



# **JOINT SUBMISSION TO THE GLOBAL DIGITAL COMPACT ON GENDER**

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APRIL 2023

# INTRODUCTION

This joint submission is a response to the Global Digital Compact (GDC) consultation process and its expected outcome to outline shared principles for an open, free and secure digital future for all, with an expectation of having a Compact that has an intersectional gender perspective that takes into account the needs of women and girls, in all their diversity. This submission is one of the outcomes from a Global Digital Compact consultation that was held during the 67th session of the Commission on the Status of Women (CSW67) in New York on 14 March 2023 under the organisation of the Association for Progressive Communications and UNFPA. The consultation included the participation of organisations such as Access Now, Alliance for Universal Digital Rights, Amaranta NGO, Amnesty Tech, Body and Data, CEJIL, Digital Rights Foundation, Foundation for Media Alternatives, Global Digital Inclusion Partnership, KICTANet, Multitudes, Numun Fund, Point of View, Resurj, SANNOY, WO=MEN, Women at the Table and WOUGNET, among others.

As organisations that defend and protect the rights of women and people of diverse genders and sexualities, we believe that it is imperative to place the gender equality agenda at the heart of the Global Digital Compact as the Generation Equality Forum's Action Coalition on Innovation and Technology for Gender Equality has urged.<sup>1</sup> In order to do so, **human rights must be placed at the centre of each one of the themes both in the offline and the online world.** The GDC must be based on binding, universal standards that adopt a human rights-based approach and must also recognise the differentiated impact that information and communications technologies (ICTs) have on women, girls and people of diverse genders and sexualities. We dream of a future in which all individuals of the global digital ecosystem, no matter who they are or where they live, can enjoy equal rights to safety, freedom and dignity.<sup>2</sup> This means equal and absolute protection from persecution, discrimination, abuse and surveillance; equal access to information, opportunity and community; and equal respect for privacy, identity, self-expression and self-determination.<sup>3</sup> The core principles of the GDC of openness, freedom and security must be infused with an intersectional feminist perspective to ensure that the ongoing digital transformation of our economies and societies can usher in a gender-just world that is affirming to all individuals and their path to self-actualisation.<sup>4</sup>

In order to do so, the UN Global Digital Compact must:

- Recognise that there is a historically unequal power relation between men and women and, therefore, women and people of diverse genders and sexualities face a recurrent systemic gender-based discrimination.

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1. Gurumurthy, A., & Chami, N. (2019). *Charter of Feminist Demands from the Global South*. Friedrich-Ebert-Stiftung. [https://www.fes.de/public/FES/Newsletter-Bilder\\_IEZ/GePol/MailingsDoc/charter-of-feminist-demands-from-the-global-south.pdf](https://www.fes.de/public/FES/Newsletter-Bilder_IEZ/GePol/MailingsDoc/charter-of-feminist-demands-from-the-global-south.pdf)

2. Alliance for Universal Digital Rights (AUDRi) Digital Principles. <https://audri.org/digital-principles>

3. Ibid.

4. Gurumurthy, A., & Chami, N. (2019). Op. cit.

- Tackle the systemic and structural injustices in the digital society and economy stemming from the unbridled power and market excesses of the transnational platform business model.<sup>5</sup>
- Be grounded in values, actions and institutions resolutely committed to a gender-transformative digital paradigm that advances the rights, dignity and agency of all people in all their diversity.<sup>6</sup>
- Be founded on a binding human rights framework for a gender-just digital society and economy with concrete commitments for actions by state parties and transnational corporations to advance human rights of women and trans and gender-diverse persons, especially those in the Global Majority.<sup>7</sup>

The feminist internet that we wish to create works towards empowering more women and people of diverse genders and sexualities to fully enjoy their rights, engage in pleasure and play, and dismantle patriarchy. It integrates their realities, contexts and specificities, including age, disabilities, sexualities, gender identities and expressions, socioeconomic locations, political and religious beliefs, ethnic origins and racial markers.<sup>8</sup>

## HUMAN RIGHTS ONLINE

### Core principles

Article 1 of the UN Declaration of Human Rights states that “all human beings are born free and equal in dignity and rights.” This means that the rights of all people, regardless of gender, are equal, and every person must be respected, protected, and provided with an opportunity to fulfil their interests and realise their human rights.<sup>9</sup> The full realisation of human potential requires universal rights to education, to freedom of expression and information, to freedom of peaceful assembly and association including the freedom to protest and organise, as well as to full participation in and enjoyment of economic, social, cultural, civil and political life.<sup>10</sup> Moreover, everyone is entitled to equal protection from all forms of discrimination, including, but not limited to, discrimination on the grounds of sex (including grounds related to pregnancy, childbirth, gender identity, intersex status and sexual orientation), race, ethnicity, colour, social or economic class, caste, disability, religion, language, political opinion, national origin, descent, veteran status, genetic information, marital status and age.<sup>11</sup>

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5. Ibid.

6. Ibid.

7. Ibid.

8. Association for Progressive Communications (APC) Feminist Principles of the Internet. <https://feministinternet.org>

9. Alliance for Universal Digital Rights (AUDRi) Digital Principles. Op. cit.

10. Ibid.

11. Ibid.

## Self-determination

The right to self-determination refers to our ability to fully exercise our agency in choosing our own destiny, including through freely determining our political status and pursuing our economic, social and cultural development. Everyone, including women, girls, trans persons, and people of diverse genders and sexualities, should be able to safely exercise self-determination in the digital age.<sup>12</sup> Everyone must have the right to the complete and up-to-date representation of their identity on the internet.<sup>13</sup>

## Freedom of expression

Article 19 of the Universal Declaration of Human Rights establishes that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>14</sup> Communities and individuals who face discrimination and structural inequalities as a result of intersecting systems of oppression (sexism, racism, classism, casteism, ableism, compulsory heterosexuality, etc.) have found in the internet a critical mobilising and influencing tool to ensure state accountability and support civic action and organisation, providing possibilities for connection and solidarity across geographical boundaries to make struggles visible because of the freedom of expression.<sup>15</sup> The right to freedom of expression and association as well as to protest and organise also underpins the freedom to seek, receive and impart information, and to associate freely for social, political, cultural or other purposes. It is also related to the rights to freedom of thought, conscience and religion.<sup>16</sup>

Freedom of expression includes the right of sexual expression, the right to privacy and access to positive information about sex, gender and sexuality, including sexual and reproductive health rights and abortion, as part of the right to healthy emotional and sexual development.<sup>17</sup> Feminist, queer and trans expression and visibility should not be controlled, surveilled or restricted on the internet through technology, legislation or violence. Moral policing, censorship and hierarchisation of citizenship and rights must be condemned.<sup>18</sup>

## Anonymity

Everyone has the right to encryption and online anonymity. The right to be anonymous must be defended and all attempts to restrict anonymity online must be

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12. Ibid.

13. Ibid.

14. Ibid.

15. Moolman, J., Kamran, H., & Smith, E. (2022). *Freedom of expression and participation in digital spaces*. Association for Progressive Communications. [https://www.unwomen.org/sites/default/files/2022-12/EP.14\\_Jan%20Moolman.pdf](https://www.unwomen.org/sites/default/files/2022-12/EP.14_Jan%20Moolman.pdf)

16. Alliance for Universal Digital Rights (AUDRi) Digital Principles. Op. cit..

17. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

18. Ibid.

rejected. Anonymity enables freedom of expression online, particularly when it comes to breaking taboos of sexuality and heteronormativity, experimenting with gender identities and expression, and enabling safety for women and people of diverse genders and sexualities affected by discrimination.<sup>19</sup>

## Key commitments/pledges/actions

For governments, the private sector, civil society and other relevant stakeholders:

- Implement policies, measures and initiatives that are grounded in a human rights-based approach and that recognise, promote, protect and fulfil the rights of structurally excluded groups, including women and girls, such as women with disabilities, Black women, Indigenous women, women of colour, young women, migrant women, lesbian and bisexual women, trans women and gender-diverse people, women from oppressed castes and classes, and women from religious minority groups, as well as human rights defenders and sex workers of all genders.<sup>20</sup>
- Recognise and respect the personal autonomy of people and their right to self-determination over their body, life, work, identity and sexuality.<sup>21</sup>
- When addressing human rights online, commit to taking an inclusive approach that goes beyond binary understandings of gender to include non-binary, gender non-conforming, trans and intersex people.<sup>22</sup>
- Adopt an intersectional approach when interpreting human rights that considers gender alongside race, class, caste, ethnicity, sexual orientation, religion, (dis)ability and any other relevant factor, so as to address any gendered discrimination and inequality.<sup>23</sup>

For governments:

- States must respect, protect and promote women's human rights and those of LGBTQI+ persons, undertaking legal, institutional, policy and programming measures appropriate to the digital transformation. Robust regulation to prevent violation of their human rights in corporate controlled global data value chains is of critical importance.<sup>24</sup>
- States should include in their legislation the language adopted in the 2022 Human Rights Council resolution A/HRC/50/L.11, which, among other things, calls on states:
  - to protect, respect and ensure women, girls, and LGBTQI+ persons' full enjoyment of the right to freedom of expression online and offline

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19. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

20. Count Me In! (n/d). *Counting Sex Workers in Feminist Foreign Policies*.  
<https://cmiconsortium.org/publications/factsheet-counting-sex-workers-in-the-feminist-foreign-policies>

21. Ibid.

22. Ibid.

23. Ibid.

24. Ibid.

- without discrimination and to counter all threats of violence and censorship while exercising this right;
- to refrain from imposing new restrictions including through internet shutdowns and online censorship to disrupt access to information online;
  - to strengthen measures to ensure that people with disabilities can enjoy the right to freedom of expression including the freedom to seek, receive and impart information and ideas through accessible and affordable formats and technologies.
- States must uphold, respect and protect the freedom of expression online of women and girls, in all their diversities, including by refraining from censoring online expression and content relating to women's and LGBTQI+ persons' sexual and reproductive health and choice.
  - State actors and their allies must be held accountable with regard to engaging in shutting down, restricting or over-regulating public access to the internet and internet-based spaces and tools, and for using existing and new laws aimed at digital technologies, digital security, etc. to regulate, curtail and control people's rights to freedom of expression, association and assembly online or on-ground.
  - States must end the criminalisation of activists, journalists, women human rights defenders (WHRDs) and movement-actors through repealing unjust laws, policies and practices which relate to digital spaces and technologies; this must also include ending the criminalisation of young people for their activities online, e.g. through "child protection online" laws and policies, especially ending the criminalisation of young people's sexuality.
  - In accordance with the prohibition on discrimination, surveillance technology should not be used to target individuals or members of a group solely based on race, colour, gender, ethnicity, Indigeneity, language, religion, age, national origin, disability, genetic information, social origin, sexual orientation, political opinion, or any other classification protected by law or on other grounds inconsistent with applicable domestic law or international obligations and commitments.<sup>25</sup>

## DIGITAL INCLUSION AND CONNECTIVITY

### Core principles

Everyone has the right to participate in the digital realm and to access, regardless of their geographical location, universally available, secure and good-quality internet services and digital technology at an affordable price.<sup>26</sup> Nonetheless, around 4 billion people still lack access to the internet, and it is important to acknowledge that in

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25. Freedom Online Coalition. (2023). *Guiding Principles on Government Use of Surveillance Technologies*. [https://freedomonlinecoalition.com/wp-content/uploads/2023/03/FOC\\_Guiding\\_Principles\\_on\\_Government\\_Use\\_of\\_Surveillance\\_Technologies.pdf](https://freedomonlinecoalition.com/wp-content/uploads/2023/03/FOC_Guiding_Principles_on_Government_Use_of_Surveillance_Technologies.pdf)

26. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

many contexts, internet access is gendered. Women's and girls' ability to gain meaningful internet access is influenced by factors including location, economic power, age, gender and gender expression, racial or ethnic origin, caste, social and cultural norms, and education, among other things.<sup>27</sup>

Moreover, the digital gender divide is not just an access gap; it is a democratic deficit that thwarts meaningful participation of queer and trans persons and women and girls in all their diversity in the digital transformation.<sup>28</sup> The digital gender gap intersects with the other gaps and inequalities that women, girls and people of diverse genders and sexualities face in social, labour, health, economic and political spheres. According to the International Telecommunication Union (ITU), there are four main categories when talking about the gender digital divide: 1) a gap in access to and use of the internet, 2) a gap in digital skills and the use of digital tools, 3) a participation gap in science, technology, engineering and math (STEM) fields, and 4) a gap in leadership in public decision-making spaces in technology and entrepreneurship.<sup>29</sup>

Additionally, digital divides can deepen other divides and inequalities and exacerbate discrimination. Women and girls, such as women with disabilities, young women, migrant women, lesbian and bisexual women, trans women and gender-diverse people, those who are marginalised due to their race, ethnicity, religion or caste, racialised women, women who live in rural areas, and women who are criminalised – among others – will continue to be excluded if there is not a comprehensive plan of action which takes an intersectional lens to women's rights. This must include an integral recognition of the diversity of experiences and needs of all women and girls.<sup>30</sup>

In order to address the structural gender digital divides that we face, digital inclusion for women and girls, in all their diversity, must be thought of as more than mere access to the internet, and must also contemplate meaningful access and active use. Connecting women and girls for the sole purpose of feeding into market logic reproduces gendered exclusions and exacerbates inequality, oppression and inequity, adding to the environmental crisis as consumption continues to increase.

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27. 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](https://www.apc.org/sites/default/files/Gender_Matters_Report_Web_A4.pdf)

28. Gurumurthy, A., & Chami, N. (2019). Op. cit.

29. International Telecommunication Union. (2022). *Bridging the gender divide*.

<https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx>

30. Moolman, J., Kamran, H., & Smith, E. (2022). Op. cit.

## Key commitments/pledges/actions

Governments must:

- Guarantee universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet for women and people of diverse genders and sexualities.<sup>31</sup>
- Assure meaningful access for women and gender-diverse communities that addresses the variety of forms of digital divides, such as affordability, digital skills and continuous access, as well as accessibility for people with disabilities.
- Ensure the right of women and trans and gender-diverse persons to be offline, i.e. ensure that the realisation of fundamental rights and access to life-saving and affirming services is not dependent on access to the internet and technology.
- Enact policies prohibiting the arbitrary and deliberate slowing and/or cutting off of the internet on any grounds, including public order or national security grounds.<sup>32</sup>
- Make sure that the regulation of digital technologies incorporates inclusive, participatory mechanisms where all relevant stakeholders are taken into account and that these mechanisms are rights-affirming and gender-just.
- Ensure that STEM curricula are holistic and include perspectives from the social sciences and humanities and that they prioritise rights-based, gender-affirmative and climate justice-centred approaches to new technologies.
- Increase participation of women and queer and trans persons in decision-making processes at national and international levels on internet governance, infrastructure planning and regulation, and technology development.

They also should:

- Work with the private sector to recognise that in order to bridge the digital divide, there is no one-size-fits-all solution. There are a variety of complementary access solutions that can be successful and sustainable for connecting the unconnected, such as community networks, which may propose a different logic to traditional infrastructures by bringing feminist perspectives and feminist governance modes and models which are based on the full realisation of human rights and environmental justice.
- Gather representative and gender-disaggregated data 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. This data should not be shared, stored or used for any other purpose.

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31. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

32. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.



- Design national broadband plans or other policies to specifically overcome gender inequalities in access.
- Increase investment in public access facilities, in particular public access strategies that emphasise women's needs, and raise awareness of the value of these facilities among disenfranchised groups.
- Encourage and support women's and queer and trans persons' participation in community and municipally owned small-scale local communications infrastructure, and make licence categories available for this type of service.

Governments, the private sector, civil society and other relevant stakeholders must:

- Ensure unrestricted access to information relevant to women and queer persons, particularly information on sexual and reproductive health and rights, safe abortion, pleasure, access to justice, and LGBTQI+ issues. This includes diversity in languages, abilities, interests and contexts.<sup>33</sup>
- Protect and promote women's and queer and trans persons' right to code, design, adapt and critically and sustainably use ICTs to reclaim technology and the internet as a platform for creativity and expression, as well as a platform to challenge the cultures of sexism and discrimination in all spaces.<sup>34</sup> In this sense, interfaces, content and applications must be designed inclusively to ensure accessibility for all, including people with physical, sensory or cognitive disabilities, people who are not literate, and people who speak minority languages. The principle of inclusive design and the use of assistive technologies must be promoted and supported to allow persons with disabilities to benefit fully and on equal terms.<sup>35</sup>

## INTERNET GOVERNANCE

### Core principles

The internet is a transformative political space. It facilitates new forms of citizenship that enable individuals to claim, construct and express selves, genders and sexualities. This includes connecting across territories, demanding accountability and transparency, and creating opportunities for sustained feminist movement building. The internet is also the space where social norms are negotiated, performed and imposed, often in an extension of other spaces shaped by patriarchy and heteronormativity. The collective struggle for a feminist internet is one that forms part of a continuum of feminist resistance in other spaces, public and private and in between, offline and online.<sup>36</sup>

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33. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

34. Ibid.

35. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

36. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

The internet was created with the utopian vision of an accessible, inclusive society that everyone in the world could inhabit democratically. Nonetheless, decades later, commercial interests have taken over, and far from being a space of freedom, the internet has become rife with misogyny, violence and hate. Unchecked development of digital technologies and networks has negatively impacted women, girls and other discriminated-against groups and structurally marginalised people.<sup>37</sup> Therefore, new forms of binding governance and participation need to be established for the digital realm to ensure better protection of our rights to both safety and privacy, and to provide more effective access to recourse where infringements occur. The input of governments, technology companies, human rights organisations, civil society actors, and victims/survivors is needed to uphold and expand human rights to the fullest extent possible.<sup>38</sup>

## Key commitments/pledges/actions

- Internet governance should be multilateral, transparent and democratic, with the full involvement of all relevant stakeholders, including governments, the private sector, civil society, and the people most negatively impacted – including women, girls, LGBTQI+ persons, and other discriminated-against groups and structurally marginalised people.<sup>39</sup>

Governments, the private sector, civil society and other relevant stakeholders must:

- Make sure more feminists and people of diverse genders and sexualities are present at decision-making tables. Internet policy making must be democratised, and ownership of and power in global and local networks must be diffused.<sup>40</sup>
- Include the voices and experiences of young people in the shaping of internet governance and in the decisions made about safety and security online in order to promote their safety, privacy and access to information.<sup>41</sup>

Moreover:

- All decision-making processes related to the governance and development of the digital space should be open and accessible at international, regional and national levels.<sup>42</sup>
- International human rights standards, the rule of law, and social justice must form the legal and normative foundations upon which the internet is operated, governed and regulated.
- There must be recourse for illegal interference and violations of human rights in the digital sphere. This shall happen in a transparent and multilateral

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37. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

38. Ibid.

39. Ibid.

40. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

41. Ibid.

42. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

manner based on principles of openness, inclusive participation, and accountability.<sup>43</sup>

- States shall mandate technology companies, companies that develop digital technologies, and digital and internet service providers to adopt human rights-based approaches in the development of their content moderation policies and practices and reporting and redressal mechanisms.<sup>44</sup>
- The internet's architecture, communication systems, and document and data formats shall be based on open standards that ensure complete interoperability, universality, integrity, openness, inclusion and equal opportunity for all.
- Notified bodies and national committees should meet diversity targets in relation to representation, supported by governments, and should put into place processes and funds to enable wider and heterogeneous stakeholder participation.
- States should take steps to minimise the energy consumption of the internet and digital technologies and minimise harm from the extraction of natural resources to fuel new technologies.

## DIGITAL TRUST AND SECURITY

### Core principles

Everyone has a right to benefit from secure, stable and resilient digital networks and technologies. As a global public resource, the internet should be a reliable and trustworthy network for everyone.<sup>45</sup> Nonetheless, the security of the internet and other digital networks is often undermined by unlawful surveillance, monitoring, and interception of users' private online activity or communications, either for individual or commercial gain or to suppress political dissent.<sup>46</sup> Fears about digital safety and security are disproportionately preventing women, girls, and other discriminated-against groups and marginalised people from accessing and enjoying the internet. This, in turn, is limiting their ability to realise their rights and to engage in the digital economy.<sup>47</sup>

Digital trust should be built around ethics and politics of consent in the culture, design, policies and terms of service of internet platforms. Women's agency lies in their ability to make informed decisions on what aspects of their public or private lives to share online. In this sense, women also face the manifestation of the historically unequal power relations between men and women and systemic gender-based discrimination in the form of online and technology-facilitated gender-based violence. Online gender-based violence (OGBV) tends to have a disproportionate

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43. Ibid.

44. Ibid.

45. Ibid.

46. Ibid.

47. Ibid.

impact on women and girls and LGBTQI+ persons, due to the oppression they face in society and their vulnerability to violence, and it can also be perpetrated against individuals on the basis of sexual orientation and gender identity. OGBV is a major hindrance to women's economic and political representation and to accessing fundamental human rights, such as the rights to freedom of expression and assembly online. It restricts civic space as it causes victims of OGBV to self-censor and limit or anonymise their engagement online.

Forms of online gender-based violence that women and people of diverse genders and sexualities face include surveillance, hate speech, gendered misinformation and disinformation, online sexual exploitation and abuse which include sexual harassment, stalking and tracking, coercive control, technology-enabled sex trafficking, livestreaming sexual abuse, and deepfakes, among others.

## Key commitments/pledges/actions

Governments, the private sector, civil society and other relevant stakeholders must:

- Respect, protect and fulfil the rights of women and people of diverse genders and sexualities to liberty and security online and through the use of digital technologies. These rights must not be infringed upon or used to infringe other rights, in the online environment or through digital technologies.<sup>48</sup>
- Maintain the inviolability of digital technologies. The ICT systems and devices of every person, including women, girls and people of diverse genders and sexualities, and the freedom and confidentiality of their electronic information and communications are inviolable.<sup>49</sup>
- Guarantee network security in the public interest, ensuring infrastructure integrity and protection from external attacks and in the interest of individuals.<sup>50</sup>
- Provide responses to disinformation, misinformation and computational propaganda generated by state and non-state actors who are using and deploying digital technologies such as artificial intelligence (AI) to mislead the public and influence major political events that affect all their lives, without their knowledge or consent.

In terms of OGBV, governments, the private sector, civil society and other relevant stakeholders should:

- Work on the elaboration and development of a comprehensive definition of online gender-based violence which reflects both the continuum of violence and the common root causes as well as the particular experiences of victims/survivors made possible through the unique specificities of digital technologies.

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48. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

49. Ibid.

50. Ibid.

- Address OGBV by providing solutions that are not only policy oriented, but also include other measures like research, movement building and strengthening community and intergenerational approaches.

Governments should specifically:

- Ensure that laws regarding gender-based violence put women's rights at the centre, such as the rights to bodily autonomy, self-determination and freedom of expression including sexual expression. States should adopt measures and legislation that protect women's right to freedom from violence and offer means of swift and meaningful redress for survivors, which also takes into account their needs, without infringing on freedom of expression and the right to information, and should implement policies that facilitate reporting of online harassment. Policies and regulations on this issue should also discourage commodification of content that promotes OGBV.
- Engage in extensive consultation with women's rights and sexual rights civil society organisations when creating new laws or reform regarding the regulation of the internet to ensure synergy with other legislative developments responding to OGBV and to integrate a gendered awareness into potential measures to avoid any discriminatory effect.
- Promote training for law enforcement, judiciary and other response actors to take GBV online seriously and react swiftly, through deepening their understanding of technology and how it can facilitate and exacerbate violence, sensitising them against victim blaming and moralistic reactions, outlining protocols to request take-down and/or obtain information from internet intermediaries following due process, etc.
- Allocate adequate budgets to address OGBV, including by providing gender-sensitive training for law enforcement, legal staff, victim advocates and educators as well as provide more funding and support for civil society advocacy efforts, legal aid, capacity building, mental health care, and community building, understanding they have a key role in supporting victims of GBV.
- Recognise that comprehensive sexual education and education with a gender perspective are vital to address structural inequalities and violence, which are then transferred to the digital space, making it urgent to promote and implement them to eradicate technology-facilitated gender-based violence.
- Hold digital platforms accountable with regards to OGBV. The private sector should adopt concrete measures to respond to these forms of violence.
- Set aside morality and obscenity as rationale for protecting women and other communities affected by injustice. These must not be the basis for any legislative reform or new law in matters of gender-based violence online. Any law must foreground rights to bodily autonomy, self-determination, freedom of expression and rights to participate in public debate.

The private sector, civil society and other relevant stakeholders should:

- Ensure women, girls and LGBTQI+ persons are included throughout product development, deployment and maintenance processes, with particular attention to funding, ideation and design stages, to proactively understand and mitigate end user realities.
- Build awareness of the implications of technology-facilitated GBV among users, internet service providers and social networking platforms.
- Not suppress anonymity or encryption. Survivors often need this to re-enter online spaces, to feel safe, to share their stories and to find information. There are other ways to find the perpetrators.
- Ensure that data privacy and security begins from the perspective of OGBV survivors and is achieved through robust end user controls, safety-by-design, and corporate and government encryption of data in transit (end-to-end encryption between devices) and at rest (while being stored).
- Ensure legal frameworks for accountability are constructed and implemented to hold companies and offenders of technology-facilitated GBV accountable for the experiences of women, girls and LGBTQI+ persons.

Finally, legislative reform and/or new legislation regarding OGBV in and of itself is not sufficient. Holistic solutions for OGBV prevention and response should include both legal and non-legal measures, such as improving access, digital literacy, the creation of enabling environments for diverse expressions, as well as clear and specific delineations of legal and illegal gender-based hate speech.

## DATA PROTECTION

### Core principles

Everyone has the right to the protection of the data that concerns them and to be able to understand, in very simple terms, how that data is processed. No one shall be subjected to arbitrary interference of this right, and any limitation of this right shall be reasonable, necessary, proportionate and justifiable.<sup>51</sup> Moreover, any processing of data shall be fair, lawful and transparent, adhering to data processing principles set out in international norms and standards.<sup>52</sup> It is also important to recognise that there is a gender dimension present in data collection, as it never takes place in a gender-neutral setting. Methods used for activities that are inherently about labelling and categorising individuals are often predicated on existing binary gender norms. Systems developed by such data can be exploited in ways that either perpetuate such norms or limit access for and discriminate against those who do not conform.<sup>53</sup>

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51. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

52. Ibid.

53. Brown, D., & Pytlak, A. (2020). Op. cit.

Moreover, the capitalisation and monetisation of data have proven how the private sector prioritises profit over user privacy and public good.

Additionally, past experiences have demonstrated that, when data breaches occur, they have a more severe impact on women and gender-diverse people because of historical and structural inequalities in power relations based on gender and sexuality. Women and girls, in all their diversity, are more profoundly affected by the consequences of data breaches because they may face discrimination or even prosecution as a result. These breaches impact not only their right to privacy but also their sexual and reproductive health and rights.<sup>54</sup>

Moreover, no matter how strong the security system is, no data is 100% safe. When data is associated with GBV it becomes categorically sensitive and if accessed, it can be used to name, shame, blame and even harass or re-offend survivors. Women and people of diverse genders and sexualities are at risk when there is not enough information on how data is collected, how it is stored and for how long, and who has access to it.

As feminist organisations, we demand that the use of data for profit and to manipulate behaviour online must end. We condemn the use of surveillance to control and restrict women's bodies, speech and activism.<sup>55</sup> We believe that a feminist approach to data and datafication examines the nature of data and constantly resists disembodiment of data. It is centred on the understanding that the consequences of data and datafication, both the harms and possible benefits, are embodied within the individuals and communities facing those consequences. A feminist approach seeks to understand the effects of self-surveillance or "quantified self" developments (including the use of big data) on human rights and tries to unpack discrimination in algorithmic decision making as well as introducing feminist praxis around data. It recognises the right to privacy and to full control over personal data and information online at all levels.

## Key commitments/pledges/actions

Data protection frameworks must be gender-responsive. Their design and implementation must consider gendered realities of the society we live in and ensure that injustices are not replicated as we race towards digital development.

When it comes to digitised social welfare programmes, beneficiaries, including women, should not have to choose between privacy and social protection, food security, or a benefit that after all alleviates but does not eliminate poverty.

Inferences generated by big data should be limited to safeguard people's autonomy of choice and freedom. Sensitive information should not be used to the detriment of

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54. Ibid.

55. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

the person, or to infer personal information, including their religion or sexual orientation.<sup>56</sup>

Recommendations to governments:

- Ensure the right to data privacy and give women and gender-diverse people full control over their personal data and information online at all levels.<sup>57</sup>
- Adopt an intersectional approach to understanding and protecting the right to privacy, which recognises the specific experiences and threats to privacy experienced by women and LGBTQI+ persons.
- Enhance efforts to promote meaningful internet access, underlining the need to bridge any digital divides between women and men, including through building digital skills, as a means to contribute to protecting against privacy violations of women and LGBTQI+ persons in digital contexts.
- Adopt policies and legal and regulatory frameworks that provide comprehensive protection for the use and development of secure digital communications, including by promoting strong encryption and anonymity-enhancing tools, products and services.
- Review and strengthen policies and legal and regulatory frameworks to address gender-based violence in digital contexts, particularly privacy violations, and ensure that all responses are in compliance with international human rights obligations, avoiding criminalisation of speech or censorship of women's sexual expression.
- Make gender a key consideration of the development and enforcement of data protection frameworks. Data protection requirements around purpose limitation, free, explicit, prior and informed consent for data processing, data minimisation, and integrity and confidentiality of data are even more critical for people who face lateral surveillance and for whom the exploitation of their data can have more severe implications for their rights to privacy, security and other fundamental rights. The right of a data subject to rectify data to ensure that is accurate, complete and kept up-to-date can have a significant impact on the rights of a transgender person, which is not typically part of debates on data protection. The risk of processing of personal data for individual profiling leading to discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics is only growing as digital identity programmes are becoming mandatory in many parts of the world. Such considerations must be forefronted to safeguard the rights of women and LGBTQI+ persons in the digital age.
- Proactively involve more women and LGBTQI+ persons in the design, development and regulation of digital technologies. Reversing individual and collective attitudes that perpetuate patriarchal control and abuse of personal data and violations of the right to privacy on the basis of gender requires involving more women and LGBTQI+ people in the design, development and

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56. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

57. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.



regulation of digital technologies. This is not simply a matter of representation; having a more diverse and inclusive range of people contributing to the design, development and regulation of the technologies will mean that questions, concerns and considerations about the implications of privacy on these individuals and groups will arise as well as solutions to safeguard their privacy (rather than overlook or dismiss such concerns). Promoting greater gender diversity among the people shaping online experiences is a shared responsibility of the state and the private sector.

#### Recommendations to technology companies:

- Live up to their responsibilities under the UN Guiding Principles on Business and Human Rights to respect the human rights of all persons affected by their practices. This requires conducting due diligence to prevent human rights violations, mitigating adverse effects, and providing access to remedy for all persons who experience privacy violations, bearing in mind the different risks that may be faced on the basis of gender.
- Adopt and implement privacy by design/default, while applying a gendered analysis. In addition to complying with data protection frameworks, technology companies should limit data collection to restrict further data processing, to prevent unnecessary access to and exploitation of data by utilising technological means and considering privacy in the design of systems. A key component of this is privacy by default, i.e. without requiring any action by the end user. As the collection and processing of data is never gender-neutral, it is necessary to acknowledge, recognise and address how products (such as the “internet of things” or IoT and smart-home devices) or apps (such as pregnancy or dating apps, or any location-tracking app) can be exploited and used to violate the rights of women and people of diverse genders and sexualities. In light of this, it is absolutely fundamental to consider gendered harms in the technical and organisational procedures of the technologies that companies create.
- Work towards enabling technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, and resist requests for user data that do not comply with international human rights standards.
- There must be accountability for “big tech” corporations for their consistent prioritisation of profit over people by infringing on the privacy of persons for commercial benefit without their knowledge and consent, and through knowingly driving polarisation by design. Strategies for accountability must highlight design over content and acknowledge that digital technology design, the motivations which drive that design, and the actors behind the platforms are accountable for the harm they cause, and not only individual pieces of content or individual users. Corporations must achieve safety and equity on their platforms without infringing on rights and freedoms.

- Strengthen systems to support data security, including confidential information collected and managed by state actors and data collected through location-based applications and platforms.

## ARTIFICIAL INTELLIGENCE AND OTHER EMERGING TECHNOLOGIES

### Core principles

Until now, there is not one single definition of “artificial intelligence” (AI) that is widely accepted. It refers to the theory and design of computer systems that can perform tasks requiring some degree of human “reasoning”: perception, association, prediction, planning, motor control, as well as systems that can learn from applying algorithms to large amounts of data. “Artificial intelligence” is a blanket term that could refer to varying levels and kinds of big data and algorithmic innovations such as machine learning, deep learning and neural networks.

Algorithms are at the heart of AI and are very useful tools to automate decisions. Nevertheless, we are still seeing many algorithms that discriminate against women or do not take into account people of diverse genders and sexualities. This is because they are trained using biased data sets that fail to represent the diversity of contexts and people.

As feminist organisations, we demand accountability for harms caused by algorithms and AI. We do not deny the potential of AI for public benefit, but we must acknowledge that it currently replicates the inequalities and marginalisations of our world. We need to recognise that AI and emerging technologies are being designed by people and therefore, there are gender and other intersecting biases, including race biases. If we continue to allow the profit motive to shape these technologies, they will continue to contribute to injustice and perpetuate the environmental crisis we are currently facing. We want to allow ourselves to dream larger and imagine how to place AI systems in the commons, with shared governance and shared goals of a feminist economy where AI projects and tools can be assessed through values such as agency, accountability, autonomy, social justice, non-binary identities, cooperation, decentralisation, consent, diversity, decoloniality, empathy and security, among others.

### Key commitments/pledges/actions

- A presumption of algorithmic bias should always be considered, to better balance the burden of proof, and to encourage the adoption of bias mitigation tools and controls.<sup>58</sup>

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58. Alliance for Universal Digital Rights (AUDRI) Digital Principles. Op. cit.

- There should be no judicial or administrative order or decision that could significantly impact an individual based solely on the automated processing of personal and other data which has been collected to establish the profile or personality of that person.<sup>59</sup>
- Equality-by-design principles, including human rights and gender rights impact assessments, should be incorporated into the development of any algorithmic decision-making systems or digital technologies prior to going to market, to prevent discrimination and harmful biases being amplified and/or perpetuated.<sup>60</sup>
- Preventative measures and safeguards should be implemented to prevent unfair, biased and arbitrary decisions being made about a person, and there should be meaningful transparency around the criteria used for decision making.<sup>61</sup>
- AI and machine learning should be trained on thick data (and not big data) for diagnostics and analysis, rather than for prediction models and drawing deterministic correlations. This will help build towards greater accountability and responsibility.
- When discussing regulation and governance of AI and emerging technologies, there must be transparency, explainability, accountability and a clear demarcation of no-go areas.
- Algorithmic auditing should be promoted in order to look at the inputs and outputs of the code of an algorithm to evaluate it for bias, in this case, gender bias.
- Accountability must be demanded from technology corporations who are building and selling artificial intelligence and automotive technologies, for purposes of state and non-state deployment, to ensure the development and ethical deployment of trustworthy AI as a public good, not as a way to erode democracy, rights, and labour standards and to further entrench discrimination. Accountability must be sought for the actors behind the development, sale, purchase and deployment of AI in anti-gender and anti-democracy campaigns.

## GLOBAL DIGITAL COMMONS

### Core principles

Capitalist logic drives technology towards further privatisation, profit and corporate control. Alternative forms of economic power that are grounded in principles of cooperation, solidarity, the commons, environmental sustainability and openness must be created and promoted.<sup>62</sup>

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59. Ibid.

60. Ibid.

61. Ibid.

62. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

We need to build a feminist digital economics that looks at the impact of the digital economy through a feminist lens. This includes a whole range of issues, from the infrastructure of the internet and what we are doing online that might not be thought of as work, to the ecological impacts of internet use and fresh perspectives on women's tech entrepreneurship.<sup>63</sup>

## Key commitments/pledges/actions

- Governments, companies, civil society and other stakeholders should commit to create and experiment with technology, including digital safety and security, and using free/libre and open source software (FLOSS), tools and platforms. Promoting, disseminating and sharing knowledge about the use of FLOSS should be a common practice.<sup>64</sup>
- It is not enough to talk about women's digital rights. We need a feminist economics to tackle inter-class and inter-country structures of inequality in the emerging data and AI paradigm.<sup>65</sup>
- Digital technologies and architecture must be based on binding, open standards that ensure inclusion and equal opportunity for all. Content created and shared through the internet or digital networks should be moderated based on human rights principles.<sup>66</sup>

# LINGUISTIC AND CULTURAL DIVERSITY

## Core principles

Everyone has a right to use any language of their choice to create and share digital information.<sup>67</sup> Linguistic and cultural diversity enriches the development of society. All individuals and communities have the right to use their own language, or any language of their choice, to create, share and engage with information and knowledge without being exposed to harm.<sup>68</sup>

As more people shift their lives online, the lack of linguistic and cultural diversity in digital spaces is becoming increasingly apparent. Minority languages are often excluded from digital contexts in favour of Eurocentric languages such as English. Meanwhile, software and applications are overwhelmingly developed by the so-called majority, resulting in the limited moderation of online content in other languages and the subsequent exposure of users of those languages to online harm.

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63. Faith, B. (2018, 31 January). Why we need a "feminist digital economics". *GenderIT.org*. <https://genderit.org/feminist-talk/why-we-need-%E2%80%98feminist-digital-economics%E2%80%99>

64. Association for Progressive Communications (APC) Feminist Principles of the Internet. Op. cit.

65. Ibid.

66. Alliance for Universal Digital Rights (AUDRi) Digital Principles. Op. cit.

67. Ibid.

68. Ibid.

It is crucial that the erasure of the language and cultures of all women and people of diverse genders and sexualities in the real world is not replicated in the digital realm.<sup>69</sup>

### **Key commitments/pledges/actions**

We need to rethink together the governance model of language infrastructures and advance towards a more fair, community-based and distributed set of governance practices. We need to enable and empower language communities to be at the core of the design of the technologies.

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69. Ibid.

# ENVIRONMENTAL JUSTICE

## Core principles

Without regulation, the inevitable environmental impact of the construction and maintenance of digital infrastructure, and of the extraction of natural resources for use in digital technologies, are disproportionately felt by women, girls and Indigenous communities. A new regulatory framework is required to provide clarity and guidance on the expected behaviour and liability of digital technology companies. It is imperative that this framework is rooted in a feminist, intersectional analysis and developed alongside women, girls, and other discriminated-against groups and marginalised people to ensure their needs are met, instead of codifying inequality into best practice and regulatory conformity.<sup>70</sup>

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70. Ibid.