



The Freedom to Write

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NEW YORK

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Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

United Nations Office of the High Commissioner for Human Rights
Geneva, Switzerland

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RE: Submission on Gender Justice and Freedom of Opinion and Expression

June 14, 2021

Dear Ms. Khan,

Firstly, thank you for the opportunity to provide input on your upcoming report. For nearly a century, PEN America has worked at the intersection of literature and human rights to protect free expression.

We would like to first clarify the inclusion of artists and creatives in our submission, in addition to human rights defenders, journalists, and others. Much of our work touches upon writers, journalists, activists, and human rights defenders. Our [Artists at Risk Connection \(ARC\)](#) further extends our mission to encompass artists and creatives of all disciplines and to advance the field of artistic freedom of expression. Our submission, therefore, reaches across these different fields, with the belief that it is firmly situated within the scope of freedom of opinion and expression, and draws upon the work of PEN America's Artists at Risk Connection (ARC), our recent report [No Excuse for Abuse](#), our [Online Harassment Field Manual](#), our work supporting [writers at risk](#), and other areas of our work and expertise. We include examples of artists, creatives, and cultural workers in our answers because oftentimes, they are [Cultural Rights Defenders \(CRDs\)](#) – human rights defenders who fight for the respect, protection, and fulfillment of cultural rights. Many CRDs' work also intersects with other rights, including women's rights, indigenous rights, LGBTQIA+ rights, and more.

1. A. What barriers, challenges and threats do women in the public sphere face in exercising their freedom of opinion and expression online and offline?
2. B. What are the distinct challenges faced by those who experience multiple and intersecting forms of discrimination?

Women in the public sphere often encounter a multitude of challenges and threats when exercising their freedom of opinion and expression. [Women tend to be disproportionately at risk](#), although they are less likely to self-report threats and/or seek assistance. Human rights defenders and activists already face an

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onslaught of threats and frequently experience trauma; women often also face specific threats tied to their gender identity, particularly gender-based violence.

Of ARC's cases, [28 percent have been of imperiled women](#), as cited in our Safety Guide for Artists. Freemuse registered 93 violations of women's artistic freedom and attacks on artworks depicting women or feminism-related issues in 2020. Even more starkly, a 2018 study conducted by TrollBusters and the International Women's Media Foundation found that 63 percent of women media workers in the United States have been threatened or harassed online at least once, a number significantly higher than the national average for the general population. [A UNESCO survey and report](#) also found that 73 percent of women said they had experienced online violence. In particular, 25 percent of the women journalists surveyed reported experiencing threats of physical violence, and 18 percent reported experiencing threats of sexual violence. Additionally, 20 percent of women respondents said that they had been attacked or abused offline in connection with online violence they had experienced.

Many women cultural rights defenders and human rights defenders specifically advocate for women's rights or related issues. Women are also targeted because of their identities – as women and as a result of their intersectional identities. Many women CRDs, HRDs, journalists, and activists (and in other professions) face censorship, harassment, intimidation, doxing, and/or threats of rape, assault, or even death. These threats may come from sources including the state, private individuals, coordinated campaigns, and/or from their communities—and especially when women are writing about, advocating for, and speaking up about women's rights and gender equity. Of course, even when they do not focus on women's issues/rights in their work, they may likewise be targeted in gender-specific ways—for instance, with threats to expose their private life, revenge porn, etc.

It is crucial to understand the specific challenges and experiences that women face when trying to exercise their right to free expression, and that these can vary significantly depending on context. In general, however, threats can damage one's mental and physical health, leading to stress, anxiety, fear, and depression. Research has shown that online abuse, for example, has driven some women journalists to [leave their professions altogether](#). Sustained threats towards individual women and to women in general can have a chilling effect and can also lead to self-censorship, making women feel less able to express themselves in the public sphere, whether online or in-person.

It is also important to understand and attempt to address the reasons why women, though disproportionately at risk, are less likely to self-report abuse or harassment they may experience, or seek and receive assistance. Women may fear they will not be believed or taken seriously, especially by law enforcement. They may have less financial stability than their male counterparts, and may fear

repercussions for their families. They may also fear backlash if others find out that they have tried to seek assistance. Although many of these concerns are the same for people of all genders and identities, in traditional societies in particular, women may and do fear that reporting harassment can result in pressure from family members to stop working or engaging in their professional life altogether.

In many contexts, going to law enforcement may not be a safe option, especially where the state may be a perpetrator. As noted earlier, human rights defenders and activists already face an onslaught of threats and frequently experience trauma; women often also face specific threats tied to their gender identity, particularly gender-based violence. Such experiences (of gender-based violence, threats, and sexual harassment) may be especially traumatizing and difficult to speak about.

Below are some examples of gender-specific threats experienced by individual women in the public sphere or because of their work on women's rights, which PEN America has worked to support and elevate:

- Saudi writer-activists [Nouf Abdulaziz, Loujain Al-Hathloul, and Eman Al-Nafjan](#) were arrested in May and June 2018, among other activists who had campaigned against the ban on driving and for women's rights. During months of detention without charge, they were reportedly subjected to imprisonment, solitary confinement, torture, and threats of rape.
- Saudi activist and street artist [Ms Saffaa](#), whose hashtag and mural #IAmMyOwnGuardian went viral in 2016. She uses her work to amplify the voices of Saudi women and to speak up against male guardianship laws. As a result of her work, Saffaa became a target of harassment, trolling, and vandalism, to the point that she is now self-exiled in Australia. In 2017, a self-funded mural in Melbourne of female Saudi activists and artists in headscarves, accompanied by Saudi poetry, was defaced overnight. Saffaa suspects the vandalism was a product of Islamophobia and said of the women featured in the mural, "What do I tell these women? You have to fight the misogynist men back home and the Islamophobic racist bigots in this country?"
- Iranian scholar and writer [Zahra Rahnavard](#) has been under unofficial house arrest since February 2011 for her political activism in support of women's rights.
- Sri Lankan journalist, poet, activist, writer, and mother [Sharmilla Seyyed](#), who was also forced into exile because she faced harassment and death threats in response to her work, which addresses the socio-economic vulnerability of women in Sri Lankan society. Horrifically, fundamentalist groups posted a graphic photoshopped image of Seyyed's body being

raped and murdered, leading her family and friends to believe she had actually been killed.

- Russian visual artist and activist [Yulia Tsvetkova](#) uses her artwork to comment on “female sexuality, freedom, and security.” For instance, her “Vagina Monologues” features an array of vulva-centric artworks in order to highlight the reality of the female body and with the goal of normalizing women’s bodies. Once she started featuring feminist and LGBTQ activist themes in her artwork, backlash was swift. Her use of women’s bodies in her activism and artwork, often on behalf of the LGBTQ community, has led to both criminal charges – she is currently on trial for her LGBTQ activism– and alienation from her community.
 - Chilean feminist performance collective [LASTESIS](#) rose to global fame for their performance of “Un violador en tu camino,” which became a feminist anthem performed around the world to combat the silencing of women and domestic and institutionalized sexual violence. LASTESIS aims to engage feminist theory through art and in many instances has used art to expose and fight state violence, especially toward women. In late May 2020, they also collaborated with Russian feminist art collective Pussy Riot on a video titled “Manifiesto Against Police Violence / RIOT x LASTESIS.” The manifesto condemns police violence against women, which has been exacerbated by the COVID-19 pandemic. It resulted in immediate backlash from Chilean authorities; the police sued the group for allegedly inciting violence and then for hate speech in relation to “Un violador en tu camino.”
 - Sudanese human rights activist, journalist, and author [Rania Mamoun](#) writes about and for Sudanese readers who are victims and survivors of racism and ethnic violence. She considers writing a tool for her to voice political ideas and speak out regarding human rights abuses and women’s rights. In September 2013, she was arrested during a peaceful demonstration against the rise of petrol prices. During her detention and interrogations, she was sexually harassed, beaten, humiliated, verbally assaulted, and threatened with rape. Mamoun had noted that hers was not an isolated case and that many women activists are threatened with sexual violence by government authorities or police. She added that husbands and family members of women activists are also threatened and humiliated, which adds another layer of guilt and responsibility for many women.
1. C. How have the pandemic, economic crises and recent political unrests affected women’s ability to communicate, protest and access information online and offline?

The challenges for women in the public sphere have only intensified due to the pandemic and other crises and political unrest. One of these challenges is the restriction on mobility due to the pandemic. Women are more likely to bear the burden of family and care work in households, so they may have even less of an ability to carry out their professional work. Additionally, some women activists and human rights defenders may be stuck at home with families that do not support their activism and may even be the source of, or part of, the threats they face. It is even more difficult now to move around, within and across borders, leaving them with few options.

On the other hand, the move to digital spaces can be both a challenge and an opportunity. For those that have access to the internet and electronic devices, there are many more ways to connect to others around the world, to build solidarity, to communicate, to participate in events and actions, to mobilize people, although they then also face the threat of online abuse in response to their online engagement. And for those who do not have access, it is harder than ever, and they have been further relegated to the sidelines. With opportunities also moving strictly to the digital realm, it can be even more challenging for some women to participate.

9. What do you think internet intermediaries should do to protect women's right to freedom of opinion and expression and make the online space safe for women?

Below, PEN America offers specific recommendations drawn from our own work for concrete actions that can be taken to address online abuse and to support writers and artists under threat. Though these recommendations could be beneficial to anyone experiencing online abuse, they are rooted in the experiences of writers and journalists who identify as women, people of color, LGBTQIA+, and/or are members of religious or ethnic minorities in the United States, where PEN America's expertise on online abuse is strongest.

We made several recommendations to internet and social media intermediaries in our March 2021 report, [No Excuse for Abuse](#), primarily targeting Twitter, Facebook, and Instagram:

- Build shields that enable users to proactively filter abusive content across feeds, threads, comments, replies, direct messages, etc. and quarantine it in a dashboard, where they can review and address it with the help of trusted allies.
- Enable users to assemble rapid response teams and delegate account access, so that trusted allies can jump in to provide targeted assistance.
- Create a documentation feature that allows users to quickly and easily record evidence of abuse, which is critical for communicating with employers, engaging with law enforcement, and pursuing legal action.

- Create safety modes that make it easier to customize privacy and security settings and tighten them with one click.
- Create a transparent system of escalating penalties for abusive behavior—including warnings, strikes, nudges, temporary functionality limitations, and suspensions, as well as content takedowns and account bans—and spell out these penalties for users every step of the way.
- For extreme or overwhelming abuse, create an SOS button that users could activate to instantly trigger additional in-platform protections and an emergency hotline that provides personalized, trauma-informed support in real-time.

Again, these recommendations were based on our work in the United States; in our report, we endeavor to note the risks and ramifications of applying strategies conceived in and for the United States internationally.

PEN America also recognizes the need to be careful about how much power private entities have to police speech. Contentious, combative, and even offensive views often do not rise to the level of speech that should be banned, removed, or suppressed. Efforts to combat online harassment that rely too heavily on taking down content, especially given the challenges of implicit bias in both human and automated moderation, risk sweeping up legitimate disagreement and critique and may further marginalize the very individuals and communities such measures are meant to protect. Furthermore, some tools that mitigate abuse can be exploited to silence the marginalized and censor dissenting views. More aggressive policing of content by platforms must be accompanied by stepped-up mechanisms that allow users to appeal and achieve timely resolution in instances where they believe that content has been unjustifiably suppressed or removed. Such tensions can already be seen in the censoring of work posted on social media featuring women's bodies, which are often taken down because of nudity, obscenity, and/or pornography rules.

10. What role has legacy media played in aggravating or addressing the challenges women face in exercising their freedom of expression? What do you think the legacy media can do to empower women and make the public space safe for them, especially for women journalists?

Based on PEN America's work with U.S. newsrooms to support journalists experiencing online abuse, we offer the following recommendations for organizations, newsrooms, and employers [to better support](#) women and others who experience harassment and abuse, especially online:

- Acknowledge at the level of institutional leadership that online abuse is a real problem that causes real and significant harm and make a commitment to protect and support those targeted.

- Create protocols and offer training so that people know that there are concrete steps they can take to protect themselves and respond. Trainings should also include information regarding digital security, threat assessment and physical safety.
- Develop an internal reporting system so staff can safely and privately report online abuse, threats, and safety concerns.
- Offer free or subsidized services, such as access to mental health care, legal counsel, and digital security support and protection.
- Encourage peer support networks, ensuring that staff has adequate time and access to leadership in order to be able to actually improve policies and resources.

We believe that everyone has the right to express their opinions, free of fear, and it is crucial to understand the ways it can be extra challenging for women and other people with historically marginalized identities. We thank you again for the opportunity to provide input for your report.

Please do not hesitate to contact us if we can be of further assistance with this report. We look forward to continued engagement on these issues and others related to your mandate.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julie Trébault', with a long horizontal flourish extending to the right.

Julie Trébault
Director, Artists at Risk Connection (ARC)