



## **ARTICLE 19's submission to the inform the White House Task Force to Address Online Harassment and Abuse**

ARTICLE 19 welcomes the establishment of the White House Task Force to Address Online Harassment and Abuse and the opportunity to inform the Task Force's work. ARTICLE 19 is the leading international organization on the promotion and protection of the right to freedom of expression and one of our key areas of concern is online harassment and abuse particularly for women and LGBTQI+ human rights defenders, journalists and activists. ARTICLE 19 has significant experience working on this issue globally, regionally, and nationally primarily through analysis of existing and draft legislation; training and support to journalists and human rights defenders confronted with online harassment and abuse; multi-stakeholder coalition building; and advocating for strong regional and global policy and protections. Our work on standard setting is based on evidence that the right to freedom of expression and the rights to equality and non-discrimination are mutually reinforcing, and thus inform this submission.

### **Combatting online harassment and abuse and the right to freedom of expression**

ARTICLE 19 believes that international standards and guarantees of freedom of expression provide the framework for the right to equality and combatting discrimination. The right to freedom of expression requires equal access to the spaces for public debate, and for people to be equally able to share ideas and opinions without censorship or fear of retaliation.

However, systemic discrimination has led to barriers for many people, including women, LGBTQI+ people and people of color, to fully exercising their right to freedom of expression. This is particularly the case in the digital sphere, where online harassment and abuse is particularly acute for people facing systemic discrimination, and who have public profiles or conduct public-facing work. For example, women journalists and human rights defenders who speak out against government abuses, crime and corruption, and women's rights issues face high risk landscapes and are at particular risk of attack in an attempt to silence them.

ARTICLE 19 has found that when women are routinely faced with online threats or other digital attacks, it has troubling impact on their right to freedom of expression and has large-scale setbacks for gender equality. The volume and severity of attacks can lead to self-censorship, psycho-social trauma and can have the effect of driving women, LGBTQI+ people and people of color offline and out of debate. Online harassment and abuse can be harbingers to threats against physical safety, and in some cases, existing evidence shows that serious forms of abuse have led to physical attacks and loss of life.

ARTICLE 19 views online harassment and abuse as a freedom of expression issue. Additionally, all actions to combat online harassment and abuse requires a gender and intersectional lens integrated into a multi-stakeholder holistic approach.

Resources:

- See ARTICLE 19's policy brief on States' obligations to adopt and implement measures to protect and promote both the right to freedom of expression and gender equality, based on existing international human rights standards: "Freedom of expression and women's equality : Ensuring comprehensive rights protection" ([Link](#))
- See ARTICLE 19 blog: "Free expression and the Internet are key to combating violence against women" ([Link](#))

## **Understanding online harassment and abuse**

Although digital technologies have created new opportunities for people to communicate and organize, they have also reproduced - and in some instances, accentuated - modes of discrimination. This duality of the Internet was emblematic during the 2017 Kenyan election. During this election cycle, the Internet and social media were some of the main avenues for women's political participation, electoral campaigns, and civic expression. ARTICLE 19's monitoring by our Eastern Africa office from that period revealed alarmingly that women political aspirants were met with severe gender-based online abuse and harassment, pushing many of them offline and ending the candidacies of women politicians. The attacks were sexual, misogynistic and reinforced the damaging patriarchal norm that politics is a sphere reserved for men.

The growth of online abuse and harassment, which has become both more prevalent but also more coordinated, is intended to threaten, silence and further stigmatize people facing discrimination, with the potential to lock them out of public spaces. Online harassment and abuse can take many forms, including but not limited to the following:

- Doxing – This involves the public dissemination of a woman's personal information, such as email, telephone or home address. This can often result in increased harassment, and create a safety risk.
- Surveillance – Whether perpetrated by public or private entities, the monitoring of a person's online and/or offline life through technological means.
- Threats – These are targeted through digital platforms or apps, and often include threats of physical or sexual violence.
- Harassment – Like offline harassment, this can include a range of unwanted and intimidatory activities including contact through messages or apps. Online this can often take the form of 'pile-ons', with multiple perpetrators.
- Non-consensual distribution of intimate or sexual images – This refers to the sharing of sexual or intimate images of a person, which can be taken with (or by them) or without their knowledge, and either by someone who has access to the images with consent (but there is no consent for the images to be further shared), or by someone who gains access through other means. This can have serious psychological and reputational consequences.
- Stalking – Includes a range of behaviors, similar to offline stalking, such as continued monitoring through technology, the pattern of which leaves the person feeling unsafe or restricted in her freedoms online.

- Unauthorised access to accounts and devices (a.k.a. hacking) – This is when someone gains access to a person’s private accounts or devices through malicious means. This can often lead to another form of attack, including blackmail.
- Identity theft or unauthorized use of accounts – Where someone is able to take control of or in some way impersonate a person’s online presence.
- Discriminatory and sexist speech and gender stereotypes – This can include a wide range of types of speech based on negative stereotypes or on the basis of a person’s gender, sexual orientation, nationality, religious belief, race, among others.

Online harassment and abuse against groups in situation of discrimination is a serious concern which can have deep impacts on someone’s profession and lives. It can result in a range of psychological and emotional harms, as well as negative impacts on mental health, certain negative behavioral effects, such as people changing their lifestyles and routines, or the exclusion from engagement in online space.

It is important to understand online harassment and abuse in its complexity - its enabling factors, the local yet global nature of the phenomenon; the legal, social, political and economic elements of an attack; the impacts on the right to freedom of expression, as well as how it impacts people of various identities differently. In line with this approach, ARTICLE 19 has developed various recommendations through its monitoring, legal and policy work at national, regional and international level.

#### Resources:

- See ARTICLE 19’s submission towards the 2020 report on violence against women journalists the UN Special Rapporteur on violence against women, its causes and consequences.<sup>1</sup> This submission includes country-level analysis for Brazil, Cuba, Mexico, Bangladesh, Myanmar, Senegal and Tunisia with recommendations for the UN system, States, national human rights institutions, private companies and also media companies.
- See ARTICLE 19’s report: “Online harassment against women journalists in the Iranian diaspora” ([Link](#))
- ARTICLE 19’s submission to the report on Gender Justice by the UN Special Rapporteur on Freedom of Expression<sup>2</sup>
- See ARTICLE 19 Eastern Africa office’s report: “Women Journalists Digital Security” ([Link](#))

#### **The experience of women journalists: research and data collection**

ARTICLE 19 has particular expertise in understanding and combating online harassment and abuse for women journalists, with one of our key initiatives being the promotion of a feminist approach towards the safety of journalists. ARTICLE 19’s work across the world has consistently shown that women journalists experience an additional layer of risk compared to their male counterparts but virtue of their gender. The type of threats and attacks to which journalists are exposed to is often closely linked and varies according to their gender, and other intersecting aspects of their identity or positionality, including on their race and

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<sup>1</sup> Provided as an attachment to this submission

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ethnicity, religion or belief, age, economic class, location (urban/rural), among other factors, including factors such as being a freelancer or working on 'high risk' beats.

Worryingly, gender dimensions are often absent from responses aimed at tackling the safety of journalists, at international, regional, national and local levels. In developing comprehensive and tailored measures to prevent, protect against and remedy attacks, it is vital to understand the different types of threats that women journalists face, and how certain threats may be experienced differently by women journalists based upon other forms of their identities.

ARTICLE 19 has recently documented women's monumental efforts to make structural changes, tackle entrenched patterns of gender-based discrimination and violence, and enhance the safety of women journalists. The resources below provide in-depth examples of good practices from around the world, such as:

- Strengthening solidarity networks
- Supporting those who are speaking out
- Funding feminist approaches to online safety for women and LGBTQI journalists
- Tackling impunity and seeking accountability
- Allowing women to design their own safety protocols
- Sharing accessible resources on prevention and protection.

Resources:

- See ARTICLE 19's global research published in May 2022 entitled "Equally Safe: Towards a feminist approach to the safety of journalists" focused on advancing feminist approaches to the protection of journalists, and what benefits might they bring, with 6 country case studies providing promising practices. The research aims to bridge international legal and policy frameworks on the safety of journalists with the practical approaches being adopted on the ground ([Link](#))
- See ARTICLE 19's new guidelines for protecting women journalists to provide practical recommendations for how states and civil society organizations can implement an intersectional gender approach. ([Link](#))

### **The role of social media companies**

ARTICLE 19 believes that social media companies have a role to play in both enabling peoples' right to freedom of expression and also addressing gender-based harassment and abuse against them on their platforms, including on prevention of harm and harassment. For years, concerns have been raised regarding how the three major social media platforms – Facebook, Twitter and Youtube (Google) – have inconsistently applied their rules, policies and community guidelines as well as how they develop and enforce these rules in practice.

ARTICLE 19 recognises that the major social media platforms have created policies to address harassment and abuse and that these policies are updated regularly and could be applied in cases of gender-based harassment and abuse against women. However, the terms are often broad and vague, causing confusion, but also leaving platforms the flexibility to use these policies to their own needs. ARTICLE 19 notes that there is often a lack of

consistent enforcement of the rules despite all three platforms providing reporting mechanisms.

Furthermore, new technologies and platforms are being developed and used without sufficient gender analysis of their impact. While new technologies can provide women and LGBTQI+ with vital tools to communicate and empower themselves, the way in which many of these technologies are developed and implemented often has the effect of embedding or further enabling discrimination against them.

Artificial intelligence-driven identification, profiling and automated decision-making may lead to unfair, discriminatory, or biased outcomes. Individuals can be misclassified, misidentified, or judged negatively, and such errors or biases may disproportionately affect certain groups of people. Accurate predictions may reveal sensitive attributes that could be used to discriminate. On the other hand, inaccurate or systematically biased data can feed into profiles, which may lead to biased or discriminatory outcomes.

Technology is also being developed to detect emotion. Unlike facial recognition or biometric applications that focus on identifying people, emotion recognition technology purports to infer a person's inner emotional state. The technology is becoming integrated into critical aspects of everyday life such as where law enforcement authorities use it to label people as 'suspicious'. Emotion recognition's application to identify, surveil, track, and classify individuals across a variety of sectors is deeply problematic and can deepen modes of discrimination and marginalization.

Resources:

- See ARTICLE 19's policy brief looking at policies and practices of three dominant social media companies and their role in addressing online harassment and abuse against women on their platforms: "Online harassment and abuse against women journalists and major social media platforms" ([Link](#))
- See ARTICLE 19's report: "Understanding risks of apps for LGBTQ communities" ([Link](#))
- See ARTICLE 19's scoping paper focusing on applications of 'artificial narrow intelligence': in particular, machine learning and its implications for human rights: "Privacy and Freedom of Expression In the Age of Artificial Intelligence" ([Link](#))
- See ARTICLE 19's report providing evidence and analysis of the growing market for emotion recognition technology in China and its detrimental impact on human rights: "Emotional Entanglement" ([Link](#))

### **Multi-stakeholder and multi-layered approach**

Meaningful and long-lasting solutions are only possible through a multi-layered and multi-stakeholder approach. ARTICLE 19 works in collaboration with multiple actors in order to provide efficient and effective solutions, including with other NGOs, international and regional intergovernmental institutions, tech and media companies and States. ARTICLE 19 also works on ensuring that the solutions, particularly on a case level, are rooted in the local context, they are free speech compliant and the needs and consent of the women who are being targeted.

There is a large body of evidence which reports that a particular barrier to justice for women journalists, who face online threats and attacks, is a failure of public authorities to take these threats seriously, despite NGOs as well as regional and international human rights bodies which have shed light on the matter. States must efficiently investigate threats and attacks directed towards women journalists, and ensure the protection of women journalists against online harassment and abuse by creating an online environment in which women's rights to freedom of expression is guaranteed. To address this, ARTICLE 19 produced a policy brief examining the scope of State obligations to address online harassment and abuse of women journalists, with recommendations on how to conduct effective investigations.

Another comprehensive resource for multi-stakeholder engagement on combatting online abuse and harassment, including for governments, is a guide created by the Organization for Security and Cooperation in Europe (OSCE), entitled the “#SOFJO Resource Guide.” The #SOFJO Resource Guide provides examples of good practices for combatting online harassment and abuse from around the world and across sectors.

ARTICLE 19 is also part of a network called the Coalition against Online Violence which brings together experts, journalists, and human rights defenders focused on fighting online harassment and abuse against women and LGBTQI+ journalists. The Coalition also functions as a resource center for women journalists with the latest information on how to address online abuse and harassment.

Resources:

- See ARTICLE 19's policy brief: “Investigating online harassment and abuse of women journalists”. ([Link](#))
- OSCE “#SOFJO Resource Guide: Walk the talk, What key actors can do for the safety of female journalists online” ([Link](#))
- The Coalition Against Online Violence ([Link](#))

## **The broader picture**

It is important to understand the broader ecosystem of discrimination in which online harassment and abuse situates.

Online harassment and abuse is directly [linked](#) to [gender-based disinformation](#) and violence. The culture of misogyny that fuels gender-based violence is underpinned by the minimisation of women's voices. Disinformation, particularly when online with speedy dissemination and wider audiences, reinforces a culture of misogyny and patriarchal power structures that enable gender-based violence to occur with impunity.

The internet itself is inherently biased. Its architecture, software and hardware is overwhelmingly created, legislated and governed by those in privileged positions, such as cisgender men, largely from a Western context. The digital landscape is not gender neutral, often replicating historical discriminatory trends and amplifying them. The top Internet and technology companies are highly imbalanced when it comes to gender demographics. Recent reports have pointed to heavily male-dominated cultures within technology

companies, with women engineers coming forth with accounts of harassment, intimidation and repercussions to their career advancement when reporting on such incidents. Such a culture discourages, prevents and penalizes women for partaking in and seeking to shape the technology sector. This is correlated with the rise of online harassment and abuse against women and LGBTQI+ people.

Resources:

- See ARTICLE 19's Q&A on Disinformation and Gender ([Link](#))
- See ARTICLE 19's submission to the UN OHCHR's report on "Ways to bridge the gender digital divide from a human rights perspective" ([Link](#))
- Hate speech: A19's tool kit ([Link](#))
- ARTICLE 19's report "Digital crime scenes: the role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon and Tunisia" ([Link](#))