

Gender and RTBF (2017.12.20 draft)

Women and gender minorities have often been cited as the potential beneficiaries of the right-to-be-forgotten jurisprudence through the examples of non-consensual disclosures of revenge porn, past sex-related occupations, and sexual identities. However, these issues can be dealt with by the norms of privacy and personal rights already existing in most countries, which do respect people's right to access information. RTBF censors the information that has been made publicly available consensually, as such we do not need it.

Conversely, just as other movements addressing discrimination and inequality, women's movements also need truth and transparency in order to have open ethical discourse on the real status of the off-line world that we would like to change. We cannot afford a rule allowing people, including those who have committed the acts of sexual discrimination, hate, and attacks on women, to moderate that ethical discourse by manipulating search results about themselves, sometimes the only available, and the relatively impartial, source of relevant social knowledge in the male-dominated legacy media. Where every instance of gender discrimination is a public interest event, we cannot afford a rule that people can suppress inconvenient truths about their past by default unless public interest is affirmatively proved.

What must be done is vigorous prosecution and legislation of existing norms protecting women: anti-discrimination law, laws on violent sexual crimes, laws on non-consensual distribution of sexual images, and hate speech laws. Rather, RTBF interferes with such efforts by allowing perpetrators to suppress evidence and their ethical discourse about their conduct before they are brought to legal scrutiny, especially in those parts of the world where gender discrimination is ingrained broadly and widely in various social and cultural institutions untouched by law and we need all the force of ethical discourse to stamp it out as we can get.

Moving forward, the Dynamic Coalition on Gender and Internet Governance and the Dynamic Coalition on Publicness of the United Nations Internet Governance Forum will work together for gender liberation and the public's right to use all available truths for that purpose.