



REMINDER

Under the Watchful Eye: Human Rights, Gender and Surveillance

Concept Note

Date and Time: 13 March 2024, 09.30-12.30

Location: Hofburg (Ratsaal)

Languages: English

Region: OSCE wide

To mark International Women's Day 2024, the OSCE – the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and the Representative on Freedom of the Media (RFoM), together with the OSCE Parliamentary Assembly, and supported by the Chairpersonship of Malta – is organizing a half-day event to discuss gendered aspects of surveillance within the broader context of comprehensive security.

In today's digital age, observation by surveillance activities carried out by both private companies and governmental entities is all around us. Corporations such as online platforms deploy sophisticated algorithms to extensively track data, preferences, and interactions for profiling, targeted advertising, and predictive analytics. This exposes people to exploitation, discrimination, and further surveillance. Inferences drawn from collected, compared, and analyzed data are powerful tools to predict or even manipulate thoughts and behavior, with potentially significant implications for public participation and democratic deliberations. At the same time, state authorities engage in surveillance for various purposes, including national security and law enforcement, and for the highly intrusive illegal targeting of journalists, human rights defenders, and dissidents. All of this risks severe chilling effects, particularly when undermining privacy, anonymity, and encryption, and where surveillance leads to repressive outcomes and raises significant concerns about violations of human rights, the erosion of democratic engagement, and the potential for abuse of power.

Excessive collection, non-consensual processing and unauthorized sharing of data creates risks of perpetuating and compounding existing gender inequalities and stereotypes. Historically, women have consistently been at higher risk of being watched, often as a form of control or

gender-based violence. Women and marginalized communities experience heightened surveillance and face unique risks related to discrimination. In fact, surveillance technologies often precede and facilitate online and offline violence, putting women in the public sphere, such as journalists, politicians, or those with dissenting voices, at particular risk. At the same time, violence tends to be exacerbated by gendered surveillance. Recent examples highlight the interlinkages between surveillance and smear campaigns discrediting women in order to silence them and discourage others from engaging in public debate.

Under the umbrella of this year's IWD theme of "investing in women", the event will examine the extent and methods by which surveillance technologies, whether deployed by State or private actors, risk entrenching power imbalances and perpetuate gender-based discrimination and violence. It will also explore the link between surveillance practices and sustainable investment in women and their rights. Recognizing and dismantling surveillance that disproportionately impacts women is a critical step in creating safe and inclusive, rights-respective spaces. Participants will discuss ways in which the human rights framework and digital technologies can be leveraged to invest in and empower rather than disenfranchise women and girls.

The event will put a particular focus on minority women and female journalists, as it aims to examine how OSCE participating States are to implement their commitments to ensure digital surveillance does not impede meaningful participation of women and girls in democratic life — both on- and offline.

By identifying the roles of different actors in society, including parliamentarians, law enforcement agencies, state authorities, private actors and others, in mitigating surveillance risks and negative gender effects, the event aims to identify ways forward to empower women and foster inclusive public spaces — as a precondition of sustainable investment in women, their rights, and peace and security.

Objectives

- Highlight the importance of human rights-based approaches to surveillance, as well as privacy as a gateway right to other human rights, including freedom of expression and freedom of association.
- Note the opportunities in the OSCE region to address gender-based discrimination and violence in the context of digital surveillance, while emphasizing the need for harmonized approaches across the OSCE.

Background

OSCE participating States have recognized that "[t]he full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area", and that gender equality specifically contributes to the OSCE's comprehensive approach to security.[1] They have further noted that there are specific risks to women and girls in the digital environment, and they have also committed to organizing and taking action to address the

specific forms of violence, abuse, threats, and harassment directed at women and girls through communications technologies.[2]

Moreover, OSCE participating States have made very concrete commitments related to both privacy and freedom of expression.[3] For example, in the 1990 Copenhagen Document, participating States reaffirmed that: “[E]veryone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. [4] This right may be subject to certain restrictions as long as those restrictions are rooted in international (human rights) standards. OSCE participating States equally reaffirmed a commitment to “respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms”. [5] Participating States revisited the right to privacy in Moscow 1991 with a particular emphasis on electronic communications, stating: “The participating States reconfirm the right to the protection of private and family life, domicile, correspondence and electronic communications”. [6]

[1] Charter for European Security: III. Our Common Response and 2004 OSCE Action Plan for the Promotion of Gender Equality (PC.DEC/638).

[2] Decision No. 4/18, Preventing and Combating Violence against Women.

[3] Decision No. 3/18 on the Safety of Journalists calls upon OSCE participating States to “Refrain from arbitrary or unlawful interference with journalists’ use of encryption and anonymity technologies and refrain from employing unlawful or arbitrary surveillance techniques, noting that such acts infringe on the journalists’ enjoyment of human rights, and could put them at potential risk of violence and threats to their safety” (para. 8).

[4] Copenhagen 1990, para. 9.1.

[5] Copenhagen 1990, para. 10.1.

[6] Document of the Meeting of the Moscow Meeting of the Conference on the Human dimension of the CSCE, 1991.