

UN Women

Expert Group Meeting

‘Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls’

10-13 October 2022

**Interlinkages between Women’s Rights and Digital Technologies,
Civic Space, Data and Privacy, and Freedom of Expression**

Observer paper prepared by:

Office of the United Nations High Commissioner for Human Rights (OHCHR)*

* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Interlinkages between women’s rights and digital technologies, civic space, data and privacy, and freedom of expression

Informational paper prepared by:

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Context

Opportunities

Digital technology offers the world unprecedented opportunities and is an enabler for gender equality and women’s equal enjoyment of human rights. Digital connectivity has delivered tremendous tools for women’s and girls’ greater information, education, expression and mobilization. **Open, secure, affordable and high-quality Internet access** has opened space for women and girls, including those with diverse sexual orientation, gender identity or sex characteristics¹ to engage in new channels for influencing public debate and decision-making where they have been denied in traditional ones. Likewise, the digital era has generated wider and more opportunities for women human rights defenders, politicians and journalists, to work, connect, share, mobilize, organize, energize, advocate, build solidarity, drive social change, express and participate in public and democratic life.

Gender digital divide

At the same time, however, **access to the Internet and digital technologies are unevenly distributed across the globe**, with 2.9 billion people, or almost a third of the global population, without a reliable and affordable Internet connection.² Women and girls, especially in developing countries, and in rural areas, are particularly affected.

Discrimination against women and girls not only in the public sphere through discriminatory policies and practices that affect women, but in the private sphere – notably within the family and the community – is a root cause of gender digital divide.

Discrimination in the private sphere, deeply rooted in gender stereotypes and patriarchal notions of what constitutes adequate behavior for women and girls and negatively impacts and even

¹ Such as lesbian, bisexual, transgender and intersex women and girls. In this paper, the term “women and girls” refers to women and girls in all their diversity, including their diversity in sexuality, gender identity and sex characteristics.

² ITU, [Facts and figures 2021](#), indicates that globally, in 2020, 62 per cent of all men were using the Internet, compared with 57 per cent of all women. The gender divide remains wide in some developing countries and regions: in the LDCs, only 19 per cent of women are using the Internet, 12 percentage points lower than men; in the landlocked developing countries (LLDCs), 27 per cent of women versus 38 per cent of men; in Africa, 24 per cent versus 35 per cent; and in the Arab States, 56 per cent versus 68 per cent.

excludes them from access to the benefits of innovation and technological change. It is expressed via:

Prioritizing education for boys over girls or discouraging women and girls to pursue certain studies, profession or occupation, including in science, technologies, engineering and mathematics (STEM) fields.

Placing the care responsibilities solely on women and girls, leading to their “time poverty”, which prevents them from learning about participation in the digital world and about the usage of corresponding tools and devices.

Denying autonomy of women and girls in using digital technologies, for example, by denying their access to digital devices or monitoring their online activities.

Disapproving or prohibiting women’s and girls’ activities in the public space, freedom of movement, and benefitting from society's technological innovations

For multiple reasons rooted in gender-based discrimination, **women are also more affected by poverty** which significantly hampers their access to internet, because of a lack of affordability.

The prevalence of **Internet restrictions and shutdowns further exacerbates the gender divide**. Lack of Internet connection during COVID-19 lockdowns were associated with exacerbated gender-based violence risks among women.³ It also led to the loss of livelihood opportunities, for example for women entrepreneurs for small businesses, or women’s loss of access to health information, including those on sexual and reproductive health.⁴ The discriminatory impact of the digital divide intensifies as the society’s dependence on digital technology surges.

Gender inequality, combined with inequality based on other grounds, is also manifested in the innovation and development of digital technologies. **Emerging digital technology sectors, such as those in Silicon Valley, are characterized by a “diversity crisis” along gender and race lines**, especially at the highest levels of decision-making.⁵ Technology produced without meaningful participation of women with diverse backgrounds, combined with the use of data that reflect discrimination and stereotypes deeply rooted in the society, has been shown to reproduce and exacerbate gender and other bias including in an intersecting manner.

A lack of women’s representation in innovation and development of technologies has led to the lack of content that speaks to women’s diverse realities or to the censorship or restriction of gender-related content.

Online violence against women and girls

Furthermore, for many women and girls, the Internet, especially on social media, has increasingly become a hostile space - where they are targeted simply for participating and expressing their views.

³ See [A/HRC/50/55](#)

⁴ Access Now, 2022, <https://www.accessnow.org/internet-shutdowns-international-womens-day/>

⁵ See [A/HRC/44/57](#)

Women and girls are targeted in sexist, misogynistic and sexualized forms. Online threats and attacks are particularly prevalent against women and girls and further exacerbated against those who do not conform to social norms that justify gender stereotypes and gender-based discrimination. For example, female politicians, especially those who speak out on feminist issues or come from racial, ethnic, religious or minority groups are targeted with much higher levels of disinformation than their male counterparts.⁶ Women journalists are at much higher risk of sexual harassment and sexualized attacks including doxing compared to men journalists, and black and indigenous women targeted more often than white women.⁷ Women, girls and people with diverse sexual orientations, gender identities and sex characteristics, especially those who also have other marginalized identities (race, religion, or disability) face abuse at higher rates and in specific and ways different from men.⁸

Examples include online stalking, sexual harassment, the spreading of intimate and doctored images, misogyny and hate speech, rape and death threats, cyber-bullying, uncovering of addresses and personal information (doxing), and gendered disinformation campaigns.⁹

For instance, **surveillance through spyware is a particularly invasive form of attack.** Victims have described how scared they were that their personal information, including sexual and private images, could be turned into weapons against them and their families. These forms of attacks can be faced particularly by women human rights defenders, journalists, bloggers and those critiquing sexist media practices.

Digital threats and attacks risk **pushing women and girls out of the public conversation and increasing self-censorship**, especially those who are public figures or activists, should not be expected to accept violence as a normal consequence or the “cost” for expressing themselves online.¹⁰ This creates a chilling effect on women’s freedom of expression, and negatively impacts their participation in democratic processes.

Surveillance and censorship

Surveillance technology, such as Pegasus spyware, has also facilitated mass and targeted surveillance by States, private actors and individuals, with disproportionate impacts on freedom of expression on a range of groups; women human rights defenders, journalists, activists, victims of violence and abuse, and gender non-conforming people face gender specific risks and threats.¹¹ **Women can expect that nearly every detail of their intimate lives will be subject to multiple forms of surveillance by State as well as private actors**, from domestic violence to sexual objectification and reproduction.¹²

⁶ See [A/76/258](#)

⁷ Ibid.

⁸ Amnesty International (2018) “Toxic Twitter Triggers of violence and abuse against women on Twitter”

⁹ See [A/76/258](#)

¹⁰ Ibid.

¹¹ See [A/HRC/35/9](#)

¹² See [A/HRC/40/63](#)

Facial recognition technology may perpetuate and amplify discrimination including against Afrodescendants, minorities and women, because it can be used to profile individuals on the basis of their ethnicity, race, national origins, gender and other characteristics. Facial recognition technology may also lead to unintended discrimination in light of the fact that its accuracy depends on factors such as skin colour or gender, and experience has shown lower accuracy rates for the recognition of dark-skinned persons and women.¹³

Digital technology and gender bias

Digital technologies, including artificial intelligence have shown to reflect and amplify existing gender stereotypes and discrimination against women in a systematic manner. The use of AI systems in various sectors have shown to lead to discriminatory outcomes as a result of embedded biases in the datasets used and the often exclusionary manners in which the AI systems are designed, developed, deployed and used.

Machine-learning algorithms reproduce bias embedded in large-scale data sets capable of mimicking and reproducing implicit biases of humans, even in the absence of explicit algorithmic rules that stereotype. **In addition to inaccurate, missing and poorly represented data, data sets that have been manipulated intentionally or distorted by biases potentially lead to discrimination against or exclusion** of certain populations, notably minorities along identities of race, ethnicity, religion and gender.¹⁴

While women and gender nonconforming people are subjected to harmful speech online, they also face censorship. Online content moderation by social media companies and platforms involves a mix of human review and algorithms; social media companies' community guidelines also set rules for engaging online. **Women and girls often find their own expression suppressed on platforms.** There have been many reports of removal of content and imagery produced by women, especially those from minority groups, in the process of content moderation.

Global policy frameworks

Compliance with human rights standards including in the use of digital technologies, advancing gender equality and equal rights of women and girls, and the protection of civic space are key areas of focus of **the Secretary-General's Call to Action for Human Rights**¹⁵, and his **"Our**

¹³ See [A/HRC/44/24](#)

¹⁴ See [A/HRC/44/57](#)

¹⁵ The [Call to Action for Human Rights](#) highlights "Gender equality and equal rights for women", "Public participation and civic space" as key areas of intervention, and include "the application of the human rights framework to the digital space" as an action to address new frontiers of human rights.

Common Agenda¹⁶ as crucial for the achievement of **the 2030 Agenda on Sustainable Development**.¹⁷

A number of **the UN human rights mechanisms**, including the Human Rights Council's special procedures and the UN human rights treaty monitoring bodies, have elaborated the implication of gender equality and women's human rights in relation to digital technologies, civic space, data and privacy, and freedom of expression and issued recommendation on how to protect and promote human rights, including gender equality, in the use of digital technologies. Their analysis and recommendations are reflected in this observer paper.¹⁸

Human rights implications

- **Everyone has the right to express themselves freely and without fear and risks, online and offline.** Yet, responses by States and companies to **online gender-based attacks are insufficient to address this serious problem.** The decentralized and transnational nature of the internet and the difficulty of attribution creates governance and regulation challenges, requiring new legal and practical solutions. **Both States and companies, have a role to play.**

- The freedom of expression, the space for exposing injustice and human rights violations and the enjoyment of the right to privacy when communicating, online and offline, are **preconditions for empowering women and girls to challenge stereotypes, patterns of discrimination and for effecting change.**

- Online gender-based violence and attacks, including violation of privacy – and the lack of effective responses and remedies - have impacted women and girls in very specific ways, particularly woman activists, politicians and journalists. It has led to:
 - ✓ Self-censorship out of fear of online and offline reprisal.
 - ✓ Leaving online spaces, in particular social media platforms, altogether.
 - ✓ Significant emotional distress, including increased anxiety, a loss of self-confidence, and an overall feeling of disempowerment.
 - ✓ Stigma in their homes and communities.
 - ✓ Damage to lives and livelihoods.
 - ✓ Real-world harms that are triggered by online attacks

¹⁶ The Secretary General's "[Our Common Agenda](#)" highlights, as key areas of intervention, the following areas: abiding by international law, including application of human rights online and to new technologies; placing women and girls at the centre; and improving digital cooperation.

¹⁷ Including, but not limited to, SDGs 5 (gender equality), 9 (industry, innovation and infrastructure), 16 (peace, justice and strong institutions) and 17 (partnership for the goals)

¹⁸ See the reference of this paper.

These lead to **undermining women’s public participation and affecting representativeness of democratic institutions.**¹⁹

- The dissemination of content that promotes and may reinforce gender-based violence, and the fact that a permanent digital record is created by content shared in digital contexts, can also result in perpetual revictimization and re-traumatization of victims.²⁰
- **Violation of women’s and girls’ right to privacy** in the application of digital technologies for example, in relation to their sexual and reproductive health can significantly undermine their enjoyment of **the right to health and sexual and reproductive rights**. Intrusive data collection and data-mining on information relevant to pregnancy can be a powerful disincentive to seeking care for subsequent deliveries, and technologies such as Google Street View, can affect health service usage by women through concerns about being identified using certain health services.²¹
- **Broader structural discrimination** against women and girls **both in the public and private spheres**, by States and non-State actors, limits free, active and meaningful participation of women and girls in the use and development of digital technologies, and their freedom of expression and freedom of association using information and communication technologies (ICTs).²²
- However, **responses must be carefully devised so as to not create room for expanding censorship and surveillance**. The track record of attempts to regulate content shows that these efforts are often counter-productive and result in silencing the very voices they set out to protect. In particular, overly broad concepts based on vague definitions may contravene the principle of legality, lead to content removal and censorship – and often end up undermining the ability of women to make their voices heard. For example, laws prohibiting ill-defined concepts such as “obscenity” or “immorality” can be used to limit critical discussions about sexuality, gender and sexual and reproductive rights.²³ Also, criminalizing online “violence” can be misused to criminalize legitimate content and behaviour, if not properly circumscribed. Approaches where States or companies go after and remove each piece of problematic content thus have proven to be problematic and ineffective.

Policy recommendations

- The rapid expansion and the transnational nature of the Internet and the use of other digital technologies poses immense challenges for the establishment and enforcement of regulatory frameworks for the online space. **Human rights law provides the most solid**

¹⁹ See [A/HRC/38/46](#)

²⁰ See [A/HRC/50/25](#)

²¹ See [A/HRC/40/63](#)

²² See [A/HRC/35/9](#)

²³ See [A/76/258](#)

ground for regulating online spaces as it is a widely recognized set of rules on freedom of expression, right to privacy, and equality and non-discrimination.

- States must **close gender digital divide**. To do so States must:
 - ✓ **Eliminate broader structural and intersecting forms of discrimination** against women, girls and people with diverse gender identities, **both in public and private spheres**.
 - ✓ **Eliminate the political, socio-economic, linguistic and cultural barriers** that women face **in accessing affordable, open, secure and high-quality Internet**.
 - ✓ **Protect and promote the rights of women and girls in a comprehensive manner**, including their rights to equality, to privacy, to dignity, to information and bodily integrity and the highest attainable standard of health, including sexual and reproductive health, without discrimination, in the use and development of digital technologies.
 - ✓ Improve relevant content
- Furthermore, States and business enterprises should:
 - ✓ Be guided by the UN Guiding Principles on business and human rights and systematically conduct **human rights due diligence throughout the lifecycle of the AI systems** they design, develop, deploy, sell, obtain or operate, with particular attention paid to disproportionate impacts on, inter alia, women and girls.²⁴
 - ✓ Ensure, in particular, social media platforms, that their **business practices and the application of automated or algorithmic processes do not amplify gender stereotypes, bias, misogyny and gender-based violence**.
 - ✓ **Incorporate diverse and representative perspectives as well as disciplinary expertise in digital technology sectors** along gender and race lines²⁵ in order to produce technology that works within complex social realities and existing systems.
- States need to **expand open and inclusive online civic space**, in particular for women human rights defenders, **while protecting safety and security of users of the space**.
- States need to develop a package of measures to which both, States and companies, contribute:
 - ✓ Tools to **better detect, document and report in a gender-sensitive manner on patterns of organized and targeted attacks**, campaigns and operations rather than focusing on individual episodes of hostility.
 - ✓ **Greater transparency** from States and from tech companies – on how violence and abuse online, including those that are gender-based, is detected, reported and

²⁴ See [A/HRC/48/31](#)

²⁵ See [A/HRC/44/57](#)

- addressed; on how content moderation requests relating to online violence are managed and how reported cases are resolved.
- ✓ **Interventions to prevent and mitigate attacks, and support victims** based on a **rights-based, gender-sensitive and victim-centred approach** that puts the victim and their context, views and demands at the center. Responsibilities of States and business enterprises should be clarified and their actions should be guided in line with the UN Guiding Principles on Business and Human Rights.
 - ✓ **Strengthened accountability and impunity** for the perpetrators of online violence and harassment, though capacity-building of law enforcement and justice systems on identifying, investigating and prosecuting online attacks and campaigns in a gender-sensitive manner.
 - ✓ **Gender-responsive digital literacy programmes and digital security trainings.** We need to raise awareness and help build the capacities and training of digital engineers and content moderators on relevant legislation, gender equality, the harms of online violence and abuse, and best practices to support those who have experienced online violence and abuse.
- To make the internet safe, we need a **multipronged approach, both proactive and reactive, that involves all relevant actors and that tackles the discriminatory patterns underlying gender-based discrimination and violence.** We need to call for the eradication of *all* forms of gender-based violence. We need to promote and invest in gender equality and dismantle gender stereotypes. This includes adequate education and media campaigns at all levels to promote a culture of respect, protection and non-discrimination both online and offline.
- Overall, in the development, regulation, use and monitoring of digital technologies, States need:
- ✓ **Women and girls must be fully part of these discussions** and in the driving seat in shaping the measures we need to be taking.
 - ✓ **Gender-disaggregated data**, including on digital access, needs to be both produced, published and used in a gender-sensitive, safe and confidential manner, **in compliance with a human rights-based approach to data.**²⁶
 - ✓ The principle of gender equality and non-discrimination must guide the development and application of data-driven technologies to ensure they do not replicate or exacerbate existing patterns of discrimination against women and girls.

References:

²⁶ OHCHR, [A Human Rights-based Approach to Data](#), 2018

Reports of the United Nations High Commissioner for Human Rights

- Report of the United Nations High Commissioner for Human Rights on promotion, protection and enjoyment of human rights on the Internet: **ways to bridge the gender digital divide from a human rights perspective**, 2017, ([A/HRC/35/9](#))
- Report of the United Nations High Commissioner for Human Rights on **technologies on the promotion and protection of human rights in the context of assemblies**, including peaceful protest, 2020, ([A/HRC/44/24](#))
- Report of the United Nations High Commissioner for Human Rights on **the right to privacy in the digital age**, 2021, ([A/HRC/48/31](#))
- Report of the United Nations High Commissioner for Human Rights on **Internet shutdowns**: trends, causes, legal implications and impacts on a range of human rights, 2022, ([A/HRC/50/55](#))

UN Human Rights Treaty Bodies

- Committee on the Rights of the Child: [General comment No. 25 \(2021\) on children's rights in relation to the digital environment](#), 2021

Reports of Special Procedures mandate holders

- Report of the Special Rapporteur on violence against women, its causes and consequences: **Online violence against women and girls from a human rights perspective**, 2018, ([A/HRC/38/47](#))
- Report of the Working Group on Discrimination against Women and Girls: **reasserting equality, countering rollbacks**, 2018, ([A/HRC/38/46](#))
- Report of the Special Rapporteur on the situation of human rights defenders: **Situation of women human rights defenders**, 2019, ([A/HRC/40/60](#))
- Report of the Special Rapporteur on the right to privacy: **intelligence oversight**, 2019, ([A/HRC/40/63](#))
- Report of the Special Rapporteur on violence against women, its causes and consequences: **Combating violence against women journalists**, 2020, ([A/HRC/44/52](#))
- Report of the Special Rapporteur on **contemporary forms of racism**, racial discrimination, xenophobia and related intolerance: **Racial discrimination and emerging digital technologies: a human rights analysis**, 2020, ([A/HRC/44/57](#))
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: **Gender equality in freedom of expression**, 2021 ([A/76/258](#))
- Report of the Working Group on Discrimination against Women and Girls: **Girls' and young women's activism**, 2022, ([A/HRC/50/25](#))