Chapter 7
New Communication Technologies:
Women's Rights Violations, Limits on Freedom of Expression, and Alternative ways to Promote Human Rights

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ABSTRACT

New technologies are changing the way men and women live their lives. As a new communication technology, the Internet can be used to both harm and promote human rights. When it comes to gender relationships, social inequalities might be reflected online, regarding access and the ways technologies are used. Hate speech, porn revenge and other ways to offend women's rights online are discussed, leading to questions related to possible limitations on freedom of expression. This chapter examines legal solutions that have been proposed in Brazil regarding electronic devices and Internet regulation and considers how restrictions on freedom of expression can be addressed in a human rights perspective.

INTRODUCTION

The popularization of new technologies and communication possibilities since the late 1990s – the Internet, Web, email, and texting of course, but also now including Facebook, Twitter, and similar social media – has brought with it new challenges for society. Discussions on new rights emerged with the Internet and spread all over the world. Debates include concerns related to how these new technologies might harm fundamental rights such as privacy and intimacy. Customers are providing personal data while browsing websites, which is stored; personal videos and photos are shared inappropriately; people are sexting, posting revenge porn, and cyberbullying; and various communities promote hate expression or dangerous behaviours. Many questions arise, creating new legal disputes. Should these activities be limited? Can one of these activities be considered an offense to freedom of expression? If yes, what are the boundaries? Or should all content be allowed to be shared in social media, with no restrictions? How are women's rights preserved or violated in such environment? Are traditional gender inequalities reflected in the new virtual spaces? How do states deal with blurred boundaries between public and private space in virtual communities?

These are some of the challenging questions that this new era brings. International Human Rights Treaties have long defined freedom of expression as a universal human right, but not without exposing some limitations – the ones made remarkable after World War II. As such, limitations are often intended to restrict the dissipation of messages that promote war. Nowadays, however, equally harmful messages, not necessary related to war promotion, are shared in social media, combining hate speech, xenophobia, sexism, and racism – messages that can stimulate suicide or other dangerous behaviours. Simultaneously, International Human Rights Law constantly remarks on the special role that media play in our societies and how the media should encourage respect for Human Rights.

Media interfere in multiple ways in shaping human development, sometimes playing a larger role than school or family. Yet media in general and social media in particular do not always respect the provisions of International Human Rights Treaties in promoting rights, sometimes using freedom of expression as a justification for behaviours that can be considered offensive to Human Rights standards.

If debates on regulation for traditional media (TV, radio, etc.) are difficult to support, when it comes to the Internet, it seems to be even more difficult. In Latin-American countries, because of the historical background related to dictatorships, any kind of media regulation discussion conjures up the fear of censorship. In Brazil in particular, many constitutional provisions that establish regulation related to media were never really discussed by the Congress. Not accidental confusion among central concepts (such as media regulation, economic regulation of the media and

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