



Submission to the Special Rapporteur on Freedom of Expression and Opinion for her upcoming report on freedom of expression and the gender dimensions of disinformation

Prepared by:
GATE – Global Action for Trans Equality
<https://gate.ngo>
info@gate.ngo / lberianidze@gate.ngo

July 3, 2023

Introduction

This report was prepared by Global Action for Trans Equality (GATE). GATE is an international advocacy organization working towards justice and equality for trans, gender diverse, and intersex (TGDI) communities. It addresses the gender dimensions of disinformation and its implications for freedom of expression and gender justice. It aims to examine the concept of gendered disinformation, explore its relationship with gender-based violence, assess the responses of States and digital companies, and provide recommendations for combating gendered disinformation from the perspective of one of the most targeted, marginalized, and oppressed groups by patriarchy and gender disinformation – the trans and gender diverse community.

A. Conceptualizing Gendered Disinformation

Gendered disinformation is the deliberate dissemination of false or misleading information targeting individuals or groups based on their sex, gender, gender identity, and/or expression, reinforcing harmful stereotypes, perpetuating discrimination based on cisnormativity¹ and undermining gender equality. It aims to exploit societal biases and power imbalances to manipulate public opinion and control narratives.

Differentiating gendered disinformation from online gender-based violence is crucial. While gender-based violence encompasses various forms of harassment, threats, and harm, usually targeted at vulnerable groups (cis women, trans people), gendered disinformation specifically focuses on using false information to harm individuals or groups based on their gender identity and is usually targeted at mainstream society.

¹ Cisnormativity refers to the societal assumption, belief, and privileging of cisgender identities and experiences as the norm or default. It is a system of norms, expectations, and attitudes that reinforce the idea that individuals should identify with the gender assigned to them at birth based on their biological sex.



Since the early 2010s, the anti-gender movements have strategically utilized gendered disinformation as a weapon to undermine and attack trans and gender diverse groups and their rights, using these attacks as the tactic to advance conservative, hierarchical, patriarchal, and antidemocratic political agendas. By disseminating false information and spreading harmful stereotypes about gender and sex, cis women and trans and gender diverse people, anti-gender actors aim to create fear, confusion, and hostility towards these communities, but especially trans and gender diverse communities. These disinformation campaigns seek to erode public support for trans rights, deny the existence and legitimacy of gender diversity, and ultimately hinder progress toward equality and inclusion, not only for the trans community but for all. By exploiting social media algorithms in combination with existing societal biases and manipulating narratives, in several cases, the antigender movement has been successful in rolling back hard-won advancements in trans, wider LGBTQI and/or women's rights and promote regressive policies that undermine democratic values and the principles of equal rights and dignity for all individuals.

B. State, Company, and Organizational Responses

Measures Taken: The services of digital (social media) companies have become the main tools and communication channels through which gendered disinformation is being spread. To address this, these companies have implemented moderation policies. Activists and civil society have been crucial in pushing for community safety policies.

At the supranational level, the European Union has developed the EU's Digital Services Act expected to come into full effect in 2024.² While it does not specifically address gendered disinformation, it targets disinformation in general.

Effectiveness of Measures: The effectiveness of the EU's Digital Services Act is yet to be seen after it comes into full effect. However, as social media companies' measures have been in effect for years now, their effectiveness impact can already be measured.

When it comes to the effectiveness of the measures of social media companies, assessments show that social media platforms are failing to be safe places for LGBTQI people, especially for trans people, and serve as the main sources of gendered disinformation. For example, GATE's recent global survey found that 75% of surveyed TGDI organizations and/or activists agree that the social media platforms do not sufficiently enforce their rules to prevent the spread of harmful and/or false

²Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance). (2022). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065&qid=1666857835014>



news and/or the planning of violent actions.³ Moreover, 72% of the surveyed also agree that social media platforms are the primary means for AG mobilization.⁴ This means that the current policies and their enforcement fall short of effectively addressing harmful and dangerous anti-LGBTQ content.⁵ ⁶ With the massive numbers of people on social media, this information reaches larger amounts of people than through traditional media outlets and allows anti-gender actors to gain the support of the public, thereby allowing them to plan and execute incitement to or the perpetration of violent actions against vulnerable communities. One of the ways in which social media platforms enable anti-gender narratives, which primarily use gendered disinformation, frequently resulting in violence in real life, is through ignoring their own rules or enforcing them very loosely. While, in a lot of cases, activists report false and harmful social media posts authored by anti-gender groups, reports frequently get overlooked by social media platforms, and the content rarely gets taken down.

Facebook and Twitter came up as the top social media channels where antigender movements spread gendered disinformation against trans and gender diverse people.⁷

These companies must urgently take action to protect trans and LGBQ users on their platforms (including protecting LGBTQI activists and individuals from over-enforcement and censorship).

C. Solutions

Recommendations for the Special Rapporteur: In combating gendered disinformation, we advise the Special Rapporteur to consider the following recommendations:

- Advocate for the development and implementation of comprehensive legal frameworks that explicitly address gendered disinformation while safeguarding freedom of expression, taking inspiration from successful models like the EU's

³ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Retrieved from: https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf

⁴ Ibid.

⁵ Furthermore, there are many examples and studies that show how social media companies are profiting from spreading gendered misinformation and hate. For example, Xtra Magazine. (2022). *Facebook (Meta) Profiting off Transphobic Documentary*. Retrieved from <https://xtramagazine.com/power/facebook-meta-profiting-off-transphobic-documentary-237936>

⁶ More detailed information can be found here: GLAAD. (2023). *Social Media Safety Index 2023*. Retrieved from <https://assets.glaad.org/m/7adb1180448da194/original/Social-Media-Safety-Index-2023.pdf>

⁷ GATE. (2023). *Impact of Anti-Gender Opposition on TGD and LGBTQI Movements: Global Report*. New York Retrieved from: https://gate.ngo/wp-content/uploads/2023/03/Global-report-on-the-impact-of-AG-opposition-on-TGD-and-LGBTQI-movements_GATE.pdf



Digital Services Act. Given that many social media companies are based in the United States of America, where Section 230⁸ of the Communications Act of 1996 shields platforms from liability for user-generated content, it is crucial for the Special Rapporteur to engage with the US government and advocate for a comprehensive policy framework that balances the protection of freedom of expression with effective measures to combat gendered disinformation.

- Encourage States, digital companies, and international organizations to adopt and enforce robust content moderation policies that proactively tackle gendered disinformation.
- Promote collaboration between stakeholders, including civil society, academia, and digital platforms, to develop strategies for countering gendered disinformation while respecting human rights.

Conclusion

Gendered disinformation poses significant challenges to freedom of expression and gender justice. It is essential to recognize that gendered disinformation is not just a result of individual actions, but it often stems from power imbalances and systemic inequalities. Marginalized communities, including transgender and non-binary individuals, face disproportionate risks and harm due to the spread of gendered disinformation. In this context, regulation plays a crucial role in safeguarding the right to freedom of expression for marginalized communities. Effective regulation can create a level playing field by holding accountable those who exploit their positions of power to spread harmful disinformation while also protecting the voices and experiences of marginalized individuals. By implementing appropriate regulations, we can ensure that freedom of expression is not compromised by the unchecked power dynamics that perpetuate the spread of gendered disinformation, ultimately fostering an environment where marginalized communities can express themselves freely and participate fully in public discourse.

⁸ 47 U.S. Code § 230 - *Protection for private blocking and screening of offensive material*. (n.d.). LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/47/230>