



UN Special Rapporteur on the Promotion and
Protection of Freedom of Opinion and Expression
Palais des Nations, CH-1211 Geneva 10;
Switzerland; freedex@ohchr.org.

14 June 2021

Freedom of Expression of Women in the Public Sphere: From Objectification to Technology Facilitated Sexual Violence

Submission to the Thematic Report on the Right to Freedom of Opinion and Expression and
Gender Justice for the 76th session of the General Assembly

Sandra Amankaviciute

PhD Researcher, Faculty of Arts, Design & Architecture, and
Australian Human Rights Institute, UNSW Sydney, Australia;
s.amankaviciute@unsw.edu.au

Dr Helen Pringle

Senior Lecturer, Faculty of Arts, Design & Architecture,
UNSW Sydney Australia;
h.pringle@unsw.edu.au

Dr Monika Zalnieriute

Senior Lecturer, and Australian Research Council DECRA Fellow,
Faculty of Law and Justice UNSW Sydney, Australia;
ARC Centre of Excellence 'Automated Decision-Making and Society';
Allens Hub for Technology, Law and Innovation;
Australian Human Rights Institute, UNSW;
m.zalnieriute@unsw.edu.au.

Thank you for the opportunity to make a submission to this inquiry. We do so in a private capacity as researchers of human rights law, technology, and feminist theory at UNSW Sydney, Australia. The views expressed are our own, and not of the UNSW Sydney or any other institution.

Women in the public sphere, including women journalists, human rights defenders, politicians, and activists, face many challenges in exercising their freedom of expression across the globe. Both online and offline, the prevalence and normalisation of sexualised, objectifying, and humiliating images of women and girls, as well as technology-facilitated violence against women and



pornographic content in the digital environment, limit and challenge the right to freedom of expression and opinion of women in the public sphere in multiple ways. In this submission, we draw attention to three issues.

1. Objectification and Hyper-Sexualisation of Women and Girls Online and Offline

Women in the public sphere, including politicians, journalists and feminist activists, encounter objectifying and hyper-sexualised portrayals of women (and girls) both online and offline, which not only humiliate individual women, but undermine their right to free expression and opinion. For example, women politicians like the former Australian Prime Minister Julia Gillard are frequently targets of political satire and misogynist, objectifying, and sexualised jokes.¹ Similarly, women and girls, at increasingly younger ages, are portrayed in a sexualised manner on social media, on the accounts of the so-called influencers as well as by the digital advertising industry.² Such sexist targeting and objectification is a form of systemic discrimination, which marks out public spaces as a male domain, in which women are mere objects and their voices are subject to derision and mockery.

The objectification and sexualization of women is linked to common mental health problems such as eating disorders, low self-esteem, and depression in young women and girls.³ Sexualisation and objectification by others also induce self-objectification; a process whereby women learn to see and treat themselves as objects for the use and pleasure of others.⁴ Because of social and cultural pressure to be seen as sexually attractive, women's and girls' freedom to express themselves in non-sexual ways is often impeded on intrapersonal as well as societal levels. Such forms of gendered sexualisation and objectification can undercut the authority of women's voice, such that what they say is not taken seriously or even as truthful. This lack of authority of women's voices in cases of sexual assault is notorious, but is also evidenced more broadly in the courtroom, just as in the court of public opinion.

¹ See Helen Pringle. 'The Pornification of Julia Gillard' in *Bewitched and Bedevilled: Women Write the Gillard Years* ed. Samantha Trenoweth (Melbourne: Hardie Grant, 2013).

² Plan International, *Free to Be Online: A Report on Girls' and Young Women's Experience of Online Harassment* (2020), <https://plan-international.org/publications/freetobeonline>. The report is based on research with over 14,000 girls and young women in 31 countries across the world.

³ American Psychological Association, *Report of the APA Task Force on the Sexualization of Girls* (2008), <https://www.apa.org/pi/women/programs/girls/report>.

⁴ Barbara L. Fredrickson and Tomi-Ann Roberts, "Objectification Theory: Toward Understanding Women's Lived Experiences and Mental Health Risks" (1997) 21 *Psychology of Women Quarterly* 173.



2. Technology-Facilitated Sexual Violence Hinders Women’s Freedom of Expression

Moreover, women in the public sphere, such as politicians and feminist activists, encounter a further range of behaviours that belittle, harm, and objectify women through use of technology, which in turn, undermines their freedom of expression and opinion. These behaviours, collectively known as Technology-Facilitated Sexual Violence (“TFSV”) refer to the use of digital technologies to blackmail, control, coerce, harass, humiliate, objectify or violate other persons, commonly women.⁵ TFSV often takes similar forms of intimidation as in the offline world, with the parallel attempt to exclude women from expression within that space and includes: online sexual harassment, gender and sexuality-based harassment, cyberstalking, image-based sexual abuse (colloquially known as “revenge porn”) and technology-facilitated unwanted sexual experiences.⁶ Women in the public sphere, who become the victims of TFSV, frequently respond by limiting or self-censoring their online participation, deleting their profiles, and removing themselves from online spaces.⁷ TFSV has a significant impact on the freedom of expression and opinion of women in the public sphere.

3. Pornography Industry Profits from Violence and Images of Women in the Public Sphere

The right to freedom of expression of women in the public sphere is further undermined by the multi-billion-dollar pornography industry, which places profits over the rights, safety, and dignity of women. Pornographic content commonly portrays sex as a male sexual imperative, and involves high levels of degradation, violence, and humiliation of women.⁸ Such content impedes gender justice in “framing” women as inferior and subordinate to men, and as willing to be treated in that way. While pornography sites such as PornHub, and defenders of the pornography industry, claim that freedom of expression of women underwrites their participation in the pornography industry as free and consenting adults,⁹ pornography sites commonly profit from sex-trafficking, because they are either aware (or reckless as to the fact) that many women in the pornography industry had

⁵ Nicola Henry and Anastasia Powell, ‘Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law’ (2016) 25 *Social & Legal Studies* 397.

⁶ Nicola Henry and Anastasia Powell, ‘Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research’ (2018) 19 *Trauma, Violence, & Abuse* 195.

⁷ George Veletsianos et al., ‘Women Scholars’ Experiences with Online Harassment and Abuse: Self-Protection, Resistance, Acceptance, and Self-Blame’ (2018) 20 *New Media & Society* 4689.

⁸ Miranda A.H. Horvath et al., ‘Basically... Porn Is Everywhere: A Rapid Evidence Assessment on the Effects that Access and Exposure to Pornography has on Children and Young People,’ 2013; Helen Beckett et al., ‘“It’s Wrong – But You Get Used to It”: A Qualitative Study of Gang-Associated Sexual Violence towards, and Exploitation of, Young People in England’ (University of Bedfordshire 2013).

⁹ See inter alia the academic journal *Porn Studies*, which rests on the notion that it is generally liberating for women to participate in the making, buying and selling, and consumption of pornography.



been lured to it by fraud, coercion and intimidation, often before reaching adulthood.¹⁰ Pornography sites profit further by uploading and circulating real rape videos (not “acting”) and “deep fake” porn videos, and by not taking them down despite repeated requests by rape victims,¹¹ or by women whose images have been “deep-faked”.¹² Prominent examples are the investigative journalist Rana Ayyub, and Hollywood actress Bella Thorne. Women in the public sphere, such as politicians, celebrities, and activists, have been especially targeted for “deep fake” pornographic content, in the interests of profit, revenge or humiliation. Following such violations of their person and dignity, women often retreat from speaking and acting in public. A deliberate strategy by online pornography sites to maximize profits at the cost of women’s standing undermines our freedom of expression and opinion, and our right to full and free participation in the public sphere.

Recommendations

The prevalence and normalization of sexualized images of women and girls, technology-facilitated violence against women, including in the pornography industry, hinders freedom of expression by women in the public sphere, undermining their dignity, and reinforcing structural gender discrimination. Article 3 of CEDAW gives positive affirmation to the principle of equality by requiring that States parties take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”.

We invite the Special Rapporteur to call on digital platforms and governments to work together to develop approaches to tackle technology-facilitated violence against women. These approaches can be grounded in both criminal and human rights law; and the latter should involve a development of a binding international human rights law for private actors to remedy the violations of freedom of expression of women in the digital environment.¹³ However, importantly, these legal approaches should also build on a wider effort to de-normalize objectification and sexualisation of women and girls, including in mainstream advertising and the multi-billion pornography industry. Only then can women in the public sphere enjoy their freedom of expression, opinion, and dignity both online and offline, without discrimination.

¹⁰ “Pornhub Sued by 40 Girls Do Porn Sex Trafficking Victims” *BBC News* (16 December 2020) <<https://www.bbc.com/news/technology-55333403>> accessed 9 June 2021.

¹¹ ““I Was Raped at 14, and the Video Ended up on a Porn Site”” *BBC News* (10 February 2020) <<https://www.bbc.com/news/stories-51391981>> accessed 9 June 2021.

¹² See Mary Anne Franks and Ari Ezra Waldman, “Sex, Lies, and Videotape: Deep Fakes and Free Speech Delusions” (2018-2019) 78 *Maryland Law Review* 892.