



The impact of ICTs on women's public and political life

UN Working Group on Discrimination Against
Women in Law and Public Life meeting

Prepared by the Women's Rights Programme

*Association for Progressive Communications
January 2013*

*"We were using ICTs before they became tools for change. Because we had no other choice."
- Meem, a Lebanese lesbian organisation, quoted in EROTICS report*

Using new information technologies (ICTs) is a gendered experience. While initial promises of freedom that would flow from the fluidity of identity online remain unfulfilled, women are finding that while ICTs give them new options and new tools to construct, deconstruct and reconfigure both their own identities and the structures – whether government, media or social – within which they live, they also enable new forms of violence and discrimination. Women find that the online world offers both paths of resistance to patriarchy and discrimination, and paths of restriction to their rights and the possibilities that ICTs hold for freedoms.

During the course of this paper, we'd like to introduce case studies and draw attention to how women's ability to access the law and the public sphere are affected by ICTs. But first, we'd like to map out some of the major issues in the area of women in political and public life and ICTs. None of the issues here, however, is clear-cut, which is why we'd like to look at each one through the metaphor of paths of resistance and paths of restriction, because in each area there is emancipatory potential while at the same time there are risks of further closing off opportunities and avenues for women.

One important area key to women in political and public life is the area of **internet governance**. The internet is governed through norms and regulations, as much as through legislation. These norms can be built into the tools that we use, such as the use of secure web browsing through the tool 'HTTPS', or can be the standards set by moderators of an online community. The Internet Governance Forum (IGF) is a platform which allows governments, private sector actors (such as Google, Microsoft etc.) and civil society to meet and reflect upon how the internet is governed, what needs to be done to promote positive uses of the internet, and likewise how issues such as trafficking and violence against women online can be tackled. There are a number of aspects of the IGF that make it unique. First, the actors meet on an equal footing. For example, any actor can propose a workshop. Second, there are no expected outcomes, it is primarily a space for discussion and conversation. This means that there is no pressure to ensure that a particular point of view or policy prevails, and both problems and solutions can be discussed. These aspects of the IGF are peculiarly suited to the task of internet governance, where

legislative solutions may have an impact, but (as the realm of copyright enforcement clearly shows) can be ineffective or even counter-productive, as case studies below explore.

Anonymity can function as both a pathway of resistance and a pathway of restriction. The case of Lebanese feminist lesbians engaging anonymously online shows how women can invent safe spaces online which can lead to mobilisation and reform. As the case study below illustrates, the ability to interact anonymously was key not only to the movement, but also came to be seen as a defining aspect of the Lebanese experience of being a lesbian, as opposed to the emphasis on 'coming out' in many Western LGBT campaigns. However, anonymity can also serve as to restrict women's rights online: harassment, stalking, trafficking can all benefit from the ability of perpetrators to operate both anonymously and at a distance.

The example of anonymity in particular illustrates the hazards of a legislative approach to online regulation. A blanket ban on anonymity, or the use of technology to prevent anonymity, risks exposing women to harm, decreases their ability to create and use public spaces and can serve to remove important issues (such as LGBT rights in Lebanon) from the public realm.

Being a woman online is much the same as being a woman offline. It affords great opportunities, but sometimes these come with the unwelcome side effect of harassment, stalking, violence and even death. A major obstacle to ensuring that women's rights online are respected and recognised is affording recognition to the importance of the ways in which the internet expands the possibilities for personhood and identity. When women suffer violence online, the aim is the same as violence offline. The aim is to keep women out of spaces that men feel belong to them, to silence women's voices, to stop women's participation in an increasingly important sphere. The pain that is inflicted is real. The only difference is that the ways women (and men) experience their own identities and the identities of others online differs radically from how we experience being ourselves offline.

Also reflecting offline realities, there are numerous ways in which women interact with ICTs, from the migrant factory workers in China who assemble electronic products; the graphic designers and programmers in Bangalore who see ICTs as a way out of a cycle of poverty; the artists and content creators across the globe who collaborate in an essentially new artistic and academic space; to the housewife

consumers who use their mobile phone to help end isolation and overcome social and sexual restrictions.

During this presentation, we will look at paths of restriction and paths of resistance: illustrate how women are participating online, some of the ways in which discrimination is taking place, and the impact of that discrimination. We will look at why a lot of the legislative initiatives that aim to regulate online spaces are not working and often work against women, and put a strong case for regulating online spaces through a progressive human rights framework, rather than a framework derived from regulating other media spaces, such as television, radio or print.

Thus, first, we'd like to present how women are using new technologies in ways that further their rights and participation.

New possibilities

Case study: Tahrir bodyguards

Since the controversial Presidential decree in Egypt, protesters have once again taken to the streets, playing an important role in the process of democratisation and regime change. Given the absence of women in the negotiations for a new Constitution, the streets of Cairo are one of the most important channels women have for expressing their support for or opposition to the process of drafting the Constitution. However, some men would prefer that the women stay at home, and have been using sexual harassment, sometimes by mobs of men acting in concert, to silence women's political voices. Women, however, are refusing to keep quiet. A group of women bought yellow vests and hard hats and started the Tahrir bodyguards, who will come on call to protect women at the protests. Through SMS, micro-blogging sites and social networking they are helping to prevent and address the safety of women exercising the right to demonstrate alongside their male counterparts. Women are able to continue to demand a space in the public sphere, and importantly in government, by ensuring their access to public spaces.

Case study: Networking in Lebanon

The queer movement in Lebanon would not exist if it was not for the ability to network online. The movement traces its roots to the ability to access online spaces where lesbians could meet anonymously and safely, to discuss issues from

dating to rights. Several issues have come up during the decade since the queer movement first emerged. One has been the importance of anonymity. As the EROTICS research (undertaken by the Association for Progressive Communications) makes clear, anonymity has been key to the success of lesbian organising in Lebanon. The decision to leave 'coming out' off the agenda has been a key one, and has been as a result of the importance of anonymity online in terms of building trust and to protect the community, not just from possible legal action but also from the reaction of friends and family. However, the research also acknowledges the possibility for abuse of anonymity, as brought dramatically to light by the Scottish man who masqueraded as 'Gay Girl in Damascus', and whose charade endangered concerned activists and reporters. The report writers don't have any answers on how to address the problems that anonymity brings, but they are clear that state intervention merely makes vulnerable populations more vulnerable. This fear is grounded upon the state's attempts to take action against queer activists, for example in the first ever prosecution relating to online activity in Lebanon, albeit against individuals who appear to have nothing to do with the site.

The report also makes it clear that although networking began online, in a country with low internet penetration and high internet costs, it does not end there. Thus, the internet provides a place for organising, sharing and broadening a movement to a large audience even in situations where internet penetration is low.

Thus, while the law still discriminates on the basis of gender and sexuality, the internet and the ability of women to organise anonymously online is creating spaces where women can build a movement to reclaim their rights, to share experiences and to create new spaces for public life, which have an impact not just in Lebanon, but cross borders into other parts of the Arab-speaking world.

Case study: Expanding possibilities in India

Exciting work has been done in India both research on how women are using the internet, but also on how the internet can expand the concept of citizenship online and generate new avenues for assessing and implementing women's rights, particularly looking at the experience of women *panchayat* or local government leaders in the state of Kerala, which has had quotas for women's participation in place, but which has seen little concrete change in women's political participation (as measured in terms of involvement in political parties or seeking higher office).

The latter project, carried out by IT for Change's Citigen activist research, was designed to help the women leaders define how they needed to use technology, what technology they needed to use, and to develop the technologies to suit their needs. Thus, rather than merely confirming the technological as a male realm of expertise and experience, it was constructing a female public sphere for sharing and enhancing experiences, designed by the women users themselves. The project provides an excellent example of how new ICTs can be used to overcome barriers of geography, time-burdens and other (in this case party political) barriers to networking and information-sharing that have impeded the political effectiveness of women leaders in Kerala.

While legislation is being enacted with the premise of protecting women and girls, little research has been done on how women, particularly young women, actually use the internet and new technologies. In part to address this, the EROTICS project in Mumbai conducted surveys of young women, primarily 'digital natives', on how they are using the internet for work, socialising and for negotiating online and offline restrictions on their sexuality. One of the key findings was that women are very aware of the dangers and benefits of communicating online, and it depended to a large degree on the life stages that the women were at. For example, negotiating how 'sexy' to make a profile picture, where women want to show a sexy photograph, but recognise that if it is seen by members of their family, or transgresses the line of being 'too' sexy, it could have repercussions, either on their internet access (with family members withdrawing the 'privilege' of internet access) or on their reputation in their circle of friends. Nevertheless, it is clear that there is more freedom online to negotiate these restrictions than offline. Likewise, the ability to socialise with the opposite sex online, particularly late at night, to meet prospective partners, and even to find out about sexual health (such as menstruation) are all made easier, and in some cases possible, by online access. What is also interesting is that none of the respondents considered access to pornography in itself problematic. While they were all concerned about children having access to pornographic online content, they felt that within the context of a stable (married) relationship, pornography use was normal and healthy. All, however, were aware that if they shared their computers, they needed to erase their browsing histories to ensure that other family members (whether children or surveilling adults) would not know they were accessing pornography. What this demonstrates is that women are equipping themselves with the skills to both remain safe online and to ensure the safety of others.

What the authors also found was that the majority of threats that young women faced came from surveillance and harassment by people that were known to them offline – family members or fellow students. Unlike the cases that garner media attention, or the mass campaigns similar to that targeting Anita Sarkeesian (see below), this mirrors what we know of domestic violence offline. Interestingly, women were often empowered by overcoming these threats themselves. Dealing with the threats and their harassers, primarily through technological solutions, made the women feel capable and strong online, even when it required engaging the help of others.

It is clear from this case study that aspects of the internet which apparently deter women from accessing the online environment, such as the ubiquity of pornography, may be seen differently by women themselves. Women in India, and elsewhere, define how they use the internet, and again are involved in creating spaces and new forms of public life and public interaction which overcome traditional obstacles to women's presence outside the private sphere.

Each of these case studies shows how women's possibilities, safety and right to sexuality are promoted by active engagement with new technologies, whether consciously or, as in the case of the 'digital natives' in the last case study, unconsciously. However, each of these ways of using the internet has come under attack by legislation. Below are examples of how legislation is being used to curtail women's right to communicate, each example directly linking with the case studies above.

Closing spaces

Example one: Shut down

During regime change in Egypt and Libya, and often at times of heightened tension in countries as diverse as Pakistan and Thailand, one response has been to shut down communications. This is obviously a contravention of human rights. To quote Frank LaRue, United Nations Special Rapporteur on the promotion and protection of the right to freedom of expression and freedom of opinion in his report to the UN Human Rights Commission in 2011:

“The right to freedom of opinion and expression is as much a fundamental on its own accord as it is an “enabler” of other rights, including economic, social and cultural rights, such as the right to education and the right to take part in cultural

life and to enjoy the benefits of scientific progress and its applications, as well as civil and political rights, such as the rights to freedom of association and assembly. Thus, by acting as a catalyst for individuals to exercise their right to freedom of opinion and expression, the Internet also facilitates the realization of a range of other human rights”¹.

Little is known about the gendered impacts of these shutdowns. From the case study of the Tahrir bodyguards, however, we can surmise that there is a gendered impact. Women use communication services to report and prevent violence and abuse, as in the case study above. This is not just true during demonstrations and on the streets. The ability to use SMS services and other mobile technologies make it easier to report and prevent violence that occurs at home, where women are most at risk.

Work by APC member Bytes for All in Pakistan has also helped to draw the lines between the right to communicate and the ability to combat gender violence. One of their current campaigns is 'Access is My Right', which draws the links between the right to have access to communications and other rights, such as the right to healthcare (see slide). The campaign also points out that women have more difficulties accessing the physical public sphere in countries such as Pakistan, where their right to movement may be restricted. Again, this points to the gendered impact of cutting off communications, whether during times of regime change or otherwise.

Example two: Censorship of 'pornographic' content

One of the unifying themes among those who seek online regulation is the concern over pornography and the impact the widespread availability of pornographic content online has on women and children. As noted previously, however, little research has been done on what the impact of pornographic content is, or on how women and children use and access the internet. In the United States, for example, limits are placed on the access libraries have to Federal funding if they allow unregulated access to the internet to minors. In particular, they are to prevent minors from accessing “harmful” content. Research by the EROTICS team in the United States has examined how libraries implement this legislation, showing that there is a huge amount of discretion in the implementation. This ranges from libraries that have installed reasonably sophisticated filtering software, to libraries who merely have patrons tick an 'Access to Use' box, telling them that they are

required to remember that these are public facilities and to be used accordingly. One website that the team found to be censored in a number of the libraries surveyed, for example, was www.condomman.com, a website that sells condoms. None of the pictures on the site was sexually explicit, and it is difficult to see how the site could be construed as 'harmful'. Another example that the team cited was searches of the word 'anal'. These were blocked by some filtering software, presumably because of an assumption that they would lead to pictures of anal sex. However, the blanket ban on searching this term means that health information on topics such as anal cancer are also inaccessible. While some libraries included detailed information on how to appeal the filtering of a website, this could still be counter-productive: one of the advantages of searching for information online is privacy, the ability to ask questions that might be considered embarrassing. Involving librarian interaction removes that advantage.

While there are other issues (of class, race and geography) related to the censoring of library content, what this survey shows is that the implementation of filtering software is dependent on the interpretation of legislation by librarians, that it can restrict access to information in violation of a person's right to communicate and that there is little research to indicate that the restrictions themselves serve to protect minors. It is clear, however, that restricting access to online information has a gendered impact: women have fewer resources (both time and financial) to access information and thus restricting available online content in public spaces will tend to have a disproportionate impact on women, particularly young women. While the law may not overtly discriminate (unlike in the case studies below) against women, the impact of the law is gendered.

Example three: Preventing access

One of the main fears expressed by the unmarried Indian women surveyed in the EROTICS project was that their access to new technologies would be curtailed. In recent weeks, a village council in Bihar, India has moved to do just that - ban access to mobile phones for young women, ostensibly to protect them. This move has not come from nowhere. In 2010 another village, this time in Uttar Pradesh, also banned single women from using mobile phones. Both villages cite the need to 'prevent elopements' as the driving force behind the bans. However, it is noteworthy that both bans targetted unmarried women, rather than men. Likewise, in 2011, a women's college campus banned undergraduate's mobile phones. A male college sharing the campus was not affected.

Legislating to prevent women from accessing mobile phones does not only occur in India. In 2004, it occurred in Saudi Arabia, where the Ministry of Education banned female students from carrying camera phones; men in Nigeria are in favour of a ban on mobile phones for women. The primary aim is to prevent women from having options, to keep them dependent on their parents and others in the community for information and communication. To quote an Indian MP, speaking in October 2012, *"Why do housewives and school going girls need mobiles? It encourages them to make futile small talk and get connected with people outside their homes."*²

However, as mentioned at the outset, this is only the institutionalisation of what occurs within families and communities. Women's behaviour online and their communications are also policed by the threat of withdrawing access to ICT tools, whether computers or mobile phones. A study in Uganda, for example, discovered that some women have two SIM cards for their mobile phones to circumvent this problem in cases of domestic violence. One is used at home, or when in the presence of their husbands. They have a second SIM to use privately, and circumvent their husband's control.

In each case, the laws and controls are specifically aimed at curtailing the ability of women to make and carry out decisions that many of us take for granted, such as choosing our own life partner, or even just the right to talk to friends and family, particularly to do so without surveillance.

Thus, in each of the above examples, the state acts to prevent the exercise of the right to communicate, with gendered implications. The last two examples are particularly pertinent in examining the discourse that surrounds much of the debate on internet regulation. Women and children have to be protected from pornography and abuse online through legislative controls. However, these controls often work to limit access to information, access to communication, and the ability to talk, work and communicate freely, particularly on matters relating to sexuality, sexual health and independence, and have clearly gendered impacts.

This is not to deny that women are subject to threats and harassment online. An APC survey of women human rights defenders found that the vast majority had been subject to harassment, ranging from prolonged harassment progressing from comments on Facebook to harassment via mobile phone to homophobic comments

posted on a website, or friends being harassed in lieu of the real target. This indicates an institutionalised problem, rather than just an unconnected series of complaints. There is an active, if unconcerted, campaign to shut down women's voices online.

Case study: Anita Sarkeesian

One of the highest profile, and possibly largest, cases of harassment over the last year was the case of Anita Sarkeesian. Her 'crime' was to raise money for a series of video "exploring female character stereotypes throughout the history of the gaming industry"³. It should not be necessary to emphasise that there was absolutely no coercion involved in this – that she put up a profile on a crowdfunding site asking people to fund her project – but becomes necessary when documenting the extent of the harassment.

A campaign against Sarkeesian began which included calls for her to be gang-raped, images of that happening being constructed and posted on her Wikipedia profile as well as being sent directly to her inbox, abuse was both racist and misogynist. It culminated in the 'Beat Up Anita Sarkeesian' 'game', which is a fairly self-explanatory Flash game. There was an attempt to prevent Sarkeesian from 'fleecing' people by asking Kickstarter to remove the project. Since the successful completion of her fund-raising (where she raised almost \$160,000 rather than the target \$6,000), Sarkeesian has given a Ted-X talk which analyses the harassment she faced. She notes that what was happening to her became, in the minds of her harassers, a game. They were the virtuous defenders of the gaming industry, while she was the evil feminist who needed to be 'taken out'. Virtual rewards came from bragging rights in online forums where her harassers shared their stories.

While the videos are in production, the online vitriol continues, albeit at a much lower rate. A search on Sarkeesian's name turned up one recently written article which ends by asking the make of car she drives, and death wishes among the comments, targeting her for having the gall to ask for money for this project (under the guise of attempting to ensure accountability).

Sarkeesian's own analysis of the harassment is interesting, because she drives to the heart of what makes online harassment, even in its extreme forms, acceptable, when similar actions offline would be condemned – and that it is more than just the anonymity of the harassers. However, it should also be noted that this case is one

on a continuum of virtual violence against women who speak out against male dominance of ICTs. Articles in the Guardian, such as 'How the web became a sexist's paradise'⁴ document the concerted campaign against women occupying public spaces online.

Case study: Videos of rape

There are now a number of instances (two this year) of minors being gang-raped in South Africa, with the perpetrators taking and circulating videos of the rape, often using social media. The latest instance of this taking place is possibly the most disconcerting. Parents of the boys who took the video, parents of those who participated in the rape, and parents of the six boys who encouraged them have blamed the girl, saying that the sex was consensual. At the time of news reports, the girl was afraid to go to school, because girlfriends of the perpetrators were allegedly seeking revenge. Further, the case came to light after the video had circulated on a social networking site. There are thus two issues here. One is the rape itself. It is clear that rape in South Africa is a major problem, and that authorities need to address this fundamental challenge to women's human rights. However, the circulation of the video of the rape aggravates the rape itself. When the physical scars of the ordeal heal, the video will continue to exist online, potentially renewing the violence. Even with strong legislation banning the recording, storing or forwarding of videos of this rape (not that such legislation exists), the chance that it remains on a social media site, on a personal computer, somewhere, could remain throughout this child's life.

This is not a problem confined to South Africa. A child raped in Canada in 2010 was forced to leave school due to bullying, after photographs and a video of the rape were posted online. Police appealed to posters to take the photographs and video down, but some people refused to do so. Despite the photographic evidence, the girl has found it difficult to prosecute, and faces the case being thrown out of court.

The law seems unable to protect women not just from rape, but from the aggravated nature of rape when it is filmed, reproduced and shared. There is also little if any recourse for women who want to have material removed whether from social networking sites, or individual mobile phones, unless they can invoke laws on pornography. This recourse to legislation that is designed to censor rather than promote or protect human rights is worrying, especially in cases where there is

discretion on the part of companies (because of jurisdictional issues) and they use their opposition to censorship as a reason to leave violent material online.

Case study: Double standards on prosecution

In the United States, two teenage boys were found guilty of sexual assault. They had raped a 16-year-old girl, Savannah Dietrich, photographed the assault and distributed the photographs at her school. However, the guilty verdict came as the result of a plea bargain and the boys walked away with 'a slap on the wrist'. The girl raped, however, was slapped with a gag order. She was not allowed to divulge the names of the assailants, talk about the details of the case, or the sentence passed. She rebelled, and tweeted about her experience, risking a fine and six months imprisonment.

While the defense lawyers in this case decided not to risk more adverse publicity by prosecuting the woman who had been raped, and while social media users, both on Twitter and Facebook, have rallied around the young woman, this case starkly illustrates how social media is a double-edged sword. The young men did not face a charge of 'aggravated assault' for snapping and distributing the photographs, but there was an attempt to gag the woman who had been raped. The act of rape, and the telling of it, were restricted to the male version of events by the very institution that should have been protecting Dietrich.

In South Africa, similar double standards were evident in the decision to censor online images of a painting, 'The Spear', which showed the President, Jacob Zuma, in a Lenin-esque pose, with his genitals exposed. While the controversy was fuelled by South Africa's racially divided society and the country's history of apartheid, it could also be argued that this was a work that was drawing attention to the President's sexual relations with women (including alleged rape and polygamy).

What is also evident here is that while the authorities seemed willing to bend the law to near breaking point to censor images of 'The Spear' (using the Film and Publications Board to do so), as noted previously, images and footage of women being raped, even under horrific circumstances, are not similarly censored. It appears that images that harm men in positions of power are treated very differently from images that harm women with little social or political standing.

In the first two of these cases, the actors are not states, but private individuals. It is important, however, to look at where positive interventions could, and have, been made. First, the Anita Sarkeesian case. It should first be noted that the hate campaign was not only unsuccessful in keeping her quiet, it was unsuccessful in stopping her bid to raise money. She raised 27 times more than she had hoped for, and was able to channel all that money into her work as a feminist. Second, it alerted many to the problem of misogyny within the gaming community. At a TedX talk, Anita shared that female gamers are helping to put pressure on gaming companies, and also are getting involved in creating female-friendly games in the understanding that the aim of creating misogynistic games is to keep women out of gaming. These women are taking up that challenge: just like the women of Tahrir Square in Egypt, they are refusing to vacate important public spaces because of harassment and misogyny, but instead are changing and shaping those spaces.

In the second and third cases, there is no such positive outcome, as yet. News reports online indicate that the South African rapists in the most recent case remain unprosecuted, although the survivor has lodged a police report. However, here it is clear that an exploration of the 'right to forget' is important. The third case also emphasises the need for widespread education and a broad understanding of 'violence against women'. In South Africa, for example, there are progressive laws on domestic violence and violence against women. One way of addressing the gap in protecting women from online abuse (in these cases, aggravating rape or violence by distributing pictures and images of the act of violence) could be to broaden definitions under existing domestic violence legislation to include the making and distribution of these images. It is vital that these new forms of harm do not fall into the realm of 'censorship and protection', where either new or existing frameworks tend to be regressive and restrictive.

The actors: Looking beyond the State

Private individuals

Online, both collective and individual efforts serve to prevent women from playing an active role in public life, as the Anita Sarkeesian case and the experiences of many women bloggers serve to illustrate. There are a number of important points here:

1. Norms which allow for misogynist behaviour and speech online

The level of sexism which is tolerated online, and which occurs online, dwarfs what occurs in the public sphere offline. The Anita Sarkeesian case showed how reinforcing behaviour can cause the misogyny to escalate, as trolls 'play' for bragging rights in online forums and among their peers. It also shows that there is an increasing amount of support for challenging misogynist behaviour. It would appear that the more this behaviour is challenged, and the more women and men speak out against it, the more norms of social behaviour online change. However, there is a lot of pressure to conform, for example, not to speak out against sexist 'jokes' that appear on social media networks. Resources need to be put into building women leaders, such as Anita Sarkeesian, who have the resources to challenge the stereotypes, norms and behaviours of misogynists online and thus change the norms that govern online behaviour.

2. Gender-blind or misogynist policies by private sector actors

While this will be dealt with below, it should also be noted that this contributes to the impression that the individuals can engage in sexist behaviour. An example is Facebook, which censors breastfeeding photographs, but allows pictures of bare breasts if they are for male sexual edification (such as on the page 'Boobs, Breasts and Boys who love them'). Further, it appears that if a page is labelled either [Humor] or [Controversial Humor], its owners can include material calling for women and girls, sometimes very young girls, to be sexually assaulted or raped (examples of pages that Facebook refuses to take down include '12-year-old slut memes'; 'Kicking a slut and losing your foot inside'; 'Seeing a pregnant women and wanting to punch her in the face' and many more). This allows individuals to mutually reinforce sexist and violent behaviour, and contribute to norms, attitudes and behaviour that makes online spaces hostile towards women.

3. Online behaviour does not happen in a vacuum

Men and women who forward images of violence against women, such as photographs or videos of girls being raped; who prevent young women from accessing mobile technologies; who post online 'jokes' that are misogynist; none of these occurs in a vacuum. While online technologies may amplify violence and harassment, they occur in a social climate where rape is still under-prosecuted and few convictions result, where politicians and the media actively engage in the sexualisation and trivialisation of women and feminist issues; and where legislation can be used to prevent women and girls from accessing both content online and mobile technologies. Individual behaviour will not change unless there is legislative and social change.

However, it is important to note that individuals can also play a positive role in challenging the hegemony of online misogyny. The Steubenville rape case, for example, would not have come to light if not for the actions of a local blogger, Alexandria Goddard, who captured screenshots and recorded the social media posts that the (alleged) rapists had shared. Other examples include the numerous bloggers, comedians and individuals who every day engage with misogynist comments and 'humor', helping to change online norms.

Private sector actors

As with individuals, private sector actors can help make online spaces more amenable to women, or serve to restrict information, access and perpetuate gender violence. A positive example is the decision by FourSquare to cut off access to the app 'Girls Around Me', which had the potential to be used for stalking, once the issues around the app were publicised⁵. However, the case study shows the variety of problems that surround the attitude of many private sector players to issues such as harassment and stalking. First, neither the developer nor FourSquare considered the implications of the application (which showed information about women in the users vicinity, and allowed them to access information about the women, if they had made this information public on either FourSquare or Facebook) upon women. The defence put forward by the developer that the app was not for stalking women, but to allow users to avoid 'ugly' women reinforces this point. Second, the action taken did not address the underlying problems of privacy that made 'Girls Around Me' disturbing.

Key problems in this arena include:

1. Lack of transparency on regulations and enforcement

This has been recently highlighted by the case of Hildur Lilliendahl Viggosdottir, an Icelandic feminist, who was banned from Facebook for reposting death threats made against her onto her Facebook page. While the original comments were uncensored, perhaps because they were categorised as 'humor', the repost resulted in a 30-day ban. This is not an isolated incident. While Facebook denies an agenda behind its decisions, the lack of transparency and apparent consistency with which feminist pages are targeted is worrying. While Facebook is not the only network which appears to have problems with regards to their gender-blind policies, it is probably the largest and most influential. As Viggosdottir told

LiberalConspiracy.org, "I'm being targeted by some little non-organized group of boys who want me silenced because they're afraid that otherwise I'll call them out on their sexist bullshit."⁶

2. Tracking technologies and privacy control settings

Google and Apple both came under attack from groups concerned about privacy when they introduced automatic tracking on smartphones. While the phones now incorporate features that have improved privacy, there remains a tension between corporations' desire to share as much information as possible with advertisers, and their responsibility to the user to safeguard their right to privacy, and thus to ensure that users are aware of the risks that sharing information may pose, or even to be aware of what information they are sharing. Recent changes to FourSquare, for example, have had a negative impact on users' privacy, but been a boon for local businesses in particular.

3. Privatisation of access

The dominant model for internet development is a technological, privatised model, rather than a model which privileges the discourse of rights, including the right to access online information. This frames the discourse in a way that makes internet and ICT policy appear to be gender-blind, and merely a response to technology.

This gives an idea of the problems where the private sector plays an important role. But it is also important to point out that the innovation as a result of private sector actors has also benefited the human rights movement in general, and certain feminist movements in particular⁷.

The State

While most states do not take a rights-based approach to ICTs, there are examples of legislation that both hinders and which empowers women in using public spaces online.

An example of legislation that specifically addresses harassment and voyeurism is the Philippines' Anti-Photo and Video Voyeurism Act of 2009. An important aspect of the legislation is that it addresses violence against women that is perpetrated through the making, accessing and/ or circulating of images of women, of the genitals or of them involved in sexual acts. While there are limitations to this act (it is unclear, for example, whether it would include images that were 'photoshopped'

to show women's faces on scantily clad bodies or involved in sexual acts), it takes seriously the harm that is done to women through violence perpetrated to their image. Jac sm Kee, APC researcher, illustrates how VAW can be perpetrated across networks:

"The sexed body in a networked context is also a body that is at the same time material, discursive and digitised. If a partner takes a picture of me in an act of sexual intimacy, then puts it in another space without my permission - it shifts both the context and the productive encounter. This is a violation not just of my privacy, but of my bodily integrity and dignity."⁸

This perspective needs to inform arguments on VAW online, in particular in extending existing domestic violence or similar legislation onto an online environment.

One of the most active debates on legislating the internet is framed in terms of freedom of speech versus protection against harm. However, as we have maintained throughout this presentation, this is often not rooted in the lived experiences of women and children online. For example, while child pornography laws tend to heavily sanction those found guilty and tend to be viewed seriously and prosecuted rapidly by authorities, most legislation does not acknowledge the gendered nature of child pornography (where most victims tend to be girls), and can be used to penalise girls for engaging in consensual acts of sex or of recording images of themselves. Child pornography, and fear of the harm pornography may do to women, are the main arguments used by the authorities who wish to regulate and censor the internet. However, women's rights advocates are concerned that these laws will be used to morally police women's activities online (as the Facebook case illustrates) while being ineffective at preventing gender-violence or harm.

Thus, it is imperative that legislation for governing and regulating the internet is implemented both with a gender lens and through a rights-based framework that recognises women's lived experiences including how women actually use the internet.

Recommendations for action

The internet is a highly regulated regime although the manner in which it is regulated is very different from many offline environments. It is primarily regulated by norms of behaviour and, as the case studies show, there is pressing need to be careful recommending regulatory measures. Just as in the offline world, legislating for equality doesn't result in substantive equality in practice and can have adverse effects.

Areas where legislative innovation would be useful:²

For women to be able to fully access public life online, there needs to be recognition of what it means to be a person in a digitised environment. Personhood online extends to digital images and avatars, it means that violation to persons can occur across a distance, and that these violations to digital images and avatars have a direct impact on women's ability to participate fully in public life online. The manipulation, recording and sharing of images without consent can be an act of violence, aimed to limit women's involvement and movement in online spaces. Existing legislation on VAW, for example, needs to incorporate violence perpetrated in online spaces. An example of legislation that has incorporated violence against women online is the South African law on sexual harassment.

There is also a need for all legislation relating to privacy, online crimes and even copyright to take into account women's experiences online and the gendered nature of access to information, of privacy violations and other cybercrimes. This is, in general, lacking.

Areas where leadership and/or expanded debate is needed

The 'right to be forgotten'. What is online is often online forever, which can have an adverse impact in the future. For example, in Australia a site which promotes 'home-made' pornography, which women execute themselves, specifically targets female university students. While many women find the experience empowering, there is little discussion on campuses or on the site itself of the potential repercussions for young women of engaging in pornographic adventures in early adulthood. However, at the most recent IGF, proponents of the right to forget were

asked how this could be implemented. For example, if social networking sites automatically deleted information, this would raise a new range of problems related to ownership of images and data.

Engaging private sector actors. Public life online primarily takes place in spaces that are owned by private corporations, such as Facebook, Google and Microsoft. These corporations play an important role, as noted above, in regulating online spaces, but often lack a gender perspective even when the majority of their users (such as social networking sites) are women. In order to ensure that women are able to engage online in a more equal footing with their male counterparts, and in an environment that is not overtly hostile towards women, there is an urgent need to engage with how private corporations write, oversee and regulate policies on appropriate behaviour and content, through training and helping to develop codes of conduct.

In this area, engaging with the Special Rapporteur on Human Rights and Transnational Corporations and other Business Enterprises, specifically looking at HRC Resolution 20/L13 (Appendix 1), which resolves to promote and protect the enjoyment of human rights on the internet.

Area of intervention: Internet governance

The Internet Governance Forum is held under the auspices of the United Nations. Yet at the latest IGF, only two of the 20 keynote speakers at the opening plenary were women, and this was replicated on a lot of the panel sessions. There was, however, approximate gender parity among participants: it is not the case that there were not enough qualified women capable of addressing the issues. The Working Group could:

- communicate and collaborate with the IGF to broaden the criteria of diversity in panel make-up when evaluating submissions.
- conduct a workshop at the next IGF on building leadership in internet governance.

Area of intervention: Research and reporting

There is a lack of information on the gendered use of ICTs; the gendered implications of ICT regulation; and in particular regard to the WG mandate and TOR, in relation to the gendered impact of communication shutdowns and regime change.

Part of the problem is that there is a lack of information related to gender and communication, particularly online communication, and there are no reporting indicators included in CEDAW report cards or similar. It would be a landmark intervention if the WG were to propose the inclusion of indicators on these subjects for inclusion in CEDAW reporting.

Another important intervention would be the commissioning of gender report cards on existing and proposed legislation regulating ICTs. These would monitor gender parity and inclusion, and could be used not just at a national level, but also at regional and international forums.

Bibliography and further resources

The CITIGEN research project

'Gender and citizenship in the information society' (CITIGEN) explores how the citizenship of marginalised women in the global South has evolved in the emergent techno-social paradigm. Its additional objectives were to examine the challenges to and opportunities for women's citizenship as they are shaped by new ICTs in relation to specific social and institutional ecologies; to propose ways forward for practice and policy in relation to information and communication domains that place women's citizenship at the centre, and; to build a network of researchers, scholars and policy makers on information society and gender issues in Asia.
www.gender-is-citizenship.net/citigen/Research_Reports

EROTICS research project

This report was initiated in 2008 to bridge the gap between policy and legislative measures that regulate content and practice on the internet, and the actual lived practices, experiences and concerns of internet users in the exercise of their sexual rights. The project was coordinated by the Association for Progressive Communications (APC) and conducted with local partners comprising feminist academics and activists in five countries, namely Brazil, India, Lebanon, South Africa and the United States.

www.genderit.org/sites/default/upload/erotics_finalresearch_apcwnsp.pdf

Connect Your Rights survey of women human rights defenders

One of the first steps to addressing violence against women is documenting that there is a problem. This is as true online as it is offline. APC's Connect Your Rights! Campaign has conducted a survey of 40 women human rights defenders (WHRDs) from across Latin America, Eastern Europe, Africa and Asia, on their online experiences, their security concerns and their training needs.

www.apc.org/en/system/files/analysis%20english.pdf

Case study: Tahrir bodyguards

News report on Tahrir bodyguards:

<http://stream.aljazeera.com/story/tahrirs-bodyguards-0022431>

They have a Facebook page as Tahrir-Bodyguard, and a Twitter account as TahrirBodyguard.

Example: Preventing access

Reuters report on Bihar ban:

<http://in.reuters.com/article/2012/12/05/india-bihar-village-phone-banned-elope-me-idINDEE8B403320121205>

Huffington Post report on Uttar Pradesh ban (2010):

www.huffingtonpost.com/2010/11/24/indian-village-bans-cell-phone-for-unwed-women_n_788121.html

Times of India report on college phone ban (2011):

http://articles.timesofindia.indiatimes.com/2011-07-26/india/29815733_1_mobile-phones-college-authorities-college-staff

Report on ICTs and VAW in Uganda:

<http://dev.genderit.org/en/index.shtml?w=r&x=96273>

Case study: Anita Sarkeesian

Ms Sarkeesian gave a TED-x Women talk, available below.

www.youtube.com/watch?v=GZAxwsg9J9Q

Her own website is Feminist Frequency:

www.feministfrequency.com/

Case study: Videos of rape

news24 (South African news service) on Khayetlisha rape (October 2012):

<http://www.news24.com/SouthAfrica/News/Gang-raped-girl-threatened-beaten-20121024>

CNN report on Gauteng rape (April 2012):

<http://edition.cnn.com/2012/04/18/world/africa/south-africa-rape-video/index.html>

CBC news reports on British Columbia 'rave' rape:

www.cbc.ca/news/canada/british-columbia/story/2011/01/06/bc-gang-rape-chargeswrit.html

www.cbc.ca/news/canada/british-columbia/story/2012/02/22/bc-pitt-meadows-rave-rape.html

Case study: Double standards

The Daily Beast report on Savannah Dietrich rape:

www.thedailybeast.com/newsweek/2012/12/09/thanks-for-ruining-my-life.html

Comment on 'The Spear' by Inside Politics:

<http://inside-politics.org/2012/06/01/fpb-inside-politics-declines-to-censor-the-spear/>

Other resources

Bytes for All

Bytes for All (B4A), Pakistan is a human rights organization with a focus on Information and Communication Technologies (ICTs). It experiments and organizes debate on the relevance of ICTs for sustainable development and strengthening human rights movements in the country. Of particular interest in this context is their 'Access is My Right' campaign, and their contributions to the global Take Back the Tech! Campaign.

<http://content.bytesforall.pk/>

www.scientificamerican.com/article.cfm?id=mobile-phones-for-women

Documents how mobile phones are being used to overcome traditional gendered barriers to work and education.

www.huffingtonpost.com/soraya-chemaly/12-year-old-slut-meme-and_b_1911056.html

Article on misogyny and Facebook.

www.telegraph.co.uk/women/womens-politics/9680846/Meet-the-woman-censored-by-Facebook-while-outing-sexism.html

Telegraph (UK) article on Hildur Lilliendahl Viggosdottir and her ongoing disputes with Facebook.

Cradle to grave electronics processing:

Summary: http://archive.unu.edu/update/archive/issue32_9.htm

Smith, T., Sonnenfeld, D.A., & Pellow, D.N. (ed.), 2006, *Challenging the chip: Labor rights and environmental justice in the global electronics industry*, Temple University Press, Philadelphia

Appendix One

Human Rights Council resolution on “The promotion, protection and enjoyment of human rights on the internet”:

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental

freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 12/16 of 2 October 2009, and also recalling General Assembly resolution 66/184 of 22 December 2011,

Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communications technologies,

Taking note of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth session,¹⁰ and to the General Assembly at its sixty-sixth session,¹¹ on freedom of expression on the Internet,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms;

3. *Calls upon* all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries;

4. *Encourages* special procedures to take these issues into account within their existing mandates, as applicable;

5. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and in other technologies, as well as of how the Internet can be an important tool for development and for exercising human rights, in accordance with its programme of work

1 Paragraph 22, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Frank La Rue, May 2011

2 <http://blogs.reuters.com/india/2012/10/24/women-shouldnt-have-mobile-phones-politicians-should-politician/>

3 From Anita Sarkeesian's fund-raising page at Kickstarter, www.kickstarter.com/projects/566429325/tropes-vs-women-in-video-games, accessed 26 December 2012

4 www.guardian.co.uk/world/2007/apr/06/gender.blogging

5 www.cultofmac.com/157641/this-creepy-app-isnt-just-stalking-women-without-their-knowledge-its-a-wake-up-call-about-facebook-privacy/

6 <http://liberalconspiracy.org/2012/12/21/woman-banned-from-facebook-after-threats-is-still-being-targeted/>

7 See for example <http://thesocietypages.org/cyborgology/2012/03/20/is-facebook-a-feminist-technology/>

8 Quoted in *Voices from digital spaces: Technology related violence against women*, p29

9 This section is largely drawn from *Voices from digital spaces: Technology related violence against women*

10 A/HRC/17/27.

11 A/66/290.