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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

1 February 2017

Call for inputs from industry and the tech community, as well as other relevant stakeholders, to a report on "ways to bridge the gender digital divide from a human rights perspective"

Deadline 15 February 2017

Background

On 1 July 2016, the Human Rights Council adopted Resolution 32/13 on "The promotion, protection and enjoyment of human rights on the Internet".

Paragraph 13 of the resolution requests "the United Nations High Commissioner for Human Rights to prepare a report on ways to bridge the gender digital divide from a human rights perspective, in consultation with States, the special procedures of the Human Rights Council, international organizations, national human rights institutions, civil society, industry, technical community and academia and other stakeholders, and to submit it to the Council at its thirty-fifth session" in June 2017.

For the preparation of this report, the Office of the High Commissioner for Human Rights (OHCHR) invites inputs from industry and the technical community, as well as from any other organizations engaged in activities related to the gender digital divide. For this purpose we have prepared a questionnaire (please see attached) and would appreciate your responses. Please feel free to address any other issues that may be considered useful for this report. We would also welcome receiving copies of recent reports or publications by your organization on this subject.

Submissions and responses to the questionnaire should be a **maximum of 5 pages** in length, and will be made available for consultation on the OHCHR website.

Please send submissions and responses by **15 February 2017** to registry@ohchr.org with the subject title: "Input to Report on ways to bridge the gender digital divide from a human rights perspective."

For further information, please see http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/WaystoBridgetheGenderDigital.aspx

Questionnaire
For the preparation of this report, OHCHR would appreciate receiving information in response to the following questions:

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The meaning of the digital divide/extent of the problem

1. Please identify the main obstacles and barriers faced by women and girls to access digital technologies and participate in digital life. Please elaborate on the nature **of** these obstacles and how they manifest themselves in practice (e.g. political, economic, social and legal factors, cultural and religious norms, education and literacy gaps, online violence, bullying and harassment, infrastructural constraints, security, affordability, lack of relevant content).

The work of the Astraea Lesbian Foundation for Justice (Astraea) focuses on LGBTQI communities, especially lesbian, bisexual and trans (LBT) women, trans and gender-nonconforming (TGNC) people and intersex individuals. Despite the legality of same-sex relations in the majority of nations, the lived experience of LGBTQI people tells a different story. LGBTQI communities face disproportionate levels of violence, including hate violence, intimate partner and family violence, and institutional violence in the form of laws that criminalize aspects of LGBTQI people's lives, dignity and livelihoods. Discrimination is codified in law around the world; same-sex consensual acts are illegal in nearly 40% of countries, and in thirteen countries and entities, being LGBTQI is grounds for execution. Laws range from sodomy laws that ban consensual sex between same-sex adults to statutes that ban cross-dressing and criminalize sex work. In the majority of countries, trans and gender nonconforming people do not have access to legal gender recognition without restrictions and requirements that violate their human rights. Only one country in the world, Malta, protects intersex children from non-consensual medical interventions on their sex characteristics. Even in places with legal equality, LGBTQI people continue to face extreme safety threats and human rights violations as well as significant levels of poverty and economic inequities.

Given these realities, LGBTQI people are often isolated and have little access to resources; online organizing can be one method for building community. The internet provides accessible tools for the expression of LGBTQI identities, allows LGBQI individuals to connect and exchange strategies, and offers a space for organizing that enables the flow of information. However, because there are limited opportunities for LGBTQI activists to strategize about digital security as it relates to their organizing, and little tailored technology skills-building that is grounded in their realities, activists taking advantage of the internet's power to connect them to their communities are vulnerable to digital threats. Additionally, the high levels of surveillance facilitated by online exposure often lead to physical harassment and even death at the hands of those who use unsecured data to identify and persecute activists. The trend of closing space for civil society leaves LGBTQI activists even more vulnerable, making securing data all the more pressing - but LGBTQI organizations, especially in Global South and East countries where LGBTQI movements are still emerging, often lack the resources to do so.

Astraea is one of the first LGBTQI organizations to address the lack of digital security and technology training accessible for LGBTQI communities. Transforming the experiences of these marginalized LGBTQI communities includes ensuring that they are able to fully participate in the digital landscape without fearing for their digital and physical security. Our CommsLabs program directly supports LGBTQI groups in the areas of media, communications and technology, including efforts to combat both physical and digital gender-based violence and strategies to politically empower LBT women. See the next question.

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2. Does your company/organization consider the impact of its digital products, services, strategies and policies on women and girls?

Yes. We have a program called CommsLabs (Communications, Media and Technology Labs) that focuses on building the communications, media and technology, self-care/wellness and holistic (digital and physical) security capacity of LGBQTI activists from the Global South; we prioritize LBT women, TGNC and intersex people, who are are often the most affected by violence and discrimination against LGBTQI communities. CommsLabs is designed to be an integrated movement-building initiative that interconnects healing, invention, technology, media/communications and grassroots organizing and activism.

3. Please indicate if your company/organization collects sex and gender disaggregated data regarding access, use and impact of digital technologies. Is this data openly published and accessible (in accordance with responsible data practices)? If possible, please provide such statistics.

One of our aims is to make digital technology more accessible for marginalized LGBTQI communities, especially LBT women and TGNC and intersex people, as one avenue for advancing LGBTQI human rights. However, our mission does not include the broad collection of such statistics.

4. Please indicate if your company/organization has set measurable targets for gender equality in access and use of digital technologies and describe those targets and their effect.

No, our work does not include setting specific targets.

5. How does your company/organization address the needs of diverse members of the female population in terms of accessing and participating in digital technologies, including women and girls belonging to ethnic or linguistic minorities, those living in extreme poverty or of low caste, those living in rural or marginalized urban areas, women and girls with disabilities, lesbian, transgender and intersex persons, elderly women etc.? What can companies/organizations do to ensure access to alternative communications mechanisms for those unable or unwilling to participate in digital technologies?

Yes, see answers to questions one and two.

Human Rights implications of the gender digital divide for women and girls

6. What is your company/organization doing to ensure that its interventions to bridge the gender digital divide, are based upon, and fully consistent with international human rights, including gender equality? Does it conduct impact assessments and/or consult with civil society, affected communities, and human rights experts? (You may wish to consider some key principles required to adopt a human rights-based approach *viz*.: accountability, equality and non-discrimination, participation, transparency, empowerment, sustainability, etc.).[1]

All of Astraea's work, including our efforts at the intersections of tech, communications and gender justice, is done in deep partnership with grassroots LGBTQI activists around the globe. Our CommsLabs initiative is centered around capacity-building convenings. To date, Astraea has held three CommsLabs convenings: in Colombia, which included participants from Peru,

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[1] Other human rights considerations that could/should be taken into consideration include freedoms of expression, association, religion or belief, freedom from violence, right to education, life, health, identity, an adequate standard of living, to participate in government and in cultural life, promotion of gender equality and rights of non-discrimination, rights of indigenous peoples, minority rights, rights of migrant workers, right to enjoy the benefits of scientific advancement, etc.

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Honduras and Ecuador; in Kenya; and in South Africa. The activities and objectives for each Lab are determined with participants prior to the convening to ensure that their priorities and the needs of their local context are met.

Additionally, prior to each CommsLabs, Astraea does background research and creates landscape analyses for the country or region, again with input from local LGBTQI activists and organizations, so we have the most up-to-date knowledge of the LGBTQI rights and gender justice landscape and know the current resources available to LGBTQI groups. These analyses examine every aspect of LGBTQI human rights and the existing laws and policies, including assessing freedom from violence, free expression, access to services, right to non-discrimination, etc.

7. How does your company/organization encourage the development and use of digital technologies as a resource for the empowerment of women and girls? How does it support the creation of online content, applications and services that reflect women's needs and/or promote their rights? Does it support women's rights organizations, women human rights defenders and women environmental activists to use these technologies (for example to access critical information, build knowledge, express thoughts and beliefs, form networks and communities and mobilise for change)? Please provide any relevant examples.

Our CommsLabs program works with LBT women human rights defenders to support their utilization of technology to advance human rights advocacy priorities. A clear CommsLabs impact example for LBT women is shown through the work of our grantee partner Red Lésbica Cattrachas (Cattrachas Lesbian Network) in Honduras, which has expanded its open-source community database of LGBTQI human rights violations through expertise and networks gained through CommsLabs. The database, called the Observatorio, is a cloud-based software that provides a platform for secure documentation of hate crimes and human rights abuses targeting LGBTQI people in Honduras. It scans media reports for keywords that relate to violence against LGBT people. Cattrachas then investigates these incidents of violence, and issues reports nationally and internationally in an attempt to hold the government accountable for investigating these crimes. With support from CommsLabs, it is now an online tool, easily shareable with other organizations that want to use it, and more digitally secure.

Until the emergence of Cattrachas, very little data existed on the violence against LGBTQI people in Honduras or the other human rights violations they face. Without data, there was little to convince the Honduran government to recognize the widespread occurrence of LGBTQI hate crimes and femicides. With the Observatorio, Cattrachas is able to apply a gender justice lens to crime data and statistics, highlighting just how many human rights violations are committed against LBT women and the wider LGBT community. Cattrachas has used their Observatorio research to advance legal and policy wins, including advocacy for the creation of special victims units to investigate violent crimes targeting LGBT people and reform of the Honduran Penal Code to criminalize LGBT hate crimes and femicides. CommsLabs enabled this local innovation to be amplified and more secure while refining its overall effectiveness.

8. Does your company/organization take into account the gender and ICT targets contained in the UN Sustainable Development Goals?[2] Please elaborate.

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[2] For example, Goal 5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women; Goal 9.c Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020.

We do not officially use the UN SDGs to shape our programs, but we are aware of them; our efforts align in various ways, with a focus on LGBTQI communities.

9. Are you aware of any laws, policies or practices to address technology-related or technology-mediated violence against women and girls (e.g. cyber bullying, hate speech, stalking, sexual harassment, trafficking, manipulation of personal information and images)? Has your company/organization taken any specific actions to protect against, and respond to violence experienced by women and girls via technology platforms (e.g. policies, monitoring of content, providing mechanisms for reporting and redress)?

See answer to question seven above. Additionally, we are not aware of any specific laws or policies in place to address technology-related or technology-mediated violence against women and girls, though some countries have laws addressing cyberbullying (such as Sweden, the US and Austria).

10. Does your company/organization facilitate access to remedy in accordance with human rights principles and standards, where human rights harms may be caused or contributed to by connectivity initiatives (e.g. where an individual is threatened by internet-based content, or by illegitimate surveillance, limitations on freedoms of expressions, and other rights)?

Our CommsLabs initiative supports LGBTQI activists and organizations to gain the knowledge, skills and tools to respond to such threats.

11. Has your company/organization considered how Big Data, the Internet of Things, Artificial Intelligence and Ambient Intelligence may impact on the gender digital divide from a human rights perspective? Do you see a risk that women and girls may be discriminated against, or excluded by these technologies? Or are they likely to create new opportunities to promote gender equality and empowerment? How can companies/organizations influence design and standards to ensure these technologies are inclusive?

Yes, there is definitely a risk that both women and LGBTQI people may be discriminated against or excluded. However, there is also the possibility for new opportunities - the key is to engage women and LGBTQI communities in the process of shaping these technologies, from the ground floor on up. It's not merely about access, but also about who controls the creation of these technologies from the beginning. It must be a thoughtful,intentional, inclusive process that does not leave marginalized communities on the sidelines - otherwise, if technologies are imposed without consideration for and direct consultation of communities affected, there is certain to be negative effects and discrimination.

Possible solutions for bridging the gender digital divide from a human rights perspective

12. Is your company/organization taking measures to expand equal access and enhance the participation of women and girls in digital technologies as users, content creators, employees, entrepreneurs, innovators and leaders? Please elaborate on any initiatives, programs or other interventions you may be leading or supporting (including to address underlying causes of the gender digital divide).

Please see previous answers relating to CommsLabs; one of CommsLabs' goals is to enable LGBTQI people to securely access the internet and engage in online human rights advocacy without fear of physical or digital reprisal, which can severely limit access through fear and intimidation. Astraea also works to build the resources of LGBTQI organizations, especially those led by LBT women and TGNC and intersex people; this often includes bolstering their capacity to participate in digital technologies and the internet in order to advance their human

rights priorities.

13. Does your company/organization engage in public advocacy or participate in the Internet Governance Forum to promote gender-responsive policies on digital technologies? Do you support processes and mechanisms that enable the full, active and equal participation of women and girls in decision-making about how the Internet is shaped and governed?

Yes. We have increasingly worked to highlight LGBTQI issues in dialogues related to digital security and technology through several venues, including RightsCon, the Internet Freedom Festival, the Stockholm Internet Forum and other internet and technology human rights spaces. Astraea is usually the only LGBTQI organization in the room. We run sessions and panels in partnership with frontline LGBTQI activists in order to educate technologists, internet freedom actors and technology funders on the realities and needs of LGBTQI human rights defenders.

14. How can the industry and tech community be productively engaged in bridging the gender digital divide and improving the lived experience of women and girls online? What should be the responsibilities of different stakeholders to make digital inclusion a reality and ensure meaningful digital opportunities for all?

As described above, exceptional challenges face LGBTQI people due to the ways in which LGBTQI communities are criminalized and otherwise at risk - and these challenges carry over into the realm of technology and the internet. We know this because, unlike technology groups reaching out to LGBTQI communities, Astraea is the target community – we are a public foundation built, operated by and working in the service of a multi-gendered, multi-ethnic, multi-national and intergenerational LGBTQI constituency. At the same time, we are a women's fund, founded by and for queer women of color. We are uniquely positioned to ensure that the digital security and technology training needs of LBT women and other marginalized LGBTQI constituencies are met. CommsLabs, with its community-centered framework, is an innovative method to ensure that LGBTQI activists are gaining access to the skills they need because it takes into account direct feedback from activists living and working in particular country contexts and then builds its programmatic structure for each region/country from there. Its framework is constructed by activists who then become participants. Astraea's lens is always to consider those closest to the problem to be those most likely to have the solution, and CommsLabs takes that activist-centric outlook and brings it into the technological realm.

In order to address digital inclusion for women and for LGBTQI people, the tech community needs to address its current default patriarchal structure and top-down approach. One way to do that is to partner with grassroots LGBTQI and women's human rights organizations and civil society, who have insight into the most effective ways to include LGBTQI and women's voices in technology initiatives from a human rights perspective. Every effort to expand access to technology must include input from the target constituencies. Women and LGBTQI people must have the opportunity to sit at the table and shape the future of technology and digital rights.

Additionally, the tech community must take it upon itself to reduce the gender divide through proactive measures such as shared and transparent goal-setting, including reporting on progress; ensuring the tech and leadership development opportunities available to young people are reaching a wide and diverse audience; embedding diversity in gender, race and sexual orientation as core values across company and employment policies; and focusing on the gender divide when setting goals for corporate social responsibility, among other measures.