

## Feminist Principles of the Internet: Information

**Principle: We support and protect unrestricted access to information relevant to women and queer persons, particularly information on sexual and reproductive health and rights, pleasure, safe abortion, access to justice, and LGBTIQ issues. This includes diversity in languages, abilities, interests and contexts"**

### International Conventions and Treaties

International conventions and treaties among different countries are **legally binding agreements** to the contracting States. A convention becomes legally binding to a particular State when that State ratifies it. Signing does not make a convention binding, but it indicates support for the principles of the convention and the country's intention to ratify it. As contracting States are legally bound to adhere to the principles included in the convention, a monitoring body is often set up to assess State parties' progress in implementing the convention by considering reports periodically submitted by States.<sup>1</sup>

As of 2021, 124 countries have laws and 8 countries have national decrees or regulations granting individuals a general right to access information held by public bodies, and imposing an obligation on public bodies to provide that information and proactively disclose key types of information.<sup>2</sup>

### [The Convention on the Elimination of all forms of Discrimination Against Women, 1979 \(CEDAW\)](#)<sup>3</sup>

The **discrimination against women violates the principles of equal rights and respect for human dignity**. This is the first international instrument that extends state responsibility to acts committed by private persons, companies, non-state institutions or non-governmental organizations.<sup>4</sup>

#### Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the **full development and advancement of women , for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men**.

**Access to ICTs and access to information facilitate the exercise of rights that are mentioned in the Articles of CEDAW.**

Additionally, the Committee on the Elimination of Discrimination against Women monitors the fulfillment of obligations by states parties to the Convention, which numbered 189 as of 2020. States parties must submit a report every four years, which is discussed at an annual session. The Committee may also issue general recommendations, which serve as authoritative interpretations of the articles of the Convention.

In relation to access to information on comprehensive sexual education (CSE), CEDAW notes in [General Recommendation 36 on the right of women and girls to education \(2017\)](#):

69. The Committee recommends that States parties take the following measures to curtail violence against girls and women associated with educational institutions and schooling, thereby protecting their right to be treated with respect and dignity:

(I) Develop and introduce age-appropriate, evidence-based, scientifically accurate mandatory curricula at all levels of education, covering **comprehensive information on sexual and reproductive health and rights, responsible sexual behaviour, prevention of early pregnancy and sexually transmitted infections**.

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1 <https://www.un.org/esa/socdev/enable/convinfaq.htm>

2 <https://www.article19.org/resources/international-standards-right-information/>

3 You can see here: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?if your country has signed or ratified CEDAW)

4 <https://www.apc.org/sites/default/files/gender-cybersecurity-policy-norms.pdf>

## [The International Covenant on Civil and Political Rights \(CCPR\)](#)<sup>5</sup>

Access to information is protected in the International Covenant on Civil and Political Rights.

### Article 19

(...)

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Moreover, **Article 20** addresses propaganda which can be related to **hate speech campaigns and disinformation**.

### Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

## [The Convention on the Rights of the Child 1989 \(CRC\)](#)<sup>6</sup>

The Convention on the Rights of the Child protects **children's right to access information**, right to freedom of expression, and right to education.

Article 17: States Parties recognize the important function performed by the mass media and shall **ensure that the child has access to information and material from a diversity of national and international sources**, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

Article 13: The child shall have the **right to freedom of expression**; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

## [The Convention on the Rights of Persons with Disabilities \(CRPD\)](#)<sup>7</sup>

The Convention on the Rights of Persons with Disabilities directly addresses the issue of the exclusion of people with disabilities from the digital paradigm, protecting the rights of all persons with disabilities, including women, girls and gender diverse persons with disabilities.

Article 21: "States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention,"

Article 21 (a): "Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost,"

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5 You can see here: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx)? if your country has signed or ratified CCPR.

6 You can see here: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx)? if your country has signed or ratified CRC.

7 You can see here: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx)? if your country has signed or ratified CRPD.

Article 21 (b): "Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions,"

Article (c): "Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities,"

Article (d): "Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities";

## International Non-Binding Agreements

Non-binding agreements are those which contain political or moral commitments but are not intended to create legal rights and obligations. Among them are Declarations, Agendas, and Plans of Action.<sup>8</sup>

## The Beijing Declaration and Platform of Action

The Declaration makes important references to access to information, including access to health information on sexual and reproductive rights.

**Strategic objective C.2. Strengthen preventive programmes that promote women's health**

**Actions to be taken**

**107. By Governments, in cooperation with non-governmental organizations, the mass media, the private sector and relevant international organizations, including United Nations bodies, as appropriate:**

e) Prepare and disseminate accessible information, through public health campaigns, the media, reliable counseling and the education system, designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially **information on sexuality and reproduction** (...).

## Outcome documents of the World Summit on the Information Society (WSIS)

In 2003 and 2005 the World Summit on the Information Society (WSIS) took place and Integration groups were formed in some ministries designated as "knowledge society". In their Declaration of Principles, in point A. 1. they declare:

"The common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, in which all can create, access, **use and share information and knowledge**, so that individuals, communities and peoples can fully use their possibilities in promoting their sustainable development and improving their quality of life, based on the purposes and principles of the Charter of the United Nations and fully respecting and defending the Universal Declaration of Human Rights."

## The 2023 Agenda for Sustainable Development and the Sustainable Development Goals

Access to information is visible in the United Nations Agenda for Sustainable Development, specifically in **Goal 16** which calls for all countries to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This includes:

**Goal 16 target A: Ensure public access to information and protect fundamental freedoms**, in accordance with national legislation and international agreements.

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<sup>8</sup> <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1444>

## The Universal Declaration of Human Rights

Access to information is included in Article 19 of the Declaration:

### Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, **receive and impart information** and ideas through any media and regardless of frontiers.

## The UN Human Rights Council (HRC) Reports and Resolutions

As for the UN Human Rights Council and Special Procedures, there are relevant Resolutions and Reports that protect access to information and freedom of expression, among them:

### [The Report of the Office of the High Commissioner for Human Rights at the fiftieth session of Human Rights Council, 2022, on the issue of internet shutdowns \(A/HRC/50/55\)](#)

This report categorically states that the ability to access information is intrinsic to freedom of expression, association and assembly and therefore a cornerstone of democracy.

### [The Report of the Office of the High Commissioner for Human Rights at the forty-ninth session of the Human Rights Council, 2022, on best practices which foster access to information held by public entities \(A/HRC/49/38\)](#)

This report focuses on good practices for establishing national normative frameworks that foster access to information and reaffirms the vital importance of this right.<sup>9</sup>

### [The Report of the Special Rapporteur on freedom of expression and opinion at the seventy-sixth session of the General Assembly, 2021, on freedom of expression and gender justice \(A/76/258\)](#)

In this Report, the Special Rapporteur reiterates that access to information is key to women's empowerment and agency. From a gender perspective, she presents two evident problems. Firstly, information of particular interest to women, e.g. data on workplace inequalities or violence against women, is often unavailable, outdated or difficult to find. Gender-disaggregated data are systematically lacking in many countries. Secondly, there is a deliberate attempt to block the dissemination of gender related information. In a number of countries, regressive lobbies present sexual and reproductive rights as perpetuating "gender ideology" and threatening culture, religion, traditional values, parental rights and the right to life. Some Governments and private actors seek to restrict information on reproductive and sexual health, including safe abortion, and the provision of comprehensive sexuality education. United Nations treaty bodies, special procedure mandate holders and the Human Rights Council have clarified that such discourse is misleading, and incompatible with and antagonistic to human rights standards. Civil society organizations have campaigned to promote access to health information for marginalized communities, and to provide content from an intersectional feminist perspective. The Special Rapporteur also mentions the failure of States to produce disaggregated data and the resultant bias not only undermines the right to information, but may also skew policymaking and have an impact on the enjoyment of a variety of human rights. "Too often, the very existence of gender data gaps and data biases is a manifestation of the structural discrimination faced by women, girls and non-binary persons".

## The Commission on the Status of Women

The [Agreed Conclusions of the 67th session of Commission on the Status of Women](#) refer to access to information in the following actions:

### **Prioritizing digital equity to close the gender digital divide**

(f) Enhance efforts to achieve universal and affordable connectivity, expand digital learning and literacy and **facilitate access to information and communications technology for women and**

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<sup>9</sup> <https://www.article19.org/resources/international-standards-right-information/>

**girls, who are disproportionately affected by the gender digital divide**, including women and girls living in rural and remote areas and on islands, women and girls with disabilities, migrant women and girls, Indigenous women and girls, and displaced and refugee women and girls, and strive particularly to remove barriers and provide support for non-users and the least connected;

(g) **Promote equal, safe and affordable access to information and communications technology for all women to enhance their productivity and mobility in the labour market**, working towards closing digital divides, including the gender digital divide, and ensure that programmes, services and infrastructure are adaptable and suited to tackling different technological barriers;

h) **Take measures to ensure that all women and girls can enjoy their human rights and fundamental freedoms and access to information**; and eliminate, prevent and respond to all unlawful measures that prevent or disrupt access to information, including practices which are in violation of international human rights law;

(...)

(o) **Ensure universal access to sexual and reproductive health and reproductive rights**, in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences, including universal access to sexual and reproductive health-care services, including for family planning, information and education and the integration of reproductive health into national strategies and programmes, recognizing that the human rights of women include their right to have control over and decide freely and responsibly on all matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, as a contribution to the achievement of gender equality and the empowerment of women and the realization of their human rights, including in the context of innovation and technological change, and education in the digital age;