



Sexism and the Online Public Sphere

Webinar Series

February 10, 17 & 24, 2021

Organized by IT for Change, with support from EdelGive Foundation and International Development Research Centre, Canada

Background

IT for Change, with support from EdelGive Foundation and International Development Research Centre, Canada (IDRC), is bringing together legal scholars, practitioners, feminist activists and journalists in a three part webinar series to unpack sexist hate speech online across February, in the lead up to International Women's Day, 2021. The webinar series will be open to the public, and create the much-needed space for an informed deliberation to address an issue vital to women's fundamental rights in a democracy.

Sexism and misogyny online result in a 'chilling effect' that prevents women from seizing the opportunity for public participation and self-exploration on the internet. While the need for legal intervention to combat online hate has been the subject of much discussion, the specific issue of misogynistic hate has been sidestepped. The provisions of the Information Technology Act (IT Act) and the Indian Penal Code (IPC) do not provide adequate and appropriate recourse for women who are forced to endure misogyny online, leaving them to the unpredictable consequences of the non-uniform standards of social media platforms that keep coming up.

The undesirability of placing on social media platforms' the burden of selectively applying norms that shape freedom and civility have emerged time and again in relation to the many events of extreme violence unleashed against marginal and vulnerable populations. While this points to the deep linkages between social media echo chambers and polarization of the public sphere, with gender-based hate particularly, the occasional episodes of attack coexist with a sustained state of vitriol against women. This points to a serious crisis for women's public-political rights. Unless platforms' appeals to governments for assistance in controlling harmful content is addressed misogynistic hate will be dangerously normalized and legitimized.

A collective soul-searching about the future of women's claims to public-political participation through online spaces is long overdue. More specifically, in the Indian context, such a dialogue in the current moment can make good the space that has opened up by two very important legislative reform processes that are underway: the overhaul of the IT Act proposed by the Ministry of Electronics and Information Technology and the IPC reform spearheaded by the Ministry of Home Affairs. The governmental process for public consultations for amendment to these laws has been a mixed bag at best with hardly any avenues for public inputs. Feminist articulations of the issue and of possible road maps for redressal can serve as a galvanizing force, bringing in a new, progressive moral compass based on principles of rights, dignity, and equality.

The proposed webinar series¹ aims to frame the key issues in relation to misogynistic speech in online spaces, going beyond the well-acknowledged problem statement. The webinars will bring together legal practitioners, scholars, and feminist activists with the goal of:

- Creating an urgent and vital space for framing misogynistic hate as a key public policy issue.
- Encouraging an informed discussion on the current state of the law and future pathways to legally tackle misogynistic speech online, recognizing unequivocally its grievous consequences for gender equality.
- Exploring a normative and institutional basis through which obligations of platform intermediaries to address misogynistic content can be enforced,

Session Descriptions

Session 1 – 10 February, 2021, 6:00 pm – 7:30pm IST: When does free speech become censorship? The constitutional case against sexist speech.

An oft-repeated argument against the case of online content regulation is that any regulation of platforms is a clamp down on free speech. Platform self-regulation, on the other hand, has been unable to tackle hate against women and minorities effectively. The session will look at how a lack of restrictions on free speech affects the ability of women and marginal groups to engage in political participation in online democratic spaces. It will focus on the constitutional role of free speech in a

1 Building on a series of expert commentaries on the subject to be released in January 2021 by IT for Change.

democracy, the necessary role of reasonable restrictions to free speech, and how to address sexist hate speech online within this larger question of defining the boundaries of free speech.

Session 2 – 17 February, 2021, 6:00 pm – 7:30pm IST: Who is responsible for the misogyny online? Platform responses to misogyny.

The internet's potential for gender transformation has not fully manifested, and instead social media platforms have unfortunately emerged as strongholds of misogynistic hate and rising conservatism, globally. In this session, we will take a closer look at how platforms have responded to complaints of misogynistic speech, as well as how they can do better both in terms of development and application of community standards, including through algorithmic techniques and techno design. The session will also venture into the vital role the law can play in setting the boundaries for platform governance.

Session 3 – 24 February, 2021, 6:00 pm – 7:30pm IST: How should the law deal with misogyny online? A feminist framework for legal reform.

In March 2019, Facebook CEO, Mark Zuckerberg, called for a new set of industry-wide rules to be enforced on tech companies, recognizing that Facebook or any other platform should not be the arbiter of what counts as harmful content. Instead, the limits of free speech should be delineated through public means by institutions that are accountable to the people. This session will discuss what such accountability may look like in relation to social media, with reflections on how laws can make for a normative basis of content regulation against misogyny. It will also explore the possibilities of transparency and justice merited through communication decency laws for platforms to behave responsibly towards an affected user base.