



Submission to the Special Rapporteur on freedom of expression and opinion

July 7, 2023



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Project Agape is a non-profit organization based in Ottawa, Ontario, Canada. We are a Black-led, survivor-led organization with a mission to educate on gender-based violence and promote healing and wellness for Black women and gender-diverse survivors of gender-based violence. We accomplish this through provision of educational and supportive community resources, including written materials and workshops, with the ultimate goal of preventing gender-based violence. We prioritize anti-racism, anti-patriarchy, and decolonization in our methodology.

Part of our mission is to combat gendered disinformation in online spaces. We consider gendered disinformation to be all forms of misinformation and hate spread online with the goal of inciting or spreading ideologies based in gendered violence, intentionally or unintentionally. This includes transphobia, misogyny, misogynoir, queerphobia, and other forms of patriarchal violence. We consider gendered disinformation online to be a form of gender-based violence and its stoppage crucial to the global prevention of gender-based violence.

While gendered disinformation has negative impacts on everyone, and certainly on all individuals impacted by patriarchal systems of oppression, certain groups are more vulnerable to its effects than others. In particular, Black women and gender-diverse individuals living in the intersection of race and gender face unique forms of hatred and disinformation on and offline, and are at greater risk of being targeted. Black women on Twitter are 84% more likely to receive abuse, and women with disabilities, queer women, and trans or intersex women also face higher rates of abuse on Twitter.¹

Online hate speech

Currently, section 319 of the Criminal Code in Canada prohibits incitement of hatred in public places.² However, Canadian law enforcement authorities are not equipped to monitor and sanction online hate speech in any effective way. Meaningful regulation of hate speech in media and online spaces is limited to broadcasters, which are regulated by the Canadian Radio-television and Telecommunications Commission via the *Broadcasting Act* and the *Telecommunications Act*. There is no legal framework specifically for regulating hate speech and disinformation spread by private users online.

Canada primarily relies on the corporations that host online public forums to regulate hate via their terms of service. However, corporations motivated by profit are not incentivized to

¹ See: Statement from the Commissioner for Human Rights of the Council of Europe: No space for violence against women and girls in the digital world. (15 March 2022). Available at: <https://www.coe.int/en/web/commissioner/-/no-space-for-violence-against-women-and-girls-in-the-digital-world>.

² See: <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-319.html>.

effectively regulate online hate that increases their engagement. As a result, online hate and disinformation is on the rise as corporate algorithms prioritize engagement over harm reduction.³

Impact on Black women, girls and gender-diverse individuals

Having access to information online is crucial to equitable access for vulnerable groups, including Black women and gender-diverse people. In particular, it is critical because these groups often do not receive equitable access to educational content in other settings. In Canada, Black children are often not equitably treated in schools. For example, the Ontario Human Rights Commission has been conducting ongoing work studying the incidence and impact of anti-Black racism in Ontario schools. In their June 2023 *What We Heard* report, the OHRC outlined the experiences of Black students at school and the trauma, discrimination, stigmatization, and lack of representation that impacted their learning.⁴

This inequity in education can have extremely damaging effects on Black people. Black students are more likely to drop out of high school, more likely to take applied classes (non-university track) in high school, and less likely to even apply to post-secondary institutions.⁵ Black girls experience sexualization and stigmatization at school.⁶

In our engagements with Black survivors of gender-based violence, we have heard that many survivors consider comprehensive sexual health education key to recognition and prevention of victimization, beginning at a young age. In a community discussion hosted by Project Agape in November 2022, Project Agape heard from survivors that due to discrimination and a lack of education on sexual and gender rights and health in schools and in their families, they have relied on or continue to rely on information spread online about their sexual and gender rights. We also heard that stigmatization, sexualization, and disinformation spread online about Black women contributes directly to Black survivors' sense of self-worth and mental health, and puts them at risk for victimization in their relationships. Black women are more likely than almost any group in Canada to experience intimate partner violence, with the exception only of Arab women.⁷

³ See: Munn, L. (2020). Angry by design: toxic communication and technical architectures. *Humanities and Social Sciences Communications*, 7(53), available at: <https://www.nature.com/articles/s41599-020-00550-7>.

⁴ See: Ontario Human Rights Commission. (27 June 2023). *What We Heard Report: Anti-Black Racism in Education Roundtables*. Available at: <https://www.ohrc.on.ca/en/what-we-heard-report-anti-black-racism-education-roundtables#Victim%20Impact%20Statements>.

⁵ Katshunga, J.; Massaquoi, N.; Confronting Anti-Black Racism Unit, City of Toronto; Ontario Council of Agencies Serving Immigrants (OCASI); Wallace, J.; (2020), *Black Women in Canada*, available at: <https://monitormag.ca/shorthand/black-women-in-canada-200221160623/index.html#group-Education-gQEml9PB92>.

⁶ *ibid.*

⁷ Cotter, A., (19 May 2021), Intimate partner violence: Experiences of visible minority women in Canada, 2018, *Statistics Canada*, available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00008-eng.htm>.

These thoughts were echoed by participants in another engagement with survivors hosted by Project Agape and the Ottawa Rape Crisis Centre in May 2023, and in other conversations we have had since with community members.

Harmonization of rights

Certain groups and individuals have positioned the protection of freedom of expression as incompatible with the protection of other human rights. Project Agape believes that it is possible to respect an individual or a group's right to freedom of expression while recognizing the other fundamental rights to which all human beings are entitled. While we believe that individuals and groups who spread hate and disinformation should not be responded to with violence, we also do not believe that these individuals should be free from criticism. Rather, disinformation should be appropriately monitored and removed from online public forums to prevent further incitement of violence.

The protection and promotion of human rights cannot be left to private corporate entities. States' involvement in ensuring human rights in online spaces is crucial to ensure vulnerable groups are protected from misinformation and hate spread online. We encourage States to implement strong legislation and regulatory guidelines to monitor and curb the spread.

Recommendation: States should implement a legal and regulatory framework that adequately monitors and combats the spread of disinformation and hate online. This should include, but not be limited to, regulation and oversight of corporate terms of service and their enforcement as well as algorithmic transparency. This framework must consider the disproportionate and intersectional impacts of disinformation and hate on vulnerable groups including Black, Indigenous, and racialized women; 2SLGBTQ+ communities; youth; and others.