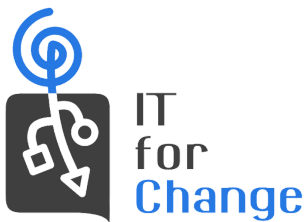# A FEMINIST PERSPECTIVE ON GENDER, MEDIA AND COMMUNICATION RIGHTS IN DIGITAL TIMES

KEY ISSUES FOR CSW62 AND BEYOND

ANITA GURUMURTHY, AMRITA VASUDEVAN & NANDINI CHAMI

IT for Change is an NGO based in Bengaluru, India. We aim for a society in which digital technologies contribute to human rights, social justice and gender equality.

Authors: Anita Gurumurthy, Amrita Vasudevan & Nandini Chami
Design: Yatti Soni

IT for Change | 2017

www.ITforChange.net

CONTENTS

SECTION 5. EQUITABLE ACCESS TO DIGITAL COMMUNICATION ARCHITECTURE

SECTION 6. RECOMMENDATIONS

SECTION 7: RESOURCES

Introduction

In 2005, the 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."[1] The digital metamorphosis of society was acknowledged in the 2015 Review of the Beijing Platform for Action. Para 311 recognises 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."[2] A similar sentiment was expressed by Para 32 of the WSIS plus 10 Review, also in 2015; "we recognise that ending the gender digital divide and achievement of SDG 5 on gender are mutually reinforcing efforts."[3]

Information and Communication Technologies (ICTs) have become an essential ingredient of a range of feminist action to advance gender justice.[4] Women's equal participation in all domains of life depends on their communication rights, including their right to access and use digital technologies.[5] This document takes stock of the constituent processes and structures of the Information Society, looking at how digital media promotes/ thwarts women's human rights.

Section 1. The public sphere in digital times - implications for media plurality, representation and participation

1.1 Network effect and entrenchment of media monopolies

In many countries, the Internet is slowly becoming the primary source through which news is accessed.[6] However, the disruption in the news landscape is not because of the democratisation of journalism, as imagined in the early days, but because of transnational social media and digital corporations like Facebook, Twitter and Google.[7] Problematic features of old media structures, like media consolidation, have transposed onto new media as well.

---

1   http://www.itu.int/net/wsis/docs2/tunis/off/7.html
2   http://www.undocs.org/en/E/CN.6/2015/3
3   WSIS Outcomes, General Assembly Review Outcome Document 2015,
    http://workspace.unpan.org/sites/Internet/Documents/UNPAN95707.pdf
4   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. http://www.genderit.org/articles/survey-sexual-activism-morality-and-internet
5   http://cdn.agilitycms.com/centre-for-communication-rights/Images/Articles/pdf/apc-charter-engish.pdf Also, see http://www.firstmonday.org/article/view/1102/1022
6   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.
7   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 consolidate their market share by transforming and acquiring entire sectors.[8] As a result, an unprecedented vertical integration and monopolistic concentration of power is evidenced across sectors, from banking, automobiles to agriculture and news.[9] 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.

1.2 Neo-liberal logic, the algorithmic turn and engineering of news

Another change is owing to 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 in order to sustain, and so survive on algorithmic/ automated manipulations of data and traffic.[10] 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 from ads of digital corporations like Amazon and Newsmax. These companies deflect responsibility by taking a laissez-faire approach to political expression and claiming that the algorithms they employ, and not human intervention, are behind such actions.[11]

1.3 Panspectron[12] for the business of big data

The freebie model of the Internet is sustained by exploitative data collection practices.[13] 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.[14] These companies are then able to quantify lives and monetise identity by deploying micro-targeted advertisements.[15] 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.[16] 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. Key international

---

8   https://hbr.org/2017/09/managing-our-hub-economy

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

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

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

12   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.

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

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

15   A report by *The Austrian* 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

development actors are increasingly putting their weight behind data analytics - whether it is to fight the Ebola crisis or the Nepal Earthquake.[17] 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.[18]

1.4 Aggregator model, death of pluralism and 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.[19] Even dedicated media outlets are embracing the aggregator model.[20]

This paradigm of news dissemination has pushed the kill switch on media pluralism. News about socially underrepresented groups are unlikely to trend.[21] 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.[22]

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 false news.[23] 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 fake news. Affordances of social media such as low barriers of entry (negligible fixed costs), the ability to reach a wide audience and the predisposition for ephemeral presence 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.[24]

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 view point.[25] Filter bubbles contribute to the perpetuation of fake news as one is less likely to come across diverse, or perhaps, even contradictory news stories.[26] With algorithms being contained in virtual black boxes, we have no way of knowing why we are reading what we are reading.[27]

Under the circumstances, creating and disseminating progressive perspectives on gender equality – to democratise informed debates on gender is an uphill task. Truth, as the majority women see it, is unlikely to gain currency.

---

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

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

18   http://www.genderit.org/articles/data-new-four-letter-word-feminism

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

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

21   https://arxiv.org/pdf/1704.00139.pdf

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

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

24   https://web.stanford.edu/~gentzkow/research/fakenews.pdf

25   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

26   https://web.stanford.edu/~gentzkow/research/fakenews.pdf

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

1.5 Organised troll industry and systemic gaming

Far right groups online, who also happen to enjoy political patronage, have been able to effectively combine pecuniary motivation with a regressive agenda to make fake news a veritable industry that can shape public opinion.[28] 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".[29] In India, for example, pro-establishment anti-minority groups have used social media platforms, messaging apps like WhatsApp and an online troll army to spread doctored communal videos.[30] Research shows that governments also seek to leverage social-media's propensity for virality to push templated messages to counter negative coverage of policies.[31]

1.6 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 organisations for particular types of content, such as live video, or by dictating publisher activity through design standards."[32] For example, social media's design for maximising virality disincentivises the creation of detailed pieces that engage deeply with an issue. If an article on the inhuman working conditions of women employed in garment factories in the global South exceeds the 140 character limit of Twitter, it could end up as 'tl;dr' (short for 'too long, didn't read').[33]

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 organisation 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 Organisation.[34]

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 to the algorithm;[35] on the other, pictures of breast feeding mothers are removed in an ad hoc manner, in the name of community standards.[36]

28   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
29   https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook
30   http://www.firstpost.com/india/how-alt-news-is-trying-to-take-on-the-fake-news-ecosystem-in-india-3513879.html
31   https://itforchange.net/sites/default/files/1246/Voice_or_Chatter-%20Making%20ICTS%20work%20for%20transformative%20engagement_Aug%202017_%20DRAFT_0.pdf
32   https://www.cjr.org/tow_center_reports/platform-press-how-silicon-valley-reengineered-journalism.php#executive-summary
33   https://en.wikipedia.org/wiki/Wikipedia:Too_long;_didn%27t_read
34   https://www.theguardian.com/technology/2017/may/11/facebook-women-on-web-censored-abortion-pills
35   https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook
36   http://www.telegraph.co.uk/women/womens-health/11195373/Facebook-removes-mothers-breastfeeding-photo.html

Section 2.Gender-based violence online

2.1 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, is 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 disclosed that a staggering 73% of women across the world have already faced cyber violence.[37]

2.2 Poor track record of digital companies in tackling online GBV, opaque policies and immunity from the law

Social media is a site of pervasive gender-based violence.[38] Digital corporations, 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. All three leading tech-companies (Facebook, Twitter and YouTube) tested by Take Back the Tech for their response to gender-based violence performed dismally.[39]

The terms of use and opaque internal policies of these corporations betray inauthentic attempts at gender justice. Leaked Facebook internal guidelines for take 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.[40] Research by ProPublica also shows that Facebook's "hate-speech rules tend to favor elites and governments over grassroots activists and racial minorities".[41]

A formulaic understanding of sexism, racism or casteism cannot replace the judgement necessary to discern the particularities of discrimination faced by a group or community. Adjudication through algorithms decontextualises social discrimination and gender-based violence, stripping from social interactions the power and domination characterising all social structures and relationships.

---

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

38 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

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

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

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

Internal rules that guide the teams of human censors employed by social media corporations remain a mystery. Yet, national laws on Internet intermediary liability often save these companies from legal accountability, buying into the erroneous argument that social media are passive platforms.

Section 3: State surveillance and self-censorship

3.1 Transfer of data from the South to the North

The 2013 revelations by Edward Snowden, a former contractor for the CIA, brought to light how States and digital corporations colluded to spy on citizens. The explosive news reports that followed not only uncovered the extra-territorial nature of the surveillance industry, but also demonstrated how personal data of citizens from the global South was being transferred into the hands of States and corporations situated in the Global North.[42] The Big Data industry's ethics in relation to mining of data about marginalised populations in the Global South are highly questionable[43].

3.2 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 fairly well documented.[44] 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 suspicion.[45] There have also been instances of governments tapping into electronic communication of individuals to apprehend the work of SRHR and gender rights activists.[46] 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.[47]

Section 4. Digital regimes of intellectual property and the enclosure of knowledge

4.1 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.[48]

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

---

42   https://www.theguardian.com/world/2013/jun/08/nsa-boundless-informant-global-datamining
43   https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2820580
44   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
45   https://theintercept.com/2016/04/28/new-study-shows-mass-surveillance-breeds-meekness-fear-and-self-censorship/
46   https://www.apc.org/sites/default/files/FeministActionFrameworkOnDevelopmentAndDigitalTechnologies.pdf
47   Ibid
48   http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/7/54#txt2

impact in terms of depleting resources of public libraries directly impacts women who depend on public libraries to access information.[49]

Although the Internet is a potent force for the non-rivalrous dissemination of information, the neo-liberalisation of the information society has seen large scale control by corporations of information and knowledge. Digital 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,[50] and assume a maximalist stance that fail to recognise the need for differential access. The divisions in access to knowledge are not just between the North and South,[51] but also gendered. Unequal earning capacity and lack of control over financial resources prevents most women from being able to access copyrighted works.[52] DRMs and TPMs erect barriers that copyright laws explicitly allow.[53]

Section 5. Equitable access to digital communication architecture

5.1 A persistent gender gap in access

Special Rapporteur, Frank La Rue, in his 2011 report underscored the transformative nature of the Internet not only to enable individuals to exercise their right to freedom of opinion and expression, but also to promote the progress of society as a whole.'[54] The systemic exclusion of women from the information society however, belies such optimism. Globally, 250 million fewer women than men are connected to the Internet.[55] While the gender digital divide is true across all the regions of the world, in Africa, the gender gap is widening.[56]

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.[57] Over-reliance on private actors can create distortions such as when users think the Internet is just Facebook.[58] Further, for women who on average earn 25% less than men, costs of connecting to the Internet in the laissez-faire economy is simply beyond their means.[59]

5.2 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. Prevalence of gender-based cyber violence, lack of textual literacy, social monitoring of access and use of technology, wage gap, dearth of relevant content in local languages, gendered division of labor and time burdens, all pose barriers to

---

49 http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1267&context=jgspl
50 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 preassure, India has amended its copyright law to include provisions that penalise the circumvention of DRMs.
51 http://wiredspace.wits.ac.za/jspui/bitstream/10539/19801/1/SAJIC-Issue-7-2006-Liang-Prabhala.pdf
52 http://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=1069&context=cheer
53 http://lexpress.in/law-development/digital-rights-management-provisions-and-indian-copyright-law
54 http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
55 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/111/81/PDF/G1711181.pdf?OpenElement
56 http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2017.pdf
57 https://www.adb.org/publications/public-internet-rural-development-ict
58 https://webfoundation.org/2015/10/india-womens-rights-online/
59 http://www.a4ai.org/affordability-report/report/2015/

women's meaningful use of technology. A study on connectivity among urban poor in 9 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 men.

Section 6. Recommendations

In order to secure women's communication rights in the digital age, GAMAG recommends the following :

6.1 Follow-up action by the CSW

The CSW needs to take the following steps:

- 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.[60] In its 57th Session the CSW had called attention to the proliferation of violence against women and girls, and privacy violations online.[61] In its support to the ECOSOC and HLPF in reviewing progress towards Agenda 2030, it is vital that Goals 16, 5b and 9c are addressed for their interconnections.

- Emphasise the importance of rule of law in promoting a democratic Internet; the significance of a rights-based approach to access; the role of public policies and programmes in promoting women's meaningful access; and the urgent steps that States must take to tackle gender-based cyber violence.

6.2 Follow-up action for national governments

To ensure that the digital ecosystem can promote gender equality, governments need to implement a concerted strategy, as follows:

- Institute policies and programmes to support women's empowering use of digital media, backed by dedicated budget lines. Through the Financing for Development Addis Ababa Action Agenda (2015), governments resolved "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."

- Subject digital corporations who deliver news to the same standards that apply to traditional media and news outlets through a balance between industry standards and laws. Laws need to be upgraded to keep pace with the changing landscape, addressing platform monopolies and their accountability.

---

60 https://www.itu.int/en/action/gender-equality/Documents/GlobalPlatformReferences.pdf
61 ibid

- Develop institutional and policy measures to guarantee safety and security online. This includes building a legal response to gender-based cyber violence that recognises women's agency, and adopts a 'dignity and equality' approach as against a paternalistic framing of the issue.[62]

- Devise a legal framework defining the scope of intervention for Internet intermediaries in addressing online violence. This must be backed by due institutional process and judicial oversight.[63] In keeping with their extra-territorial obligations, countries where digital corporations are headquartered must co-operate with those in which platforms have violated women's human rights, in order to hold platforms accountable.

- Implement frameworks for algorithmic transparency, incorporating methods such as third party audits. Algorithm audits provided by the EU General Data Protection Regulation suggest useful pointers in this regard.[64] The recent move by the city of New York to establish a Task Force to address algorithmic accountability in public administration is also noteworthy.[65] As algorithms and Artificial Intelligence (AI) become more common place in political decision making, instituting an AI watch dog to check discrimination and bias through automated decision making may be necessary.[66]

- Condition State surveillance to legislation that is democratically deliberated inside and outside of parliament. Acts of surveillance must be subject to administrative, judicial and parliamentary oversight, and provide an avenue for remedy if the surveillance is illegal.[67]

- Promote public interest content production online by women's groups through appropriate policies for subsidised broadband connectivity and local language content creation.

- Incorporate expansive exemptions and limitations in domestic copyright law, especially for educational material and teaching and research purposes, and provide legal protection to women's traditional knowledge.[68]

- Develop connectivity policies that are gender responsive, to ensure ICTs work for gender equality and women's empowerment (Goal 5b),[69] and to achieve '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. A range of actions are necessary, in this regard:
  - A rights based approach to the Internet is vital. Policies in many countries already regard the Internet as a public good.[70]

---

62 https://itforchange.net/e-vaw/wp-content/uploads/2018/02/ITFC-Discussion-Paper.pdf

63 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

64 http://www.mlandthelaw.org/papers/goodman1.pdf

65 https://www.newyorker.com/tech/elements/new-york-citys-bold-flawed-attempt-to-make-algorithms-accountable

66 https://www.theguardian.com/technology/2017/jan/27/ai-artificial-intelligence-watchdog-needed-to-prevent-discriminatory-automated-decisions

67 http://www.itforchange.net/sites/default/files/IT%20for%20Change%20submission%20-%20Article%2019%20-September%202016.pdf

68 http://www.genderit.org/node/2216

69 https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals

70 For example, Estonia and Greece have enacted legislation that makes universal access a mandatory obligation of the State to citizens. Some countries have gone a step further, by defining a minimum standard of access – take the case of Finland, Spain and Canada. The Indian state of Kerala has also declared Internet access as a basic right of

- Public access centers or public Wi-Fi spots should have women facilitators and women-only time slots to encourage the use of ICTs by women.[71]
  - Gender budgeting mechanisms are a must in infrastructural policy – including for building public access centers and Wi-Fi hotspots, setting up municipal broadband networks, providing a minimum universal data allowances, etc.
  - An independent regulator who can guard against practices that run contrary to laws and policies for free and fair access to the Internet for all is necessary.
  - Laws and policies for spectrum allocation, inter-connectivity in backhaul, competition and intellectual property need to be harmonised to bring down the cost of connectivity. [72]

- Implement policies for the widespread adoption of Free and Open Source Software (FOSS) and Creative Commons (CC) licenses, in order to harness the organic characteristics of the Internet for the creation of a 'quasi' public domain,[73] and to promote the democratisation of knowledge.

- Ensure digital literacy programmes have a gender component that specifically focusses on building the information and media literacies of marginalised women and of the educational system, and also encourage efforts by women's organisations in using digital media and online spaces to amplify their stories[74].

6.3 Obligations of media industry organisations and professionals

The paper demonstrates that digital corporations/ Internet intermediaries are the new media houses. Hence, we make the following recommendations directed at them. Internet intermediaries need to:

- Address gender- based violence (perpetrated on their platforms) by undertaking the following actions:-
  - Ensure complete transparency regarding their content moderation policies clearly highlighting how objectionable/ non-objectionable content is defined and the guidelines and protocols used by moderators in taking down objectionable content.[75]
  - Introduce explicit prohibitions on gender-based violence in the Terms of Service (ToS) that contractually bind users and digital corporations. The definition of violence in the ToS must abide by national laws, as well as international declarations, covenants, conventions, treaties, resolutions etc on human rights of women.[76] It must also account for regional and cultural differences.[77]

---

citizens.

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

72 Ibid

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

74 An excellent example of this is Khabar Lahariya, a news network run by marginalised 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

75 https://www.theatlantic.com/technology/archive/2018/02/what-facebook-told-insiders-about-how-it-moderates-posts/552632/?utm_source=feed

76 https://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf

77   http://www.intgovforum.org/cms/documents/best-practice-forums/539-draft-jp-bpf-women/file

- Establish reporting procedures and redress mechanisms for complaints of online gender-based violence, including "systems for cooperating with law enforcement, take-down procedures for abusive and harmful content, and account termination for misconduct"[78]
- Demonstrate due diligence in responses to gender-based violence by recording and publishing the number of complaints received - by type, location of complaint, action taken etc.,[79] and publishing annual transparency reports.
- Set up teams with linguistic diversity, trained to respond to complaints of gender-based violence.
- Put in place time sensitive measures for cooperating with law enforcement agencies when the latter make requests for digital evidence.[80]
- Involve women's rights and gender equality experts, while formulating internal policies and training of content moderators.
- Establish pre-filtering mechanisms (within the remit of the law on free speech) in the case of extremely violent content - such as, circulation of videos of rape.

- Take proactive measures to weed out fake news/ dis-information, including disallowing pages that carry fake news from accessing advertisement revenue and pushing down pages containing fake news, thereby making them less likely to be accessed.[81] Reporting mechanisms must be set up to flag pages that seem to carry fake news, which can then be verified by independent fact checkers contracted by the corporation.[82]

- Scrutinise algorithms internally to check for any harmful and/or discriminatory content filtering. Corporations should allow for external audits, redress any harm and correct any discrepancy caused by their use of algorithms.[83] To ensure auditability and enable the identification of the source of harm, corporations must also maintain a record of algorithms employed, data used by the algorithms and decisions taken by the algorithms.[84]

6.4 Strategies for women's rights organisations

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.

- Become news creators and build dedicated audiences. Diversity in, and the localisation 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

---

78   https://www.apc.org/sites/default/files/DueDiligenceAndAccountabilityForOnlineVAW.pdf
79   https://medium.com/@ingrid.brudvig/technological-architectures-and-the-law-a-feminist-critique-reflections-from-a-national-f0157804fbfa
80   https://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf
81   http://knowledge.wharton.upenn.edu/article/whats-the-solution-to-fake-news/
82   https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding_out_fake_news_v3_web.pdf
83   http://webfoundation.org/docs/2017/07/Algorithms_Report_WF.pdf
84   https://www.acm.org/binaries/content/assets/public-policy/2017_usacm_statement_algorithms.pdf

that women's organisations resist the pull of one-liners, 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.

- Conduct vital global and local research on the rapidly changing media landscape. This must include evidence generation about women's varied use of the Internet for expression, information access and networking, as well as industry structures and laws governing media.

- Call for private sector accountability to human rights, including women's human rights.[85] 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.[86] Restrictions to the public domain in the name of safeguards against online piracy are bound to work against the interests of women.[87]

6.5 Suggestions for further research

Empirical research must be undertaken in the following areas:

- Social media protocols and practices in the global South vis-a-vis gender-based violence and employment of AI (including impacts of the spread of fake news and determination of trending topics etc.).

- Adverse impact of rigid copyright policies on women's access to knowledge.

- Alternative practices of media collectives working for gender equality, and how they may have harnessed new media to visibilise local issues.

Section 7: Resources

Few important resources cited above:

- Allcott, H. & Gentzkow, M. (2017) *Social Media and Fake News in the 2016 Election*, Journal of Economic Perspectives, retrieved from http://www.nber.org/papers/w23089.pdf

---

85 http://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IGWGOnTNC.aspx
86 http://www.wipo.int/pressroom/en/briefs/broadcasting.html
87 https://thewire.in/86022/india-broadcasters-treaty/

- Angwin, J. & Grassegger, H. (2017) *Facebook's secret censorship rules protect white men from hate speech but not black children*, ProPublica, retrieved from https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms

- Angwin, J., Larson, J. & Kirchner, L. (2017) *Despite disavowals, leading tech companies help extremist sites monetize hate*, ProPublica, retrieved from https://www.propublica.org/article/leading-tech-companies-help-extremist-sites-monetize-hate

- APC. (2013) *Survey on sexual activism, morality and the Internet*, GenderIT, retrieved from https://www.genderit.org/articles/survey-sexual-activism-morality-and-internet

- Athar, R. (2015) *End violence: Women's rights and safety online - From impunity to justice: Improving corporate policies to end technology-related violence against women*, APC, retrieved from https://www.genderit.org/sites/default/upload/flow_corporate_policies_formatted_final.pdf

- Cadwallder, C. (2016) *Google, democracy and the truth about Internet search*, The Guardian, retrieved from https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook

- Craig, J.C., Turcotte, J.F. & Coombe, R.J. (2011) *What's feminist about open access? A relational approach to copyright in the Academy*, Feminist at Law, retrieved from http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/7/54#txt2

- Gurumurthy, A. & Chami, N. (2017) *Concretising the right to privacy in digital times: a reading of India's Supreme Court judgement*, OpenDemocracy, retrieved from https://www.opendemocracy.net/hri/anita-gurumurthy-nandini-chami/concretising-right-to-privacy-in-digital-times-reading-of-indias-supr

- Golbeck, J. & Matwyshyn, A (2016) *Fake news, hate speech and social media abuse: What's the solution?,* Knowledge at Wharton, retrieved from http://knowledge.wharton.upenn.edu/article/whats-the-solution-to-fake-news/

- Gurumurthy, A. Vasudevan, A. & Chami, N. (2018), *Examining technology-mediated violence against women through a feminist framework- towards legal-institutional responses in India*, IT for Change, retrieved from https://itforchange.net/e-vaw/wp-content/uploads/2018/02/ITFC-Discussion-Paper.pdf

- Iansiti, M. & Lakhani, K.R. (2017) *Managing our hub economy,* Harvard Business Review, retrieved from https://hbr.org/2017/09/managing-our-hub-economy

- IT for Change, (2017) I*nput to the Report of the Office of the United Nations High Commissioner for Human Rights on ways to bridge the gender digital divide from a human rights perspective,* retrieved from http://www.itforchange.net/sites/default/files/IT-for-Change-Submission-on-the-gender-digital-divide.pdf

- Mclver Jr, W.J.J., Birdsall, W.F. & Rasmussen, M. (2003) *The Internet and the right to comumnicate*, FirstMonday, retrieved from
  http://www.firstmonday.org/article/view/1102/1022

- Reuters Institute. (2017) *Digital News Report*, retrieved from
  http://www.digitalnewsreport.org/

- Shephard, N. (2016) *Bid Data and sexual surveillance*, APC, retrieved from
  https://www.apc.org/en/pubs/big-data-and-sexual-surveillance

- USACM. (2017) *Statement on algorithmic transparency and accountability*, USACM,
  retrieved from https://www.acm.org/binaries/content/assets/public-policy/2017_usacm_statement_algorithms.pdf

- World Wide Web Foundation (2017) *Algorithmic accountability- applying the concept to different country contexts*, World Wide Web Foundation, retrieved from
  http://webfoundation.org/docs/2017/07/Algorithms_Report_WF.pdf