

Special Rapporteur on the promotion and protection of freedom of opinion and expression
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QUT Digital Media Research Centre submission regarding gender justice and the right to freedom of opinion and expression

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We are researchers in QUT's Digital Media Research Centre and the ARC Centre of Excellence for Automated Decision-Making and Society. The DMRC is a global leader in digital humanities and social science research with a focus on communication, media, and the law. The ADM+S is a cross-disciplinary national research centre that supports the development of responsible, ethical and inclusive automated decision-making systems.

While we are unable to provide a full submission at this stage, we have extensive research on the intersection of freedom of expression and gender online. We have outlined some of the key points below; we welcome any opportunity to follow up if necessary. Based on our research, we note that:

- Digital technologies can be empowering for vulnerable and marginalised groups, but they are also frequently used as a tool of discrimination and abuse. The prevalence and impact of discrimination and abuse limits the ability of marginalised groups to participate fully online, including exercising their rights to freedom of expression among other human rights.¹
- The dynamic ways that perpetrators use digital media to facilitate coercive control are still poorly understood. State responses to date generally do not sufficiently articulate the responsibilities of technology companies and digital platforms in limiting the use of their networks for surveillance, exploitation, and other forms of abuse.²
- Technology companies and digital platforms have human rights responsibilities to design their networks and services to address gender-based violence online, but there

¹ Suzor, N.P. 2019. *Lawless: The Secret Rules That Govern Our Digital Lives*. Cambridge: Cambridge University Press. <https://osf.io/preprints/socarxiv/ack26/>.

² Dragiewicz, M., Burgess, J., Matamoros-Fernández, A., Salter, M., Suzor, N.P., Woodlock, D. and Harris, B. 2018. Technology facilitated coercive control: Domestic violence and the competing roles of digital media platforms. *Feminist Media Studies*, 18(4), pp. 609-625; Harris, B. 2020. Technology, domestic and family violence: perpetration, experiences and responses. *QUT Centre for Justice*, (4), pp.1-4. https://eprints.qut.edu.au/199781/1/V1_Briefing_Paper_template.pdf; Henry, N. and Witt, A. Governing Image-Based Sexual Abuse: Digital Platform Policies, Tools, and Practices. In: Bailey, J., Flynn, A. and Henry, N. (eds) *The Emerald International Handbook of Technology-Facilitated Violence and Abuse*. Emerald Publishing Limited. <https://www.emerald.com/insight/content/doi/10.1108/978-1-83982-848-520211054/full/pdf?title=governing-image-based-sexual-abuse-digital-platform-policies-tools-and-practices>.

is much work to be done to understand what these responsibilities involve in different contexts.³

- Responses to abuse and the suppression of expression online must consider normalised, ordinary abuse, not just criminal behaviour or extreme content.⁴
- Content moderation processes of digital platforms are unacceptably opaque⁵ and they often operate inconsistently to exacerbate discrimination against women and LGBTIQ+ groups.⁶
- There is clear evidence that the rules of at least some digital platforms are enforced in highly inconsistent ways that can amplify the expression of some women while silencing others.⁷
- Poorly designed content classification laws hinder the production of sexual content that reflects diverse bodies, queer intimacies, and non-normative sexual practices, making it more difficult for some groups to express themselves and for people to access expression that is relevant and important to them.⁸

Please contact Lucinda Nelson at l5.nelson@qut.edu.au if you would like further information or to discuss any of these findings in more depth.

³ Suzor, N., Dragiewicz, M., Harris, B., Gillett, R., Burgess, J. and Van Geelen, T. 2019. Human rights by design: The responsibilities of social media platforms to address gender-based violence online. *Policy & Internet*, 11(1), pp. 84-103. <https://doi.org/10.1002/poi3.185>.

⁴ Gillett, R. 2018. Intimate intrusions online: Studying the normalisation of abuse in dating apps. *Women's Studies International Forum*, 69(July-August), pp. 212-219. <https://doi.org/10.1016/j.wsif.2018.04.005>.

⁵ Suzor, N., Myers West, S., Quodling, A. and York, J. 2019. What Do We Mean When We Talk About Transparency? Toward Meaningful Transparency in Commercial Content Moderation. *International Journal of Communication*, 13, pp. 1526–1543. <https://eprints.qut.edu.au/126386/1/126386p.pdf>.

⁶ Duguay, S., Burgess, J. and Suzor, N. 2018. Queer Women's Experiences of Patchwork Platform Governance on Tinder, Instagram, and Vine. *Convergence*, 26(2), pp. 237-252. <https://doi.org/10.1177/1354856518781530>.

⁷ Witt, A., Suzor, N. and Huggins, A. 2019. The rule of law on Instagram: An evaluation of the moderation of images depicting women's bodies. *University of New South Wales Law Journal*, 42(2), pp. 557-596. <https://eprints.qut.edu.au/129978/9/129978p.pdf>.

⁸ Stardust, Z. 2018. Safe for Work: Feminist Porn, Corporate Regulation and Community Standards. In: Dale C. and Overell R. (eds) *Orienting Feminism*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-319-70660-3_9.