BRIEFING: GENDER, TECH, AND INEQUALITY

RISKS AT THE INTERSECTION OF TECHNOLOGY, GENDER, AND HUMAN RIGHTS

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Cover photo: *A cartoon of a woman holding a cat about to exit a door, looking back at an image of a phone with notifications signalling online harassment. In the background, a group of identical-looking men in uniform are sat at computers, all looking at images of this woman on their screens.*
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1. GLOSSARY

WORD	DESCRIPTION
ALGORITHM	An algorithm is a procedure used for solving a problem or performing a computation. Algorithms act as an exact list of instructions that conduct specific actions step by step, typically used to solve specific problems or to perform a computation. Algorithms are used as specifications for performing calculations and data processing. Algorithmic systems are applications that perform one or more tasks such as gathering, combining, cleaning, sorting, classifying and inferring data, as well as selection, prioritization, making recommendations and decision-making.
AUTOMATED DECISION MAKING	A decision-making system where no human is involved in the decision-making process. The decision is made solely by the system.
BIG TECH	A common shorthand for the most dominant information technology companies shaping the internet. Amnesty International's work on Big Tech primarily focuses on companies that rely on a surveillance-based business model and associated digital advertising practices.
CONTENT MODERATION	Social media platforms' oversight and enforcement of their community guidelines for content in relation to permissible and prohibited forms of expression. It can include actions such as the detection, demotion, or removal of content.
DIGITAL CONTENT SUPRESSION	The removal or restriction of information dissemination online. Suppression can occur through content removal, algorithmic biases, shadow banning, or advertisement restrictions. Digital content suppression limits the discussion of certain topics and can ultimately impede the flow of information in digital spaces.
GENDER IDENTITTY	Each person's deeply felt internal and individual sense of gender, which may or may not correspond with the sex assigned at birth. An individual's gender identity may be that of a man, woman, or outside the binary categories of man and woman. It may also be more than one gender, fluid across genders or no gender at all.
HUMAN RIGHTS DEFENDER	Someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without using or advocating hatred, discrimination or violence.
LGBTI	The term LGBTI refers to a broad category of people, including those who identify as lesbian, gay, bisexual, transgender or intersex, although Amnesty International recognizes that there are many alternative terms around the world that are used by people to define their sexual orientation or gender identity and expression.
MALWARE	Malicious software that is designed to be secretly installed on a victim's computer or phone with the intent to steal private information or perform other forms of fraud, damage devices and/or disrupt.
MASS DIGITAL SURVEILLANCE	The practice of monitoring an entire population, or a significant subset of it, through digital means. It is typically done through monitoring electronic communication,

WORD	DESCRIPTION
	digital cameras, employing facial recognition technology, collecting information through biometric databases, or even through drones, among many other tactics. While usually done by governments, it can also be implemented by private companies acting on behalf of governments or out of their own volition.
NON-BINARY	Non-binary people have a gender identity that exists outside the categories of man and woman. It is an umbrella term for various gender identities that lie outside of the gender binary. While some non-binary people may identify as trans, others may not.
SEMI-AUTOMATED DECISION MAKING	A decision-making system where a human is involved in the decision-making process. These systems are often used to select cases for human review or to assist humans in the decision-making process by providing information and/or suggested outcomes.
SHADOW BAN	The action of limiting the visibility of a user or their content on a social media platform or other online space without them being notified. When a user is shadow banned, the visibility of their organic content to their followers is very limited, and their account may not be found using the platform's search function. Although many people, including activists and human rights defenders, have reported some kind of experience with shadow-banning, the phenomenon is not fully understood due to a lack of transparency around social media companies' proprietary algorithmic systems, and more research is needed to understand the full impact of this phenomenon.
SOCIAL PROTECTION	Social protection refers to a broader range of contributory (those financed through contributions made by an individual or on their behalf) and non-contributory (those that are funded through national tax systems) programmes. Social protection programmes can include (i) social insurance, such as pension insurance; (ii) employment and labour programmes, including skills training, unemployment benefits, and job search assistance; and (iii) social assistance and cash benefits for the poor.
SOGIESEC	An acronym that refers to sexual orientation, gender identity and/or expression and sex characteristics.
SPYWARE	Spyware is a particular kind of malware which allows covert access to a target's computer system, phone, or device, often to monitor communications and/or gain access to private information.
STALKERWARE	A term that some researchers have used to refer to surveillance technologies that are explicitly sold or marketed to facilitate intimate partner violence, abuse, or harassment, including spyware that may monitor a partner or dependent's location, activities, or communication with others.
TARGETED DIGITAL SURVEILLANCE	Targeted digital surveillance is the practice of monitoring or spying on specific persons and/or organisations through digital technology. Targeted digital surveillance may involve compromising devices by installing malware and spyware or compromising digital communications through phishing campaigns, among other tactics.
TECH FACILITATED GENDER BASED VIOLENCE (TFGBV)	Technology-facilitated gender-based violence (TfGBV), is any act of violence, or threat thereof, perpetrated by one or more individuals that is committed, assisted, aggravated and/or amplified in part or in full by the use of information and communication technologies or digital media, that disproportionately impacts women and girls but can also impact other people based on their real and/or perceived sexual orientation, gender identity and/or expression, causing physical, psychological, economic and sexual harm.

WORD	DESCRIPTION
TECHNO-SOLUTIONISM	The idea that complex social, economic, and political problems can be overcome by technology, and that the addition of any form of technology into a process or system is an inherently neutral intervention that will necessarily and definitively result in increased efficiency, efficacy, or accessibility.

2. INTRODUCTION

The widespread adoption of digital technologies has significantly transformed the balance of power in economies, governments, and societies around the world. States are increasingly using digital technologies in assessing eligibility for core services such as social protection or health care.[1] Over half the world's population now uses the internet or social media platforms to access news and public information, and to communicate, work, and learn.[2] For more than 4 billion people, technology has become central to securing a place in public life and is foundational to the enjoyment of a range of human rights.[3] The importance of digital inclusion is greater for marginalised people, including women, LGBTI people, and people living at the intersection of other forms of marginalisation, such as racialized people, other ethnic and religious groups, people living with disabilities, and people living in poverty.[4] Groups who have historically faced discrimination may rely more heavily on the services, communication infrastructure, and opportunity for community that are made possible by technology. However, even as the digital realm may present opportunities that may be less accessible elsewhere, their use can also present a range of risks that impact women and LGBTI people in multiple and intersecting ways.[5]

Alongside the increasing incursion of technology-enabled spaces and tools into more areas of daily life, the last few years have also seen an enormous rise in global poverty and wealth inequality.[6] Amnesty International has reported that global inequality is an "enduring reality" in almost every political and social context, with many still unable to access minimum levels of food, water, education, health care, and housing.[7] This is the result not simply of a lack of resources, but also of "unwillingness, negligence, and discrimination by governments and others,"[8] as well as escalating wealth inequality around the world.[9]

Poverty can often be a gendered experience; women are far more likely than men to live in households experiencing poverty.[10] There are 104 women for every 100 men living below the $2.15USD poverty line,[11] and 1

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[1] Amnesty International, Briefing: Social Protection in the Digital Age, 6 March 2024, Index Number: POL 40/7771/2024 https://www.amnesty.org/en/documents/pol40/7771/2024/en/See also "Social Protection" in the glossary of this document.
[2] Amnesty International, Surveillance giants: How the business model of Google and Facebook threatens human rights (Index: POL 30/1404/2019), p. 5.
[3] Amnesty International, Surveillance giants: How the business model of Google and Facebook threatens human rights (Index: POL 30/1404/2019), https://www.amnesty.org/en/documents/pol30/1404/2019/en/, pg. 5.
[4] Amnesty International, Digitally Divided: Technology, Inequality, and Human Rights (Index: POL 40/7108/2023), 2 October 2023, https://www.amnestyusa.org/reports/digitally-divided-technology-inequality-and-human-rights/, p. 10.
[5] Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/, p. 39
[6] Amnesty International, Digitally Divided: Technology, Inequality, and Human Rights (Index: POL 40/7108/2023), 2 October 2023, https://www.amnestyusa.org/reports/digitally-divided-technology-inequality-and-human-rights/, p. 8
[7] Amnesty International, Human Rights for Human Dignity: A Primer on Economic, Social and Cultural Rights, 28 July 2014 (Index: POL 34/001/2014), p. 13; see also Amnesty International Report 2021/2022: State of the World's Human Rights, 29 March 2022 (POL 10/4870/2022), pp. X; 15, 27—29
[8] Amnesty International, Human Rights for Human Dignity: A Primer on Economic, Social and Cultural Rights, 28 July 2014 (Index: POL 34/001/2014), pp. 13—14.
[9] Oxfam, Survival of the Richest: How We Must Tax the Super-Rich Now to Fight Inequality, January 2023, https://www.oxfam.org/en/research/survival-richest
[10] UN Woman and World Bank Group Gender Differences In Poverty And Household Composition Through The Life Cycle, 2018, https://www.unwomen.org/en/digital-library/publications/2018/4/gender-differences-in-poverty-and-household-composition-through-the-life-cycle
[11] World Bank Group, ""Fact Sheet: An Adjustment to Global Poverty Lines," 2 May 2022, https://www.unwomen.org/en/news-stories/press-release/2024/03/1-in-every-10-women-in-the-world-lives-in-extreme-poverty

in every 10 women in the world live in extreme poverty.[12] There is limited global data on poverty rates for LGBTI individuals, but studies suggest that they experience poverty and marginalisation in many contexts, often due to greater levels of social exclusion.[13] Limited or conditional access to technology, which can be enabled or exacerbated by poverty, has implications for equality of access to information, social services, personal safety, and safe work, as well as other rights and services. This is of particular concern when governments adopt digitized or automated systems in programmes for social welfare, a growing trend which Amnesty International has shown to be a multiplier of racial, social, and gender inequality.[14]

The rise of both technology-facilitated inequality and gender-based violence have occurred in the context of a broader set of structural challenges to the protection of human rights around the world. The outbreak of crises like the Covid-19 pandemic, global conflict, widening wealth inequality, climate instability, and increasing authoritarianism have resulted in repression against the freedoms of expression, association, and peaceful assembly, as well as greater pressure on those seeking to protect the rights to health, education, and housing for the world's most marginalised.[15] It is vital to understand tech facilitated gender-based discrimination as part of a continuum of gender-based discrimination that is perpetrated against women and LGBTI people in both online and offline spaces. This discrimination is rooted in and reproduces historical power asymmetries and associated harmful gender norms and stereotypes, exacerbating gender inequality around the world.

The aim of this briefing is to examine how technology can have an impact on the rights of people who face discrimination on the grounds of sexual orientation or gender identity, including women, non-binary people, and LGBTI individuals. It also aims to show how encoded assumptions and biases are often built into the infrastructure and design principles of many of the technological systems that are increasingly present in daily life, as well as the impact on people's ability to access their human rights. In many ways, oversimplified and falsely binarized conceptions of gender, race, and sexuality, and the translation of this understanding into how data is collected and encoded for the purpose of decision-making, are the basis of many technology-based harms that impact people's rights across a spectrum of social and political contexts.[16] Many forms of technology exacerbate or facilitate patterns of racial, economic, and gender inequality, thereby upholding historical systems of unequal power. An intersectional and gender justice informed approach is essential to understanding these harms, as well as working to address and prevent them.

Although technology is often presented as objective and unbiased, it is virtually impossible to create a value-neutral technology, as technologies are introduced into societies and contexts that contain social, political, and structural discrimination.[17] Technologies, therefore, inevitably reflect the underlying biases and worldviews of the people who built, deployed, and funded them.[18] Introducing technology into new areas of life can have unpredictable and unintended consequences, and these impacts can vary widely depending on whether a person or community is already subject to systemic and intersectional forms of marginalisation.

This briefing examines some of the human rights issues that arise at the intersection of gender and technology and highlights the need for greater transparency in the use of technology, including human rights safeguards to protect against a range of potential harms. It builds on the advocacy, campaigns, research, and strategic litigation work that Amnesty International has undertaken in this area. The aim of this briefing is to shine a light on the emerging risks to the rights of women and LGBTI people in digital environments, as well as how these risks intersect with other forms of marginalisation, including race, ethnicity, income, or disability. This briefing

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[12] UN Women, 1 in 10 women in the world lives in extreme poverty, 8 March 2024, https://www.unwomen.org/en/news-stories/press-release/2024/03/1-in-every-10-women-in-the-world-lives-in-extreme-poverty

[13] Human Rights Campaign, Understanding poverty in the LGBTQ+ community, 2019, https://www.hrc.org/resources/understanding-poverty-in-the-lgbtq-community; Report of the Independent Expert Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, 17 July 2019, UN Doc A/74/181 17; UN Women, The Digital Revolution: Implications for Gender Equality and Women's Rights 25 Years after Beijing, https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/The-digital-revolution-Implications-for-gender-equality-and-womens-rights-25-years-after-Beijing-en.pdf

[14] See, for example: Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbiaswelfare-state; Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

[15] Amnesty International, State of the World's Human Rights 2022-2023 (Index: POL 10/5670/2023) 27 March 2023, https://www.amnesty.org/en/documents/pol10/5670/2023/en/

[16] Feminist Data Manifest-No, Cifor, M., et al, 2019, https://www.manifestno.com/; Ruha Benjamin, "Introduction: discriminatory design, liberating imagination," in Captivating Technology: Race, carceral technoscience, and liberatory imagination in everyday life, 2019; Catherine D'Ignazio and Lauren Klein, "The power chapter," in Data Feminism, 2020.

[17] Amnesty International, Briefing: Social Protection in the Digital Age, (Index: POL 40/7771/2024), 6 March 2024, https://www.amnesty.org/en/documents/pol40/7771/2024/en/

[18] Amnesty International, Digitally Divided (previously cited), p. 8

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also provides recommendations to stakeholders for mitigating and remedying these threats in order to achieve gender justice. The information contained in this briefing will also support individuals, communities, civil society organisations, and others who work on gendered forms of marginalisation to be better equipped to defend and protect the rights of women and LGBTI people.

2.1 NOTE ON LANGUAGE

In this briefing, we refer to women and LGBTI people to draw attention to the common roots of gender-based discrimination and violence faced by both groups, where gender is understood as a socially constructed set of norms, roles and behaviours associated with a person's sex assigned at birth. These norms, in turn, serve to uphold and exacerbate economic, racial, and gender inequality. While women and girls are disproportionately impacted by systemic discrimination and violence, the root cause of this violence is the preservation and maintenance of racial, social, and economic power structures. Therefore, any attempt to address gender-based violence must necessarily involve a discussion of structural racism, as well as forms of harm against people who experience other forms of social, racial, and economic discrimination. The technology industry is rooted in and reflects the values and assumptions of historically powerful groups, including the prioritization of profit over the well-being and dignity of people.[19] As such, many rights violations against women and LGBTI people in the digital realm, including forms of additional monitoring, surveillance, and abuse online, can be seen as a way of enforcing and upholding these power structures.

These forms of discrimination may be further compounded for those facing intersectional forms of discrimination and systemic marginalisation, including on the basis of disability, religion, caste, ethnicity, race, age, class, rural and urban setting, among others, in addition to one's gender or sexuality.

This briefing uses the term 'gender-based violence' (GBV) as a more inclusive term that also includes 'violence against women and girls.' Feminist movements across the globe have fought fiercely to bring to light the structural roots and causes of gender-based violence, including racial and colonial extraction. We have sought to ensure that this fight is reflected in our framing of tech-facilitated gender-based violence (TfGBV).

2.2 HUMAN RIGHTS FRAMEWORK

International, regional, and national human rights laws and frameworks contain provisions to ensure the protection of the rights of all individuals, and to specifically ensure that all people are able to equally enjoy their rights, free from gender-based violence and discrimination.[20] States have an obligation to eliminate all forms of discrimination, including formal or substantive discrimination, as well as direct and indirect discrimination.[21]

The Universal Declaration of Human Rights (UDHR),[22] the International Covenant on Economic Social and Cultural Rights (ICESCR),[23] and the International Covenant on Civil and Political Rights (ICCPR)[24] all contain prohibitions against the discrimination of people based on characteristics such as their gender or sex.

The Convention on the Elimination of Discrimination Against Women (CEDAW) contains specific provisions to ensure that States act in line with their obligation to ensure full parity between genders.[25] The EU Charter on fundamental rights States that: "Any discrimination based on any ground such as sex ... or sexual orientation shall be prohibited."[26] Article Two of the African Charter on Human and People's Rights enshrines the principle of non-discrimination, and Article 18 calls on States to eliminate discrimination against women.[27] The Protocol to the African Charter on the Rights of Women in Africa, also known as the Maputo Protocol, further expands on

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[19] Amnesty International, Digitally Divided (previously cited), p. 6

[20] UN Special Rapporteur on violence against women, its causes and consequences (SR on VAW), Report on online violence against women and girls from a human rights perspective, 18 June 2018, A/HRC/38/47, para 50

[21] UN CESCR, General Comment 20: Non-Discrimination in Economic, Social and Cultural Rights (Article 2, para. 2) UN Doc. E/C.12/GC/20 (2009). 58

[22] Article 2 of the Universal Declaration of Human Rights 1948

[23] Article 2.2 International Covenant on Economic, Social, and Cultural Rights 1966

[24] Article 26 International Covenant on Civil and Political Rights 1966

[25] Convention on the Elimination of Discrimination Against Women 1979

[26] Article 21 Charter of Fundamental Rights of the European Union 2012

[27] African Charter on Human and People's Rights, 1981

the protections contained in the African Charter, with the goal of the elimination of discrimination against women. [28]

United Nations (UN) human rights bodies have recognised that a person's sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) can play a significant role in their experience of gender-based violence. The UN High Commissioner for Human Rights found that homophobic and transphobic violence both "constitute a form of gender-based violence, driven by a desire to punish those seen as defying gender norms." [29]

Many forms of technology-facilitated harms against women and LGBTI people are tied to the policies and decisions of private companies. Companies have a responsibility to respect human rights wherever they operate in the world and across all of their business activities. This is a recognized standard of conduct as set out in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) and the OECD Guidelines for Multinational Enterprises (OECD Guidelines). [30] The UN Guiding Principles establish that companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate, and account for how they address their impact on human rights, and to cease or prevent adverse human rights impacts where they are contributing to them. [31]

The UN Guiding Principles also delineate that States, in turn, should set the expectation that all business enterprises operating in their territory or jurisdiction respect human rights throughout their operation. [32] States should also encourage, and where needed require, business enterprises to communicate how they address their potential human rights impacts, including advising on appropriate methods, such as human rights due diligence, and how to effectively consider issues of gender, vulnerability and/or marginalisation." [33]

Finally, because of the heightened risk of human rights abuses in areas affected by conflict, States are further obligated to provide heightened assistance to business enterprises where their services or products may contribute to heightened risks of gender-based and sexual violence. [34]

Whilst tech facilitated gender-based discrimination impacts a wide range of human rights, this briefing will focus on the rights to: privacy, [35] freedom of expression, information, peaceful assembly and association, [36] effective remedy and due process, [37] social security, [38] health, [39] and the right to an adequate standard of living. [40]

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[28] Protocol To The African Charter On Human And Peoples' Rights On The Rights Of Women In Africa 2003

[29] United Nations High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, 17 November 2011, A/HRC/19/41, para 20, https://www.ohchr.org/ sites/default/files/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf

[30] OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, 2011, UN Doc. HR/PUB/11/04, ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, Principle 11 including Commentary.

[31] UN Guiding Principles (previously cited), Principle 19 and Commentary.

[32] UN Guiding Principles (previously cited), Principle 2 and Commentary.

[33] UN Guiding Principles (previously cited), Principle 3 and Commentary.

[34] UN Guiding Principles (previously cited), Principle 7 and Commentary.

[35] The right to privacy is protected under international human rights instruments, including Article 12 of the UDHR and Article 17 of the International Covenant on Civil and Political Rights (ICCPR). The right to privacy is also well covered in international treaties protecting the rights of specific groups, including: Article 16 of the International Convention on the Rights of the Child (CRC); Article 14 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and Article 22 of the Convention on the Rights of Persons with Disabilities (CRPD). There are also provisions for the right to privacy in regional human rights instruments, including in Article 8 of the European Convention on Human Rights (ECHR) and Article 11 of the American Convention on Human Rights.

[36] Freedom of expression is protected under international human rights instruments, such as Article 19 of the UDHR and Article 19 of the ICCPR. It includes seeking, receiving and imparting information and ideas across frontiers, regardless of form or media.8

[37] International human rights law and standards contain provisions guaranteeing individuals the right to an effective remedy, as well as the right to adequate redress and due process. The UDHR States that "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights." The CESCR notes that "appropriate means of redress, or remedies, must be available to any aggrieved individual or group" and that "appropriate means of ensuring governmental accountability must be put in place".

[38] The right to social security is recognized and protected by international human rights law. Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 22 of the Universal Declaration of Human Rights (UDHR) recognize the right of everyone to social security. According to ICESCR, States are responsible for ensuring that social support is adequate in amount and duration so that everyone can realize their rights to family protection and assistance, an adequate standard of living and adequate access to health care. At a minimum, social assistance should secure protection against poverty, vulnerability, and social exclusion, enable people to live in health and dignity, and provide people with means that correspond to national poverty lines.

[39] The right to health is protected under international human rights instruments, including Article 12 of ICESCR, art. 5 (e) (iv) of the Convention on the Elimination of All Forms of Racial Discrimination, and : arts. 11 (1) (f), 12 and 14 (2) (b) of the Convention on the Elimination of Discrimination Against Women.

[40] The right to an adequate standard of living is protected by international human rights instruments, including Article 25(1) UDHR, Article 11 ICESCR, and Article 14 CEDAW.

2.3 ON INTERSECTIONALITY

Intersectionality is a framework for examining how different forms of discrimination can overlap and interact to create a unique and compounding experience of oppression. An intersectional approach to human rights helps to break down barriers between different categories of oppression or marginalisation, and to show how different categories of identity (including gender, sexual orientation, race, class, caste, disability, immigration status, religion, ethnicity, indigenous identity, and more) are inherently interconnected. This, in turn, allows for an understanding of how to more effectively and holistically address the harms a person or community experiences as a result of their unique context.[41]

Intersectionality goes further than acknowledging that these different forms of oppression exist, and examines how, together, they create patterns of discrimination in a person's life. The intersectionality framework was first created by the lawyer and academic Kimberlé Crenshaw in 1989. Crenshaw argued that the "single-issue" analysis of legal frameworks did not take into account how its subjects were affected by both sex and racial discrimination together. This meant that, for example, the women involved the discrimination cases she used as case studies were only able to claim differential treatment as either women or racialized people, but not both.[42]

The concept of intersectionality did not arise in a vacuum. There is a long history of struggle and scholarship on the part of feminist scholar-activists from across the global South and North who, for decades, have worked to expose the interlocking systems of oppression and discrimination that have defined the lives of marginalised people. It is therefore important when applying an intersectional lens to human rights to also take a decolonial approach, and to firmly ground this perspective in local experience.[43] In practice, this will require prioritizing the voices and needs of people living with the legacy of colonialism, as well as prioritizing reparations for the communities that suffered and continue to experience the harms of colonialism. [44]

Intersectionality is a critical framework for analysing human rights risks and violations, and sheds light on the ways in which different people are excluded from access to vital services or face intersecting harms. The UN Committee on the Elimination of Discrimination Against Women finds that "because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact... gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed."[45] Other factors that impact a woman's experience of discrimination include a person's race or ethnicity, being lesbian, bisexual, transgender or intersex, a person's degree of economic security, as well as whether a person experiences in the impacts of living with disability.[46] Women with a disability, for example, are more likely to experience violence from a current or previous partner than other women, which may exacerbate their dependence on a violent partner as well as their difficulty in safely accessing housing, healthcare, and food.[47] This is an example of how multiple forms of marginalisation often intersect and interact in a woman or LGBTI person's life to exacerbate different degrees of vulnerability they experience, in ways that a traditional human rights approach may fail to take into account without the benefit of intersectional analysis.

An intersectional analysis of a particular or policy can reveal hidden systemic or structural problems that must be addressed to ensure full enjoyment of human rights for all. Furthermore, measures taken to address discrimination on one ground alone may not be sufficient to remedy rights violations caused by multiple forms of marginalisation.[48] Therefore, this briefing will engage an intersectional understanding of gender, inequality, and technology by examining key vectors of harm at the intersection of technology and human rights that uniquely impact women and LGBTI people. By outlining key areas of potential and ongoing risk, this briefing will attempt

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[41] Source: Amnesty International. Intersectionality Resource Guide: An Intersectional Feminist Approach to Human Rights Research and Campaigning, p. 4. (soon to be published).

[42] Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, 1981, Available at: http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8

[43] Nivedita Menon, Is Feminism about 'Women'? A Critical View on Intersectionality from India, Monday 18th May 2015, https://internationalviewpoint.org/spip.php?article4038

[44] Report of the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, UN Doc. A/77/549, 25 October 2022, paras. 77-79

[45] Committee on the Elimination of Discrimination Against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, CEDAW/C/GC/35 para 12

[46] UN Committee on the Elimination of Discrimination Against Women, General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, CEDAW/C/GC/35 para 35

[47] World Health Organisation, Human Reproduction Programme, UN Women, 2 Measuring violence against women with disability: data availability, methodological issues and recommendations for good practice, 2024, https://www.unwomen.org/sites/default/files/2024-03/measuring-violence-against-women-with-disability-en.pdf

[48] UN Committee on the Elimination of Discrimination Against Women, General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992), 26 July 2017, CEDAW/C/GC/35

to serve as a primer for human rights defenders and communities seeking to understand and address cases of harm across a variety of contexts, and to demonstrate how an intersectional understanding of these harms shows how they are inherently interconnected. Ultimately, an intersectional approach to gender, technology, and inequality is essential to building strategies to work toward reparations and redress for communities impacted by the human rights violations made possible by technology.

Image caption text: photo of people holding trans pride flags and signs saying Black Trans Lives Matter. ©CC

3. DATA PROTECTION AND IDENTIFICATION

Data protection can be understood as a series of safeguards that are designed to protect personal information that "is collected, processed and stored by 'automated' means or intended to be part of a filing system."[49] Data protection principles are rooted in an understanding of human rights principles, including international human rights standards regarding privacy, due process, and remedy. Effective and just data protection, in any context, must align with standards of human rights. However, a lack of comprehensive and well enforced data protection regulation around the world, as well as the powerful reach of many private actors whose business model is dependent on this data,[50] can result in violations of the rights to privacy, non-discrimination, and more.

The "datafication" of individuals' lives, whereby vast amounts of personal data are collected and processed in more areas of life, is a growing human rights concern. [51] Whilst the collection and processing of large amounts of personal data is not a new phenomenon, the scale and breadth of data now being processed by digital systems, and the speed at which it is processed, can bring with it unintended and far-reaching consequences.[52] The extensive amounts of data being collected and processed by States and private companies can constitute a threat to the right to privacy and an intrusive form of surveillance.[53] Digital technologies and platforms are often reliant on large amounts of data to function. Types of mass data collection that can perpetuate inequality and violations of human rights include the collecting and storing of personal data that can be used to either assess eligibility for social protection, as well as the systematic collection of private user data by social media companies.[54]

As the UN Special Rapporteur on extreme poverty and human rights has noted, the reliance on data to engage with public services creates serious risks, because it effectively forces people to give up their right to privacy and data protection to exercise other rights, such as their right to social security or their right to health.[55] This is particularly concerning for people belonging to marginalised groups and those living in poverty, who may have to engage with state services more frequently, and therefore may be subject to excessive data monitoring or surveillance.

People belonging to marginalised groups are also often rendered inaccurately or made invisible due to poor data collection practices that do not reflect their reality, or subject to invasive data collection that may perpetuate forms of discrimination or harm. For example, data collected on gender often does not allow people to identify

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[49] Privacy International, "101: Data Protection", 12 October 2017, https://privacyinternational.org/explainer/41/101-data-protection
50 Amnesty International, Surveillance giants: How the business model of Google and Facebook threatens human rights, 21 November 2019 (Index: POL 30/1404/2019), pp. 9-10
[51] Amnesty International, Briefing: Social Protection in the Digital Age, 6 March 2024, Index Number: POL 40/7771/2024 https://www.amnesty.org/en/documents/pol40/7771/2024/en/ See also Internet Democracy Project, Towards an embodied approach to data, https://internetdemocracy.in/bodies-and-data/
[52] Valery Gantchev, "Data protection in the age of welfare conditionality: Respect for basic rights or a race to the bottom?", 22 March 2019. European Journal of Social Security, 21(1), https://doi.org/10.1177/1388262719838109, p. 3-22.
[53] Surveillance can be defined as a system that includes "close monitoring, observation, record keeping, and categorization of information about individuals". Maki, Krys, Ineligible: Single Mothers Under Welfare Surveillance, 2021, p. 10.
[54] Amnesty International, Surveillance giants (previously cited), pp. 10
[55] UN Special Rapporteur on extreme poverty and human rights, Report: Digital welfare States and human rights, 11 October 2019, UN Doc. A/74/493, para. 64.

as non-binary or to select the gender they identify with rather than the sex they were assigned at birth,[56] which may result in, for example, invasive monitoring or delays in the process of security checks during travel.[57] Other forms of data collection in education, healthcare, and beyond may exacerbate biases and discrimination against marginalised groups, including women and LGBTI people, particularly when the collection and sharing of data is underregulated or non-transparent. The growing use of data collection systems in a variety of contexts, including healthcare, education, and more, may introduce opportunities for excessive monitoring or surveillance into the lives of marginalised people. For example, when digitally enabled security cameras for school settings provide immediate data access to local police agencies, as in the case with many commercially available systems, this may exacerbate patterns of racist policing,[58] while other student monitoring technologies may be used in ways that facilitate scrutiny of LGBTI students.[59] Other forms of data collection by private or public healthcare providers may facilitate excessive monitoring or surveillance of women and LGBTI people.[60] Such poor data collection and sharing practices often fail to take into account the realities of marginalised groups, and can lead to policymaking that exacerbates structural inequalities.

Protection of peoples' sensitive and personal data, as well as the terms and methods under which it is collected and shared, necessarily reflect historical imbalances of power. Choices by States about which data is collected, how it is deemed to be important or unimportant, and how it is processed are not neutral decisions, but rather reflective of States' policy priorities. E. Tendayi Achiume, the former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, reported that a major challenge presented by growing use of algorithms is that they "reproduce bias embedded in large-scale data sets capable of mimicking and reproducing implicit biases of humans."[61] In other words, it is both the power to make people legible in the form of data, as well as how and under what assumptions that data is used, that can replicate patterns of technology-facilitated inequality and discrimination. For example, as will be discussed in greater detail, social protection systems that are data reliant may collect forms of information that reflect historical patterns of racial or economic inequality, and may therefore result in automated decision-making that reflects the assumptions of these histories, potentially encoding bias into how decisions about social protection are made.

Since many forms of technology rely on data to function, the data needs to be, at a minimum, both accurate and up to date, although this designation alone does not justify the collection and instrumentalization of such data, nor ensure that such collection is not implicated in violations of human rights under international law. Accurate, well structured, and unbiased data can be difficult to ensure when it comes to marginalised groups.[62] This is because some marginalised people may face additional barriers to keeping their administrative affairs in order. These challenges may include, for example, an experience with homelessness or housing insecurity, resulting in a lack of a formal address to register with authorities or for correspondence. Other challenges may include differing levels of literacy or education that might make completing forms difficult, as well as precarious or informal employment that does not provide accurate proof of earnings. In other cases, certain kinds of data exclusion, such as in the case of populations in the United States who may not have a financial credit history, can exacerbate patterns of discrimination and inequality, such as a future inability to obtain housing. Particularly when data is collected about populations experiencing structural marginalisation, as in the case of data systems used in social protection, data needs to be collected with consent and transparency, disaggregated by key vectors of inequality such as gender, income, and race, and collected in a timely and participatory manner. This helps to ensure that incomplete or inaccurate data is not used to justify further exclusion or marginalisation.

Without representative data it is impossible for States to develop policies that respond to the needs of communities or individuals, monitor the efficacy of such policies, and specifically to monitor whether policy making has enabled gender-based discrimination. Many existing norms of data collection and protection place

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[56] ESCR-Net, "Collective Position on Data for Economic, Social, and Cultural Rights", 2022, https://www.escr-net.org/news/2022/collectiveposition-data-economic-social-and-cultural-rights

[57] American Civil Liberties Union, "Four ways the TSA is making flying easier for transgender people," 5 April 2022, https://www.aclu.org/news/lgbtq-rights/four-ways-the-tsa-is-making-flying-easier-for-transgender-people

[58] American Civil Liberties Union, School to Prison Pipeline: The Danger in Buying What the EdTech Surveillance Industry is Selling, 2 October 2023, https://www.aclu.org/publications/digital-dystopia-the-danger-in-buying-what-the-edtech-surveillance-industry-is-selling

[59] Electronic Frontier Foundation, "Student monitoring tools should not flag LGBTQ+ keywords," 22 June 2023, https://www.eff.org/deeplinks/2023/06/student-monitoring-tools-should-not-flag-lgbtq-keywords

[60] Data & Society, Wellness capitalism: employee health, the benefits maze, and worker control, 28 June 2023, https://datasociety.net/points/whats-at-stake-in-wellness-capitalism/

[61] UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Report: Racial Discrimination and Emerging Digital Technologies: a human rights analysis, 18 June 2020, UN Doc. A/HRC/44/57, para. 28.

[62] ESCR-Network, "Collective position data for Economic, Social, and Cultural Rights", 28 April 2022, https://www.escrnet.org/news/2022/collective-position-data-economic-social-and-cultural-rights; ESCR-Net, Legal Opinion on International and Comparative Human Rights Law Concerning the Matter of the Social Card Law Pending before the Constitutional Court of Serbia, http://www.errc.org/uploads/upload_en/file/5435_file1_social-cards-legal-opinion--final-english-pub.pdf

marginalised people in a double bind, whereby people experiencing various forms of inequality are both more reliant on technologies and systems that are data intensive, while also having less ability to opt out or fewer resources for seeking redress when harms occur. Whilst there is a need for accurate and robust data, this must not lead to increased surveillance of already marginalised populations. States must therefore respect and protect data protection and human rights principles in their use and collection of data.

4. GENDER AND THE DIGITAL DIVIDE

Access to the benefits of digital technology is, like access to other key resources, often deeply unequal. A global "digital divide," has persisted,[63] whereby access to technology has been restricted by patterns of historical inequality, including race, gender, disability, age, and income.[64] Particularly in the wake of the lockdowns that took place in many countries during the Covid-19 pandemic, when many elements of societal infrastructure became adapted to the digital sphere, the persisting digital divide has created enormous detrimental impacts on the full realisation of human rights for marginalised people. These rights include economic, cultural, and social rights, such as the rights to decent working conditions, health, education, and housing. This digital divide includes not only access to the physical infrastructure of digital communications, such as cost effective and high-quality internet,[65] but also to inequalities in the education, training, and autonomy that allow people to safely and effectively engage in a digital world. Countries and regions that have experienced the impacts of racialized economic extraction are also more likely, for example, to have less developed digital infrastructure.[66]

Access to the internet, as well as its affordability and quality, often serves as a core element of the digital divide. Internet access is closely linked with a country's level of economic development, with nine out of ten people in high-income countries connected to the internet, compared with 27 percent of people in low-income countries.[67] The digital divide also extends to divides between rural and urban contexts, with 81 percent of urban dwellers worldwide connected to the internet compared with only 50 percent of rural dwellers.[68] Worldwide, 70 percent of men use the Internet, compared with 65 percent of women.[69] This means that globally, there were 244 million more men than women using the Internet in 2023. Furthermore, people living with lower levels of digital access often pay more for that access,[70] and may have reduced skills and experience with technology that may make them more susceptible to forms of risk, including fraud and scams.[71] Women and LGBTI people across the world have experienced a greater set of risks associated with the digital divide. Women and racialized people are vastly underrepresented in technical fields[72] and in the composition of the financial sector that undergirds many technology companies and platforms.[73] This, in turn, can result in the

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[63] UN Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Digital Innovation, Technologies, and the Right to Health, 21 April 2023, UN Doc. A/HRC/53/65, para. 3.

[64] Amnesty International, Digitally Divided (previously cited), p. 8.

[65] United Nations Conference on Trade and Development (UNCTAD), Digital Economy Report 2021, 29 September 2021, https://unctad.org/system/files/official-document/der2021_overview_en_0.pdf, p. 1-2

[66] Racialized economic extraction refers to the ongoing and historical economic extraction of resources and labour on the part of the Global Majority that disproportionately impacts countries in the Global Majority, many of which are also associated with racialized violence by colonial and occupying powers, including slavery. See, for example: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Global extractivism and racial equality, 14 May 2019, UN Doc A/HRC/41/54.

[67] International Telecommunications Union, Measuring digital development: facts and figures 2023, 27 November 2023, https://www.itu.int/hub/publication/d-ind-ict_mdd-2023-1/, p. 1-2

[68] International Telecommunications Union, Measuring digital development: facts and figures 2023 (previously cited), p. 6

[69] International Telecommunications Union, "International Facts and Figures 2023: The Gender Digital Divide," 10 October 2023, https://www.itu.int/itu-d/reports/statistics/2023/10/10/ff23-the-gender-digital-divide/

[70] UNCTAD, Digital Economy Report 2021 (previously cited), p. 2

[71] Marta Perez-Escolar and Fernando Canet, "Research on vulnerable people and digital inclusion: toward a consolidated taxonomical framework," Universal Access in the Information Society Volume 22, February 2022, https://doi.org/10.1007/s10209-022-00867-x

[72] Organisation for Economic Co-operation and Development (OECD), Bridging the Digital Gender Divide: Include, Upskill, Innovate, 2018, https://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf, p. 62

[73] Amnesty International, Risky Business: How leading venture capital firms ignore human rights when investing in technology, 20 July 2021 Index: DOC 10/4449/2021, p. 5

exacerbation of implicit forms of bias and discrimination when technologies are designed and maintained in a way that does not take into account the needs or contexts of people outside global centres of power.

For many women and LGBTI people, digital technology can be a crucial lifeline for communication, community building, access to information and educational resources, activism, and more. For LGBTI people around the world, in particular, online spaces have long served as an essential source of community and solidarity,[74] as well as health information. For gendered populations, access to sexual, mental, and reproductive health information, including safe and reliable information about sensitive topics that may be stigmatized or inaccessible offline, is often directly connected to technology access, including the internet and social media platforms. In other words, it is often the case that the global digital divide creates a double bind for populations experiencing greater marginalisation, who rely on digital services more, and yet are exposed to greater vulnerability while using them. The impact of the digital divide can have a disproportionate effect on access to human rights, especially the right to freely seek, receive, and impart information. An intersectional understanding of global patterns of precarity and growing inequality shows how the digital divide is, in fact, an extension of existing patterns of structural power and resource imbalance, and must be addressed alongside other forms of racial, economic, and social inequality.

Digital ID systems are a key example of how the digital divide results in real world consequences for the world's most marginalised people. A digital ID system is a system that uses digital technology including "for data capture, validation, storage, and transfer; credential management; and identity verification and authentication."[75] In some countries, having a digital ID can be a prerequisite to accessing a range of essential state services, including legal employment, health care, or education. However, access to a digital ID is often predicated on a person's particular level of digital literacy and access. Research in Uganda by the Center for Human Rights and Global Justice, the Initiative for Social and Economic Rights, and Unwanted Witness found that the introduction of a World Bank funded digital ID system led to the exclusion of millions of people from accessing state services, and this disproportionately impacted women, older people, and those living in poverty.[76] People, including pregnant women, reported being "chased away" from health care services and told not to return until they were able produce their digital ID number.[77] In 2023, the National Database and Registration Authority (NADRA) in Pakistan decided to suspend the 'X' category on its Computerized National Identity Cards (CNICs) which allowed individuals to choose a gender other than male or female.[78] This decision left thousands of individuals who are trans or gender diverse without proper identity documents, which meant that they were unable to exercise their rights, including their right to vote or access health care and employment.[79] Although the option of an 'X' identity in the system was resumed in September 2023, the right is left unprotected and vulnerable to additional appeals which may threaten its use. [80]

The right to self-identify is a continuous struggle for trans and gender diverse people as they face ongoing structural discrimination that is exacerbated by their lack of identity documents. More broadly, increasing adoption of digital IDs has troubling implications for the rights of the world's most marginalised people, including women and LGBTI people, and sheds light on how an intersectional understanding of these harms is essential to addressing and redressing them.

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[74] Global voices, "Queering the internet: anonymous online spaces for LGBTQ+ people," 7 February 2023, https://globalvoices.org/2023/02/07/queering-the-internet-anonymous-online-spaces-for-lgbtq-people/
[75] ID4D World Bank, Practitioners Guide, October 2019 https://id4d.worldbank.org/guide p14
[76] Center for Human Rights and Global Justice, Initiative for Social and Economic Rights, and Unwanted Witness, Chased away and left to die: how a national security approach to Uganda's national digital ID has led to wholesale exclusion of women and older persons. 2021. https://iser-uganda.org/wp-content/uploads/2022/07/Chased_Away_and_Left_to_Die.pdf
[77] Center for Human Rights and Global Justice, Initiative for Social and Economic Rights, and Unwanted Witness, Chased away and left to die: how a national security approach to Uganda's national digital ID has led to wholesale exclusion of women and older persons. 2021. https://iser-uganda.org/wp-content/uploads/2022/07/Chased_Away_and_Left_to_Die.pdf
[78] Biometric Update, NADRA decision on trans IDs presents a democratic exclusion challenge, Feb 21, 2024, https://www.biometricupdate.com/202402/nadra-decision-on-trans-ids-presents-a-democratic-exclusion-challenge
[79] Hamna Baig, Pakistan elections 2024: Widespread exclusion of the Trans community, Wed Feb 7, 2024 https://www.thedailystar.net/opinion/geopolitical-insights/news/pakistan-elections-2024-widespread-exclusion-the-trans-community-3538386 For more on the Revocation of rights of transgender and gender-diverse people in Pakistan see Amnesty International, Pakistan: Revocation of rights of transgender and gender-diverse people must be stopped, May 19, 2023, https://www.amnesty.org/en/latest/news/2023/05/pakistan-revocation-of-rights-of-transgender-and-gender-diverse-people-must-be-stopped/
[80] Irfan Sadozai, Nadra resumes registration of transgender persons, September 25 2023, https://www.dawn.com/news/1777815/nadra-resumes-registration-of-transgender-persons

5. GENDER AND SOCIAL PROTECTION

The world has been reeling from a number of crises of inequality around the world, including those caused and exacerbated by conflict, the climate emergency, austerity measures, and cuts to social services.[80] In the midst of this, robust social protection systems are more critical than ever, and often serve as a lifeline for individuals and communities experiencing income insecurity and poverty.[81] Social protection measures that comply with the right to social security are crucial to ensuring that all people, particularly those who are marginalised or living in poverty, are able to realize their right to an adequate standard of living and other related human rights, including the rights to food and adequate housing. [82]

In the context of social security, under international human rights law, States must not only eliminate direct and indirect discrimination in law and practice, but also take special measures to protect the most marginalised groups.[81] Specifically, States must pay special attention to groups who traditionally face difficulties in exercising the right to social security, including due to their gender, race, or other characteristics, in all stages of the design and implementation of social protection programmes.[82] Globally, on average, women also have lower coverage rates and lower benefits levels in social protection systems.[83] Poverty is often a gendered experience, with more women than men living in households experiencing poverty. [84] Furthermore, gendered gaps in education, employment, pay, and stability at work have all contributed to increased financial vulnerability for women.

Globally, States have been increasingly resorting to using digital technologies in social protection systems. This can include introducing automated or algorithmic decision-making, digitizing application processes for social assistance, or creating digital databases to store and process personal data.[85] Whilst these changes are often presented as a neutral or technocratic solution to achieve greater coverage, improve administrative systems, detect fraud, and enhance security, there has been significant research to show that digitization of social protection poses many risks to human rights which may exacerbate patterns of racially discriminatory exclusion and inequality.[86] These risks include discrimination on the basis of algorithmic risk scoring, or erroneous data being used in social registries to establish eligibility for social assistance.[87]

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[81] UN CESCR, General Comment 19, 4 February 2008, UN Doc. E/C.12/GC/19, paras 29-30.
[82] UN CESCR, General Comment 19, 4 February 2008, UN Doc. E/C.12/GC/19, para. 31.
[83] International Trade Union Confederation, ITUC Economic and Social Policy Brief: Gender Gaps in Social Protection, 21st August 2018, https://www.ituc-csi.org/IMG/pdf/policy_brief_gender_gaps_social_protection_en.pdf
[84] UN Women and World Bank Group, Gender differences in poverty and household composition through the life cycle, 2018 https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/SDG-report-Spotlight-01-Gender-differences-in-poverty-and-household-composition-en.pdf
[85] Amnesty International, Briefing: Social Protection in the Digital Age, 6 March 2024, Index Number: POL 40/7771/2024 https://www.amnesty.org/en/documents/pol40/7771/2024/en/
[86] UN Special Rapporteur on poverty, Report: Digital welfare States and human rights, 11 October 2019, UN Doc. A/74/493, See also Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor, St. Martin's Press (2018); Ruha Benjamin, Race After Technology: Abolitionist Tools for the New Jim Code, Polity (2019).
[87] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbiaswelfare-state; Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

The deployment of digital technologies also cannot be separated from the increased austerity measures being adopted by States in the public sector. Former UN Special Rapporteur for Extreme Poverty and Human Rights Phillip Alston found "the digitization of welfare systems has been accompanied by deep reductions in the overall welfare budget, a narrowing of the beneficiary pool, the elimination of some services, the introduction of demanding and intrusive forms of conditionality, the pursuit of behavioural modification goals, the imposition of stronger sanctions regimes and a complete reversal of the traditional notion that the State should be accountable to the individual."[88]

A lack of gender sensitivity or intersectional policy making has led to technology being used in social protection systems in ways that have had a negative impact on human rights. Research conducted by Amnesty International in Serbia[89] showed that an intersectional lens was crucial to understanding the discriminatory impacts of the Social Card registry, a semi-automated decision-making system used to assess eligibility for social assistance, as many individuals experience "situations of double or multiple discrimination."[90] As many internally displaced Roma people in Serbia still lack identity documents, live in informal settlements in precarious conditions, have high rates of functional illiteracy, face current and historical discrimination, and are treated with suspicion by the authorities, they often do not or cannot readily engage in administrative processes. Introducing an automated data-driven system such as the Social Card registry, therefore, favours people who are able to maintain good record-keeping and puts those who cannot at a particular disadvantage, such as Roma women and children who, faced with inequitable access to education and work opportunities, may lack access to such record-keeping. The UN Committee on the Elimination of Racial Discrimination has recommended that States specifically take Roma women's needs into account when developing social assistance programmes because they often face both racial and gendered discrimination.[87]

CASE STUDY: JELENA FROM BELGRADE, SERBIA

Jelena from Belgrade is a single mother with a young son. She worked only two days in August and September, respectively, earning her a total of 6,000 Serbian dinars (51 euros). However, the Social Card registry received information from the Tax Administration that she had earned 150,000 Serbian dinars (1,200 euros) in August, September and October.

Despite Jelena submitting evidence to the Centre for Social Work proving the exact amount of time she had worked and how much she had earned, her social assistance was removed. The proof she submitted included a decision by the Central Register of Compulsory Social Insurance, the state body that keeps records of all earnings based on which compulsory social insurance contributions are paid. This showed that in August, September and October, Jelena indeed worked for only four days and earned 6,000 Serbian dinars (51 euros).

According to Jelena, the Centre for Social Work staff told her that they "can't do anything, it's the computer that says it," resulting in her being removed from social assistance and left to face an arduous appeals process for reinstatement.[93]

Introducing technology into an already inadequate social protection landscape without first addressing the existing flaws and structural discrimination it may perpetuate will inevitably exacerbate these problems, and further undermine people's right to social security. Amnesty International's research found that in little over a year, the Social Card registry in Serbia resulted in possibly thousands of the most socially and economically vulnerable people losing the social assistance that they relied on. Without proper safeguards and protections in place, people from marginalised communities, such as Roma, women, and people with disabilities, were disproportionally affected.[91] While new technological efforts such as the Social Card registry in Serbia may aim to streamline processes, the lack of proper safeguards renders many people susceptible to excessive scrutiny.[92]

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[88] UN Special Rapporteur on extreme poverty and human rights, Report: Digital welfare States and human rights, 11 October 2019, UN Doc. A/74/493, para. 5

[89] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/eni

[90] UN CERD, General Recommendation 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, 24 September 2009, UN Doc. CERD/C/GC/32, para. 8: http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8

[91] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State, (Index Number: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbias-welfare-state/, p. 31

[92] Robyn Powell, "Under the Watchful Eye of All: Disabled Parents and the Family Policing System's Web of Surveillance", 112 California Law Review (forthcoming), August 23, 2023, https://ssrn.com/abstract=4555846 or http://dx.doi.org/10.2139/ssrn.4555846

As outlined, gaps, errors, and imbalances in data processed by digital systems to reach a conclusion about eligibility can also lead to discrimination and people not being able to access their human rights.

Ultimately, Serbia serves as one case study of a growing phenomenon with troubling implications for the human rights and social protection of some of the world's most marginalised people. A growing number of States and municipalities around the world are introducing forms of automated decision-making, into social protection systems, including in contexts such as Jordan,[93] India,[94] and the United States.[95] The potential for bias, discrimination, and inefficacy in these systems must be weighed carefully in their adoption, particularly where these systems are used in critical cases that impact the ability of marginalised people to access key services, including food, housing, and healthcare. More broadly, States must ensure that all social protection measures address the multiple forms of discrimination experienced by women, people with diverse sexual orientation and/or gender identity and people with multiple and/or racialized people, Indigenous peoples, older persons, children, and people with disabilities.[96]

[93] Human Rights Watch, Automated Neglect: How The World Bank's Push to Allocate Cash Assistance Using Algorithms Threatens Rights, 13 June 2023, https://www.hrw.org/report/2023/06/13/automated-neglect/how-world-banks-push-allocate-cash-assistance-using-algorithms
[94] Amnesty International, "Use of Entity Resolution in India: Shining a light on how new forms of automation can deny people access to welfare," 30 April 2024, https://www.amnesty.org/en/latest/research/2024/04/entity-resolution-in-indias-welfare-digitalization/
[95] Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor, 2018.
[96] Amnesty International, Rising Prices, Growing Protests: The Case for Universal Social Protection, POL 40/6589/2023, May 10 2023, https://www.amnesty.org/en/documents/pol40/6589/2023/en/

6. GENDER AND HEALTH IN THE DIGITAL ERA

People have specific health needs relating to their gender,[97] and the barriers they face in accessing health care can be exacerbated by technology if there are not adequate safeguards in place. While the proliferation of the internet and mobile technology has made some health services more accessible, including through increased access to telehealth medicine[98] and remotely accessible mental health care,[99] such services have also come at the cost of increased capacity for surveillance and data extraction by both public and private health providers.[100] This places marginalised people in a double bind, whereby increased reliance on the digital realm to access health also exposes these groups to more violations of privacy, as well as exposing their sensitive health data to other parties in ways that may result in future harms. Information accessibility online has increased access particularly on stigmatized or sensitive topics, including sexual and reproductive health, gender affirming care, and mental health.

The right to health is increasingly dependent on the right to free, safe, and accessible information, particularly in contexts where freely available medical information and health services may not be available, or in cases where it may be particularly difficult for women and LGBTI people to access it. Women and LGBTI people often face barriers to accessible and reliable health care and health information, and may therefore rely more on digital sources, including informal sources of information such as social media.[101] Access to health information is also made more complex by the massive proliferation of health misinformation and disinformation online.[102]
More broadly, the suppression or removal of information online, relating to health topics that uniquely impact women and LGBTI people, is an increasing and troubling trend. Growing legislation around the world seeks to criminalize LGBTI people for accessing their basic rights,[103] and States often extend these attacks by censoring

[97] UN Committee on the Elimination of Discrimination Against Women, CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health). 1999. Document A/54/38/Rev.1, chap. I
[98] World Health Organisation, WHO-ITU Global Standard for Accessibility of Telehealth Services, 1 January 2022, https://www.who.int/publications/i/item/9789240050464; Reproductive Health Access Project, "Working toward equitable reproductive health care access during and after the Covid-19 pandemic," 23 December 2020, https://www.reproductiveaccess.org/2020/12/working-toward-equitable-reproductive-health-care-access-during-and-after-the-covid-19-pandemic/
[99] Data & Society, Doing the Work: Therapeutic Labor, Teletherapy, and the Platformization of Mental Health Care, 8 May 2024, https://datasociety.net/library/doing-the-work/
[100] UN Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health, (previously cited) para. 7.
[101] Casey Dhluhos-Sebesto and others, "Women's health information survey: common health concerns and trusted sources of health information among different populations of female patients," June 2021, European Law Journal, Volume 2, Issue 1, DOI: 10.1089/whr.2020.0118; see also: United States Agency for International Development, The Gender Digital Divide: Evidence from Demographic and Health Surveys, September 2022, https://www.dhsprogram.com/publications/publication-AS83-Analytical-Studies.cfm; Lisa Mekioussa Malki, Dilisha Patel, and Aneesha Singh, ""A mixed-methods analysis of women's health misinformation on social media," Lecture Notes in Computer Science, v 14144, 25 August 2023, https://doi.org/10.1007/978-3-031-42286-7_22
[102] World Health Organisation, ""Immunizing the public against health misinformation," 25 August 2020, https://www.who.int/news-room/feature-stories/detail/immunizing-the-public-against-misinformation
[103] Human Rights Watch, "Maps of anti-LGBT laws country by country," https://features.hrw.org/features/features/lgbt_laws/ (accessed 15 June 2024).

LGBTI people and activists in online spaces.[104] When online communities and information are often a lifeline or essential service for LGBTI people, particularly in countries and contexts where their rights are under threat, this censorship and suppression can have doubly negative impacts by excluding them from these very spaces or discouraging them from participating at all.[105]

These dynamics play out acutely in the context of sexual and reproductive health information.[106] Digital platforms are crucial for people, particularly those experiencing other economic, racial, or ability constraints, to access information about sexual and reproductive health, rights, and services, including abortion.[107] However, many reproductive health providers and activists have reported increasing cases of social media companies restricting access to content about abortion and reproductive care, with an escalation in this phenomenon in the United States following the overturning of constitutional protections for abortion.[108] Although there is a global trend toward the advancement of the right to abortion worldwide,[109] in certain contexts, notably the United States, some policymakers and anti-abortion movements seek to impede access to abortion and stigmatize those who seek reproductive care.[110] Other similar reports of algorithmic suppression or takedowns are proliferating around the world.[111] The ability of abortion advocates to share information online plays a critical role in expanding access to abortion, particularly in conjunction with the emergence of telehealth abortion care and expanded access to medication abortion. In cases where governments or platforms specifically limit access to health information, particularly for key services for women and LGBTI people, such as reproductive care, this may constitute a violation of the right to health, which is protected under a number of international rights law instruments.

The UN Committee on Economic, Social, and Cultural Rights has affirmed that everybody has a right to evidence-based information on sexual and reproductive health, including abortion.[112] The UN CESCR has emphasized transparency and accountability, noting that it is "important to undertake preventive, promotive and remedial action to shield women from the impact of […] norms that deny them their full reproductive rights." The Committee also highlighted the importance of effective judicial or other appropriate remedies for violations of the right to health. [113]

In a report on sexual and reproductive health, the UN Special Rapporteur on the right to health noted that criminal laws and restrictions on reproductive health care, including access to health information, "disempower women, who may be deterred from taking steps to protect their health, in order to avoid liability and out of fear of stigmatization," which can result in poor physical health outcomes for abortion seekers. [114] The United Nations Human Rights Committee has also affirmed that States should ensure the availability of accurate abortion information while also making sure that health care providers can distribute such information without fear of criminal sanctions. [115]

The ability to access accurate and timely reproductive health care information is essential to exercising bodily autonomy and making informed decisions on receiving reproductive health care. When States and companies

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[104] Electronic Frontier Foundation, Jillian C. York, "How LGBTQ+ content is censored under the guise of 'sexually explicit,'" 18 August 2021; Citizen Lab, No Access: LGBTIQ Website Censorship in Six Countries, 31 August 2018; https://citizenlab.ca/2021/08/no-access-lgbtiq-website-censorship-in-six-countries/;

[105] LGBT Tech, ""Mobile internet keeps the LGBT community connected," 10 October 2022, https://www.lgbttech.org/post/mobile-internet-keeps-the-lgbt-community-connected

[106] Amnesty International, *Obstacles to Autonomy: Post-Roe Removal of Abortion Information Online*, 11 June 2024 (Index: AMR 51/7756/2024), https://www.amnesty.org/en/documents/amr51/7756/2024/en/

[107] Nicole Richards and others, "Online Abortion Empowerment in Absence of Parental and Medical Support: A Thematic Analysis of a Reddit Community's Contributions to Decision Making and Access", 24 May 2021, europepmc.org/article/ppr/ppr345133#R19. See also Sylvia Guendelman and others, "Shining the light on abortion: Drivers of online abortion searches across the United States in 2018", 21 May 2020, ncbi.nlm.nih.gov/pmc/articles/PMC7241764/

[108] Amnesty International, Obstacles to Autonomy: Post-Roe Removal of Abortion Information Online, 10 June 2024 (Index: AMR 51/7756/2024), https://www.amnestyusa.org/reports/obstacles-to-autonomy-post-roe-removal-of-abortion-information-online/, p. 17

[109] Amnesty International, An Unstoppable Movement: A Global Call to Recognize and Protect Those who Defend the Right to Abortion (Index: POL 40/7420/2023), 8 November 2023, https://www.amnesty.org/en/documents/pol40/7420/2023/en/, p. 11

[110] Amnesty International, Amnesty International's Policy on Abortion: Explanatory Note (Index: POL 30/2847/2020), 28 September 2020, amnesty.org/en/documents/pol30/2847/2020/en/; see also Amnesty International, An Unstoppable Movement (previously cited), p. 12

[111] Center for Countering Digital Hate and MSI Reproductive Choices, Digital Disparities: The Global Battle for Reproductive Rights on Social Media, 27 March 2024, https://www.msichoices.org/latest/digital-disparities-the-global-battle-for-reproductive-rights-on-social-media/

[112] UN Committee on Economic, Social and Cultural Rights, General Comment No. 22: The right to sexual and reproductive health, Article 12 of the International Covenant on Economic, Social and Cultural Rights, 2016, E/C.12/GC/22 para 18.

[113] United Nations Committee on Economic, Social and Cultural Rights, General Comment General Comment 14, The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/2000/4, paragraphs 21 and 59

[114] Office of the High Commissioner for Human Rights, Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2011, UN DOC A/66/254. para. 17.

[115] Human Rights Committee, Whelan v Ireland, 2017, UN Doc. CCPR/C/119/D/2425/2014

specifically take steps to limit access to reproductive health information, this sets a troubling precedent for suppression of essential information, particularly for people who bear the burden of racial, economic, and social inequality, and for whom access to such information may constitute their only form of health care.

Image caption text: Photo of a person holding a sign saying abortion is a human right in front of the US supreme court. They are surrounded by other people with similar signs. © Lauren Murphy/Amnesty International USA International

7. GENDER AND LABOUR IN THE DIGITAL ERA

An increasingly critical component of today's global inequality crisis and its intersection with technology is the growing scarcity of safe, fairly compensated, and meaningful work, particularly for women, LGBTI people, and others people who have experienced structural inequality.[116] While workers have faced rising inflation[117] and stagnant or falling wages, many sectors have become more entwined with certain technological developments, including platform or 'gig' work,[118] and the spread of workplace surveillance technology.[119] This leaves an increasing number of people subject to the conditions set by employers, with little or no access to redress when working conditions become unsustainable or dangerous. This is of particular concern when workplace management is mediated by digitized tools, which may operate with little transparency or accountability, and which may in turn make it more difficult for workers to seek redress when harm occurs.

The right to safe and fairly compensated work is protected by a number of international human rights instruments. Under Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights, States are obligated to protect individuals' right to "just and favourable conditions of work," including "equal wages and equal remuneration," as well as "safe and healthy working conditions" and "rest, leisure, and reasonable limitation of working hours."[120] The same framework also guarantees the right of all individuals to "a decent living for themselves and their families," and protects the right of workers to strike and unionize.[121] Furthermore, the International Labour Organisation (ILO) Declaration of the Fundamental Principles and Rights at Work also affirms the obligations and commitments made by actors that are members of the ILO, including the elimination of discrimination of any kind in the workplace, and providing a safe and healthy working environment.[122]

The case of the platform economy provides many examples of how the incursion of technology into existing or emerging labour markets often serves to facilitate or justify the continued or further exploitation of already marginalised workers.[123] The risks faced by women, LGBTI, and other marginalised workers in the gig economy

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[116] Amnesty International, Digitally Divided (previously cited), p. 17.

[117] Amnesty International, Rising Prices, Growing Protests: The Case for Universal Social Protection, 14 November 2023 (Index: POL 40/6589/2023), https://www.amnesty.org/en/documents/pol40/6589/2023/en/.

[118] Amnesty International, "Digital platforms are wrong: we don't have to choose between workers' rights and flexibility," 17 March 2021, https://www.amnesty.org/en/latest/news/2021/03/uber-false-choice-between-workers-rights-and-flexibility/.

[119] Data & Society, Explainer: Workplace Monitoring and Surveillance, 6 February 2019, https://datasociety.net/library/explainer-workplace-monitoring-surveillance/.

[120] International Covenant on Economic, Social and Cultural Rights, Articles 6-7, pg. 2-3.

[121] International Covenant on Economic, Social and Cultural Rights, Articles 7-8

[122] ILO, Declaration on Fundamental Principles and Rights at Work and its Follow-up, (2022): https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/. Wcms_716594.pdf

[123] Amnesty International, Digitally Divided (previously cited), p. 19.

are wide-ranging, and include increased risk of violence, and harassment,[124] as well as reports of discriminatory wage or management practices, many of which are made possible by technologically enabled workplace surveillance practices.[125] Other adverse conditions of the gig economy are amplified for women and LGBTI people.[126] This is because of the distinct physical and emotional health risks in any workplace for these groups, including the potential for harassment and threats to life and safety. There are also greater accessibility issues associated with the gig economy, such as, lack of safe public toilet facilities for delivery or rideshare workers, which may be of greater necessity for people who menstruate, who are pregnant, or who require gender affirming facilities.

One example of the multiple forms of precarity enacted upon workers in the gig economy is the growing digitization of the care work sector, which has long been dominated by immigrant women and women of colour.[127] Care work — a sector which includes childcare, housecleaning services, care of older people, the care of disabled people, home health aides, and more — is one of the world's fastest growing and most essential sectors, and is increasingly facilitated through platforms, mobile apps, and websites where care workers are matched with people in need of their work.[128] Care workers in the platform economy are increasingly subjected to forms of invasive surveillance and monitoring, and vague and non-transparent ranking systems for workers that facilitate lower wages and poorer working conditions for racialized people.[129] Meanwhile, the dominance of internet or mobile-based job markets for care workers can also exacerbate racial and economic digital divides, as workers who lack proficiency with or access to the internet, may be shut out of potential work.[130] Given that women and LGBTI people are more likely to experience poverty, and also more likely to be employed in low wage and informal sectors which are subject to increased workplace surveillance, technology facilitated labour harms stand to disproportionately impact their rights.

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[124] Fairwork, Beyond Techno-Solutionism: Gender and Platform Work, 26 June 2023, https://fair.work/wp-content/uploads/sites/17/2023/07/Fairwork-Gender-Report-2023-FINAL-red.pdf
[125] Veena Dubal, Mishal Khan, Funda Ustek-Spilda, and Mark Graham. "Fairwork United States Ratings 2023: A Crisis of Safety and Fair Work in a Racialised Platform Economy," Fairwork, 2023, https://fair.work/wp-content/uploads/sites/17/2023/08/Fairwork-US-Ratings-2023.pdf,p. 7; p. 31
[126] Data & Society, The Formalization of Social Precarities: Platformization from the Perspective of Precarious Workers in India, Brazil, and Bangladesh, 17 April 2024, https://datasociety.net/library/the-formalization-of-social-precarities/
[127] Economic Policy Institute, "Care workers are deeply undervalued and underpaid: estimating fair and equitable wages in the care sectors," 16 July 2021, https://www.epi.org/blog/care-workers-are-deeply-undervalued-and-underpaid-estimating-fair-and-equitable-wages-in-the-care-sectors/
[128] Julia Ticona and Alexandra Mateescu, "Trusted strangers: Carework platforms' cultural entrepreneurship in the on-demand economy," New Media & Society (2018). https://journals.sagepub.com/eprint/hVMJZPYsYP8sBkgwzaQk/full.
[129] Julia Ticona, "Opinion: There's an app for wrecking nannies' lives," New York Times (2018), https://www.nytimes.com/2018/07/12/opinion/gig-economy-domestic-workers-uber.html; Data & Society, Electronic visit verification: the weight of surveillance and the fracturing of care, 16 November 2021, https://datasociety.net/library/electronic-visit-verification-the-weight-of-surveillance-and-the-fracturing-of-care/
[130] Julia Ticona and Alexandra Mateescu, "Trusted strangers," (previously cited).

8. GENDER AND ALGORITHMIC RECOMMENDATION SYSTEMS ON SOCIAL MEDIA PLATFORMS

Amnesty International's research has shown how social media companies can contribute to discrimination by amplifying harmful and discriminatory content and how the discriminatory and invasive model of surveillance for profit can lead to human rights harms.[131]

Research by Amnesty International on targeted advertising on TikTok found that the platform infers a user's personal characteristics, including gender, and interests, based on the information it has about them in order to personalise and customise personalised content and advertisement. The inference of user characteristics and interests involves an abuse of the right to freedom of thought, specifically the right to not reveal one's thoughts.[132]

TikTok states that it does not use sensitive personal data, as defined by the EU and UK GDPR, to personalize content, nor does it use machine learning to draw inferences about protected characteristics beyond gender and age-range from data collected from users. [133] However, the platform does group people according to their behaviour and activity online, which may, without a user's knowledge, reveal certain protected characteristics that constitute sensitive personal data. For instance, people interested in baby products, who are likely to be expectant parents, including pregnant women and birthing people, may be targeted with baby-related content or excluded from seeing other adverts. In other cases, people signalling an interest in LBGTI+ content could be taken as proxy for personal information about their sexuality or gender identity.[134]

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[131] Amnesty International, Myanmar: The Social Atrocity – Meta and the Right to Remedy for the Rohingya, Index: ASA 16/5933/2022, 29 September 2022, https://www.amnesty.org/en/documents/asa16/5933/2022/en/, Amnesty International, Ethiopia: 'A death sentence for my father': Meta's contribution to human rights abuses in northern Ethiopia, AFR 25/7292/2023, 31st October 2023, https://www.amnesty.org/en/documents/afr25/7292/2023/en/; Amnesty International, "I Feel Exposed": Caught in TikTok's Surveillance Web, POL 40/7349/2023, November 7th 2023, https://www.amnesty.org/en/documents/POL40/7349/2023/en/
[132] Amnesty International, "I Feel Exposed": Caught in TikTok's Surveillance Web, POL 40/7349/2023, November 7th 2023, https://www.amnesty.org/en/documents/POL40/7349/2023/en/
[133] Protected characteristics under many jurisdictions equality legislation include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
[134] Amnesty International, "I Feel Exposed": Caught in TikTok's Surveillance Web, POL 40/7349/2023, November 7th 2023, https://www.amnesty.org/en/documents/POL40/7349/2023/en/

The content recommendation systems common to social media and information platforms are particularly concerning for groups who may be vulnerable to misinformation or dangerous or harmful content, including women, LGBTI people, and children. Whilst some research has found that online communities can benefit marginalised young people, including LGBTI youths, by creating a space for them to find people with similar experiences, they can also be a space where young people experience harm.[135]

The gender-based discrimination and violence that people experience in offline spaces can continue in online spaces without the adequate safeguards and protections in place. The impact of these technologies is particularly dangerous for young people, particularly young girls and LGBTI people. The UN Committee on the Rights of the Child noted that, "The digital environment can include gender-stereotyped, discriminatory, racist, violent, pornographic and exploitative information, as well as false narratives, misinformation and disinformation and information encouraging children to engage in unlawful or harmful activities."[136]

Online platforms can risk violating people's right to non-discrimination through their ad practices.[137] Other examples of targeted data-based advertising online that may exacerbate racial and economic inequality, including for women and LGBTI people, include instances of for-profit colleges specifically targeting racialized people in online advertising, as well as other cases of social media platforms being used for advertising employment and housing opportunities that may have been discriminatory on the basis of race, gender, and other characteristics.[134] Particularly when these targeted advertising practices impact people's ability to access key services like housing, healthcare, education, and employment, there is an added risk that such practices doubly impact women and LGBTI people, particularly those who already experience structural racism or economic inequality.

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[135] John Naslund, Ameya Bondre and others, "Social media and mental health: Benefits, risks, and opportunities for research and practice", 20 April 2020, Journal of Technology in Behavioral Science, Volume 5, https://www.doi.org/10.1007/s41347-020-00134-x; Matthew N. Berger, Melody Taba and others, "Social media use and health and well-being of lesbian, gay, bisexual, transgender, and queer youth: Systematic review", 21 September 2022, Journal of Medical Internet Research, Volume 24, Issue 9, https://www.jmir. org/2022/9/e38449
[136] Committee on the Rights of the Child, General Comment 25, 2 March 2021, UN Doc. CRC/C/GC/25, para. 54
[137] Amnesty International, "I Feel Exposed": Caught in TikTok's Surveillance Web, POL 40/7349/2023, November 7th 2023, https://www.amnesty.org/en/documents/POL40/7349/2023/en/; for the potentially discriminatory aspect of targeted advertising see also European Digital Rights (EDRi), How online ads discriminate, 16 June 2021, https://edri.org/our-work/how-online-ads-discriminate/

9. GENDER AND ONLINE SAFETY

> **"I regularly received hateful comments, whenever I reported on X about controversial issues, such as political rights or issues related to the [SBP].[138] Some people said I was ugly. Some called me a hooker. I also got messages from random internet users making sexual comments about me or sending me pictures of their genitals".** [139]
>
> Renowned woman journalist Ploy, in an interview with Amnesty International

Online harassment refers to the use of online platforms to intimidate, threaten, cause distress to and silence an individual or group. Online harassment can manifest in various ways, including through the use of hateful and abusive speech, targeted smear campaigns, and making threats of violence which can have negative ramifications for their personal and professional lives.[140]

An increasing body of work in feminist theory also shows the interconnection between "bodily sovereignty and data sovereignty" and highlights that, as the separation between physical and digital spaces is increasingly undefined, the experiences of gender-based violence in digital spaces can have an impact on physical spaces and vice versa.[141]

Research by Amnesty International in 2024 found that women and LGBTI activists in Thailand are subjected to abusive speech online that is laced with misogynistic, homophobic and transphobic language, sexualized content, and other forms of technology-facilitated gender-based violence (TfGBV).[142] At least since the 2014 military coup in Thailand, both state and non-state actors have routinely weaponized online spaces to attack, intimidate and discredit women and LGBTI HRDs. Digital technology has served to increase the scale, speed and reach of abusive speech and threats of violence targeted against women and LGBTI activists. In some contexts, this different nature of technology-facilitated targeting can lead to qualitatively different kinds of gender-based harms compared to the harms that the same speech can cause in offline spaces. In this research, Amnesty International also found that malicious unidentified actors have used doxing against numerous women and

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138 SBP is an acronym for the Malay Muslim-majority southern border provinces of Thailand.
139 Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/ p56
140 Sima Bahous, Broadband Commissioner, UN Under-Secretary-General and UN Women Executive Director, Expanding broadband safely and inclusively to reach digital gender equality, 18 September 2022, https://www.unwomen.org/en/news-stories/op-ed/2022/09/expanding-broadband-safely-and-inclusively-to-reach-digital-gender-equality
141 See for example GenderIT.org, Global Attention to Technology-facilitated Gender-based Violence (TFGBV): Feminist Perspectives, 24 August 2023, https://genderit.org/edition/global-attention-technology-facilitated-gender-based-violence-tfgbv-feminist-perspectives; Generation G, Decoding technology-facilitated gender-based violence: a reality check from seven countries, 27th June 2024, https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/
142 Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/

LGBTI activists, including non-binary people, as a tactic of public shaming and intimidation. [143] These forms of TfGBV were found to create a chilling effect on speech, lead women and LGBTI people to self-censor and cause severe psychological harms, including anxiety, depression and thoughts of self-harm, which violate a range of human rights, including the right to freedom of expression, right to be free from violence and the right to health.

Human Rights Defenders (HRDs) who face inequality, exclusion and discrimination, due to their gender, race, or other characteristic that puts them at risk of marginalisation, are doubly at risk from online harassment because they are attacked not only on the basis of their work defending human rights, but also because of their identity.[144] For instance, the UN Special Rapporteur on the situation of human rights defenders found that young defenders, especially women and girls, often faced "gendered attacks online" to "harass, control, blackmail or humiliate" them.[145] Furthermore, the creation of new digital platforms is "creating new digital spaces for misogyny and sexual violence."[146]

Examples of this online violence are common around the world and can also present special challenges for children and young people exercising their right to expression. An Amnesty International questionnaire, for example, found that three out of child and young human rights defenders surveyed had experienced online harassment in connection with their activism.[147] Furthermore, of the activists surveyed across 59 countries, many reported harassment specifically related to their gender or sexual identity.

CASE STUDY: MALE LGBTI ACTIVIST FROM NIGERIA

A 21-year-old male Nigerian LGBTI activist who responded to Amnesty International's survey shared his experience of online harassment.

He told Amnesty International: "People disagree with my liberal progressive views, and immediately check my profile to see that I am queer Nigerian living in Nigeria, and they come at me with so much vitriol. I am usually scared to share my opinion on apps like TikTok because I can go viral. The internet can be a very scary place."

This online violence was then translated into violence in the physical world. The young activist told Amnesty International that "Someone catfishing as a gay man lured me into coming out to see him after befriending me for a while, and then he attacked me with his friends. This is Nigeria, I couldn't go to the police for secondary victimization."

Amnesty International has also published research examining violence and abuse against women across social media platforms in Argentina, including X (formerly known as Twitter). These abuses were concentrated in the lead up to and during the country's debates over the legalization of abortion.[148] Amnesty International has also documented online abuse faced by women politicians in India during the 2019 General Elections,[149] in addition to violence against women on X across a variety of geographical and linguistic contexts.[150]

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[143] Amnesty International defines doxing (slang for 'docs' or 'documents') as revealing personal or identifying documents or details about someone online without their consent and with the aim to cause alarm or distress.

[144] Amnesty International, Ending the Targeted Digital Surveillance of Those Who Defend Our Rights (Index: ACT 30/1385/2019), 20 December 2019, https://www.amnesty.org/en/documents/act30/1385/2019/en/; Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/

[145] United Nations Special Rapporteur on the situation of human rights defender, "We are not just the future": challenges faced by child and youth human rights defenders, 17 January 2024, UN Doc. A/HRC/55/50, https://documents.un.org/doc/undoc/gen/g23/267/64/pdf/g2326764.pdf?token=IP7RQMbP7iyzN556uR&fe=true, paras 43-44.

[146] Sima Bahous, Broadband Commissioner, UN Under-Secretary-General and UN Women Executive Director, Expanding broadband safely and inclusively to reach digital gender equality, 18 September 2022, https://www.unwomen.org/en/news-stories/op-ed/2022/09/expanding-broadband-safely-and-inclusively-to-reach-digital-gender-equality

[147] Daily Trust, "'3 out of 5 young activists face online harassment globally for posting human rights content," 30 June 2024, https://dailytrust.com/3-out-5-young-activists-face-online-harassment-globally-for-posting-human-rights-content/

[148] Amnesty International, Corazones Verdes: Violencia online contra las mujeres durante el debate por la legalizacion del aborto en Argentina. November 2019, https://amnistia.org.ar/corazonesverdes/files/2019/11/corazones_verdes_violencia_online.pdf

[149] Amnesty International, Troll Patrol India: Exposing the Online Abuse Faced by Women Politicians in India, 16 January 2020, https://decoders.amnesty.org/projects/troll-patrol-india

[150] Amnesty International, Twitter scorecard: tracking Twitter's progress in addressing violence and abuse against women online (Index: AMR 51/2993/2020), 21 March 2018, https://www.amnestyusa.org/wp-content/uploads/2021/12/Twitter-Scorecard-Report-2021_FINAL.pdf, p. 4 See also Amnesty International, Toxic Twitter A Toxic Place for Women, March 21, 2018, https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/

BRIEFING: GENDER, TECH, AND INEQUALITY
RISKS AT THE INTERSECTION OF TECHNOLOGY, GENDER, AND HUMAN RIGHTS
Amnesty International

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The consistent hostility and abuse that women and LGBTI people face online is a clear threat to their ability to express themselves equally, freely, and without fear. This abuse also can best be understood through an intersectional lens: women and LGBTI people experience dual marginalisation on platforms as a result of additional forms of racial, economic, or social inequality they may face online and elsewhere.[151] Amnesty International's research on Toxic Twitter showed how Black women were more often and more violently targeted. [152]

New forms of TfGBV are often enabled or augmented by forms of artificial intelligence (A.I.), as well as social media platforms. Non-consensual image-based abuse (NCIA) is one of the key manifestations of this.[153] Increasingly, NCIA is created with the assistance of A.I. enabled video or image generation services, resulting in what are sometimes referred to as "deepfakes."[154] When such imagery is made or distributed without the consent or knowledge of an affected person, this constitutes a violation of people's rights to bodily autonomy and privacy, and can further serve to intimidate or limit people's speech or participation online, as well as having potential negative, material, or health impacts on affected people. Such technologies can and are used to create and distribute child sex abuse material (CSAM).[155]

To comply with their obligations under IHRL, it is not enough for States to respect and protect rights; it is also required that States promote adequate conditions for the full enjoyment of the right, including by lifting any barriers that may hinder expression. [156] In particular, States must actively eliminate "structural and systemic forms of gender discrimination" to protect freedom of expression "on a basis of equality." [157] In practice, this means not only working to move toward meaningful and enforceable legislation to address these harms, but also providing funding and resources toward social services and other programmes that address some of the structural issues and inequalities that undergird them. Additionally, States are required to address expression that amounts to advocacy of discriminatory hatred, hostility or violence,[158] as well as to address the structural challenges that encourage and facilitate this kind of expression.

Big tech companies have enormous power in deciding what speech is allowed online. Social media platforms owned by private companies make up the largest global public forums, which presents challenges in terms of regulation: each platform can create their own set of rules that dictate permissible content and behaviour. [159] An intersectional and structural approach to understanding the unique harms faced by women and LGBTI people in the context of online speech is essential to untangling this quickly evolving set of challenges and should incorporate the perspectives and knowledge of grassroots organisations and knowledge of grassroots organisations and affected communities who are the primary experts of their own lived experience.

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[151] Generation G, Decoding technology-facilitated gender-based violence: a reality check from seven countries, 27th June 2024, https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/
[152] Amnesty International, Toxic Twitter A Toxic Place for Women, March 21, 2018, https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/
[153] Clare McGlynn, Erika Rackley, and Ruth Houghton, "Beyond 'revenge porn': the continuum of image-based sexual abuse," Feminist Legal Studies Volume 25, March 2017, https://doi.org/10.1007/s10691-017-9343-2
[154] Electronic Frontier Foundation, "We don't need new laws for faked videos, we already have them," 13 February 2018, https://www.eff.org/deeplinks/2018/02/we-dont-need-new-laws-faked-videos-we-already-have-them
[155] Internet Watch Foundation, How AI Is Being Used to Create Child Sexual Abuse Imagery, 24 October 2023, https://www.iwf.org.uk/media/q4zll2ya/iwf-ai-csam-report_public-oct23v1.pdf
[156] Human Rights Committee, General Comment No. 34 (previously cited).
[157] United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 30 July 2021, UN Doc. A/76/258, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/212/16/PDF/N2121216.pdf?OpenElement para. 51
[158] ICCPR, Article 20.
[159] Amnesty International, Obstacles to Autonomy (previously cited), pp. 28—29

10. GENDER AND TARGETED SURVEILLANCE

> **"The effect of surveillance on women may not seem obvious to everyone at first, but women do have more to lose. Anything related to women's private lives could be picked up and used as a weapon against us to make us stop our activism."**
>
> Panusaya Sithijirawattanakul, woman protest leader and human rights defender [160]

Amnesty International defines targeted digital surveillance as a practice of monitoring or spying on specific persons and/or organisations, through digital technology, to interfere with their private data.[161] This can be undertaken through wiretapping, compromising devices through spyware or malware, or phishing campaigns. Amnesty International believes that targeted surveillance can also be a form of TfGBV. Targeted digital surveillance amounts to TfGBV when it is intentionally discriminatory targeting (for instance, when women and LGBTI HRDs are targeted for their gender justice work), or because of the discriminatory effects experienced by survivors (for instance, the use of private photos to shame and/or blackmail women and LGBTI HRDs). These impacts are influenced by existing prejudices, biases and structural barriers experienced by the women and LGBTI HRDs due to their gender, sexual orientation, gender identity and/or expression and sex characteristics (SOGIESC) and human rights activism. The targeting of human rights defenders due to their work or members of marginalised communities due to their protected characteristics using digital surveillance technology is unambiguously unlawful under international human rights law.[162]

Amnesty International's research has found that women and LGBTI persons across the world have been targeted with Pegasus spyware.[163] In Thailand, it was found that women and activists have been unlawfully targeted with

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[160] Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/ p44

[161] Amnesty International, Ending the Targeted Digital Surveillance of Those Who Defend Our Rights (Index: ACT 30/1385/2019), 20 December 2019, https://www.amnesty.org/en/documents/act30/1385/2019/en/, p. 4.

[162] Amnesty International, Ending the Targeted Digital Surveillance of Those Who Defend Our Rights (Index: ACT 30/1385/2019), 20 December 2019, https://www.amnesty.org/en/documents/act30/1385/2019/en/ p8 OHCHR, The Right to Privacy in the Digital Age (previously cited), para. 50.

[163] See for example, Amnesty International, Dominican Republic: Pegasus spyware discovered on prominent journalist's phone, May 2, 2023 https://www.amnesty.org/en/latest/news/2023/05/dominican-republic-pegasus-spyware-journalists-phone/, Amnesty International,

digital surveillance, including Pegasus spyware, by state and non-state actors, in an effort to silence them. Spyware is a type of malicious software that interferes with the normal operation of a device (phones, computers and other devices connected to the internet) without the user's knowledge or consent to collect information.[164] Pegasus spyware, developed by the Israel-based company NSO Group, allows unlimited access to the[165] and sends the information to another unauthorized entity without permission of the owner or operator, leaving little to no trace, so that the owner or operator of the device has almost no information as to what data was taken.[166]

Surveillance through Pegasus spyware was not the only method used to compromise the private data of women and LGBTI HRDs. On 17 November 2022, at least 44 individuals, including Thai LGBTI activists living in exile reported having received a notification from Meta of "government-backed or sophisticated attacker alerts" via their personal Facebook accounts' support inbox. [167] Amnesty International assessed that women and LGBTI people suffered from disproportionate impacts from targeted digital surveillance documented in this research, as they developed unique gendered fears tied to pre-existing gender-based violence in Thai society.[168] Patcharadanai Rawangsub, a pro-democracy activist and HRD who identifies as a gay man, explained his concerns after learning that his Facebook account might be compromised: "[G]oing to prison is my worst nightmare. For gay men and trans women, Thai prisons can be brutal as you will most likely be sexually harassed and assaulted and face discrimination."[169]

CASE STUDY: BUSSARIN PAENAEH FROM THAILAND

Bussarin Paenaeh is a Muslim woman HRD who has worked at the Thai human rights NGO iLaw since 2016. She was targeted with Pegasus in February 2021. She told Amnesty International "The challenge is, we know nothing. I have not seen the true impact of Pegasus. They extracted our information, but we have not seen how our data has been used in our country. So, I still haven't felt its real power. We only know we are targeted. This left us with our own imagination, and I could only imagine about all the horrible things that can happen when a woman's private information is leaked or exposed. It's like we are in a dark cave."[170]

Other forms of TfGBV are made possible by other surveillance products that are marketed to consumer audiences for the purpose of intimate partner surveillance, parent-child monitoring, or monitoring of employees, or what some researchers have referred to as "stalkerware."[171] Security researchers have estimated that more than 31,000 mobile users worldwide were targeted by stalkerware in 2023.[172] Such technologies disproportionately affect women[173] and LGBTI people,[174] who are overrepresented among survivors of intimate partner violence. The use of stalkerware may facilitate other forms of gendered violence, including stalking.[175] Alongside efforts to regulate the market for surveillance technology, other approaches to addressing this issue must include an intersectional lens, including by working to address the structural inequalities and patterns of historical power that make intimate partner violence an ongoing and widespread phenomenon.

Morocco/Western Sahara: Activist targeted with Pegasus spyware in recent months – new evidence, March 9th 2022, https://www.amnesty.org/en/latest/news/2022/03/morocco-western-sahara-activist-nso-pegasus/

[164] Amnesty International, "What is spyware and what can you do to stay protected?", 14 December 2023, https://www.amnesty.org/en/latest/campaigns/2023/12/what-is-spyware-and-what-you-can-do-to-stay-protected/

[165] Citizen Lab, GeckoSpy Pegasus Spyware Used against Thailand's Pro-Democracy Movement (previously cited)

[166] Amnesty International, "Costa Rica: All States must immediately ban highly invasive spyware", 5 June 2023, https://www.amnesty.org/en/latest/news/2023/06/costa-rica-all-States-must-immediately-ban-highly-invasive-spyware/

[167] 1 iLaw, พบนักกิจกรรม-เอ็นจีโอ 44 คน ได้รับการแจ้งเตือนว่า อาจถูกโจมตีบัญชีเฟซบุ๊ก โดยรัฐบาลสนับสนุน, 6 December 2022, https://freedom.ilaw.or.th/node/1158?fbclid =IwAR3oh4l3N0fRQXVlgj50A-R7nj70QIzGe_oIpMwlw3_0RHQj3tbdmOVcnVs

[168] Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/

[169] Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/ p13

[170] Amnesty International, Thailand: "Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand, ASA 39/7955/2024, May 16, 2024, https://www.amnesty.org/en/documents/asa39/7955/2024/en/ p47

[171] Citizen Lab, The Predator in Your Pocket: A Multidisciplinary Assessment of the Stalkerware Application Industry, 12 June 2019, https://citizenlab.ca/2019/06/the-predator-in-your-pocket-a-multidisciplinary-assessment-of-the-stalkerware-application-industry/

[172] Kaspersky Lab, The State of Stalkerware in 2023, 20 March 2024, https://media.kasperskycontenthub.com/wp-content/uploads/sites/43/2024/03/07160820/The-State-of-Stalkerware-in-2023.pdf

[173] World Health Organisation, "Violence against women: key facts," https://www.who.int/news-room/fact-sheets/detail/violence-against-women, last updated 25 March 2024.

[174] Human Rights Campaign, "Understanding intimate partner violence in the LGBTQ+ community," 4 November 2022, https://www.hrc.org/resources/understanding-intimate-partner-violence-in-the-lgbtq-community

[175] Electronic Frontier Foundation, "Arrest of a stalkerware-maker in Australia underscores link between stalkerware and domestic abuse," 17 August 2022, https://www.eff.org/deeplinks/2022/08/arrest-stalkerware-maker-australia-underscores-link-between-stalkerware-and

Image caption text: Rainbow flag in Palermo Pride, 22th June 2013. Gay pride flag waving in the breeze with the words, Amnesty International - Human Rights Are My Pride.© Amnesty International

11. CONCLUSION AND RECOMMENDATIONS

Technology, and the financial and power structures that underpin it, are responsible for a myriad of systemic human rights violations, many of which are exacerbated by forms of structural discrimination. As governments, companies, and civil society seek to grapple with this reality, and to find ways of enacting policies that counter the harmful effects of the tech sector, an intersectional and gender informed understanding of these interlocking forms of inequality must be placed at the centre of these efforts. As the pace of technological development and its deployment in more areas of public life accelerates, acknowledging and addressing intersecting forms of racial, economic, and social inequality must be prioritized as a growing emergency for the human rights community.

States have a duty to undertake steps to prevent the harmful impacts of tech that individuals may experience due to their gender. This includes taking a fully intersectional approach to understand how socio-economic status, race, or disability will also impact a person's experience of tech facilitated human rights harms.

To promote gender equality, States should:

- Enact policy solutions that incorporate a feminist and decolonial lens with meaningful participation from women, girls and LGBTI people, including those who experience other forms of racial, economic, and social marginalisation.

- Support the legal recognition of gender apartheid – involving the institutionalized pattern of systemic domination and oppression on the basis of gender – to address what is currently a major gap in international law.

- Acknowledge and address the multiple and intersectional forms of discrimination that many groups including (but not limited to) women, people with disabilities, older people, people living in poverty, people working in the informal sector, children and people belonging to racialized and otherwise minoritized communities face when trying to claim their human rights, and build consistent and accountable policymaking that seeks to address these inequalities.

- Ensure that policy making reflects and addresses the needs of marginalised communities in order to prevent discrimination, including discrimination in effect. This should include providing adequate support for individuals and communities to access their rights.

- Ensure that when a new technology is introduced, information about how it functions, the criteria it considers and any appeals mechanisms in place to challenge decision making, are widely disseminated in accessible formats and languages.

- Ensure that digital technologies are used in line with human rights standards, including on privacy, equality, and non-discrimination, as well as data protection standards, and that they are never used in ways that could lead to people being discriminated against or otherwise harmed.

- Implement a mandatory and binding human rights impact assessment of any public sector use of technology. This impact assessment must be carried out during the system design, development, use and evaluation and – if relevant – retirement phases of automated or algorithmic decision-making

systems. The impact on all relevant human rights, including social and economic rights, must be assessed and properly addressed in the human rights impact assessment. The process should involve relevant stakeholders, including independent human rights experts, individuals from potentially impacted, marginalised and/or disadvantaged communities, oversight bodies, and technical experts.

On Data Protection

States should ensure adequate and human rights-respecting data quality standards, and this includes:

o improving existing data collection mechanisms such that they contribute to accurate and current understandings of individuals lives – while ensuring the right to privacy, alignment with domestic data protection frameworks and adherence to established best practices on processing demographic data;

o implementing inclusive data collection practices such that marginalised groups can be represented accurately in policy making;

o where new data collection mechanisms must be added to meet adequate quality standards, ensuring these comply with the principle of data minimization, IHRL and domestic data protection frameworks.

On Social Protection

States should:

o Ensure that all social protection systems meet a level of adequacy that allow people to realise their right to an adequate standard of living.

o Ensure that social assistance applicants receive clear and accessible information about how decisions are made in their cases, how to appeal such decisions, and, where needed, ensure that applicants receive support in lodging their appeal, including legal or financial support.

o Ensure full transparency about the use of technology used by a public authority or on their behalf in assessing claims for social protection. This includes providing information on the system's existence and operation, what data is used, which databases are merged, how databases are merged, how personal data is processed, and details about the decision-making process, including the degree of human involvement and interaction with the automated system.

o Ensure that social protection measures address the multiple forms of discrimination experienced by women, people with diverse sexual orientation and gender identity, people belonging to racialized communities, Indigenous peoples, older persons, children, people with disabilities and people with multiple and intersecting identities.

Digital Access and Essential Services

States and companies should:

o Continue to address the challenges presented by the global digital divide by ensuring safe and affordable internet access and of the digital technologies required for online access.

Social media companies should:

o Ensure that accurate reproductive health and other health information can be easily accessed and make any necessary changes to their content moderation practices to ensure that such information can be shared.

o Conduct human rights due diligence to identify, mitigate and prevent the human rights risks and abuses stemming from the spread of false and harmful health information, particularly information related to abortion, on their platforms.

Artificial Intelligence and Human Rights

States should enact binding and human rights-based AI regulations to address human rights risks posed by AI technologies. Particularly, States should:

o Prohibit the development, production, sale, export and use of AI technologies incompatible with human rights

o These AI technologies should include facial recognition, biometric categorization, and emotion recognition technologies that enable mass surveillance and discriminatory targeted surveillance, AI used for social scoring and predictive policing, as well as risk assessment and

profiling systems that infringe on human rights, including of migrants, refugees and asylum seekers.

States should also ensure that AI regulation is comprehensive and without exemptions, including exemptions:

- o based on policing, national security and military grounds;
- o for research and development of AI technologies;
- o for companies developing AI technologies;
- o for exported AI technologies.

States should also ensure human rights due diligence throughout the AI lifecycle, and also:

- o Require companies developing AI products to conduct adequate human rights due diligence to identify and address human rights harms that might appear at any stage of the supply chain or product lifecycle as outlined in the United Nations Guiding Principles on Business and Human Rights.
- o Oblige deployers of AI technologies to conduct and publish human rights impact assessments prior to each deployment as part of ongoing human rights due diligence, including assessment of appropriateness of an AI-based solution in a specific scenario.

States should also ensure public accountability and transparency measures when developing and deploying AI technologies, and in particular, States should:

- o Create and maintain publicly available and accessible databases for reporting development and deployment of AI technologies that can have an impact on human rights;
- o Oblige providers of AI systems with human rights impact to register themselves and the given AI system in relevant public databases, including during testing of AI systems in real world conditions;
- o Oblige all public and private deployers to register the use of AI systems that can have an impact on human rights in relevant public databases;
- o Oblige deployers to ensure meaningful transparency of AI systems and algorithmic decision-making with human right impact to affected persons, including during testing of AI systems;
- o Oblige providers and deployers of AI systems to proactively disclose information needed to assess the human rights impact of their systems and to respond when requested by public interest organisations, including through freedom of information requests.

States should also empower people and communities impacted by AI, and in particular:

- o Ensure the right to an effective remedy against state authorities and against a deployer for the infringement of rights;
- o Ensure the right to information and explanation of AI-supported decision-making for impacted people, including about the use and functioning of AI in the system;
- o Ensure impacted people have access to judicial and non-judicial pathways to remedy for violation of their rights by AI systems;
- o Ensure public interest organisations the right to support impacted people seeking remedy, as well as to lodge cases on their initiative;
- o Ensure support for impacted communities, civil society organisations and human right experts to meaningfully engage in the development and deployment of AI technologies, as well as in the implementation, monitoring and evaluation of relevant AI regulation.

States should also address specific challenges posed by Generative AI, and in particular:

- o Require companies developing new AI models, platforms, products, services and tools to institute human rights due diligence processes, to both identify and mitigate risks as early as possible in the product development, release and update cycle.
- o Require companies to proactively engage with academics, civil society actors, and community organisations especially those representing traditionally marginalised communities during the development of said models, platforms, products, services, and tools.

Social Media and Human Rights

States should:

- o Ensure that access to and use of essential digital services and infrastructure such as TikTok and other social media platforms are not made conditional on ubiquitous surveillance of its users. This will require enacting and/or enforcing comprehensive data protection laws in line with international human rights law and standards to prohibit targeted advertising on the basis of invasive tracking practices. These laws should restrict the amount and scope of personal data that can be collected, strictly limit the purpose for which companies process that data and ensure inferences about individuals drawn from the collection and processing of personal data are protected. They should further require that companies provide clear information to their users about the purpose of collecting their personal data from the start and that they do not further process it in a way that is incompatible with this purpose or their responsibility to respect human rights.

- o Regulate social media companies to ensure that content-shaping algorithms used by online platforms are not based on profiling by default and that they require an opt-in rather than an opt-out, with the consent for opting in being freely given, specific, informed and unambiguous. The collection and use of inferred sensitive personal data (for example, recommendations based on watch time and likes which allow for inferences of sensitive personal information) to personalize ads and content recommendations must be banned. Rather, users should be in control of which signals or declared interests they want the platform to factor into the shaping of their feed.

- o Require in law that technology companies carry out human rights due diligence to identify and address human rights risks and impacts related to their global operations, including those linked to their algorithmic systems or arising from their business model as a whole. Where businesses target children or have children as end users, they should be required to integrate child rights into their human right due diligence processes, in particular to carry out and make publicly available child rights impact assessments, with special consideration given to the differentiated and at times severe impacts of the digital environment on children.

States and companies should:

- o Continue to cooperate to work toward fulfilling the Guiding Principles on Business and Human Rights, including by conducting human rights due diligence assessments of labour conditions in the informal and platform sectors where there are reports of adverse working conditions, discrimination, and bias, including against women and LGBTI people.

Safety Online

States should:

- o Enact and implement comprehensive legislative and policy measures to recognise, prevent, document, investigate and address all forms of TfGBV and provide redress and support for survivors.

- o Carry out a prompt, independent, impartial and transparent investigation into instances of TfGBV against women and LGBTI people, including human rights defenders, and provide the survivors with effective remedy as warranted under international law

- o Ensure that women, girls and LGBTI people are able to freely and safely exercise their right to freedom of expression in digital spaces, without fear of discrimination, harassment, intimidation and violence, in line with international standards and safeguards.

- o Ensure there are swift mechanisms in place that focus on providing redress and support for survivors, including ensuring that internet intermediaries have a human-rights compliant and transparent mechanisms to address harmful content and facilitate accountable reporting by survivors.

- o Proactively remove structural and systemic barriers to gender equality, including by undertaking legislative measures, social policies and educational programmes to eliminate gender stereotypes, negative social norms and discriminatory attitudes against women, girls and LGBTI people and create awareness about the phenomenon of TfGBV, its consequences and intersectional harms.

- o Enforce a ban on highly invasive spyware, whose functionality cannot be limited to only those functions that are necessary and proportionate to a specific use and target, or whose use cannot be independently audited.

o   Implement a human rights regulatory framework that governs surveillance and is in line with IHRL standards. Until such a framework is implemented, a moratorium on the purchase, sale, transfer and use of all spyware should be enforced.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

CONTACT US

✉ info@amnesty.org

☎ +44 (0)20 7413 5500

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BRIEFING: GENDER, TECH, AND INEQUALITY

RISKS AT THE INTERSECTION OF TECHNOLOGY, GENDER, AND HUMAN RIGHTS

The growing inclusion of technology into more areas of public life has troubling implications that uniquely impact women and LGBTI people. Groups who have historically faced discrimination may rely more heavily on the services, communication infrastructure, and opportunity for community that are made possible by technology. However, growing poverty and pervasive forms of gender-based violence around the world often places women and LGBTI people in a double bind, whereby they may rely more on technology while simultaneously facing more human rights violations as a result of its use, including violations of the rights to privacy, equality and non-discrimination, health, social protection, and more. This briefing is intended as a primer for activists, researchers, civil society organisations, and others who are seeking to understand and address gender discrimination and its various intersections with technology across a variety of issues. In areas including data privacy, technology access, social protection, health care, access to work, and safety online, gender identity uniquely impacts the rights and well-being of women and LGBTI people. Policymakers, stakeholders, and communities should work to create and enact rights-respecting policies that address the intersectional forms of oppression presented by technology.

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