



SECTION III.

Digital Media Sphere

9. A Feminist Perspective on Gender, Media and Communication Rights in Digital Times

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INTRODUCTION

In 2005, the UN convened the second phase of the World Summit on the Information Society (WSIS). The resulting WSIS Tunis commitment acknowledged that ‘the full participation of women in the Information Society is necessary to ensure the inclusiveness and respect for human rights within the Information Society, (encouraging) all stakeholders to support women’s participation in decision-making processes and to contribute to shaping all spheres of the Information Society at international, regional and national levels.’⁵⁰

The digital metamorphosis of society was acknowledged in the 2015 Review of the Beijing Platform for Action. Para 311 recognizes that ‘media and information and communication technologies are fundamental to women’s and girls’ full and effective participation in civil, political, economic and social and cultural life.’⁵¹ A similar sentiment was expressed by Para 32 of the WSIS plus 10 Review, also in 2015: ‘we recognize that ending the gender digital divide and achievement of SDG 5 on gender are mutually reinforcing efforts.’⁵²

⁴⁹ IT for Change, India

⁵⁰ <http://www.itu.int/net/wsisis/docs2/tunis/off/7.html>

⁵¹ <http://www.undocs.org/en/E/CN.6/2015/3>

⁵² WSIS Outcomes, General Assembly Review Outcome Document 2015, <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95707.pdf>

Information and Communication Technologies (ICTs) have become an essential ingredient of a range of feminist action to advance gender justice.⁵³ Women's equal participation in all domains of life depends on their communication rights, including their right to access and use digital technologies.⁵⁴ This position paper takes stock of the constituent processes and structures of the Information Society, looking at how digital media promotes or hinders women's human rights.

THE PUBLIC SPHERE IN DIGITAL TIMES - IMPLICATIONS FOR MEDIA PLURALITY, REPRESENTATION AND PARTICIPATION

NETWORK EFFECT AND ENTRENCHMENT OF MEDIA MONOPOLIES

In many countries, the Internet is slowly becoming the primary source through which news is accessed.⁵⁵ In the initial years, the Internet's potential for democratising content brought the hope that anyone could be a creator and publisher. However, the evolution of the information society has seen a disruption in the news landscape that, on the contrary, reflects a centralisation of content, with few digital corporations defining what gets consumed.⁵⁶ Problematic features of old media structures, like media consolidation, have transposed onto new media as well.

⁵³ For example, 99% sexual rights activists (respondents) in the 'Survey on Sexual Activism, Morality and the Internet' believed that the Internet was useful for their work in advancing sexual rights including for public action and support and to network in safe conditions.

⁵⁴ <http://cdn.agilitycms.com/centre-for-communication-rights/Images/Articles/pdf/apc-charter-english.pdf>. Also, see <http://www.firstmonday.org/article/view/1102/1022>

⁵⁵ From 2014 to 2015, the share of print circulation of newspapers shrank 13 percent in Brazil. <https://knightcenter.utexas.edu/blog/00-17765-brazilian-newspapers-have-broken-audience-records-and-digital-subscriptions-have-incre>

⁵⁶ Reuters Institute for the Study of Journalism's Digital News Report, 2017 shows that more than half of 70,000 online news consumers across 36 countries cited social media as a source of news, <http://www.digitalnewsreport.org/>

Building on network effects, the digital behemoths consolidated their market share by transforming and acquiring entire sectors.⁵⁷ As a result, an unprecedented vertical integration and monopolistic concentration of power is evidenced across sectors, from banking, automobiles to agriculture and news.⁵⁸ Even though possibilities for citizen/community journalism abound, the political economy question of whose news is being consumed and shared, still remains relevant in the digital age.

NEO-LIBERAL LOGIC, THE ALGORITHMIC TURN AND ENGINEERING OF NEWS

Another change is the ubiquitous use of algorithms for the processing of troves of user data collected by digital corporations. Websites are forced to rely on advertising revenues, and so survive on algorithmic/ automated manipulations of data and traffic.⁵⁹ The motivation is to create content or position news stories, as far as possible, in a way that is likely to garner traffic and hence, higher revenues. While sensationalism is no way an alien concept to media, digital media takes it to new heights. This influences how news travels or gets reconfigured, re-assembled, buried or amplified. For the majority of women in the global South, the ability to express, and the hope of being heard, are dictated by these configurations.

The neo-liberal logic of online platform companies also implies a perverse confluence of interests that allows regressive gender and other ideologies to be perpetuated. In an investigation into the source of revenue of extremist websites, ProPublica found that a key source of income for many was facilitated through commission of ads from digital corporations like Amazon and Newsmax. These companies deflect responsibility by taking a laissez-faire approach to political

⁵⁷ <https://hbr.org/2017/09/managing-our-hub-economy>

⁵⁸ https://www.cjr.org/analysis/facebook_and_media.php

⁵⁹ <http://searchengineland.com/time-for-google-to-rank-paid-news-content-better-220918>

expression and claiming that the algorithms they employ, and not human intervention, are behind such actions.⁶⁰

PANSPECTRON⁶¹ FOR THE BUSINESS OF BIG DATA

The freebie model of the Internet is sustained by exploitative data collection practices.⁶² By monitoring user activity online and analysing their data trails, digital corporations violate people's right to personal autonomy and bodily integrity. For instance, through algorithmic analysis, Facebook can ascertain to a great degree of accuracy users' gender, race and sexuality.⁶³ These companies are then able to quantify lives and monetise identity by deploying micro-targeted advertisements.⁶⁴ For women who wish to conceal their gender online or for sexual minorities who are persecuted in the country in which they reside, the lack of anonymity can leave them vulnerable. Despite the obvious privacy violation, weak data protection laws ensure impunity for violators.⁶⁵

The premium on 'data driven decision-making' has led to the mushrooming of data brokers and analysts. In 2016, the estimated value of the EU data market was EUR 60 billion.⁶⁶ Key international development actors are increasingly putting their weight behind data analytics – such as cases of tackling the Ebola crisis or the

⁶⁰ <https://www.propublica.org/article/leading-tech-companies-help-extremist-sites-monetize-hate>

⁶¹ The panspectron is a concept that is used to explain the disciplining effect of digital surveillance. It refers to a situation where data is being collected about all individuals at all times and then selectively recombined or analysed, as needed, to fulfill a set of surveillance requirements. This marks a shift from pre-digital surveillance societies which placed select individuals (identified as 'deviant' or 'high risk') in institutions where they visibly felt the disciplining gaze/ 'eye of the state' – the panopticon.

⁶² <https://www.opendemocracy.net/hri/anita-gurumurthy-nandini-chami/concretising-right-to-privacy-in-digital-times-reading-of-indias-supr>

⁶³ https://www.apc.org/sites/default/files/BigDataSexualSurveillance_0_0.pdf

⁶⁴ A report by The Australian revealed that Facebook shared its ability to predict when young users felt "insecure", "worthless" and "need(ed) a confidence boost", using its vast data with advertisers, <http://www.theaustralian.com.au/business/media/digital/facebook-targets-insecure-young-people-to-sell-ads/news-story/a89949ad016eee7d7a61c3c30c909fa6>

Nepal Earthquake. However, 'hacking for development' promotes a depoliticised solutionism, supplanting and erasing the voices and contexts of subaltern women in the name of scientific problem-solving.⁶⁷

AGGREGATOR MODEL, DEATH OF PLURALISM AND THE BIRTH OF FAKE NEWS

Just as they do with targeted advertisements, digital corporations use algorithms to push hyper-personalised news results to users. Working under the diktat of the attention economy, social media companies employ aggregators to rank news and publicise trending topics.⁶⁸ Even dedicated media outlets are embracing the aggregator model.⁶⁹

This paradigm of news dissemination has pushed the kill switch on media pluralism. News about socially under-represented groups is unlikely to trend.⁷⁰ News that reflect the realities of marginalised women will hardly ever go viral and become mainstream. It is no wonder then that the ASL Ice Bucket Challenge featured more prominently than the Ferguson protests, a clear reflection of the skew in Facebook's algorithm ranking system for trending topics.⁷¹

⁶⁵ An advertising company in America is using this technology to target anti-abortion ads at pregnant women, on behalf of pro-life organizations <https://rewire.news/article/2016/05/25/anti-choice-groups-deploy-smartphone-surveillance-target-abortion-minded-women-clinic-visits/>

⁶⁶ https://www.huffingtonpost.com/entry/will-big-data-transform-development_us_5947bdd5e4b0d188d0280019

⁶⁷ <http://www.genderit.org/articles/data-new-four-letter-word-feminism>

⁶⁸ <http://reutersinstitute.politics.ox.ac.uk/news/editors-vs-algorithms-who-do-you-want-choosing-your-news>

⁶⁹ https://www.cjr.org/analysis/facebook_and_media.php

⁷⁰ <https://arxiv.org/pdf/1704.00139.pdf>

⁷¹ <https://www.usatoday.com/story/tech/2014/09/02/facebook-twitter-ferguson-icebucketchallenge/14818505/>

Algorithmic ascription of 'the sensational' has also led to the erosion of editorial standards and fact checking. This has consequently generated a fecund environment for the creation of fraudulent news.⁷² It is however, the anatomy of social media and the preference of the mobile phone as the point of access that has facilitated the proliferation of disinformation, posing as news. Affordances of social media such as low barriers of entry (negligible fixed costs), the ability to reach a wide audience and the fleeting nature of news in these times means that anybody can set up a news site without going through the pains of establishing reputational history. Further, since social media is designed to provide only short bursts of information (conducive to the small screen of a mobile) spotting a hoax story is even more difficult.⁷³

The method employed - of mining user data to build profiles based on search history to recommend news stories - has resulted in the creation of filter bubbles in which we only get to see more of the same viewpoint.⁷⁴ Filter bubbles contribute to the perpetuation of fraudulent news, as one is less likely to come across diverse, or perhaps, even contradictory news stories.⁷⁵ With algorithms being contained in virtual black boxes, we have no way of knowing why we are reading what we are reading.⁷⁶

The Cambridge Analytica case also showed us how using psychometric profiling of users' preferences can be mined and then gamed to push certain viewpoints. Feminist publishers have found it hard to keep pace with these Big Data games, unable to muster the resources it takes to stay in public memory, or counter the retrograde propaganda that is sponsored by the big players.⁷⁷

⁷² <http://www.newyorker.com/magazine/2017/08/28/who-owns-the-internet>

⁷³ <https://web.stanford.edu/~gentzkow/research/fakenews.pdf>

⁷⁴ <https://medium.com/i-data/israel-gaza-war-data-a54969aeb23e>, Studies have shown how Facebook and Twitter tend to be more partisan than on the open web - <https://cyber.harvard.edu/publications/2017/08/mediacloud>

⁷⁵ <https://web.stanford.edu/~gentzkow/research/fakenews.pdf>

⁷⁶ <https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook>

⁷⁷ Interview with Nisha Susan founder of The Ladies Finger, a feminist news site in India.

Even a celebrated case, such as #MeToo, took its Hollywood origins and the staying power of the *New York Times* to build momentum, and yet, in many parts of the world, it met with limited or little success in mobilising ordinary women⁷⁸. Under the circumstances, creating and disseminating progressive perspectives on gender equality and building the foundation for informed debates on deep structures and cultures of gender seems to be an uphill task.

ORGANIZED TROLL INDUSTRY AND SYSTEMIC GAMING

Far right groups online, who also happen to enjoy political patronage, have the deep pockets and the wherewithal to make fraudulent news a veritable industry that can shape public opinion.⁷⁹ Working as a well-oiled machine, these groups send out “thousands of links to other sites and together this has created a vast satellite system of right-wing news and propaganda that has completely surrounded the mainstream media system”.⁸⁰ In many places, social media platforms, messaging apps like Whatsapp and an online troll army have been used by pro-establishment groups to spread doctored communal videos and incitement against minorities.⁸¹ Research shows that governments also seek to leverage social media’s propensity for virality to push templated messages to counter negative coverage of policies.⁸²

⁷⁸ <https://metoorising.withgoogle.com/>

⁷⁹ <http://www.niemanlab.org/2017/06/want-a-news-style-soft-article-thatll-be-15-or-splurge-and-discredit-a-journalist-for-55000/>, <http://firstmonday.org/ojs/index.php/fm/article/view/8005/6516#p4>

⁸⁰ <https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-inter-net-search-facebook>

⁸¹ See for example, UNESCO (2015) Countering Online Hate Speech <https://unesdoc.unesco.org/ark:/48223/pf0000233231>; UNESCO (2017) An attack on one is an attack on all. Successful initiatives to protect journalists and combat impunity - chapter "Fighting back against prolific online harassment: Maria Ressa" <https://unesdoc.unesco.org/ark:/48223/pf0000259399>; UNESCO (2018) Journalism, Fake News and Disinformation - a handbook for journalism education and training <https://en.unesco.org/fightfakenews>; <http://www.firstpost.com/india/how-alt-news-is-trying-to-take-on-the-fake-news-ecosystem-in-india-3513879.html>

⁸² https://itforchange.net/sites/default/files/1246/Voice_or_Chatter-%20Making%20ICTS%20work%20for%20transformative%20engagement_Aug%202017_%20DRAFT_0.pdf

PLATFORM LOGIC, NON-LIABILITY AND REGULATORY DEFICIT

“Platforms”, the nomenclature preferred by digital companies, is a misnomer. It allows powerful digital corporations to make the argument that they are passive intermediaries. The reality is that social media and digital companies are publishers who exercise editorial discretion in ways such as ‘offering incentives to news organizations for particular types of content, such as live video, or by dictating publisher activity through design standards.’⁸³ For example, social media’s design for maximising virality works as a disincentive for the creation of detailed pieces that engage deeply with an issue. If an article on the inhumane working conditions of women employed in garment factories in the global South exceeds the 280 character limit of Twitter, it could end up as ‘tl;dr’ (short for ‘too long, didn’t read’).⁸⁴

Decisions taken by platforms end up hurting women’s online freedoms of association, expression and access to information. Facebook, for example, pulled down the page of an organization that provided information on how abortion pills can be accessed in countries where such access is restricted, on the premise that the page promoted drug use. This was in spite of evidence that the information followed the protocols of the World Health Organization.⁸⁵

Yet, social media giants insist that they are a mere conduit - a platform where third party content is hosted and consumed; and since they are not content producers, they should be immune from regulation of the kind of news circulating on their services. What this ideology of exceptionalism translates into is a reproduction of social prejudice, sexism and misogyny through actions of omission and commission by platform companies. On the one hand, search results throw up predominately affirmative responses to ‘are women evil?’ where blame is attributed

⁸³ https://www.cjr.org/tow_center_reports/platform-press-how-silicon-valley-reengineered-journalism.php#executive-summary

⁸⁴ https://en.wikipedia.org/wiki/Wikipedia:Too_long:_didn%27t_read

⁸⁵ <https://www.theguardian.com/technology/2017/may/11/facebook-women-on-web-censored-abortion-pills>

to the algorithm;⁸⁶ on the other, pictures of breast feeding mothers are removed in an ad hoc manner, in the name of community standards.⁸⁷

GENDER-BASED VIOLENCE ONLINE

PERVASIVE NATURE OF ONLINE VIOLENCE

For many women, the Internet represents a public, open space into which they can escape, where they can exist beyond persecution and in which they feel empowered to express and build friendships. The emancipatory gains that the Internet provides are, however, severely curtailed by acts of gender-based violence perpetrated online. World over, women's participation online has been stymied by norms that allow cultures of gendered violence to perpetuate offline and online. A report by the UN Broadband Commission for Digital Development stated that a staggering 73% of women across the world have already faced cyber violence.⁸⁸

POOR TRACK RECORD OF DIGITAL COMPANIES IN TACKLING ONLINE GENDER BASED VIOLENCE, OPAQUE POLICIES AND IMMUNITY FROM THE LAW

Social media is a site of pervasive gender-based violence.⁸⁹ Digital corporations,

⁸⁶ <https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook>

⁸⁷ <http://www.telegraph.co.uk/women/womens-health/11195373/Facebook-removes-mothers-breast-feeding-photo.html>

⁸⁸ http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf?v=1&d=20150924T154259

⁸⁹ Findings from a survey conducted by the European Agency for Fundamental Rights on Violence Against Women in EU with 42000 female residents aged 18-74 years, show that one in 10 women had experienced inappropriate advances on social websites or subjected to sexually explicit emails or text (SMS) messages, <https://globalvoices.org/2014/03/10/european-union-publishes-comprehensive-survey-of-violence-against-women/>. A nine country study across developing countries across Asia, Africa and Latin America revealed that 13% of the women respondents who used social media expressed that they had suffered abuse through e-mails or social media. Due to the high possibility of underreporting by women in those countries, the report cautions that the percentage could be much higher, <http://webfoundation.org/docs/2015/10/womens-rights-online21102015.pdf>

however, have been slow to react to gender-based violence perpetrated through their services. They have also been poor arbitrators for women, especially from the global South, seeking redress from gendered violence encountered on their services. Three leading tech companies (Facebook, Twitter and YouTube), tested by Take Back the Tech for their response to gender-based violence, performed dismally.⁹⁰

The terms of use and opaque internal policies of these corporations betray inauthentic attempts at gender justice. Leaked Facebook internal guidelines for taking down of violent content revealed that the company had bench-marked for take-down a very white male experience of violence, ignoring the complex nature of online violence and hate speech that women face.⁹¹ Research by ProPublica also shows that Facebook's 'hate-speech rules tend to favour elites and governments over grassroots activists and racial minorities'.⁹² Internal rules that guide the teams of human censors employed by social media corporations remain a mystery.

The task of adjudicating violations necessitates adequate knowledge of the context, and the sensitivity to trace the power relations operating within that particular context. Algorithmic decisions tend to be by template and hence unresponsive to the particular manifestations of discrimination arising from the highly contextual intersections of gender, race, caste and/or other locations.

The Cambridge Analytica episode has drawn attention to the place of ethical codes and self-regulation within social media corporations. However, as Article 19 argues, without appropriate institutional frameworks and mechanisms that can access the logic of Artificial Intelligence (AI) and examine its validity and

⁹⁰ http://www.wunrn.org/news/2014/09_14/09_08/090814_take.htm

⁹¹ <https://www.theguardian.com/news/2017/may/21/revealed-facebook-internal-rulebook-sex-terrorism-violence>, <http://theladiesfinger.com/facebook-hate-speech/>

⁹² <https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms>

appropriateness vis-a-vis human rights, corporate self-regulation is, in and of itself, unlikely to be adequate⁹³. Therefore, stakeholders need to be able to hold Internet intermediaries accountable, and to do so within reasonable exceptions that do not infringe on fundamental freedoms.

TRANSFER OF DATA FROM THE SOUTH TO THE NORTH

The flow of personal data of citizens from the global South into the hands of states and corporations situated in the global North has raised critical questions about control over individual citizens and communities.⁹⁴ In the name of development, women's bodies become sites for experimentation with big-money being pumped into various experiments in the 'developing world'. For example, organizations like ARROW have documented the rise of apps that monitor menstruation and fertility with little regard for women's privacy and how this sensitive data may be used.⁹⁵

THE CHILLING EFFECT OF SURVEILLANCE

Free speech and access to information, the cornerstones of a robust democracy, are reduced to a farce in the surveillance regime. The chilling effect of surveillance on speech is well-documented.⁹⁶ For gender minorities, who are already disproportionately subject to online violence, the added threat of surveillance is a double whammy. Studies have also shown that people who live in fear of being watched will avoid looking for 'controversial' information that might draw

⁹³ <https://privacyinternational.org/sites/default/files/2018-04/Privacy%20and%20Freedom%20of%20Expression%20in%20the%20Age%20of%20Artificial%20Intelligence.pdf>

⁹⁴ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2820580

⁹⁵ <http://arrow.org.my/wp-content/uploads/2016/08/AFC22.1-2016.pdf>

⁹⁶ In a poll that queried people whether they feel the Internet is a safe place to express their opinions- one in three people (36%) across the 17 countries polled said that they did not feel free from government surveillance and monitoring, http://www.globescan.com/images/images/pressreleases/2014-BBC-Freedom/BBC_GlobeScan_Freedom_Release_Final_March25.pdf

⁹⁷ <https://theintercept.com/2016/04/28/new-study-shows-mass-surveillance-breeds-meekness-fear-and-self-censorship/>

suspicion.⁹⁷ There have also been instances of governments tapping into electronic communication of individuals to apprehend the work of Sexual and Reproductive Health and Rights (SRHR) and other gender rights activists.⁹⁸ In a surveillance regime, it is then entirely plausible that fear of being ‘found out’ might prevent women and gender and sexual minorities from seeking out crucial SRHR material.⁹⁹

DIGITAL REGIMES OF INTELLECTUAL PROPERTY AND THE ENCLOSURE OF KNOWLEDGE

COPYRIGHT MAXIMALISM THROUGH DRMS AND TPMS

Access to knowledge is curbed by unfair trade and intellectual property regimes that apply proprietary frameworks to information resources, from which women have been traditionally excluded. Women’s rights scholars have critiqued this possessive individualism underpinning copyright law, highlighting how it excludes ideas of shared and public ownership.¹⁰⁰

The way copyright law is presently formulated perpetuates the ownership of creative resources by men, sustaining unequal economic relations between men and women. For example, copyright’s impact in terms of depleting resources of public libraries directly impacts women who depend on public libraries to access information.¹⁰¹

Although the Internet is a potent force for the dissemination of information at negligible costs for reproduction, the neo-liberalisation of the information society has seen large scale control by corporations of information and knowledge. Digital

⁹⁸ <https://www.apc.org/sites/default/files/FeministActionFrameworkOnDevelopmentAndDigitalTechnologies.pdf>

⁹⁹ <https://www.apc.org/sites/default/files/FeministActionFrameworkOnDevelopmentAndDigitalTechnologies.pdf>

¹⁰⁰ <http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/7/54#txt2>

¹⁰¹ <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1267&context=jgspl>

rights management (DRM) and technology protection measures (TPM) are used to lock up copyrighted content on the Internet. These measures have become commonplace in copyright law post the two WIPO Internet treaties,¹⁰² and assume a maximalist stance that fails to recognize the need for differential access. The divisions in access to knowledge are not just between the North and South,¹⁰³ but also gendered. Unequal earning capacity and lack of control over financial resources prevents most women from being able to access copyrighted works.¹⁰⁴ DRMs and TPMs erect barriers that copyright laws explicitly allow.¹⁰⁵

EQUITABLE ACCESS TO DIGITAL COMMUNICATION ARCHITECTURE

A PERSISTENT GENDER GAP IN ACCESS

Globally, 250 million fewer women than men are connected to the Internet.¹⁰⁶ While the gender digital divide is true across all the regions of the world, in Africa, the gender gap is widening.¹⁰⁷

The persistence of the gender digital divide requires us to rethink connectivity policies that rely on the free market to reach connectivity to the last person.¹⁰⁸ Over-reliance on private actors can create distortions, such as when users think the Internet is just Facebook.¹⁰⁹ Further, for women, who on average earn 25% less

¹⁰² WIPO Internet Treaties are World Intellectual Property Organization Copyright Treaty, and World Intellectual Property Organization Performances and Phonograms Treaty. Despite not ratifying either of these, due to international pressure, India has amended its copyright law to include provisions that penalize the circumvention of DRMs.

¹⁰³ <http://wiredspace.wits.ac.za/jspui/bitstream/10539/19801/1/SAJIC-Issue-7-2006-Liang-Prabhala.pdf>

¹⁰⁴ <http://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=1069&context=cheer>

¹⁰⁵ <http://lexpress.in/law-development/digital-rights-management-provisions-and-indian-copyright-law>

¹⁰⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/111/81/PDF/G1711181.pdf?OpenElement>

¹⁰⁷ <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2017.pdf>

¹⁰⁸ <https://www.adb.org/publications/public-internet-rural-development-ict>

¹⁰⁹ <https://webfoundation.org/2015/10/india-womens-rights-online/>

¹¹⁰ <http://www.a4ai.org/affordability-report/report/2015/>

than men, the cost of connecting to the Internet in the laissez faire economy is often simply beyond their means.¹¹⁰

MULTIPLE BARRIERS TO ACCESS AND USE

Gender-blind connectivity policies are woefully unaware of social, cultural, political and economic impediments that dictate women's use of technology. Cyber-based gendered violence, lack of textual literacy, social monitoring of access and use of technology, the wage gap, dearth of relevant content in local languages, gendered division of labour and time burdens, all pose barriers to women's meaningful use of technology. A study on connectivity among urban poor in nine developing countries by Women's Rights Online Network shows that because of a combination of these barriers, women were 50% less likely to use the Internet as compared to men¹¹¹.

RECOMMENDATIONS

GLOBAL ORGANISATIONS SHOULD:

- Through the UN Commission on the Status of Women (CSW), take forward its work on shaping the digital agenda for women's empowerment and gender equality, building on the progress made at its 55th and 57th Session. In its 55th Session, the CSW had highlighted the need for gender responsive design of technological innovations to ensure that they address women's needs and priorities and expand women's access to information sources and learning opportunities through online spaces.¹¹² In its 57th Session, the CSW had called attention to the proliferation of violence against women and girls, and privacy violations online¹¹³.

¹¹¹ <http://webfoundation.org/docs/2015/10/womens-rights-online21102015.pdf>

¹¹² <https://www.itu.int/en/action/gender-equality/Documents/GlobalPlatformReferences.pdf>

¹¹³ *ibid*

- Emphasise through the CSW, the significance of a rights-based approach to access, underscoring that women’s access to the Internet, first and foremost, needs to be unfettered and unconditional.
- Ensure that the Agenda 2030 review processes address the interconnectedness of Goals 16, 5b and 9c.
- Encourages a strong role for standards setting on anti-discrimination in outcomes of AI systems in media at the global level through a democratic and inclusive process; and proactive interventions from the Committee on the Elimination of all forms of Discrimination Against Women to tackle gender-based violence online.

GOVERNMENTS SHOULD:

- Through the Financing for Development Addis Ababa Action Agenda (2015), resolve “to undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over... appropriate new technology”. This commitment should serve as a key basis for policies and programmes to support women’s empowering use of digital media, backed by dedicated budget lines.
- Review, update and upgrade laws in order to keep pace with the changing landscape, addressing platform monopolies and their accountability. A legal framework defining the scope of intervention for Internet intermediaries in addressing online violence must be devised. This must be backed by due institutional process and judicial oversight, so that women users dissatisfied with the complaints mechanisms of social media have alternative recourse.¹¹⁴

¹¹⁴ States have attempted walk this legal tightrope, an example of the same is New Zealand’s Harmful Digital Communication Act 2015
<https://www.itforchange.net/index.php/rethinking-legal-institutional-responses-to-e-vaw>

- Hold companies to account who have shifted to using Artificial Intelligence to enforce their terms of service. Even when they do declare that they abide by technical and ethical standards, these are usually inscrutable and, therefore, there is no way to hold them accountable. Enforceability remains a problem with such self-regulatory standards.¹¹⁵ Therefore, institutional safeguards that include frameworks for algorithmic transparency, that incorporate methods such as third party audits, are necessary. Algorithm audits provided by the EU General Data Protection Regulation suggest useful pointers in this regard.¹¹⁶
- Ensure online public-interest content produced by women's groups is promoted through appropriate policies for subsidised broadband connectivity, local language content creation and so on.
- Provide institutional and policy measures that promote safe and enabling online spaces for women. This includes building a legal response – updating existing laws or introducing digitally specific ones – to technology-mediated violence against women that recognizes women's agency, and adopts a 'dignity and equality' approach against a moralistic framing of the issue.¹¹⁷
- In keeping with their extra-territorial obligations, countries where digital corporations are headquartered must co-operate with those in which platforms have not acted against violations of women's human rights to hold platforms accountable.
- Ensure administrative, judicial and parliamentary oversight of patriarchal surveillance with the male elite of local communities that seeks to discipline

¹¹⁵ <https://privacyinternational.org/sites/default/files/2018-04/Privacy%20and%20Freedom%20of%20Expression%20In%20the%20Age%20of%20Artificial%20Intelligence.pdf>

¹¹⁶ <http://www.mlandthelaw.org/papers/goodman1.pdf>

¹¹⁷ <https://www.itforchange.net/rethinking-legal-institutional-responses-to-e-vaw>

women in the emerging social, political and economic spheres. Women and girls must have access to information about their rights and avenues for remedy if victimized by such surveillance.

- Incorporate expansive exemptions of national copyright law especially for educational material for teaching and research purposes, as well as to include women's traditional knowledge.¹¹⁸
- Develop connectivity policies that are gender responsive for ICTs to work for gender equality and women's empowerment (Goal 5b),¹¹⁹ and for 'universal and affordable access to the Internet in least developed countries by 2020' (Goal 9c).. Policies for universal access must be sensitive to gender barriers and adopt multi-pronged strategies:
 - A rights-based approach to the Internet can recognize women as equal participants in the online public sphere. Also, state provisioning of the Internet as a public good can address affordability concerns that act as barriers for women. A rights-based approach also calls for an independent regulator who can ensure that the Internet remains gender inclusive and is not captured by vested interests. To enable marginalised women to enjoy the gains of connectivity, the regulator should promote policies in spectrum allocation, backhaul inter-connectivity, competition and intellectual property that keep the Internet affordable for women.¹²⁰
 - Public access centres or public Wi-Fi spots should have women facilitators and women-only time slots to encourage the use of ICTs by women.¹²¹

¹¹⁸ <http://www.genderit.org/node/2216>

¹¹⁹ <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

¹²⁰ <http://www.itforchange.net/sites/default/files/IT-for-Change-Submission-on-the-gender-digital-divide.pdf>

¹²¹ <http://www.itforchange.net/sites/default/files/IT-for-Change-Submission-on-the-gender-digital-divide.pdf>

- Gender budgeting mechanisms are a must in infrastructural policy – including for building public access centres and Wi-Fi hotspots, setting up municipal broadband networks, providing a minimum universal data allowances, etc.
- Enable women, especially from marginalized locations, to access content and engage actively, not just as consumers but creators of media and content, through policies for the widespread adoption of Free and Open Source Software (FOSS) and Creative Commons (CC) licensing. The deepening of such a public domain will have positive consequences not only for women’s information access, but also, media participation.¹²²
- Encourage efforts by women’s organizations in using digital media and online spaces to amplify their stories through digital literacy programmes which have a gender component that specifically focusses on building the information and media literacies of marginalized women.¹²³

CIVIL SOCIETY SHOULD:

Civil society actors working in the space of women’s rights, digital rights and media freedoms should undertake the following set of actions:

- Combine forces to highlight and resist the unjust actions of powerful transnational corporations and state excesses in the digital media space. Advocacy efforts towards Goal 16, Goal 5b and Goal 9c should be synergised to ensure women’s communication rights are comprehensively addressed in Agenda 2030 review processes.

¹²² <http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/7/54#txt2>

¹²³ An excellent example of this is Khabar Lahariya, a news network run by marginalized rural women, in India, that covers media-dark areas. Published in local dialects, it effectively uses digital platforms to publish their stories. <http://khabarlahariya.org>/https://en.wikipedia.org/wiki/Khabar_Lahariya

- Become news creators and build dedicated audiences. Diversity in, and the localization of, news from a feminist perspective can be achieved only through bottom-up networking and network building. Posing a systemic challenge to distortions in the public sphere requires that women's organizations capture the lived experiences of women, document the detail, invest in their own servers and set up news agencies. Piling one's content onto market-led media platforms is not enough, and may even be harmful in the long run.
- Carry out research. Global to local research on the rapidly changing media landscape is vital. This must include generating evidence about women's varied use of the internet for expression, information access and networking, as well as the subjects of industry structures and laws governing media.
- Actively call for private sector accountability to human rights, including women's human rights.¹²⁴ Women's groups must advocate for social media policies and terms of use that defer to the rule of law and to due processes of justice, demanding corporate transparency and accountability.
- Be vigilant about enclosures of knowledge. The dominance of copyright in the information economy calls for active commitment of women's groups to open source software and informational resources. It also requires monitoring of global to local policy processes, such as the debates around the Broadcasters Treaty at WIPO.¹²⁵ Restrictions to the public domain in the name of safeguards against on-line piracy are bound to work against the interests of women.¹²⁶

¹²⁴ <http://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IWGOnTNC.aspx>

¹²⁵ <http://www.wipo.int/pressroom/en/briefs/broadcasting.html>

¹²⁶ <https://thewire.in/86022/india-broadcasters-treaty/>