.

space (TVWS). The IGF Best Practice Forum on Gender and Access in 2018 also found that while there are many TVWS initiatives around the world, there is a dearth of initiatives that focus on women.

Policies, programmes and initiatives are required that directly address the barriers that inhibit women's ability to access and use the internet and to mitigate the potential negative consequences for women (and for development in general) that arise from women's unequal access to and capacity to exploit the internet.

Policies, programmes and initiatives are also required that maximise the potential positive outcomes of internet access and use for women and women's empowerment, including policies and interventions that use the internet to address the structural inequalities that underpin women's disempowerment overall.[48]

Lack of recognition of community networks

Most governments are not yet aware of the potential impact of autonomous small-scale community networks. As a result, these networks are still relatively scarce, or invisible. States should recognise the value of community-led connectivity models, such as community networks, for mobilising the role of the internet as an enabler of human rights and contributing to achieving the Sustainable Development Goals.

Governments should create enabling ecosystems to allow small-scale networks and locally owned telecommunications infrastructure to emerge and expand. Women's participation in community and municipally owned small-scale local communications infrastructure should be encouraged and supported, and licence categories should be made available for this type of service.

Lack of participation of women in digital-related decision-making processes

There is a substantial divide between women and men in their access to and use of the internet. Beyond issues of access, another dimension of this divide is the gender gap in participation within all aspects of digital policy making and digital technology development.

As APC's work on cybersecurity notes, the level of women's participation in all ICT-related professions is between 15% and 20% percent, only 22% of AI professionals globally are female, and gender biases and stereotypes are steering girls and women away from science and related fields.[49]

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48 Van der Spuy, A., & Souter, D. (2018). Op. cit.

49 Brown, D., & Pytlak, A. (2020). *Why Gender Matters in International Cyber Security.* Women's International League for Peace and Freedom & Association for Progressive Communications. https://www.apc.org/sites/default/files/Gender_Matters_Report_Web_A4.pdf

Women, and other groups in vulnerable and traditionally marginalised positions, should have equal opportunities to participate in the design, development, testing and assessment of digital services, policies and programmes that will affect them. And there is a need for an increase in women's participation in decision-making processes at national and international levels on internet governance, infrastructure planning and regulation, and technology development.

3. ONLINE GENDER-BASED VIOLENCE

3.1 Main barriers, challenges and threats

APC research has shown that online gender-based violence affects women's right to self-determination and bodily integrity, impacts on their capacity to move freely, without fear of surveillance, affects their ability to be fully online, and denies them the opportunity to craft their own identities online and to form and engage in socially and politically meaningful interactions in the digital realm.

Violence against women and girls online – such as cyberstalking, cyberbullying, harassment and misogynist speech – limits their ability to take advantage of the opportunities that ICTs provide for the full realisation of women's human rights, including freedom of expression. Just as violence is used to silence, control and keep women out of public spaces offline, women's and girls' experiences online reflect the same pattern. Women human rights defenders face particular threats online, including cyberstalking, violation of privacy, censorship, and hacking of email accounts, mobile phones and other electronic devices, with a view to discrediting them and/or inciting other violations and abuses against them.[50]

3.2 Policy and regulatory gaps and recommendations

APC research on domestic legal remedies for cases of technology-related violence against women found that national laws are not efficient and they fail to recognise the continuum of violence that women experience offline and online. In addition, police are less likely to record cases of poor and marginalised women facing technology-related gender-based violence. As a result, a culture of impunity prevailed in the countries studied.[51]

States should adopt measures and legislation that protect women's right to freedom from violence and offer means of swift redress for survivors, without infringing on freedom of expression and the right to information. Some positive common elements that emerged from APC's research on legislation and that should be considered when crafting frameworks to tackle online gender-based violence include:

• The use of a consultative process in designing the legislation.

• Utilising/amending existing legal frameworks vs. creating new laws.

• Focusing on redress over criminalisation, which seems to be the most effective, efficient and meaningful way of aiding victims of violence online and ensuring that justice is achieved.

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50   APC. (2017). Op. cit.
51   Kaul Padte, R. (2015). *From impunity to justice: Domestic legal remedies for cases of technology-related violence against women – A summary.* APC. https://www.genderit.org/sites/default/files/impunity_womens_legal_dig_0.pdf

- The use of protection orders to address online gender-based violence, which provide a practical means of halting violence without requiring victims to become embroiled in lengthy and demanding criminal processes.

- Creating a dedicated agency to receive and investigate complaints

- Governments should respect and protect women's freedom of expression online, including by refraining from censoring online expression and content relating to women's sexual and reproductive health.

- Governments should also allocate adequate budgets to address online gender-based violence, including by providing training for law enforcement, legal staff, victim advocates and educators.

- Building awareness of the implications of technology-related gender-based violence among users, internet service providers and social networking platforms.[52]

3.3 Good practices

Take Back the Tech!

Take Back the Tech! is a collaborative APC campaign aimed at reclaiming ICTs to end violence against women, and calls on all ICT users – especially women and girls – to take control of technology and strategically use any ICT platform at hand (mobile phones, instant messengers, blogs, websites, digital cameras, email, podcasts and more) for activism against gender-based violence. Take Back the Tech! plans several campaigns throughout the year, with the biggest taking place during the 16 Days of Activism Against Gender-Based Violence.[53]

Feminist infrastructure and community networks in Brazil

The Brazilian experiences of Rede Base Comum, Fuxico and Rádia Mulheres Pankararu documented in the 2018 Global Information Society Watch (GISWatch) report[54] exemplify how the presence and active participation of diverse women, including Indigenous women, LGBTIQ people, community leaders living in the periphery of urban centres and in rural villages, feminists, tech activists and NGO participants, impact on the organisation of practices, activities and spaces of power where they are mostly thought of as hegemonic subjects. In these experiences, diverse women participate in the formation of infrastructures and networks, therefore encompassing both gender and technology issues.

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52 APC. (2017). Op. cit.

53 https://www.apc.org/en/project/take-back-tech

54 Zanolli, B., Jancz, C., Gonzalez, C., Araujo dos Santos, D., & Prado, D. (2018). Feminist infrastructure and community networks: An opportunity to rethink our connections from the bottom up, seeking diversity and autonomy. In A. Finlay (Ed.), *Global Information Society Watch 2018: Community Networks.* APC. https://www.giswatch.org/en/infrastructure/feminist-infrastructures-and-community-networks

Fantsuam Foundation

Fantsuam Foundation's work includes initiatives for empowering community members, particularly women, to find means of employment and income to meet their own development needs using ICTs in northern Nigeria.[55]

Nodes that Bond

This feminist technology project has developed "circles of women" with an emphasis on technology at Portal Sem Porteiras (PSP), a rural community network in Brazil. The goal was to get women involved in the local network. To make the community network truly collective, PSP has to deal with structural and historical gaps in the technology and access fields. "That is when we brought gender and technology into the conversation. When we set out to do that, our first challenge was to get women to engage in actions and dialogues about a universe that seemed alien to them," explained Luisa Bagope and Marcela Guerra in a publication produced to share more information on the project's methodology with the hope of inspiring others.[56]

55 APC. (2021, 26 May). Seeding change: Fantsuam Foundation mobilises ICTs to fight poverty and disadvantage in northern Nigeria. https://www.apc.org/en/blog/seeding-change-fantsuam-foundation-mobilises-icts-fight-poverty-and-disadvantage-northern

56 APC. (2021, 9 June). Seeding change: Nodes that Bond women overcome access gaps at the Portal sem Porteiras community network in Brazil. https://www.apc.org/en/blog/seeding-change-nodes-bond-women-overcome-access-gaps-portal-sem-porteiras-community-network