

APC AND RESURJ ISSUE BRIEF

FEMINIST FRONTIERS IN FREEDOM OF EXPRESSION ONLINE



Feminist frontiers in freedom of expression online

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INTRODUCTION

The priority theme during the 67th session of the Commission on the Status of Women (CSW67) was “Innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls”. As noted by the Women’s Rights Caucus, the 2023 Agreed Conclusions showed progress on some issues, including the centrality of human rights when it comes to technology, the role of digital platforms in women’s participation in public life, and the recognition of the element of consent when it comes to online gender-based violence. However, critical language (and accompanying political positions) on sexual rights, bodily autonomy, comprehensive sexuality education and the human rights of LGBTIQ+ people were left out of the Agreed Conclusions and were constantly either fully shut down or narrowed down in the inter-governmental negotiations that preceded the Agreed Conclusions.

This issue brief is an attempt to broaden and complicate the priority theme for this session and to critically engage with the negotiations and Agreed Conclusions by locating the theme within the context of freedom of expression online, particularly for women, girls and LGBTIQ+ people. This policy brief will explore questions related to online expression for feminist and women’s rights activists, and draw upon the emerging trends and challenges. Additionally, it provides a preliminary introduction to useful emerging language and advocacy for the CSW and beyond.

This issue brief offers:


- An overview of freedom of expression online for feminist and women’s rights activists who are new to the topic.
- An analysis of how expression online, including sexual expression, is a feminist issue, and how it intersects with access, online gender-based violence, bodily autonomy, content moderation, activism, etc.
- Language and political positions that are useful for advocacy at the CSW and beyond.

FREEDOM OF EXPRESSION: NORMS, DEFINITIONS AND DREAMS

“The internet is a critical enabler of human rights, from freedom of expression and access to information, to freedom of assembly and protest, culture, education, health and work,”¹ and yet there are constant attempts by both state and non-state

1 APC. (2023). *APC submission: “Freedom of Opinion and Expression and Sustainable Development – Why Voice Matters”*. <https://www.apc.org/en/pubs/apc-submission-freedom-opinion-and-expression-and-sustainable-development-why-voice-matters>

actors to control, surveil, regulate and restrict expression online. A feminist approach to freedom of expression encourages us to constantly expand the contours of it beyond political and religious expression, and understand it as freedom for our voices, bodies, sexualities, work, hobbies, relationships, communities, organising and all other aspects of our lives to take up space online and on ground. And to do so without threats and acts of violence, censorship, surveillance and other forms of control and regulation.





“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR)

“We defend the right to sexual expression as a freedom of expression issue of no less importance than political or religious expression. We strongly object to the efforts of state and non-state actors to control, surveil, regulate and restrict feminist and queer expression on the internet through technology, legislation or violence. We recognise this as part of the larger political project of moral policing, censorship, and hierarchisation of citizenship and rights.”

Feminist Principles of the Internet





“Gender-based violence [...] manifests itself on a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings and in the contemporary globalized world it transcends national boundaries.”


“Women’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association.”

CEDAW General recommendation No. 35 on gender-based violence against women (2017)

“[T]here can be no trade-off between women’s right to be free from violence and the right to freedom of opinion and expression. Both rights must be equally upheld by States.

“Efforts to eradicate online gender-based violence, gendered hate speech and disinformation should not be used as a pretext by governments to restrict freedom of expression beyond what is permitted under international law.”

Irene Khan, Special Rapporteur on the promotion and protection of freedom of opinion and expression



FEMINIST FRONTIERS AND FAULT LINES ON EXPRESSION ONLINE

Feminists, especially from the global South, have been expanding the contours of freedom of expression online through analysis that:

- Is intersectional²
- Challenges the neoliberal logic of the internet³
- Contends with rising conservatisms, extremisms and authoritarianism⁴
- Explores the embodied experiences of expression online⁵
- Critically engages with calls for accountability and justice from state and non-state actors.⁶

Access and freedom of expression

Once we understand access as an ongoing process and as a means to an end rather than an end in itself, it becomes clear that freedom of expression is an integral part of meaningful access to the internet. Access should be “enabling more women and queer persons to enjoy universal, acceptable, affordable, unconditional, open, meaningful and equal access to the internet.”⁷ The cost and speed of internet connectivity, lack of time, security concerns, lack of privacy, lack of local language content, etc. can affect meaningful access,⁸ as can challenges around device

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- 2 Aqsa, A. (2020). *Unshackling Expression: A study on online freedom of expression in Indonesia*. Association for Progressive Communications. <https://www.apc.org/en/pubs/unshackling-expression-study-online-freedom-expression-in-indonesia>; Kayastha, S., & Pokharel, M. (2020). *Beyond Access: Women and queer persons with disabilities expressing self and exploring sexuality online*. Body & Data. <https://files.bodyanddata.org/nextcloud/index.php/s/etpDJAS7w7Poi-3B#pdfviewer>
 - 3 Lim, S. (2021). *Power X Expression X Violence: Women's freedom of expression on social media in Malaysia*. KRYSS Network. <https://firn.genderit.org/research/power-x-expression-x-violence-womens-freedom-expression-social-media-malaysia>; Iyer, N., Achieng, G., Borokini, F., & Ludger, U. (2021). *Automated Imperialism, Expansionist Dreams: Exploring Digital Extractivism in Africa*. Pollicy. <https://archive.pollicy.org/wp-content/uploads/2021/06/Automated-Imperialism-Expansionist-Dreams-Exploring-Digital-Extractivism-in-Africa.pdf>
 - 4 Datta, B., et al. (2017). *EROTICS South Asia exploratory research: Sex, rights and the internet*. Association for Progressive Communications. <https://www.apc.org/en/pubs/erotics-south-asia-exploratory-research-sex-rights-and-internet>; Matos, C. (2017). New Brazilian feminisms and online networks: Cyberfeminism, protest and the female 'Arab Spring.' *International Sociology*, 32(3), 417-434. <https://openaccess.city.ac.uk/id/eprint/16531>; Bhandari, V., & Kovacs, A. (2021). *What's Sex Got to Do with It? Mapping the Impact of Questions of Gender and Sexuality on the Evolution of the Digital Rights Landscape in India*. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3769942
 - 5 Patrino, S. (2017). Pornohealing: Pornography as a healing process for individuals with a history of sexual violence. *Kohl: a Journal for Body and Gender Research*, 3(2), 216-231. <https://kohljournal.press/pornohealing>; Blunt, D., Coombes, E., Mullin, S., & Wolf, A. (2020). *Posting Into the Void: Studying the Impact of Shadowbanning on Sex Workers and Activists*. Hacking//Hustling. <https://hackinghustling.org/posting-into-the-void-content-moderation>
 - 6 El Wazze, S. (2017). Identities Reconfigured, Online Dating Apps, and Incrimination: A Case of the Egyptian Crackdown and the Lebanese Tinder. *Kohl: a Journal for Body and Gender Research*, 3(2), 196-204. <https://kohljournal.press/identities-reconfigured>; Iyer, N., Nyamwire, B., & Nabulega, S. (2020). *Alternate Realities, Alternate Internets: African Feminist Research for a Feminist Internet*. Pollicy. https://www.apc.org/sites/default/files/Report_FINAL.pdf
 - 7 <https://feministinternet.org/en/principle/access>
 - 8 Zainudeen, A., Galpaya, H., Amarasinghe, T., & Mohamed, F. (2019). ICT access and use by women in the Global South. Presentation at “Imagine a Feminist Internet: South Asia”, Negombo, Sri Lanka, 21 February. <https://lirneasiasia.net/2019/02/ict-access-and-use-by-women-in-the-global-south-presentation>

ownership, affordability, and a lack of awareness and skills about the internet.⁹ Internet shutdowns are also a major barrier to meaningful access, and all of this in turn can have an effect on our freedom to express ourselves online.

Uganda's social media "gossip" tax was introduced in 2018, supposedly to regulate the spread of gossip while also bringing in revenue. It requires every Ugandan to pay a daily tax of 200 Uganda shillings (USD 0.02) just to be able to use common social media platforms and regularly used websites. Given that women have less disposable income, raising the cost of data affects them disproportionately and affects their access to the internet.¹⁰

Bodily autonomy, criminalisation and freedom of expression

The internet is often articulated as a "disembodied" space¹¹ even though our experiences online – good, bad, in between, beautiful, pleasurable, painful, exciting, mundane – are directly linked to "our diverse experiences and relationships as human beings embodying multiple identities and realities."¹² We often see women and LGBTIQ+ people's freedom of expression – especially sexual expression, but also mere existence online – being censored, banned, regulated and even criminalised.¹³ And these decisions on what gets censored, banned, regulated and criminalised are made by governments, social media companies, opaque algorithms¹⁴ and content moderators in terrible working conditions, often based on archaic and colonial notions of obscenity, vulgarity and culture¹⁵ rather than on the basis of whether there was consent and whether rights and freedoms were violated.

On the other hand, we also see criminal law and criminalisation being used as a response to online gender-based violence and violations of bodily autonomy and these laws in turn being used to shut down legitimate expression, dissent, sexual expression, etc. A fault line that feminists must grapple with as we look for ways to champion bodily autonomy online.¹⁶

9 Women of Uganda Network. (2020). *Examining women's access to digital platforms: A case of mobile broadband connections in Uganda*. WOUNET & APC. https://www.apc.org/sites/default/files/Womens_Access_to_Digital_Platform-Policy_Brief.pdf

10 Aceng, S. (2020, 17 June). Examining the Impact of Internet Shutdowns on Women's Online Expression and Participation in Uganda. *GNI Blog*. <https://medium.com/global-network-initiative-collection/examining-the-impact-of-internet-shutdowns-on-womens-online-expression-and-participation-in-uganda-500f15e6e25d>

11 Kovacs, A., & Jain, T. (2020). *Informed Consent – Said Who? A Feminist Perspective on Principles of Consent in the Age of Embodied Data*. Data Governance Network. <https://internetdemocracy.in/reports/informed-consent-said-who-a-feminist-perspective-on-principles-of-Consent-in-the-age-of-embodied-data>

12 <https://feministinternet.org/en/embodiment>

13 <https://resurj.org/advocacy/asia-pacific-regional-internet-governance-forum-aprigf-2021>

14 Seitz, A. (2022, 27 June). Instagram and Facebook remove posts offering abortion pills. *AP News*. <https://apnews.com/article/abortion-technology-politics-health-016eb3efd65dafc2b568af1495f5bac5>

15 Nadika. (2017, 19 December). Drawing a line between 'vulgarity' and lack of consent: Interview with Point of View. *GenderIT.org*. <https://genderit.org/articles/drawing-line-between-vulgarity-and-lack-consent-interview-point-view>

16 RESURJ. (2017). *Submission on Technology-Related and Online Violence Against Women*. <https://resurj.org/resource/submission-on-technology-related-and-online-violence-against-women>

The intersection of bodily autonomy and freedom of expression is where we celebrate our bodies, identities, pleasure, fun, and self and collective care.¹⁷

#PleaseHer by HOLAAfrica started out as a series of conversations around people’s awareness of sexual health and practices, which evolved into the #PleaseHer safe sex and pleasure manual and workbook and accompanying workshops.¹⁸

Digital capitalism and freedom of expression

There cannot truly be freedom of expression online as long as the private companies that control the internet infrastructure make arbitrary decisions on what they choose to amplify and what they choose to hide. Sex worker movements have been flagging this for many years, for instance, by pointing out how “shadow banning” by web platforms and social media companies violates their freedom of expression and right to a livelihood. Meanwhile, when social media algorithms choose to amplify certain content, we see those decisions being based on hetero-patriarchal standards and business decisions for more engagement rather than on the basis that everyone has a right to be heard as and how they like and with informed consent.

In 2020, FLAME, an organisation in Taiwan, tried to post to Facebook a short video they had made about migrant domestic workers’ experiences of violence in Taiwan. They were informed by Facebook that the content was censored, though there was no clear reason why. Later they realised it was because the Chinese word for “domestic migrant worker” gets flagged as going against Facebook community guidelines. There are a lot of concerns about migrant domestic workers’ rights and the word had been categorised as “provocative” by Facebook. The company says it follows local laws, but that is not true, and there is no transparency so it is still impossible to know what else is being censored in similar ways.¹⁹

17 Jha, S. (2017). Gathering Online, Loitering Offline: Hashtag Activism and the Claim for Public Space by Women in India through the #whyloiter Campaign. In S. Jha & A. Kurian (Eds.), *New Feminisms in South Asia*. Routledge; Kaguro Mugo, T. (2018, 17 October). Getting woke about getting laid: A HOLAAfrica sex positive experience. *GenderIT.org*. <https://genderit.org/feminist-talk/getting-woke-about-getting-laid-holaafrica-sex-positive-experience>

18 Kaguro Mugo, T. (2018, 17 October). Op. cit.

19 <https://resurj.org/advocacy/asia-pacific-regional-internet-governance-forum-aprigf-2021/>

FEMINIST DEMANDS ON FREEDOM OF EXPRESSION

States should include in their legislations the language established in Human Rights Council 2022 resolution A/HRC/50/L.11, adopted in 2022, which, among other things, calls on states:

- To protect, respect and ensure women's and girls' full enjoyment of the right to freedom of expression online and offline without discrimination and to counter all threats of violence while exercising this right.
- To refrain from imposing new restrictions and to lift existing ones, on the free flow of information, including through the use of 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 affordable formats and technologies.²⁰

States must uphold, respect and protect freedom of expression online for all women and girls, in all their diversities, including by refraining from censoring online expression and content relating to women's sexual and reproductive health.

²⁰ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G22/393/52/PDF/G2239352.pdf?OpenElement>

